



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 9 December 2010

Session 3

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Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by
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Scottish Parliament

Thursday 9 December 2010

[The Presiding Officer *opened the meeting at 09:15*]

Scotland Bill

The Presiding Officer (Alex Fergusson): The first item of business this morning is a debate on motion S3M-7550, in the name of Iain Gray, on the Scotland Bill. Time is fairly tight for this debate. I call Iain Gray to speak to and move the motion in 11 minutes.

09:15

Iain Gray (East Lothian) (Lab): This is a remarkable day in Scotland. The M8 is open; the trains are running, more or less; and our schools are open, for the most part. More to the point, however, the democratic structure of this Parliament is working in a fashion never seen before.

Members: Where are the Labour members?

The Presiding Officer: Order.

Iain Gray: When, in 2007, my predecessor as leader of the Opposition, Wendy Alexander, proposed that the Parliament take the opportunity of our 10th birthday to review the devolution settlement, determine how it should be strengthened and undertake to create a stronger iteration of the settlement, many did not believe that it could be done. The party of government in Holyrood did not favour the project: it embarked on a constitutional path of its own, which involved a so-called national conversation, leading to an independence referendum. In any event, constitutional matters are reserved to the United Kingdom Parliament, and it was claimed that the Government there had little interest in strengthening devolution, especially as it approached what was likely to be a difficult general election. Yet here we are today.

The Minister for Community Safety (Fergus Ewing): Some of us.

Iain Gray: This Parliament took matters into its own hands, as any self-respecting Parliament should. We debated and agreed the creation of a cross-party and cross-sectoral commission under the chairmanship of Sir Kenneth Calman, and the then UK Government, respecting that parliamentary wish, engaged with the commission and its conclusions and produced a white paper outlining how they could be legislated for at Westminster.

Even the intervention of a bitterly contested general election and the resulting change of Government has not derailed progress towards a stronger devolution settlement. The coalition in Westminster has tabled its Scotland Bill and has undertaken to steer it through the legislative process by next year.

Fergus Ewing: It is not here, either.

The Presiding Officer: No more sedentary interventions from fairly senior members of this Parliament, please.

Iain Gray: The Scottish National Party has sat out of this process all along, so what should be different today?

The coalition in Westminster has indicated that the progress of the bill depends on the agreement of this Parliament not only to the principles of the bill but to the detail.

The power of Parliament over the Executive, the partnership of two Parliaments across the devolved-reserved divide and the persistence of a cross-party idea through a general election all make this debate a remarkable one indeed. We should acknowledge those who have steered us to this point, including the three Opposition party leaders at the time of Calman's inception: Wendy Alexander, Nicol Stephen and Annabel Goldie.

This is also a moment when we should thank Sir Kenneth Calman and his commissioners once again for their work. They focused rigorously on what is right for Scotland. They took evidence widely, studied the forms of devolution that are to be found elsewhere in Europe and the wider world, and assessed the performance of our devolution settlement assiduously before reaching their conclusions. They recognised that Scotland has a high level of legislative power but a low level of fiscal devolution. To rebalance that, they pursued the extension of our fiscal powers in order to improve our accountability to the people whom we serve.

The expert group that the commission created developed the proposals for the devolution of some taxes and, crucially, the sharing of income tax between ourselves and the UK Parliament. It supported the idea of this Parliament having powers to borrow. Those are serious proposals, prepared by serious people, and they form the basis of the fiscal sections of the Scotland Bill.

The wider financial powers in the bill will give this Parliament real choices. Those will not necessarily be easy choices, but they will be ours to make about how to tax, spend and borrow. We will have the power to make different choices from those of Westminster if Scotland wants us to, for Scotland's good.

The changes will make us directly and financially accountable to Scottish voters and taxpayers for our decisions. That means that if we take the wrong decisions, and fail to support and grow the Scottish economy, there will be a risk. However, if we get the decisions right, and get Scotland growing again, there will be a prize to be had. That is what responsibility means: it must be a two-way street.

The Minister for Culture and External Affairs (Fiona Hyslop): Does Iain Gray accept that even under the proposals in the Scotland Bill, if there was economic growth, the UK Parliament would reap 85 per cent of the tax receipts from that growth while this Parliament would receive only 15 per cent? That is some rebalancing.

Iain Gray: It is a principle of the bill that taxation is shared. There is a reason for that: it is to sustain the social union that is so important to the people of Scotland—something that the Scottish National Party does not want.

The bill means that we remain an integral part of the United Kingdom, not just a neighbour—good or bad—living next door. Most of our taxes will be pooled and redistributed to the Scottish budget via a grant, which is a practical expression of solidarity through sharing resources and risks across the United Kingdom. Recent history has shown how important that is.

Everyone except the SNP knows that it was the sharing of risk across the larger economy of the United Kingdom that allowed our two biggest banks to be saved from collapse. If the SNP does not understand that, surely the considerably greater difficulties that Ireland has encountered in dealing with its banking crisis are a reminder that small is not always beautiful when it comes to risk.

Sharing income tax will give us real accountability when we set a Scottish rate, as we will have to do under the bill's proposals. There will still be a common UK tax framework, which makes practical sense for workers and employers. It also means that capacity will still exist for redistributive policies across the whole UK—the social union that the Calman commission made very clear was a central part of the structure and strength of the United Kingdom.

Parliament should support the principles of the bill for all those reasons, but there is a greater reason, too. The bill moves us to a stronger Scottish Parliament in a strong United Kingdom, which is the overwhelming desire of the Scottish people. It is demonstrated in opinion polls but, more important, it is demonstrated in election after election.

Of course, there is much detailed scrutiny to be carried out. The previous Government's white paper did not exactly follow the Calman proposals

in every detail, and the new Government's Scotland Bill is not the same as the white paper. That is why the work of the ad hoc committee that has been set up under Wendy Alexander's convenership is so important.

The detail of the financial plans requires careful scrutiny, but we do not need to accept the SNP's scaremongering to agree that the implementation plan must be designed with a very close eye on the consequences for the Scottish budget.

It is not too late for the SNP to be a constructive part of this constitutional challenge. The SNP has stood apart from it until now, but that is the pattern of the party's engagement in devolution, just as it boycotted the Scottish Constitutional Convention but then joined the referendum campaign when it realised that that was in step with the desires of the Scottish people and the SNP was not.

The SNP has the space to do this, as its own constitutional cupboard is bare. The national conversation has fallen silent—not that it was ever anything more than an echo in an empty room—its referendum bill has fallen by the wayside and its core purpose has fallen yet further out of favour, with independence attracting the support of less than a quarter of Scots. The SNP can be a constructive partner in strengthening devolution, but to do that it must accept the principle that a strong Scottish Parliament that is anchored in the monetary, fiscal, social and political union of the United Kingdom is the settled will of the Scottish people. To be a constructive partner in the project, the SNP must end its endless search for coded formulations of independence—fiscal autonomy, full fiscal responsibility or whatever it is going to be today. It cannot be a constructive partner in the project with its amendment today, which tries to disguise opposition as grudging support and cannot be supported for that reason.

Detail is important, but today is the day when we take the decision of principle. Do we wish to rise to the challenge to put party politics aside and create a stronger devolution settlement—[*Interruption.*] Do we wish to rise to the challenge to put party politics aside, as we have done, the Conservatives have done, and the Liberal Democrats have done—[*Interruption.*]

The Presiding Officer: Order.

Iain Gray: Are we capable of rising to the challenge of putting party politics aside? The SNP is clearly not. Does the Parliament wish to rise to the challenge and create a stronger devolution settlement in a stronger United Kingdom, as the people of Scotland would have us do? Do we accept that challenge? Of course we do.

I move,

That the Parliament welcomes the introduction of the Scotland Bill in the House of Commons on 30 November 2010; notes that it is based on the recommendations of the Calman Commission on Scottish Devolution, which were warmly welcomed by the Parliament on 25 June 2009; supports the general principles of the Bill, which will give the Parliament substantial new taxation, spending and other powers, strengthen its relationship with the rest of the United Kingdom and enable it to serve the people of Scotland better, and calls on the Scottish Government to respond positively and timeously to any requests for assistance or analysis from Scottish Government officials from the committee considering the Bill.

09:27

The First Minister (Alex Salmond): The highlight of that opening speech from Iain Gray was undoubtedly his ringing declaration of “here we are today” at a time when extraordinarily few of his Labour members have managed to turn up to be here today. [*Interruption.*]

The Presiding Officer: Order.

The First Minister: Then, of course, there was his call for unity just after several paragraphs of attacking the Scottish National Party. Nonetheless, I must confess that, despite the paucity of his own numbers, the fact that he has summoned to existence more Conservatives and Liberal Democrats is indeed an impressive display of unity of the Opposition parties. It is certainly the most impressive display since 27 June 2007. On that fateful day, when we had the same degree of cross-party Opposition unity, they voted for the Edinburgh trams. As we remember, in the process, they cost the people of Scotland £500 million. One of our contentions today is that this impressive display of unity, with Iain Gray speaking for the Con-Dem coalition, may cost the people of Scotland not £500 million but £8,000 million.

I want to make one aspect absolutely clear. The motion calls on the Scottish Government

“to respond positively and timeously to any requests for assistance or analysis from Scottish Government officials”.

I can tell the Parliament that so timeous is our response to such requests that I think that Scottish Government economists will be briefing the Scotland Bill Committee tomorrow. [*Interruption.*] Indeed, so timeous is our response to the motion from Iain Gray that Scottish Government economists will be briefing the committee today and explaining the deflationary bias—the threat in the proposal that would have cost the people of Scotland £8 billion over the past decade if it had been implemented then.

Ms Wendy Alexander (Paisley North) (Lab): I am glad that we have moved on to the substance, because I think that sectarianism diminishes every member in the chamber.

In light of the First Minister’s willingness to accede to the timeous provision of information, will he provide modelling of how his plans for full fiscal autonomy, Barnett, and Calman would have compared over the past 20, 10 and two years? Hitherto, he has provided no modelling of full fiscal autonomy of any kind whatsoever in the past four years of his Government. Will he publish?

The First Minister: We will be delighted to model full fiscal autonomy and the growth that it would provoke for the Scottish economy. I know that Wendy Alexander is familiar with the work of Andrew Hughes Hallett and Drew Scott and the extraordinary assembly of economists, leading businesspeople and personalities who have rallied behind that cause.

Ms Alexander: Will the First Minister give way?

The First Minister: I am just answering the member. She asked whether we would provide the focus of and understanding behind fiscal autonomy, but I point out that she is the independent convener of a committee and therefore the question that should be asked not just of her but of all members of the Parliament is this: if the modelling that the Scottish Government economists provide to the committee demonstrates that the proposed form of financial devolution would indeed have cost Scotland £8 billion over the past 10 years, will they agree that it is not the basis on which to proceed?

Ms Alexander: Of course, the Government promised us alternative financial plans at the time of the budget, but they did not appear. I do not want to hear about third-party economists; I want to know whether the Government will publish modelling for its prepared financial solution for Scotland—in other words, full fiscal autonomy. Will the First Minister publish numbers for that preferred solution for the past 20, 10 and two years? It is a straight question.

The First Minister: We will provide the proposals for fiscal autonomy and the benefits that it would provoke for the Scottish economy. However, I ask Wendy Alexander, as the independent convener of the committee, whether, if it is a matter of arithmetic rather than politics that over the past 10 years the proposed form of financial devolution would have cost the Scottish people £8,000 million, she would still wish in good conscience to recommend it to this Parliament and the Scottish people.

Robert Brown (Glasgow) (LD) rose—

The First Minister: It would be extraordinary for any member of Parliament—even a Liberal Democrat with a certain fascination for debates in another Parliament today—to wish to cost the Scottish people £8,000 million.

Robert Brown: Forget about 10 years—will the First Minister put into the modelling the £9 billion loss that the Scottish exchequer would have suffered in the past year as a result of the fall in Scottish revenues had Scotland been independent?

The First Minister: If the Liberal Democrat spokesman had analysed the Con-Dem budget, he would have seen that one of the very few sources of revenue that give Danny Alexander and his Tory counterpart in the Treasury some comfort at the moment is the rising platform of Scottish oil revenues, which has allowed the Liberal Democrats to cut only a third more from Scotland than the Labour Party had proposed over the next few years.

Surely if the analysis of the measure demonstrates an £8 billion loss, no one in good conscience will wish to support it. However, it can be changed and altered.

Iain Gray accused the Government of not engaging with the Calman proposals. Over the summer months, the Government had 16 meetings with Scotland Office and Treasury officials to try to improve the proposals. Some concessions and improvements were made. For example, it was possible to get from the Treasury another non-detriment provision, which means that another of Calman's flaws—the fact that changing tax allowances would cause a loss in Scotland—will be compensated for. However, the details have still to be worked out. The Government has also been successful in getting a capital borrowing proposal that is an improvement on the totally unworkable set of proposals in the last white paper.

Iain Gray said, "We based the last white paper on the Calman proposals." Twenty-three out of 63 Calman proposals were contained in the Labour Government's white paper. There has been an improvement: the Scotland Bill contains 35 of the 63 proposals. Therefore, we are moving not so much to Calman-plus as to Calman-half. That is an improvement, but it is not a substantial move forward on many aspects that would benefit Scotland.

I welcome aspects of this debate. I welcome the fact that we are having a constitutional debate in Scotland and that we are debating which powers to transfer to the Scottish Government, the Scottish Parliament and the Scottish people. That is important and should be welcomed. However, it is unfortunate that some measures, even in Calman, have not been devolved. That is totally mystifying to me. The only explanation can be the control freakery that pervades Westminster, whether in wanting to grab back Antarctica in the bill or in wanting to reserve responsibility for the most dangerous airguns despite the sensible

proposal to devolve responsibility for airguns. I would have thought that MSPs would want to legislate on airguns precisely because of the most dangerous airguns. Innocuous airguns are no doubt important, but it is the most dangerous ones that we want to do something about.

There is also the misfortune of not following Calman on the devolution of the marine environment, which is of increasing importance to Scotland, given our enormous marine renewables potential. Under the Scotland Bill, the Scottish Government and the Scottish Parliament will have legislative competence for 12 miles out around Rockall and 12 miles out around St Kilda, but the stretches of water in between will remain the preserve of the imperial Parliament in Westminster, except, of course, for the fish that swim between Rockall and St Kilda. I would have thought that we could have unity in the Parliament on following that important Calman proposal, and on the proposals on the Crown Estate. Only a few days ago, I saw a press release from a Liberal Democrat that contained the ringing declaration that the Crown Estate should be devolved. However, we find in the Scotland Bill a retreat from Calman rather than an advance on Calman on the Crown Estate.

I will say exactly what the Scottish Government proposed in the 16 meetings. We thought that there was a strong case for the devolution of a full range of tax powers. We proposed the following:

"Scottish taxes: devolved with all revenues accruing directly to the Scottish Parliament:

- income tax;
- corporation tax;
- fuel duty and vehicle excise duty;
- tobacco and alcohol duties;
- betting and gaming duties;
- air passenger duty;
- insurance premium tax;
- climate change levy and landfill tax;
- inheritance tax; and
- stamp duties on property."

That was the argument that we put forward. I have quoted, of course, from Tavish Scott's submission to the Calman commission on 2 April 2009. The curious thing was that, because the United Kingdom Government said that it would not accept our arguments for Scottish independence or even the arguments for fiscal autonomy that Wendy Alexander is so frightened of, we thought that if we put forward the Liberal Democrat proposal, we would get a ringing endorsement from the meetings with the Treasury.

The key question for the Scottish Parliament is how we can grow the Scottish economy. We can do that only through independence or having fiscal

responsibility. If we as members of a national Parliament are concerned about ensuring that we preserve the welfare of the Scottish people, we cannot in good conscience accept a provision that would have cost us £8 billion over the past 10 years and introduced a deflationary bias. The challenge for the Scotland Bill Committee and the Parliament is to find a mechanism to grow us into a better future in Scotland.

I move amendment S3M-7550.1, to leave out from “which were warmly welcomed” to end and insert:

“and supports the general principles of the Bill in conferring more powers and responsibilities on the Parliament but expresses concern about key aspects of the new system of financing proposed by the UK Government for devolved government, which will further reduce the resources available for public services in Scotland; rejects the UK Government’s reservations of legislative competence of the Scottish Parliament; regrets the omission from the UK Government’s proposals of important recommendations from the commission, notably on further tax powers, welfare and benefits and the marine environment, and urges the Scotland Bill Committee to scrutinise fully the Legislative Consent Memoranda, the Bill and accompanying documents so that the Parliament can come to a decision on these proposals after ensuring that they are in the interests of Scotland.”

09:39

Annabel Goldie (West of Scotland) (Con):

Having listened to the First Minister, there must be very few people who are thinking with any confidence that they would have welcomed an independent Scotland in the past two years. Scotland still has a sustainable and vibrant economy because it is part of the United Kingdom. That is why this debate is important. It marks a watershed in the life of the Scottish Parliament.

The Scotland Bill, which was unveiled on St Andrew’s day, reflects the deep thinking and thorough process that culminated in the Calman commission report. The bill will set the direction of the Parliament for the rest of the decade and beyond. It is not a tweak and tinker. It is not merely an MOT. It is a road map for our future. It is the direction of travel that is wanted by the great majority of people in Scotland, and wanted overwhelmingly by the Parliament. It is no coincidence that, as the three unionist parties have come together to make devolution work better, support for independence has hit an historic low. Let us be very clear: we have settled the constitutional question, and devolution has won.

I am a proud Scot and a committed unionist. The proposed legislation and transfer of powers will not only benefit Scotland, but strengthen the union. The bill and the report that preceded it were conceived by Scots, for Scots and for the strength of Scotland within the United Kingdom. It is no

mean feat to have brought together the three main UK parties. Even the original Scotland Act 1998 did not do that.

The SNP’s attitude towards the Calman commission is a matter of deep regret. Time after time, it was given the opportunity to participate, contribute and debate the proposals. At all stages, the invitation to get involved and to shape the future was extended in good faith but, at all stages, it was rebuffed. The SNP is outside the political main stream. It resented the fact that the Calman commission was the will of the Scottish Parliament. It cried foul when the bill was published, and although it could align itself today with the Parliament and Scotland, it has indicated clearly that it will not.

The First Minister: Leaving to one side the fact that Mr Russell met the Calman commission and the 16 meetings that I have spoken about, does Annabel Goldie accept the proposition that, given the unity of which the Conservatives are now part with the Liberals and Labour, if people in Scotland think that the Scotland Bill is good enough, they can vote for one of those three parties, but if they think that we can do rather better, they should vote for the Scottish National Party or the Green party? Does she accept that as a proposition for the forthcoming election and will she accept the result if that is the division of opinion?

Annabel Goldie: I shall come to that in a moment.

Interestingly, given the First Minister’s intervention, the nationalist minority Government has run away from every opportunity to shape Scotland’s future. Alex Salmond took independence off the agenda. John Swinney secretly mothballed the Government’s tax-raising powers. Both are lost in the ideological and dogmatic fights of the past, when Scotland has actually moved on.

To address the First Minister’s intervention, I hope that Alex Salmond continues to fight on that ground during the Scottish parliamentary election, as it will be a fitting political epitaph that says, “Here lies one who didn’t like the answer to his national conversation. It was no—N, O.”

The Scotland Bill heralds a new era. From now on, the debate will not be about the powers that Scotland has; instead, it will be about how those powers are used. Let us consider what those powers involve. There will be real fiscal accountability. The Parliament will have to think about how it raises money, not just how it spends it. That is a crucial discipline, the absence of which has weakened political responsibility and accountability. The Parliament will now have a real financial stake in the success of the Scottish economy.

Those powers offer a huge opportunity for the Scottish Conservatives. We are the party that froze council tax bills—cutting them in real terms—and reduced small business rates. Now we have the opportunity to argue for tax competition within the UK, to encourage and reward the Scottish entrepreneurial spirit that will return this country to prosperity. We have an opportunity to grow our private sector and rebalance our economy.

There has been a wide debate over many years with diverse ideas feeding into each party's discussion and into the Calman submissions. There are those who worry about devolution and have no desire to move it out of the current limbo, but it is that very atrophy that is dangerous to the union. So, too, there are those who argue that full fiscal autonomy is the only way forward but, after years of scrutiny and evidence, the broad consensus across the parties, the Parliament and the country is that the bill is the way forward.

David Cameron and the coalition Government pledged to act on Calman and they have delivered. I support the proposed legislation. However, because of its importance, scope and impact, it must be scrutinised in detail in committee. That is entirely right. We must find the best way of implementing the financial provisions. We must properly examine the proposed new powers for the Parliament and for individual ministers both here and at Westminster. Those are the practical issues that must be looked at.

For today, the questions are simple. Do we, as a Parliament, want to move ahead following the road map that was set out by the Calman commission and which is now in the Scotland Bill? In doing so, do we want to strengthen devolution and safeguard the union? Do we want to embrace greater tax responsibilities so that fiscal responsibility goes along with spending power? My answer—but, much more important, Scotland's answer—is a resounding yes.

Over the past three years, the cross-party, cross-border initiative that created the Calman commission led to this bill. The three unionist parties north and south of the border worked hard to get to this point. Why? So that we could look beyond party politics, set aside our differences and work for the future benefit of Scotland. Even now, it is not too late for the SNP to put its partisan tub thumping behind it and join us in supporting the principles of the Scotland Bill. I am proud to support the bill. It will strengthen the union. It will make devolution work better. It responds to the wishes of the Scottish people. If used properly, it will allow us to make Scotland a more dynamic and prosperous place. That is why I support the motion in Mr Gray's name and reject the amendment in Mr Salmond's name.

09:46

Tavish Scott (Shetland) (LD): The First Minister was a little unfair on colleagues from across the parties who are not in the chamber today. Their not being here says rather more about the transport system of Scotland than about anything that we are debating this morning.

Scotland has had 10 years and more of devolution—10 years and more of its own Parliament. Even in a week when our current Government has struggled with snow, weather forecasts and the First Minister's Christmas card, it is right to look ahead. The Scotland Bill is an important step forward. It will improve the next session of Parliament and the one after that. MSPs will be more accountable to the people of Scotland and to individuals, organisations and Scottish business. The bill will strengthen Scottish democracy for the future. Surely that is good.

I watched, as I am sure other members did, the First Minister attack the bill on its launch, and we have heard him do that again in the chamber today. There is a taxpayer-funded party political broadcast on the Scottish Government website that explains the SNP position. The nationalists say that they welcome the bill, but—as the First Minister showed again in the chamber today—they speak against it. The nationalists should support improving the accountability of our Parliament and MSPs' accountability to the people of Scotland. I believe that members of our current Government never thought that they would see this day—the day when the majority parties in Scotland put Scotland first by working together, creating proposals for reform and change, producing a bill and now enacting legislation.

The First Minister: As I said in the debate, we proposed in the 16 meetings with the UK Government not independence—it was not going to accept that—but the substantial proposals that Tavish Scott made to the Calman commission. If it turns out that the £8 billion figure that the Scottish Government economist produced is correct for the proposals in the Scotland Bill, will Tavish Scott revert to supporting the more ambitious proposals that he himself recommended to the Calman commission?

Tavish Scott: I would always want to go further. The Steel commission that my party worked on was our contribution to the debate—a debate that was had among all the other parties. I wish that the Scottish National Party had played a role in it, as well. I hope that we all come up with a set of proposals that can be made to the Scottish Parliament and Westminster Parliament in the coming days. As for Mr Salmond's £8 billion figure, I do not recognise the numbers. As others have commented, if he can substantiate the numbers for the independent committee of the Parliament

that will consider the matter, then that will be fair and good. That will be the proper test of the figures—

The First Minister: Ah!

Tavish Scott: The First Minister can say “Ah!” as much as he likes, but that is how Parliament should properly do such things.

We now have a UK Government whose ministers appear regularly in front of this Parliament’s committees to be cross-examined. That is a big step forward. We have a legislature in Scotland where the Parliament establishes the scrutiny bill committee and the debate is initiated not by the Government but by the majority parties working together in Scotland’s interests. I say in passing, Presiding Officer, that is what people expect us to do now and again. We do not do it often enough. I am as guilty of that as anyone, in that sense.

The final ignominy for the nationalists was that the Scotland Bill was launched on St Andrew’s day—a day that they have tried to say is just theirs. Thankfully, Scotland is bigger and better than that. My nation is no marketing product for one party—it is the country that all of us believe in, care for and passionately want to succeed. If Mr Salmond’s party would ever concede that, the Parliament would be a far better place.

The Scotland Bill is not a panacea for all the challenges that Scotland faces. Many of the key responsibilities are already here and have been since 1999, but some are not. I genuinely look forward to a finance minister introducing a budget in which he or she must set out the tax rates that Scotland will have and why, with no more blame game—a little less of it, anyway—but a real debate in our Parliament here in Scotland about the right spending levels, about the taxes that are necessary to raise the money for schools, hospitals and possibly snow-clearing equipment, about a competitive business environment, about corporate headquarters and about new and dynamic industries that will create jobs.

A decade on from that extraordinary day in 1999, which many of us still hold dear, the time was right for us to review our proceedings and the powers that we exercise on behalf of the Scottish people. The world moves on around us. I will give the chamber three examples. Last year, 103 Bentleys worth £200,000-plus were sold in Russia; a decade ago, none was sold there. In 2000, there were 22 million internet users in China; today the figure is 420 million and rising. Over the past 10 years, Indonesia’s CO₂ emissions have risen from 267 million metric tonnes to 434 million metric tonnes—and rising. The last example illustrates the enduring challenge of climate change that must be confronted.

The same is true of our challenges. This week’s Organisation for Economic Co-operation and Development report on our education system must be a wake-up call that all of us should hear. Another challenge is the enormous impact of cancer on so many Scots: a family that is near and dear to me confronts that spectre every minute, every hour and every day. There is also a need to create jobs and to build a more entrepreneurial Scotland in which starting businesses and taking risks are supported and encouraged. We have responsibility for those issues.

The big challenge is how we deliver effective public services to meet the needs of the people whom we serve. It is less about the Christie commission and more about local control versus central diktat. For Liberal Democrat members and, I suspect, for members of many other parties that are represented in the chamber, the approach should be about local control and ownership—what was once fashionably described as subsidiarity. For others, the instinct is to centralise. In their view, big is best and central Government is always the answer. That is an entirely healthy debate to have here in Scotland. We should and shall have it. The debate is here now, before the Scotland Bill becomes an act.

The new ministers whom the Parliament will choose next May will have significant responsibilities. A responsible Administration will be able to take on the challenges that I have described. A new Scottish Government must build with the UK Government a new relationship that benefits Scotland. Mr Salmond’s attacks on the previous and present UK Governments do not help Scotland or the Scottish people. All of us can play the “I’m standing up for Scotland better than you” game, but our politics will grow up when we aspire to, want and do rather better than that.

A new Scottish Government will be able to use the commitment that immigration policy should reflect Scottish skills and demographic needs. The oil and gas industry is making a strong case for greater flexibility, so that men and women who make the developments in the North Sea and west of Shetland happen can work out of Aberdeen, Shetland, the Highlands or other parts of Scotland. No nationalist rant helps that vital, massive Scottish industry, but solid Scottish and UK Government work can. That is what we need for Scottish jobs.

A new Government for Scotland will be able to use the new capital borrowing powers to develop the transport infrastructure that Scotland needs, borrowing from the national loans fund or the private sector, if that is the best way of getting things moving. It will be able to consider how best to tackle environmental taxation in Scotland—through a landfill tax or by taking another

approach that is more suitable to our country's needs. A new Government will be able to use the powers that the bill will provide.

A cross-party committee will scrutinise the bill. Robert Brown, who has kept me right on matters constitutional for more years than he cares to remember, will serve on the committee for the Liberal Democrats. Scrutiny should be vigorous and fair. I commend all the parties, including the SNP, on nominating solid and able parliamentarians to do that work.

I acknowledge the role of Wendy Alexander, Annabel Goldie and my good friend Nicol Stephen in initiating the bill that we are debating today. Of course it was a response to political events, but what they started became the Calman commission, was taken forward by the previous UK Government and will be made law by the present UK Government. The bill is real and will change Scotland, our Parliament and our people's involvement in the decisions that we make. That is good and it is worth having. That is why Parliament should back the motion today.

09:55

Linda Fabiani (Central Scotland) (SNP): I welcome the publication of the Scotland Bill, not because I agree with it all but because, if it is passed in a suitably improved form, it could mark the beginning of a new phase in the devolution process.

In devolution's first 12 years, our Parliament's economic and fiscal powers have been constrained either by statute or by the refusal of the UK Government to co-operate on their use. Under the new proposal from the Conservative-Lib Dem Government at Westminster, Scotland has an opportunity to use its Parliament to advance its interests. That means having full discussions and debate, and refining proposals under which Scotland's interests are not always sidelined for the sake of taking a standard UK approach.

As the motion in Iain Gray's name says, the bill has its basis in the Calman commission. Calman was conceived in a very different world, however. At the end of 2007, the economic crisis was still in its infancy and the full effect of Gordon Brown's failure as Chancellor of the Exchequer was yet to engulf his successors. The election of May 2010, which resulted in Westminster's first coalition Government in 65 years, was more than two years away.

As we look at the proposals in the bill, we should remember how quickly things can change. We should recognise that, under its proposals, the most significant changes—the tax-raising and financial powers—are at least five years away. The impact of decisions that will be taken over the

next few weeks will be felt not in this or even the next session of Parliament, but many years ahead. We need to use our time wisely to ensure that the changes that emerge from the debate live up to Scotland's ambition.

At the Finance Committee a couple of weeks ago, Danny Alexander spoke, as we would expect, of his aim

"to give the Scottish Parliament significantly increased financial responsibility".—[*Official Report, Finance Committee*, 25 November 2010; c 2818.]

He also used neutral jargon, such as "policy spill-over" and "no detriment" to reassure the Scottish people about the risks that are associated with the proposals. However, his promise of "no detriment", even if it is real, extends only to further actions by Westminster. If the powers of this Parliament are inadequate or badly designed, as they were under the Scotland Act 1998, the Scottish economy and our public services could face detriment indeed.

We have been there before. Given the incomplete powers at our disposal and the straitjacket of the funding agreement with the Treasury, the abolition of the council tax became unviable. Before that, on free personal care, Westminster took a windfall benefit when this Parliament acted within its powers, and continues to do so. Unless we are to operate on the premise that the last Labour Government was uniquely truculent regarding devolved matters, we should work together to ensure that the Scotland Bill mark 2 delivers a better relationship between the Governments and Parliaments in terms of responsibilities, risks and powers.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the member give way?

Linda Fabiani: No, thank you.

Never again should Westminster trumpet its granting of devolved powers when, in reality, it has built in roadblocks to their use.

I ask all members to keep in their sights what is best for Scotland. We might, and do, have different goals for the destination of this devolution journey, but we should be able to unite to protect Scotland's interests in the short, medium and longer terms. Elected and civic voices have already united to defend Scotland's right to regulate charities, which has led to the rejection of the Calman proposal in that area. We should take further opportunities to allow Scotland's voices to prevail, to Scotland's advantage.

If Scotland is to get the best out of devolution, Parliament must allow the full range of Scottish opinion to be heard and not muffled by party politics. There are many issues on which people feel strongly, including income tax proposals, the scope of borrowing powers, the inability to vary

corporation tax and the interaction between the tax and benefits systems. Surely the most important decisions over taxes and the welfare system should be controlled in Scotland; we hear that over and over again.

Robert Brown: I am interested in what Linda Fabiani said about the “no detriment” rule. Does she accept that, in an independent Scotland, there would be no such “no detriment” rule, and that the £9 billion that was lost to Scottish revenues last year due to the recession would have to be borne entirely by the Scottish Government?

Linda Fabiani: Robert Brown and others should consider countries such as Slovenia and Norway, which are suffering no detriment at all from being independent nations.

David McLetchie (Edinburgh Pentlands) (Con): Oh! That’s a new one!

The Presiding Officer: Order.

Linda Fabiani: Scotland, as an independent nation, would make those most important decisions on taxes and the welfare system. We would control the destiny of Scotland to the benefit of the Scottish people.

Jeremy Purvis: Like Ireland.

The Presiding Officer: Order.

Linda Fabiani: I heard Jeremy Purvis muttering about Ireland, as people do. People should really think about how they talk about one of our nearest neighbours. Even in the settlement that Ireland has agreed, it still has power over corporation tax. There is something that an independent nation can do as it considers what is best for its future.

I ask members to consider the anomaly whereby Governments in Westminster have considered corporation tax reductions for the north of Ireland that they will not countenance for Scotland. Members of other parties in Westminster, including Baroness Jay, are pushing for Northern Ireland to have that ability. Why cannot we get together and push for Scotland to have that ability? That would be worth talking about at the committee that has been set up.

The Parliament must listen to all Scottish society. It must listen to all people who have an interest in improving Scotland. Scottish parliamentarians have an opportunity to make the bill better and to ensure that the Parliament has the power that it needs to advance the interests of Scotland’s people. That is why the legislative consent motion should be properly and independently scrutinised, and that is why the amendment in the name of Scotland’s First Minister should be supported.

10:01

Peter Peacock (Highlands and Islands) (Lab):

There is no question but that this is a significant moment in the life and history of Scotland—one that offers an opportunity to develop devolution even further. The Calman proposals and the Scotland Bill, which flows from Calman, sit firmly within the broad family of stable federal and quasi-federal systems throughout the world. They also sit squarely with the mood and view of the Scottish people.

I have been a committed devolutionist all my political life. The day before the referendum in 1979 I had an operation, but to the extreme annoyance of my doctors I discharged myself from hospital the next day to go and vote yes. I literally dripped blood on the ballot paper. I went back to hospital, readmitted myself and watched the results, and I felt cheated by that moment in Scotland’s history and development. At a personal level, devolution was unfinished business, which is why I campaigned for devolution whenever I had the opportunity to do so, including for a yes-yes result in the 1997 referendum.

Since then, Scotland’s democracy has been maturing in the context of an ever-changing world. It is striking how the world is increasingly internationalised and how the international challenges are the biggest that we face in the modern world. I am thinking about challenges such as the globalisation of economies, the contagion that flows from economic ill winds, modern terrorism, climate change, organised crime and drugs and the new challenges that are brought by the application of the internet and much more worldwide travel.

In politics across the world we witness ever-increasing international alliances. Governments are working together and structures for co-operation are being developed that strengthen bonds between nations.

The UK is a highly successful political, social and economic union, and it is stable. Scotland has contributed significantly to the success of the union and has benefited significantly from being part of it. On a small island such as the one that we occupy, it makes eminent sense that the people stick together in a common political, social and economic cause. That is right and proper.

Devolution represents a modernising of the long-established and successful union, in which the Scottish Parliament sits alongside the National Assembly for Wales, the Northern Ireland Assembly, the London Assembly and a modernised House of Lords. Devolution represents not a weakening but a strengthening of the union. It represents greater national and regional self-determination within a strong political,

social and economic union, in which we play a full part in meeting global challenges. It represents the best of all worlds that we can get.

If the importance of the strength of the union has ever been shown, it has been shown in the past three years. The rescuing by the whole UK of the Scottish banks, at eye-watering cost, could never be done under the scenario that the nationalists propose for Scotland's future, whether that is fiscal autonomy—whatever that means—or independence. Ireland's current pain, which I watch with no joy whatever, demonstrates just how exposed a small nation can be to modern international economic ill winds. Low corporation tax and full fiscal autonomy over other taxes did not save Ireland from those ill winds. By comparison—I stress “by comparison”—Scotland has a relatively easy, managed situation.

Donald Dewar made it clear that devolution was not an event but a process. It would be ridiculous to suggest that at that moment in history in 1997 and in the lead-up to the establishment of this Parliament, the perfect devolution settlement for all time was somehow arrived at. Much of the inspiration behind the settlement was to have everything devolved unless it was specifically reserved. We now realise from reading the published Scotland Bill that we had Antarctica within our grasp. If only we had realised: just think what we could have done.

It is right that we look at devolution after 10 years; that we re-examine what the practical experience has been and consider the reserved-devolved boundary in the light of that experience. It is on exactly that that the Calman commission and now the Scotland Bill have reflected. In the analysis of devolution's first 10 years, as Annabel Goldie rightly indicated, not enough responsibility has been taken in this Parliament for raising the funds that we spend. Some have argued that the Parliament's accountability and economic focus have left a significant democratic deficit. The Scotland Bill sets out clear areas for more devolved authority and addresses issues of concern from the first 10 years, such as airguns, speed limits and so on.

Fiona Hyslop: Peter Peacock talks about accountability, but he does not talk about economic growth. Can he point to something in the Scotland Bill that would enable economic growth for Scotland? As a Highlands MSP, does he regret that some of the Calman proposals about the Crown Estate commissioners, which would have had a major impact on his constituents, have been left out of the bill?

Peter Peacock: I am quite sure that the Crown Estate will be looked at during the scrutiny process. The settlement that has been suggested by the UK Parliament gives us a wide range of

ways in which we can help to grow the economy. First, we can achieve economic stability through the continuing support of the grants system and its no-detriment clause in relation to actions by the UK Government. The bill will give us tax powers that we can vary in whichever way we want in the future. As well as other factors, it contains huge borrowing powers that can be deployed to stimulate the economy in various ways.

I am conscious that time is moving on. The purpose of the committee that has been set up is to give those detailed proposals genuinely close scrutiny. I am sure that we can suggest ways in which the proposals can be further improved. That is our task. The task must fit within the view of the Scottish people that we should remain a firm part of the United Kingdom, constantly strengthening local choice and our democracy.

10:07

David McLetchie (Edinburgh Pentlands)
(Con): I am grateful for the opportunities to speak in the debate and, subsequently, to consider the provisions of the Scotland Bill in detail as a member of the ad hoc committee that has been established by Parliament for that purpose. The committee will report back before our formal consideration of the legislative consent motion to approve the passage of the bill at Westminster.

I welcome the fact that the bill is being brought to Parliament as an integral part of the coalition agreement between the Conservatives and Liberal Democrats, but that is not to understate the importance of the support for the whole project that has been given by the Labour Party in government and in opposition, and the key role that it played in the establishment of the Calman commission. Therefore, it is entirely fitting that Wendy Alexander has been appointed as convener of the committee that will consider the bill in detail.

I welcome the cross-party support for the establishment of the Calman commission, its recommendations and the general principles of the bill, as evidenced by resolutions that have been passed and that are to be passed by this Parliament. At every stage in the process, from start to finish, we have sought and won parliamentary approval for the measures both here and at Westminster. The importance of that should not be understated. I even welcome the half-hearted support of the Scottish Government for aspects of the bill, now that the national conversation gas has been reduced to a peep. I welcome the SNP's reluctant, if belated, recognition that Calman and its proposals are the only game in town.

Even although this debate was graced by the blustering presence of the great helmsman himself, let us not allow the willingness of the SNP Government to engage in the process of the bill disguise the fact that there are clear and fundamental differences between the SNP's approach to the bill and that of the unionist parties in this Parliament.

I respect the fact that the Scottish National Party wants to establish Scotland as a sovereign independent nation with full fiscal freedom and full monetary subservience to the euro, just like the Republic of Ireland. That is an honourable and legitimate position. However, an equally honourable and legitimate position is that Scotland should remain part of the United Kingdom, as we have for more than 300 years.

The proposals that came from the Calman commission and which appear in the Scotland Bill are unequivocally and explicitly rooted in a desire to strengthen and sustain a devolved system of government that is firmly anchored in the United Kingdom. Accordingly, the measures in the bill have that aim in mind. What the SNP calls weaknesses are strengths, because we—along with the overwhelming majority of people in Scotland—want Scotland to remain part of the political, economic, monetary and social union that is the United Kingdom of Great Britain and Northern Ireland. That is demonstrated—if further demonstration is needed—by the results of the recent general election.

The Calman review of devolution was thorough and pronounced devolution to have been a success. It concluded that the broad division of responsibilities between Westminster and this Parliament was correctly judged—that is hardly a surprise, since it mirrored the division that is found in most other federal systems of government in the world—but it identified the weakness that, although we as a Parliament enjoy virtually unfettered spending autonomy and responsibility, the lack of fiscal accountability must be addressed. The commission recognised that addressing that deficiency required not an all-or-nothing approach but—again in common with every other federal or semi-federal system of government in the world—simply an adjustment in division of the funding and tax mechanisms between the national Government, which is the UK Government in our case, and the subnational government. The Calman analysis exposed the truth that so-called full fiscal freedom is a full fiscal fraud and is basically a front for independence.

Equally absurd is the proposition that one can achieve a perfect division of discrete taxing and spending responsibilities between the devolved Parliament in Scotland and the UK Parliament,

and that to achieve such a division would be desirable in our economic and social union.

Fiona Hyslop: David McLetchie's analysis is that a perfect proposal for the tax relationship between the UK Government and the Scottish Government might not be achievable. Does he concede that we might be able to produce a better proposal than is in the Scotland Bill? Is he open to the Scottish Parliament proposing that?

David McLetchie: The Scotland Bill Committee will fully consider alternatives and I look forward to examining such propositions, just as the Calman commission examined the extensive and detailed analysis by the independent expert group, which demonstrated conclusively that nowhere in the world does any subnational Government or Parliament have full fiscal autonomy in the sense that some people here advocate glibly or deceitfully—and here is another one.

Rob Gibson (Highlands and Islands) (SNP): Will David McLetchie consider the position of the Basque Country, which has such an arrangement?

David McLetchie: I hate to disillusion Mr Gibson, but the Basque Country does not have that system. He will find that Spain has an overriding constitutional provision that inhibits the Basque Country and other regions from engaging in what is called tax competition. The Basque Country does not have full fiscal autonomy. I suggest that he read some of the reports and the analysis by the experts on that, which demonstrate the point conclusively.

Rob Gibson rose—

David McLetchie: We can continue that argument on another day.

I look forward with relish to exposing the full fiscal frauds in the committee's detailed examination of the bill. I would be happy to do for others' benefit what I have done for Mr Gibson's benefit.

10:14

Christine Grahame (South of Scotland) (SNP): My late mother was prone to saying that half a loaf is better than no loaf. She had been brought up with low expectations in life, unlike her daughter. I do not believe that half a loaf is a good deal when I am entitled to the whole loaf. It therefore follows that 15 per cent of a loaf is, in principle, a worse deal. There are no surprises there.

As for Calman, no one out there beyond this bubble or, indeed, the unionist bubble has the word "Calman" on their lips. The Labour benches, the press gallery and the public gallery are all empty. In my very popular Saturday supermarket

surgeries in Tesco, constituents are talking to me about job losses and the banking crisis, which was all a result of the mismanagement of the UK's and, therefore, Scotland's finances.

Of course, we Scots have been told that without the strength of the union, the economic repercussions would have been dire. Well, here is breaking news: the union took us into the crisis that exposed the incompetence of the UK Government's fiscal management, courtesy of Gordon Brown, first as the iron chancellor and then as Prime Minister. As for the protection of the union in the economic tsunami, mention has been made of the example of Ireland, but let us consider the example of Norway, which has an oil fund that is worth billions, and with which it supported its banks. It is plain as a pikestaff: independent Norway set up an oil fund, whereas Scotland's oil revenues have been spent, spent, spent by the union.

Robert Brown: Will the member give way?

Christine Grahame: Please sit down.

Even the 15 per cent of the loaf is crumbly. Frankly, to tamper with income tax alone would be disastrous and regressive. For example, bands, allowances and thresholds are set by Westminster. A range of taxes are levied on the Scottish public, most of which are stealth taxes—national insurance, VAT, excise duty, fuel duty and corporation tax, to name but a few. They all count, they all interact and the revenues from them are all retained by Westminster. The offer is not only not tempting, but to accept it would be counterproductive for economic growth and, more important, would be unjust as regards the redistribution of wealth. Any increased tax take from Scotland following economic growth would be siphoned off to Westminster, just as the oil revenues were.

When we add to the mix the Scotland Bill's failure to devolve control over benefits to the Scottish Parliament, which Linda Fabiani touched on, the offer becomes even messier. Members will recall that the money that is saved through not requiring attendance allowance as a result of the implementation of free personal care, which is currently running at £40 million per annum, is retained by the Treasury. Money that is saved by Westminster as a result of devolutionary activities simply goes south. Even the proposed changes to UK benefits and the bringing in of the universal credit may not be an improvement.

In the meantime, housing benefit is excluded. Although housing—social housing—is our responsibility, in practical terms Scotland, unlike Northern Ireland, which at least administers benefits, cannot integrate any tax powers such as those over housing benefit with its requirement to

deliver socially rented housing, in which there is a major crisis throughout Scotland.

The current proposals represent a pig's breakfast of an offer; they do not even make up 15 per cent of a loaf. I offer this postscript by way of example: can someone explain why the power to change speed limits for cars is to be devolved, but not the power to do the same for cars that are towing caravans? Answers on a Calman postcard, please. Devolution, like this debate, is dull; independence is exciting.

10:18

Nicol Stephen (Aberdeen South) (LD): When the Scottish Parliament was established in 1999, the Liberal Democrats were proud to have played a central role in shaping and delivering it. We knew that it was the start of a journey and we agreed with Donald Dewar's wise words that creating the Parliament was the beginning of a process, not an event in itself.

Liberal Democrats did not agree with every aspect of the Scotland Act 1998. For example, many of us wanted a different, better voting system and stronger tax-raising powers for the new Parliament. That is why we were and have remained at the forefront of the argument for more powers for the Scottish Parliament as part of a more federal UK.

New powers have been transferred to the Parliament over the past decade. As then Minister for Transport, I was involved in the most significant of those transfers to date, when Alistair Darling agreed to transfer substantial powers over the rail network to Scotland. As a minister, I was also involved in trying to explain our Parliament's tax and funding system. One Chinese finance minister told me, "Ah! Now I understand. We have a similar system for funding Tibet."

Change is needed because the system is not sustainable. Simply receiving a cheque for around £30 billion a year from the UK Treasury was not the best way for the new Scottish Parliament to move forward. The Liberal Democrats recognised that. We established the Steel commission—a former Presiding Officer of this Parliament at the head of a group that included senior figures such as Chris Huhne, Iain Vallance, Neal Ascherson and Jeremy Purvis MSP. The Steel commission blazed a trail for new powers for the Scottish Parliament and rightly received substantial credit from the Calman commission, which was influenced by its recommendations.

If we cast our minds back, early in 2007 the prospect of delivering substantial new powers to the Scottish Parliament did not look like a solid bet. The Liberal Democrats continued to campaign strongly for more powers but there was little visible

support from elsewhere. Members may recall that in early 2007, Gordon Brown, then Prime Minister, specifically rejected more powers for the Scottish Parliament. It is to the great credit of Wendy Alexander for the Labour Party and Annabel Goldie for the Conservatives that they joined with the Liberal Democrats to create the Calman commission. It is also remarkable that we have moved so quickly from the Calman recommendations to a Scotland Bill, proposed by the new coalition Government, that will be passed by overwhelming majorities in all the UK's Parliaments over the coming months.

The new powers for the Parliament are important. The new tax-raising powers are especially important. They will create a stronger, more effective, more powerful Parliament. Fiscal responsibility, with sensible tax-raising powers for a strong Scottish Parliament, will achieve a stronger UK in a more federal system. The SNP snipes on the sidelines and does not participate. It did not participate in the original Scottish Constitutional Convention. It did not participate in the Calman commission and it does not participate constructively in relation to the proposals in the Scotland Bill.

Linda Fabiani: Does Nicol Stephen understand that the SNP believes in independence from its head and from its heart? It will not compromise on that belief. Considering that the Calman commission refused to consider independence as part of its discussions, should not the SNP be commended for standing by its principles?

Nicol Stephen: I repeat: there was no SNP participation in creating the Scottish Parliament and there is no SNP participation in strengthening the Scottish Parliament. All that we get from the SNP is grumbling, rumbling thunder. In recent months and years, the SNP's cause of independence has gone backwards. The proposals in the bill drive Scotland forwards. They deserve the support of every member of the Scottish Parliament.

10:22

Tom McCabe (Hamilton South) (Lab): Devolution from Westminster to Scotland, Wales and Northern Ireland was undoubtedly a seismic shift for the United Kingdom. Here in Scotland, with the creation of the Parliament, we enjoyed the most extensive of transfer of powers. Some people expected that everything would fall into place and work perfectly on day one. That was not going to happen; devolution was always going to be refined in the light of experience. That is what responsible legislators do—they allow themselves to be guided by experience.

I have been fortunate to be a member of the Scottish Parliament since its inception, and to have served in the Parliament as a committee convener, a member of the Parliamentary Bureau and on the Scottish Parliamentary Corporate Body. I have also observed the operation of devolution as a Government minister, having had the privilege of holding three ministerial posts. Like any new legislative body, this institution will mature over the long term. It will gain and hold respect by seeking to enhance its scope, where appropriate, and by acknowledging its shortfalls.

During the lifetime of the Parliament, we have operated under the financial equivalent of a tropical sun. Our budgets have more than doubled and we have been able to implement a range of distinctively Scottish policies that are popular and have undoubtedly benefited our people. What we have not had the opportunity to do is rigorously to prioritise in the way that would have been necessary had it been our responsibility to raise a greater proportion of our income. That failing has been recognised by the majority of politicians across the spectrum in the Parliament, although, to paraphrase the First Minister, not by the SNP. It has also been recognised by business, civic society and, most important, by our electors. Our institution will gain greater standing and earn more respect when that shortcoming is rectified.

The power over land and landfill tax is a welcome development—the start of a process that should be taken forward with care and in the light of experience. The bill is explicit about the powers to create or devolve other taxes, and I have no doubt that the process of refining devolution will continue. Of course, not all the taxes that the Calman commission recommended have been devolved, but there are rational explanations in the bill and, importantly, no closed doors on them.

The borrowing powers are substantial—greater than those recommended by Calman—with a welcome ability to borrow in the shorter term to allow for fluctuations in anticipated receipts.

Fiona Hyslop: The First Minister has already said that we welcome the improvements in borrowing, but the borrowing powers will still be less than those of Northern Ireland, which has £3 billion available to borrow, and the flexibility to issue bonds will be less than that of Birmingham City Council. Does the member think that the bill's borrowing provisions could be improved?

Tom McCabe: Of course the bill can be improved, which is why there must be rigorous scrutiny of it in the appropriate committee. I do not want to be Northern Ireland, however, and if that is Ms Hyslop's aspiration she is welcome to it.

Financial matters are important for the Parliament, but so are relationships. From

experience I know that, at ministerial, intergovernmental and official levels, relationships and contact mechanisms should and could have been better. The changes proposed in the bill recognise that and, in my view, address some of the critical areas.

My reading of the bill tells me that there is a genuine desire for a more respectful and productive relationship at all levels. That is not to say that there will not be a test of sincerity for the coalition Government and the civil service. After all, it is people, and not pieces of paper, who shape relationships. I am bound to say that if the coalition Government wishes to be judged by its actions it should quickly rethink its approach to the timing of the referendum on voting next year—but I digress.

I have always believed that devolution is a process. The Scotland Bill advances the process in sensible steps that I am convinced will be seen as such by the public whom we serve. It is, however, a genuine shame that yet again the nationalists seek to carp and complain. In their defence, I feel obliged to point out that they are being entirely consistent: they refused to contribute to the Constitutional Convention, they have refused to acknowledge the benefits of devolution, and they refused to play any part in the work of the Calman commission, to which, incidentally, we all owe a debt of gratitude. The nationalists were happy enough to accept four years in government, but that illustrates the all-take-and-no-give approach that they have shamefully adopted from the start of the process.

I will close uncharacteristically by praising the coalition Government for this piece of work. Unlike some, I do not want to make the mistake of misleading the Parliament. For the vast majority of my waking hours, I hope that the Conservatives and their twisting and turning, flipping and flopping partners fall over a high cliff sooner rather than later, but for this piece of work they are due recognition. It does Scotland and devolution a service, and I thank them for it.

10:28

Derek Brownlee (South of Scotland) (Con):

On behalf of the coalition parties, I can say that the sentiment from these benches towards the Labour Party is entirely the same.

Today we have largely addressed the financial provisions in the Scotland Bill, for understandable reasons, but we have had some other interesting insights. The First Minister referred to his concerns about the reservation of policy in relation to the Antarctic, which suggests to me that the arc of prosperity has changed not just continents but hemispheres.

More concerning—I make this as an entirely serious point—is the attitude of the SNP Government to the general drift of the Scotland Bill. For many years we have discussed whether the SNP is in the hands of fundamentalists or gradualists, but today it seems to be in the hands of backwardists who do not want to consider fiscal devolution. That is a significant problem because, if we are serious about making the provision better and giving the Scottish Government—of whatever political hue—the powers that it could usefully use to make a difference, it is much better to have the Scottish Government seriously engaged.

I will deal with some of the concerns that have been raised about the bill's provisions.

The fundamental objection that we have heard to the income tax power is that the yields of some taxes are more variable than others. That is true. The document on the Calman commission proposals from the office of the chief economic adviser to the Scottish Government states:

“Between 2007/08 and 2009/10 Scottish income tax receipts are estimated to have fallen by approximately 7.3%.”

That is where the First Minister gets his figure of £900 million a year, which he then multiplies by 10.

On the face of it, that might be a plausible claim. However, another document from the office of the chief economic adviser, which was published in 2008 and entitled “Abolition of Council Tax and Introduction of Local Income Tax: Revenue Projections”, projects income tax rises of 5 per cent a year over a cumulative period of five years. When I raised the issue with the Cabinet Secretary for Finance and Sustainable Growth, who has better things to do today than to try to justify the SNP's position, he said:

“Mr Brownlee has got his numbers completely wrong. ... There will clearly be an increase in the level of tax take as the economy improves.”—[*Official Report*, 4 December 2008; c 13092.]

That is precisely the point that the Scottish Government misses in its analysis. We are in a significant recession and income tax receipts have gone down, but they will recover.

Fiona Hyslop: The member touches on an important point about the increase in rates of income tax—especially the basic rate, which is in the Scotland Bill—relative to the rate of increase of the Scottish block overall. As Tom McCabe said, over the past 10 years, there has been an increase in the Scottish block; however, even in that period, there would have been a reduction of £8 billion if the provisions of the Scotland Bill had been applied. Surely the member recognises that that is the bit that needs to be scrutinised.

Derek Brownlee: We are moving from a situation in which 90 per cent of the spending that is determined by the Parliament is set by spending decisions that are taken by the UK Government in relation to England, to one in which two thirds of it will be set in that way. The nationalists might want to go further, but I cannot for the life of me understand why a party that is pledged to defend the Barnett formula should be critical of getting additional powers to set the spending parameters for Scotland. That seems a sensible position to take.

Earlier, the First Minister expressed concerns about income tax revenues. However, he entirely omitted to mention that, according to the command paper, during the transitional period for income tax, which will begin in 2016,

“the UK Government will bear the risk of any deviation of outturn from forecast”

and that that transitional period will last for a number of years. That makes me wonder whether any of the SNP Government members has read the command paper. If the SNP were saying that it was going to take too long for the powers to come into effect, there would at least be some logic to its argument. Instead, it is misrepresenting the clear position of the UK Government in these matters. If fiscal devolution is to mean anything, fiscal risk must eventually be transferred to the appropriate level of government, not just to make financial accountability effective, but to comply with European Union law.

The key question in relation to the Scotland Bill is whether the financial provisions represent an improvement or a step backwards. To my mind, they represent a significant improvement on the Scottish variable rate. The powers are broader and, critically, will force the Parliament to make a decision on the appropriate levels of spending and tax in Scotland. As we have heard, spending in Scotland has doubled since devolution. If those powers had been in place in 1999, perhaps we would have had a broader debate about the balance of tax and spend in Scotland and we could have decided either to spend double or to restrain taxes in order to enhance economic growth.

Taxes do not have to go up under fiscal devolution. I do not want the powers to be used to increase taxes in Scotland; I want them to be used to make Scotland more competitive. I believe—as some of the SNP ministers used to believe—in the effects of the Laffer curve and in the benefits of tax competition, which Annabel Goldie mentioned. Even if some members believe that the proposed powers do not go far enough, the question that we should all be considering is whether they are an improvement on the status quo. For me, they are a significant improvement, which is why the general

principles of the Scotland Bill are right. I hope that its provisions come into force as soon as possible.

10:34

Alasdair Allan (Western Isles) (SNP): I welcome the debate, much as the tone of the motion rather assumes that I will not. I regret it if my open-mindedness leaves those who lodged the motion feeling cheated in any way.

Judging by his tone, I am not sure that Mr Gray welcomes the debate, but I do. I welcome it first, and most important, because I want to see Scotland take more control of our own affairs. I genuinely—as opposed to just tactically—want to see our national Parliament take more legislative and fiscal responsibility away from another place, so the fact that we are discussing a bill that, however limited in its scope, talks about those ideas is something that I hope all parties can now regard positively.

Margaret Mitchell might fear that the bill is a Trojan horse for Scottish independence. I can reassure her that, wary as I might be, I do not intend to spurn unionists bearing constitutional gifts, however modest those gifts might be.

The fact is that this bill represents a long overdue, if grudging, recognition from certain quarters that Scotland's constitutional future matters. It matters because, without power, we cannot act to address our country's social and economic problems. The only question is, of course, how much power do we want our country to have? Everyone knows my preferred answer to that question, and it involves, among other things, repealing schedule 5 to the Scotland Act 1998.

However, rather than each of us reiterating our preferred party positions, our real challenge, if we choose to accept it, is to find agreement as a Parliament. That means that we have to start from the reasonable position that, just like any other, the bill is capable of constructive improvement.

There is much in the bill that we can all seek to build on. There are, however, undoubted anomalies that I believe we must correct. Some of the anomalies have been well rehearsed, but that is no reason not to repeat them. I am pleased, for instance, at the bill's devolution of powers on speed limits. However, as Christine Grahame asked, can anyone tell me why, if I speed in my car, my crime is a devolved matter but, if I am towing a caravan at the time, my crime is a reserved one?

At the level of principle, however, what is more important is the question of the various powers that the bill envisages this Parliament giving up. I know that the SNP is not the only party that, at the time of the establishment of the Scottish

Parliament 11 years ago, would have struggled to imagine us now debating the merits of handing back powers to Westminster. I therefore urge members of all parties to consider how far it might be consistent with self-respect to envisage measures that take us down that route.

The bill envisages all sorts of currently devolved activities being undeveloped, such as the regulation of various medical professions, aspects of charity law and insolvency law. As many people have mentioned, it seems that the bill even envisages reserving penguins, through its references to Antarctica, which suggests a certain degree of obsession on the part of its framers.

More contentious than anything else, however, is the shape of the bill's proposed tax powers for Holyrood.

Jeremy Purvis: Will the member give way?

Alasdair Allan: Grudgingly, yes.

Jeremy Purvis: I am grateful for the member's grudgingness.

Does the member not pause slightly with regard to this Government's record on tax powers, given that it did not even inform the Parliament that it had not allowed that tax power to be activated? Is that not relevant to the issue that the member is discussing?

Alasdair Allan: I can well understand why the member and his party sought to manufacture a grievance about tax powers at a time when it was becoming clear just how poor the tax powers that are proposed by the Scotland Bill are.

I suspect that it is not only SNP members who identify weaknesses in the tax proposals. If Scotland is to enjoy real freedom of economic manoeuvre, it cannot be reliant on such a narrow range of taxes as the bill envisages—essentially, income tax, landfill tax and stamp duty. No Westminster Government would contemplate trying to operate without some discretion over corporation tax, for example, not to mention some of the smaller taxes that even Calman's tame report recommended be devolved, including air passenger duty and the aggregates levy. The bill includes none of those.

There are many areas in which this welcome bill needs serious attention. Peter Peacock admitted, quite rightly, that the Scotland Act 1998 was not an everlasting work of perfection. I remind members that even that bill was subject to amendment during its passage through the House of Commons, even if the only substantive power that was transferred from reserved to devolved was the regulation of stage hypnotists. Perhaps when we or others amend the bill that is now before us, we can aim a little higher.

The fact that we are having this debate at all disproves the refrain heard in this chamber until a few years ago: "This far shalt thou go and no further." I have a preferred constitutional position, but I can say this much in defence of those who prefer the status quo: at least in Scotland the status quo keeps shifting.

I urge all parties to propose constructive improvements to the bill, and to do so in the spirit of seeking to get the maximum that they can for their country, rather than the barest minimum that they feel they can get away with.

The bill will not set the heather on fire—even in Antarctica—but, if we strengthen it, address its anomalies and address the weaknesses in the way in which its tax proposals are framed, we could end up with a bill that benefits Scotland.

10:40

Patrick Harvie (Glasgow) (Green): I apologise for arriving two or three minutes late for the start of the debate. I was here, however, to hear Iain Gray describe the bill as containing serious proposals from serious people. I will begin by criticising the process by which those proposals have been produced.

The people who were to lead and participate in the Calman process were chosen and the remit and the limitations that were imposed on it and the scope of its work and set not in a participative and inclusive manner, but by three political parties. The rest of the people in Scotland were not involved. If we are considering proposals from serious people, we should be looking at proposals that have arisen through the participative involvement of all the people in Scotland, but that has not been the case.

The Calman process was started by not just any three political parties, but specifically by the three parties that dominate Westminster rather than Scottish politics. Far from putting party politics aside, as Iain Gray claimed, the process has been entirely party political. It is no surprise that the conclusions seem to be designed to serve the interests of those parties.

I level the same criticism at the SNP's national conversation, which was pitched at and largely involved those who had already made up their minds about independence. The Constitutional Convention, which many members have mentioned, should have been the template for an involving, inclusive and welcoming process in which the whole of Scotland could have participated. I know that the SNP chose not to take part in the Constitutional Convention, but the Greens did and demonstrated that it was possible for a pro-independence party to engage in that process without compromising its principles. It

should have been possible to set up that type of process, which would have allowed the public to identify its own priorities.

If we had done that, rather than going with a quick process that was cooked up by three political parties, and if we had had such public participation and involvement, we might now be joined by a gallery full of excited and engaged citizens who had been given the chance to shape the process. Instead, as so often, we have politicians talking to politicians.

If there had been a more participative process, Iain Gray might well be right, and people might have expressed again the fabled settled will for a strong Scottish Parliament within the UK. On the other hand, Alex Salmond might be right, and the people might have cried out for full economic powers, with many viewing that as a stepping stone to independence as the next logical step. The point is, however, that people were not asked, were not part of the process and were not inside.

We might at least have moved the debate on from the purely economic matters that too often cloud out the other priorities that we should set when we ask ourselves about Scotland's constitutional future.

Fiona Hyslop: Patrick Harvie makes an important point, but we are where we are. On the basis that the Parliament can help to shape where we go next, does he agree that it is important that civic Scotland has a voice as of now on where the bill and its scrutiny goes, and that all of us in the Parliament—and the bill committee in particular—should help to enable that to happen?

Patrick Harvie: I agree with Fiona Hyslop's point in general, but I regret that it is probably too late to have wider civic Scotland genuinely shape the bill, which is unlikely to change in substantive terms at Westminster.

We should examine a wider range of questions when we consider the constitutional future of Scotland. It is not just about the economy, or which particular powers can create a richer Scotland. It is not about how rich we are, or could be, or might have been if history had gone differently.

It is certainly not just a narrow question about a narrow metric such as gross domestic product growth and which powers would increase it. It is more relevant to ask what constitutional choices we could make that would better enable us to share Scotland's wealth and opportunities more equitably. Which constitutional choices would support, for example, the transformation of our energy system, or the rebuilding of strong local economies that can meet local needs without growing transport demands?

What would a bill look like that addressed some of those priorities? It is probably too late to say. The tax powers would certainly be addressed, but the bill would allow not just higher or lower taxes but a fundamentally more progressive tax system. The powers that are on offer do not allow that. We would certainly also be looking at the other half of the welfare state, which is benefits. If Scotland wants the power—I believe that it does—to defend the welfare state from the all-out assault that is being launched, we should not limit ourselves simply to raising tax. We should also think about the welfare and benefits system.

We should also have a hand in the regulation of the energy system. We are still waiting to find out what wonderful green deal the UK Government will launch. We do not know the detail of that. Our efforts to address energy waste and fuel poverty in Scotland always have to be fitted around UK definitions of what the energy companies have to contribute, and that always leaves us unable to do as much as we would like to do. We should also be talking about greater representation and influence at the European level, where many of our priorities are barely heard.

There are countless other options that could, should and would have been in the bill if the people of Scotland had helped to shape it, rather than just three political parties. The bill does not offer the options that Scotland needs. I cannot welcome it and I will vote against both the motion and the amendment tonight.

10:46

Ms Wendy Alexander (Paisley North) (Lab): Like others, I welcome the debate. I begin by saying that I am honoured to be on the new Scotland Bill Committee along with many other esteemed colleagues in the Parliament. I assure people that we will bury into all the detail, but today is about the bigger themes that lie behind the bill.

As others have said, today opens a new chapter in the devolution story. I believe that it is on the template of the Constitutional Convention that we have come to the point that we are at today. The key insight of the Constitutional Convention was, first, to build a wider consensus, then to develop detailed proposals, and finally to deliver those proposals to Parliament. That is exactly the process that the Calman commission has embarked on and which many in the Parliament have supported.

As Nicol Stephen said, four years ago, there was no expectation of a consensus on the future of devolution. Four years ago, what people expected was an internal Labour Party review, a Liberal Steel commission mark 2, and a series of

Tory speeches with some nudges and winks about what would happen if the Tory party won power. There were competing prospectuses with no consensus. Calman was uniquely cross-party and beyond party, and that is what gives it authority on how we move forward.

Patrick Harvie: Will Wendy Alexander explain why the process was not widened out beyond those three political parties? Why were others not invited?

Ms Alexander: There was an invitation to the whole of civic Scotland and any political party to participate in any way they wished in a commission where a majority of the representatives were firmly not of any party.

The other lesson from history that resonates today is that, in the 1990s, there was a Government that opposed the emerging consensus, as the Scottish Government does today. Twice already, in December 2007 and June 2009, it has voted down Calman. However, I predict that these reluctant refuseniks will change their minds. I was encouraged by the speech that we heard from Alasdair Allan today.

The task for all of us is to look at the blueprint that commanded majority support in this place and beyond. It is no more the committee's task to tear up Calman than it was Donald Dewar's task to tear up the convention scheme. He improved the convention scheme and the committee will seek to do the same for the proposals.

I turn now to the new chapter on financial powers, which is the substance of the proposals. Donald Dewar did not think that the financial arrangements were perfect—he was very much focused on the Parliament's powers—but, nevertheless, he did two extraordinary things. First, he gave the Parliament total expenditure discretion within its responsibilities, with no fetters, no shackles and no second-guessing on how it spent its money. Such no-strings-attached spending powers remain nearly unique in the devolved world. Secondly, Donald Dewar was determined to give the Parliament tax powers and asked the people for that right. They backed him in that decision.

As we look to the future, financial questions will inevitably dominate our considerations. Finance is fluid. There is no one right answer—indeed, there is certainly no one right answer to the question of how we magically deliver economic growth. Federal countries routinely review powers that have been devolved, taxes that are shared and grants that have been distributed and, post-Calman, such work will become commonplace. The new chapter provides a process for the future. On offer are new shared taxes, devolved taxes, new borrowing, new tax powers, new saving for a

rainy day, new transparency, new co-ordination mechanisms and a new process for dialogue. All that has to be the way forward.

The committee's considerations will be assisted if there is full transparency from the Scottish Government. Of course it has the right to disagree but, as we have learned today, it put before the UK Government a preferred option that specified the taxes that it would or would not like to retain in Scotland. I presume that it modelled the preferred option that was put to the UK Government over the 16 meetings that were mentioned, but so far it has refused to publish any of that modelling. If it has been carried out, the committee would very much like to see it to assist our deliberations.

Fiona Hyslop: Will the committee of which the member is the convener give full scrutiny to alternative proposals to the Scotland Bill and the provisions that have been sought in all our discussions with the UK Government to secure a better deal? Is she prepared to help the Parliament and give it an opportunity to consider the other option?

Ms Alexander: The committee's task is to scrutinise the bill. The Scottish Government has asked us to consider its critique and we have indicated our willingness to do so. However, the Government has presented an alternative to the UK Government but has not shared with the Parliament the financial modelling that it has used. If we saw that, it would assist our deliberations.

We will seek to do justice to the tradition that I have outlined today and the new chapter that puts in place a process for the future to ensure proper responsibility, accountability and stability for Scotland's financing.

10:53

Rob Gibson (Highlands and Islands) (SNP): The debate is very important to Scotland's future. First, though, I should point out that, if the SNP Government had not been elected in 2007, there would have been no Calman commission or Scotland Bill. The debate is driven by the strength of support for the SNP's determination to force the unionists to make more concessions. The committee needs to measure the strength of devolution in delivering some of our long-held beliefs and, in that respect, I want to dwell on two of the most important areas for the Highlands and Islands.

Unfortunately, our experience of devolution is that it moves more slowly than glaciers melt. For example, we have never had proper control of fishing and other environmental aspects of the marine environment in which we in the north must try to earn our living. In the previous session of Parliament, we managed to get maps drawn that

showed the various boundaries. The Calman commission suggested that the situation be sorted out but, as the First Minister pointed out, the bill makes it clear that there will be no such sorting out and, indeed, that the Scottish Government's overall responsibility in this respect will be reduced.

The Liberal Democrats have certainly to answer for the length of the debate on this. I am glad that Jeremy Purvis is speaking after me, so he will not need to intervene. Back in 1991, David Ross said in an article in *The Herald* on the Liberal councillor Dr Michael Foxley, who is now leader of Highland Council:

"The fish-farming industry and its domination by multinational companies and its administration by the non-elected Crown Estate Commissioners is another of the doctor's pet subjects."

Dr Foxley has had views on these things over many decades, and he has been joined by other elected representatives of the Liberal party. For example, after the Crown Estate review working group was set up, the northern isles MP, Alistair Carmichael, backed calls by the Orkney MSP, Jim Wallace, to change the role of the Crown Estate in Scotland. What happened to change that role from 1999 to 2006 under devolution and under Labour and the Liberals? Nothing.

In the SNP Government's time, Tavish Scott has lodged a motion on the same subject, which was debated in the Parliament. On 27 April 2007, he said:

"The time has come for control of the seabed to be passed from London to the communities who depend on the coastal waters. I will be working with Isles MP, Alistair Carmichael, so that the UK Marine Bill can include measures to give Shetland back control of its seabed."

Did the UK bill that Labour introduced bring back that control? It ignored the possibility. Once again, there was delay, delay, delay.

And so it has gone on through to this year. The First Minister has pointed out what has happened. On 30 November, the Liberal Democrat MSP for Orkney, Liam McArthur, who is, unfortunately, not here, said:

"The Scotland Bill provides an opportunity to help coast communities and our aquaculture and marine renewable industries. The UK Government should review the Crown Estate's role in Scotland and look at using the Bill to devolve powers and controls over the seabed."

The progress is even slower than glaciers melting. We are talking about a period from 1991 to nearly 2011. Those are the kinds of processes and burdens under which the Scottish people have to work. Thanks to the Liberal party and its continued ineffectiveness, even when it is in government in London and can convince its Tory allies to do something, we are faced with having to discuss this in the Parliament. Will we get the Liberals'

support in the committee that Wendy Alexander is convening? Will there be a new chapter? Will we get such powers, or will the Highland people once again be failed by the Liberal Democrats, who have failed them for decades? The bill will create a Scottish commissioner for the Crown Estate, who will be appointed by UK ministers; the Scottish ministers will merely be consulted. Wow. What progress.

If the committee is serious, it must make the changes in administration that the marine environment requires and changes in the responsibilities of the Government and the Parliament, which passed the leading climate change legislation in the world. If Wendy Alexander's committee is not up to making such changes, it is not up to delivering anything at all to change things.

10:58

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): René Lévesque was a hugely charismatic politician. He was popular and very different from the political norm. To some extent, he changed politics in Quebec. He left the Liberal Party and set up what became the Bloc Québécois. He is, of course, a hero for many SNP members who have heard of him. When he broke the Quebec political mould, he had a strategy of leading a competent Government that would provide the platform for a referendum on separation and independence. Part of his argument involved the particular needs of the Quebec economy, which was suffering because of the huge federation of the rest of Canada. Ultimately, he failed, for two reasons, one of which we are already seeing in Scotland—the Government was not competent. Secondly, he failed because he did not countenance the fact that the rest of Canada believed that there was scope to have a passionate and friendly relationship between all parts of Canada and that federation and federalism were positive, both socially and economically. It is no surprise therefore that the referendum in Quebec in 1980 was a failure.

Bob Doris (Glasgow) (SNP): At least he got a referendum.

Jeremy Purvis: That sedentary comment relates to my point about the competence of the Scottish Government.

Lévesque famously said about the defeat in the referendum, "À la prochaine fois,"—until next time. With regard to the SNP's strategy, there is challenge between those who wish independence now and those who take a gradualist approach. Under the surface of the speeches that we have heard from SNP members, we can identify those

who are on the gradualist side and those who are on the more fundamentalist side.

Linda Fabiani: Name them.

Jeremy Purvis: I do not need to name them, because I think that the selection process for the SNP lists highlighted that.

Underlying everything that we have heard is the slight charade that the SNP believes that the bill is not good enough. When John Swinney opened his speech on the budget, he said that it was the worst budget since devolution. That was the budget of 2007. The SNP has not believed that any budget since devolution has been a good deal, even when budgets were growing by 3, 4 or 5 per cent, so it should be no surprise that the SNP says that the bill is bad.

I tried to intervene on Linda Fabiani, but she did not let me in, although I appreciate that she was pressed for time. The question that I was going to pose was whether there is any solution short of independence that the SNP would publicly say was a good deal for Scotland and would help Scotland's economy. I genuinely suspect not, because that is not the narrative.

Mr Frank McAveety (Glasgow Shettleston) (Lab): What is your evidence?

The Deputy Presiding Officer (Alasdair Morgan): Order, please, Mr McAveety.

Linda Fabiani: Will Jeremy Purvis give way?

Jeremy Purvis: I am sure that Linda Fabiani will answer my question.

Linda Fabiani: Does Mr Purvis accept that the independent and cross-party committee that has been set up should independently consider the legislative consent motion that is to be lodged and the options for Scotland, come up with what it decides independently would be a good deal for Scotland, and then let the Parliament consider that?

Jeremy Purvis: I hoped that there would be an answer to the question that I posed, but there was not.

Nationalism is the great political seducer, because it appeals to one element of a politician—the grass is always greener when we look at other countries. We have heard that this morning with regard to Ireland, the Basque Country and Slovenia. In the past, we heard in five ministerial blogs, the national conversation and, without a hint of irony, the business case for the Scottish Futures Trust that we should follow the model of Iceland. However, when that economy came into difficulties, which was problematic for the Icelandic people, there was silence on Iceland, so we moved on to Ireland.

Even in October this year, Joe FitzPatrick, who is a fellow member of the Finance Committee, issued a press release saying that Labour's attack on the Irish economic model was turning "to dust". That was a few days before the €80 billion bailout of the Irish economy. Right up until last week, Jim Mather, our enterprise minister, said that we should follow the Irish economic model, but that stopped last week, when he said that the Irish Government was "incompetent".

This is not just about looking to other countries or even about holding the grotesquely irrational view of wanting the Irish tax framework with the Norwegian social model. This is about looking into how we can get the best model for Scotland within the UK, and the Scotland Bill is a serious proposition in that regard. It is no surprise that the SNP believes that the bill is not in Scotland's best interests.

11:05

Jamie Hepburn (Central Scotland) (SNP): Although I have some sympathy with Patrick Harvie's position on the lack of input into the process for civic Scotland, I welcome the debate. I also welcome the bill, albeit with some reservations. That is why the reaction from other quarters to the SNP position seems more than a little disingenuous. Today and on previous occasions, we have broadly welcomed much of the bill, yet still the argument is rehearsed that we are obstructionist. It seems a little like a pre-rehearsed line that members are desperate to cling to and convince people of, despite the facts.

We have just heard from Jeremy Purvis the tired old propaganda about the non-existent lines of division in the SNP. Let me state clearly that all of us in the SNP believe in independence yesterday, today and tomorrow—we all want independence as soon as possible. More than any Scotland Bill, independence will empower us to make the difference that is needed in Scotland. That said, I welcome the Scotland Bill that is before us today, albeit with some reservations.

The history of devolution is marked by a series of milestones and there is no doubt that the Scotland Bill is another milestone on the way. As Tom McCabe said, it confirms that devolution is a process, not an event, and that the story of the growth of this Parliament's powers is not at an end. Just as constitutional perfection was not achieved in the Scotland Act 1998, let none of us pretend that the Scotland Bill represents the last word on the devolution settlement. I do not believe that it represents the settled will, as some have argued—although not, I was interested to hear, Tavish Scott, who believes, as I do, that we should go further than the provisions of the Scotland Bill.

What emerges from the Scotland Bill process, and from the ways in which the powers of the Parliament are enhanced or changed as a result, will cast the history of devolution in a new light. At the end of the process, we may well ask what could have been different if we had had some of these powers sooner—what might we have done if we had had the powers over drink-drive limits and airguns or control over our own elections? How might we have utilised borrowing powers in response to the current situation if those powers had been part of the original Scotland Act 1998?

My party will always support measures that maximise the powers of the Parliament. There is much in the Scotland Bill that is to be welcomed. Bringing stamp duty and landfill tax to Scotland—or, more accurately, abolishing those taxes in Scotland and giving the Parliament the power to reintroduce them—is a small step on the way to the full fiscal powers of independence that the Parliament and the country need, but it is a step on the way nonetheless.

I turn to SNP reservations about the Scotland Bill. One big question that has to be asked is why it seeks to return to Westminster powers over a number of areas and to make exclusions in areas that are to be devolved. There are both principled and practical reasons for asking such questions, which must be addressed by the committee in its consideration of the bill. One example that has been cited is that the Scottish Parliament will be able to change the speed limit for cars but not for cars towing trailers or caravans. Another example is that the devolution of control of airguns makes an exception for “dangerous” airguns—it is good to know that Westminster trusts us in Scotland to deal with safe airguns. I struggle to think of any good evidence-based policy reasons for those decisions. I suggest that some technical aspects of the bill have not been fully worked through.

One of the more noted reservations in the Scotland Act 1998 was in schedule 5, section L6, on

“regulation of activities in outer space”.

Why the UK Government at the time felt it necessary to reserve that area remains unclear. It now seems that one of the final frontiers on earth is also to be reserved. Proposed new section L7 in schedule 5 to the 1998 act will reserve

“Regulation of activities in Antarctica”.

In that, we begin to see clearly convergence in the principled and practical concerns about the rereservation of powers. The UK Government and Scottish Government already co-operate in developing administrative arrangements for scientific expeditions overseas. The reservation is therefore unnecessary from a practical point of view. Also, each time that we look at such a

reservation, we must ask whether it is in the spirit of devolution and the wishes of people in Scotland.

At each milestone and staging post of the devolutionary process, even going back to the Kilbrandon commission on the constitution in the 1970s—way before my time, of course—the starting point was the principle of giving power away from Westminster to Scotland and other parts of the UK. There was an acceptance that constitutional reform would continue and that further devolution could be expected. There was never the assumption that the UK Government might, at some point, take powers back.

If Opposition members genuinely support the reservations, they must be the only political leaders in history who want to give potential power away. Shadow ministers appear to be saying that, if they were in power, they would not or would not be able to make decisions in those areas. It appears that Labour members would rather have the Con-Dem coalition Government in London regulate the health care professions in Scotland or implement European legislation on devolved matters in Scotland than allow any Government in Scotland, even one of which they may be part in the distant future, to have control over those areas.

If my understanding of the principle and its implications is not correct, I look forward to hearing other members explain why. That is, as it should be, part of the debate that Scotland must have on the Scotland Bill.

We have before us draft legislation and a timetable for changing the powers of the Parliament, which was founded on the principles of openness, accountability and the sharing of power. The first Scotland Bill was scrutinised by 72 MPs from Scotland and steered through Westminster by three Scottish Office ministers. Rightly, this bill is subject to scrutiny by a full Parliament of 129 elected members—a Parliament that has some of the most open and transparent processes in Europe. We owe it to the people of Scotland to do that job effectively and to have as much opportunity as possible to ensure that the bill enables the Parliament, as the motion would have it,

“to serve the people of Scotland better”.

11:11

Robert Brown (Glasgow) (LD): It is my great pleasure to sum up on behalf of the Liberal Democrats in this debate on the Scotland Bill. I have supported home rule for Scotland, as part of a strong and federal United Kingdom, for all my political life. It was one of the causes that drew me to the Liberal Party as a student, and I have been

privileged to play my small part in the creation and moulding of the Scottish Parliament and, subsequently, in the work of the Steel commission on “Moving to Federalism—A New Settlement for Scotland”.

Today I pay tribute to all those people, in all parties and none, who have argued genuinely with passion and commitment about the constitutional issue, but especially to those who have been prepared to put aside party and tribal differences, to contribute their ideas and commitment and to strive for agreement on the way forward. Such was the story of the Scottish Constitutional Convention, which led to the creation of the Scottish Parliament; such, too, has been the story of the Calman commission process, which was first suggested by Nicol Stephen, was taken up—as we have heard—by Wendy Alexander and was supported firmly, despite denigration, criticism and sarcasm from the SNP, by Liberal Democrats, Labour and the Conservatives here and in Westminster up to the launch of the Scotland Bill. As David McLetchie rightly said, the process was backed every step of the way by parliamentary vote.

Scotland, its national symbols and its history are not the exclusive property of any one party. Scotland's constitutional future and our long-standing status as a partner in our United Kingdom are not things to be tampered with except on a well-prepared basis of consensus that weighs and tests the proposals and finds them to be in the interests of Scotland and in the broader interests of the UK. The Scotland Bill provides the Parliament with substantial fiscal and borrowing powers that, in accordance with Sir Kenneth Calman's remit, makes it more accountable and more responsible for its revenues. Importantly, it also puts in place a framework on which there can be devolution or allocation of additional tax powers, if that seems right in the future.

I pause to examine where we are and how our structures fit into the family of nations across the world with which we like to be associated in various ways. No one can see into the future, but I believe that we are approaching a point where the process that was devolution becomes an end point that is home rule within a reformed United Kingdom, developed on federal lines. It is notable how many speakers in today's debate have talked about federal principles.

To a degree, the settlement is messy and asymmetrical and has loose ends, but it looks pretty much like the relationships that exist between the German Länder, the Canadian provinces, the Australian states, the Swiss cantons and the Spanish autonomous communities, and their respective federal Governments. In short, increasingly Scotland and

the United Kingdom have the sort of constitutional pluralism that is typical of many, if not most, normal countries across the world—mature, pluralist, encompassing liberal democracies that can provide the democratic platforms on which we debate the manifold political, social and economic issues that define and shape our societies and offer opportunity to our young people, because it is what we do with our Parliament and parliamentary structures that is important.

I will develop that point. Although I have been dwelling on the importance of consensus for constitutional change, something else should be stressed: the changes to the powers of our Parliament are for a purpose, which is to make us more accountable to our people, to make our democracy work better and to equip government at the right level, giving it the right levers to tackle the challenges of the day.

In what I thought was a thoughtful speech, Alasdair Allan said that the Scotland Bill Committee should seek to take the maximum powers that it can for the country. That is the nub of the matter—but it raises the wrong issue. The issue is not about getting the maximum powers for the Parliament, but about getting what is best for the Parliament and for Scotland.

That is an appropriate thought on which to turn to the SNP, the minority Government in this chamber.

Margaret Mitchell (Central Scotland) (Con):

Does the member accept that the Parliament already has sufficient powers but that, since its inception, it has lacked the political will to follow a radical, reforming agenda to make things better for the people of Scotland?

Robert Brown: I do not accept that. This Parliament has achieved some considerable things, although it could do much better. Over the past four years, however, we have had a bit of a stall in trying to move forward.

The First Minister's minority Government holds a minority, and diminishing, view in the country. Its whole *raison d'être* is based on an ideology that is old fashioned and unsuited to Scotland's needs, and is irrelevant to the challenges of the modern world.

Jeremy Purvis was right to ask whether there was any solution short of independence that the SNP would support. I entirely accept the genuineness of the SNP's views, but its approach to the Scotland Bill raises some different questions.

The First Minister: Will the member allow me to intervene?

Robert Brown: I do not have time to take a further intervention, unfortunately.

SNP members once told us that we should be like Iceland or Ireland, but it seems from Linda Fabiani's speech that Slovenia is now the model that we should follow. SNP members are ginning about the Scotland Bill, much as their transport minister has been ginning about the weather forecasters, but a grin is not a serious analysis. The current block grant system protects the Scottish Government's budget against fluctuations in tax take in varying economic circumstances. In some ways, that is a great advantage. Greater tax powers carry with them the opportunity of greater benefit if tax revenues rise, as they will do during the recovery from the recession, but they also contain the risk that revenues will fall on other occasions.

The Deputy Presiding Officer: You must conclude.

Robert Brown: In conclusion, this is no time for dithering or prevarication. The SNP has clearly not come to terms with the emerging consensus in support of greater powers, and—

The Deputy Presiding Officer: Your time is up, I am afraid. You must sit down.

Robert Brown: Members should support the bill.

11:17

Murdo Fraser (Mid Scotland and Fife) (Con): The Scotland Bill marks the latest step in the development of the coalition Government's respect agenda for Scotland. Within three days of becoming Prime Minister, David Cameron came to this Parliament and met the First Minister; UK Government ministers now regularly come to appear before Scottish parliamentary committees; the coalition Government agreed to make funds available to the Scottish Government from the fossil fuel levy; Richard Lochhead, the Scottish fisheries minister, has been allowed by the coalition Government to lead UK-level fisheries talks in Brussels; and the Scotland Bill has now been introduced to implement the proposals of the Calman commission.

None of us should underestimate how far the process has come. When the Conservatives, Labour and the Liberal Democrats came together to set up the Calman commission, few believed that the process would even have an outcome, never mind find its way into legislation. It is indicative of the strength of the work that was done by the commission that the three parties are united, representing between them the great majority of people in Scotland as we propose a major set of constitutional changes—changes that have, of course, already been endorsed by a vote of this Parliament.

As we have heard already, the biggest changes affect taxation, spending and borrowing. Writing in *The Scotsman* last week, Prime Minister David Cameron said:

"For eleven years now, Holyrood has had the power to spend money on schools, hospitals, transport and justice as it decides.

But it has raised little of this money itself, depending instead largely on the block grant from Westminster. This doesn't make sense. If you believe in people power and accountable government, the two should be joined up.

Scottish politicians, who better know the needs of the economy and the will of the people, should be able to both spend money and raise taxes—and then be prepared to be judged at the ballot box for those decisions."

I find it hard to disagree with any of those words.

Fiona Hyslop: In the past, Murdo Fraser has advocated more powers for the Parliament and full fiscal autonomy. Derek Brownlee talked about people going backwards. Has Murdo Fraser got the confidence to go back to his previous position and support full fiscal autonomy for the Parliament?

Murdo Fraser: I have consistently supported greater financial powers for the Parliament. I am delighted that we have a Conservative Prime Minister who agrees with me and is taking the agenda forward. In future, we will have a properly financially accountable Scottish Parliament and politicians who will have to concern themselves with not just spending but raising money.

There are critics of the Calman process who think that it is another step on the slippery slope to independence, but I do not think that improving devolution undermines the United Kingdom or that giving Scotland better government makes independence more likely. During the devolution debates in the 1990s, members of my party—including me—often argued that setting up a Scottish Parliament would boost support for independence. In the event, that did not happen and I am happy to admit that we got it wrong. Last week, the most recent opinion poll figures showed support for independence to be at an all-time low of 23 per cent. So much for the argument that a Conservative Government in Westminster would stoke the fires of nationalism.

Just as the argument that more devolution will increase support for independence is wrong, the argument that devolution will kill off nationalism, as George Robertson famously said, is wrong. There is no such thing as inevitability in politics or history. In Scotland we will get the constitutional future that we choose. That will ultimately be for the Scottish people to decide, and I have every confidence in their good sense. Their majority view is clear; we should back the proposals in the Scotland Bill, which will bring better government for Scotland.

The SNP has simply stood on the sidelines and criticised the process. Once again, the party has brought little constructive comment to the debate. I exempt from that general attack Alasdair Allan, who made a constructive speech. Indeed, his speech was much more constructive than the speech that we heard from the First Minister—I am deeply sorry if that in any way damages Alasdair Allan's career prospects.

The SNP's attack on the proposals in the Scotland Bill for financial devolution is based on the assumption that they will mean lower income for the Scottish Government. Let us leave aside the basis of the SNP's fiddled figures on which the assumption is founded, which was thoroughly demolished by Derek Brownlee—I am sorry that the First Minister was not here to listen to Derek Brownlee's demolition of his financial case. It staggers me that SNP members cannot see the irony of the argument that they are putting forward. If it is the case that we are seeing a fall in income tax revenues as a result of the economic recession, that would apply to Scotland whatever level of financial powers it obtained. If Scotland were independent, the position, far from being alleviated, would be made much worse. We have only to consider what has happened over the Irish Sea during the past few weeks for an example of the problem.

The First Minister: Will the member give way?

Murdo Fraser: I am sorry. The Presiding Officer is indicating that I do not have time to do so.

The Calman commission's proposals as set out in the Scotland Bill will improve devolution, increase the accountability of Scottish politicians and strengthen the United Kingdom. For all three reasons they deserve our whole-hearted support.

11:23

Pauline McNeill (Glasgow Kelvin) (Lab): When I campaigned for Scottish home rule within the UK in 1997, I never imagined that I would, in opposition, be promoting a new phase of devolution and that a Tory-Liberal UK Government and a nationalist Government at Holyrood would preside over a new Scotland Bill. That was not a scenario that I would have gambled on. Nevertheless, I am proud to be part of the current political cross-party consensus.

We are preparing for the Scotland Bill Committee to scrutinise the bill and the legislative consent memorandums. The committee will squeeze in a timetable of evidence taking before the Parliament is dissolved before the 2011 fixed-term election. I think that today's debate largely reflects what the majority of Scots want, which is a stronger devolution settlement and a Scottish

Parliament that is more accountable and has additional powers.

As Murdo Fraser said, polls repeatedly show that devolution is the political settlement that most Scots want, with support for independence at an all-time low of 22 per cent. Alex Salmond caught up with that sentiment recently when he finally admitted that independence is no longer the centre of gravity. However, when he was gone from the chamber, others in his party still seemed to hold true to the principle of independence, so there is a little divergence between his view and that of some of his back benchers.

It is up to the parties in the Scottish Parliament to take forward the bill and test to the Parliament's satisfaction whether its proposals are practical, workable and in Scotland's best interests. I do not expect that there will be large areas of disagreement or concern at this stage. I know that the individuals who are on the bill committee—David McLetchie, Wendy Alexander, Robert Brown and Peter Peacock—will not leave a stone unturned in pursuing Scotland's best interests in scrutinising the content of the bill. [*Interruption.*]

The Deputy Presiding Officer: Order, please.

Pauline McNeill: The jury is out on the SNP's real approach to the bill. When that is clear, perhaps I will welcome the contribution of the SNP members on the committee.

Acquiring new powers over matters such as airguns, speed limits and drink-driving laws is a significant development. Airguns have been a topical issue and, in time to come, there may be a consensus to use that power, which is a direct result of the Calman commission. Acquiring powers over speed limits and drink-driving laws could mean that we have different laws on those matters from England, Wales and Northern Ireland.

Jamie Hepburn: No one so far has defined the difference between a dangerous airgun and a safe one. I am confused and wonder whether Pauline McNeill can help.

Pauline McNeill: Let me clear up that confusion. Has it escaped Mr Hepburn's notice that the bill will be scrutinised by a committee? I am sure that the committee members whom I mentioned will address his point and satisfy themselves about it. If that is his only criticism of the bill, I am not at all worried.

The bill heralds a new relationship with the UK Parliament, which will have to deal with our decisions. It could mean that we will have legal differences that the Driver and Vehicle Licensing Agency will have to administer if we choose to diverge from England, Wales and Northern Ireland. That is a radical aspect of the Scotland Bill

but, of course, a more radical aspect is the fiscal powers that others have talked about. I am sure that the committee will consider the questions that Christine Grahame and others raised.

The Scotland Bill is a constitutional bill, not an economic development measure. As Margaret Mitchell alluded, the Scottish Parliament already has many economic development powers to grow our economy. It is up to the Government of the day to use those powers for growth to achieve its ambitions for education, research, jobs and industry.

Like Nicol Stephen, I believe that it is time that we move away from being a Parliament that simply spends a block grant from Westminster. He is right to point out that the SNP has grumbled constantly from the beginning of devolution, but that is where the SNP seems to be. Linda Fabiani says that the SNP still has a principled position on independence. However, it does not refuse to take seats in the Scottish Parliament under devolution.

As Tom McCabe said, the significantly devolved taxes, the borrowing powers and the power to devolve other specified taxes are the central aspects of the Scotland Bill. For me, moving towards taking responsibility for what we spend is the next phase in devolution.

As Derek Brownlee said, there will be a transitional period from 2015-16. The command paper outlines careful steps for the full implementation of the proposals, under which the UK will bear the cost of shortfalls in the budget. The negotiation between the Scottish Government of the day and the UK Government will be the critical factor, but the Labour Party has faith that that will act in our interests.

Derek Brownlee posed a question that those who are critical of the bill should answer: will they support the status quo? We will not.

Alex Salmond demonstrates well the SNP's attitude to the bill. Most of the Government's time has been spent undermining the Calman proposals with imaginary figures and scaremongering that Scotland would have been up to £8 billion worse off. However, when Wendy Alexander challenged Alex Salmond to publish the figures, he did not say that he would do so.

The SNP makes claims for fiscal autonomy, under which it would be prepared to take all the associated risks, but it has produced no figures whatever on that. I urge the First Minister to provide to the Scotland Bill Committee all the figures that are associated with his assumptions, so that we have full transparency and the committee can have a proper look at the information.

The First Minister: I will refresh Pauline McNeill's memory. Wendy Alexander would not acknowledge that the information on the £8 billion deficit that such a financial settlement would have produced in the past 10 years will be presented first to the committee tomorrow.

Ms Alexander rose—

The First Minister: I tell Wendy Alexander that members cannot intervene on an intervention.

If that information stands up, will Pauline McNeill withdraw her support for something that would leave people in Scotland £8,000 million worse off than the current system?

Pauline McNeill: As I said, that figure is designed to scaremonger. We are interested in the next 10 years. I call again on Mr Salmond to provide all the figures to the committee, which I am sure will take an honest view on them.

The analogies that Mr Salmond's back benchers constantly draw with Ireland do not help the SNP's case. SNP members consistently refuse to acknowledge that, when Ireland separated from the UK, it took with it substantial debt. If Scotland separated from the UK, the figures would show a substantial debt.

The Scotland Bill is the next phase of devolution. I urge all members to back the committee to do its work, so that we can make the devolution settlement stronger.

11:32

The Minister for Culture and External Affairs (Fiona Hyslop): The Scottish Government has always supported the extension of the Parliament's powers and responsibilities. We welcome the bill and we support the general principle of the transfer of powers. However, we recognise that the bill is a starting point on which we need to build. Much work must be done to improve the bill if it is genuinely to benefit Scotland.

The Scottish Government has engaged promptly and positively with the bill, on which I made a ministerial statement. Within 24 hours of the bill's publication, I had lodged a legislative consent memorandum. The following day, I wrote to Robert Brown and other Scotland Bill Committee members to respond constructively to the committee's request for assistance. On Monday, I lodged a Government motion for debate that supports the bill's general principles.

However, Iain Gray and the Labour Party are leading the debate with a motion that uncritically supports a Tory bill. The danger is that the bill is a Tory tax trap that will reduce Scotland's budget, stifle growth in our economy and limit investment

in our public services. The Opposition parties want powers so that they can be accountable, to justify devolution. The SNP Government wants powers so that we can grow the economy and deliver social justice to the Scottish people. Pauline McNeill perhaps summed up the situation when she said that the bill was not about economic development.

Pauline McNeill: As Fiona Hyslop was the Cabinet Secretary for Education and Lifelong Learning, will she tell the Parliament how she used her powers on education and skills to grow the economy? Does she not believe that they are important powers to improve our industries?

Fiona Hyslop: I used those powers constructively. As a result of measures that we have taken, 600 apprentices who would have been on the dole have been re-employed. I will not take lectures on that matter.

Regardless of the starting point in relation to the bill, it is important that we seek thoughtful and critical engagement on the details of the proposals. That is why the Parliament must not bounce the committee into a position by agreeing to a motion that fails to await the committee's view. The motion cannot be supported unamended.

We have supported many of the Calman commission's recommendations—indeed, we pressed for early implementation of several of them. However, we have consistently expressed concerns about some matters—particularly the financial provisions and the proposed reservations. As the United Kingdom Government says, the financial provisions represent the most significant change to the devolution settlement.

All the parties in the Parliament agree on greater fiscal responsibility, so we share a common starting point. Our responsibility now is to look at the financial package that is on offer and to consider whether we are satisfied that the provisions, as they stand, are in Scotland's best interests. If they are not, it is for the Parliament to propose improvements to that package.

We have already provided a detailed, evidence-based analysis of the proposals in our memorandum, which we expect the committee to consider in much detail. As our comprehensive analysis shows, in their current form, the bill's financial provisions are potentially damaging to Scotland's economy because the only significant tax power that is to be devolved relates to a proportion of income tax, and income tax receipts tend to grow more slowly than other tax receipts. There is a deflationary bias built into the bill's fiscal proposals. Given the rate of growth of the Scottish budget to date, we have estimated that they would have cost Scotland £8 billion since 1999.

Robert Brown: Will the minister clarify what she meant when she said that she thinks that the motion binds the hands of the committee? It does not do that at all. It supports the general principles of the bill, as she said she did.

Fiona Hyslop: I think that we are agreed that we support the bill's general principles. The concern is that the motion overcommits the Parliament and makes a judgment on the bill's benefits before scrutiny and analysis have been carried out. That is extremely serious indeed.

I welcome Tavish Scott's commitment that he will look at the concerns about the £8 billion that we have raised. Wendy Alexander invited us to provide information on those concerns and on fiscal autonomy. We are happy to do so. David McLetchie said that alternatives will be considered. That is welcome. The deflationary bias in the bill must be addressed. Scotland would receive only a quarter of the income tax revenue that was raised at the higher rate and only a fifth of the revenue that was raised at the top rate. Historically, higher-rate taxpayers have accounted for a larger share of the growth in income tax receipts, but the majority of that growth would accrue to the UK Government.

Jeremy Purvis: Will the minister give way?

Fiona Hyslop: I want to move on.

Control over other taxes, such as stamp duty and the landfill tax, is to be devolved, but they account for less than 1 per cent of total tax revenues. Overall, 85 per cent of the tax revenues that are raised in Scotland would still flow to the UK Government. If the Scottish economy were to grow, the UK, not Scotland, would be the chief beneficiary. Iain Gray may say that he wants to see a rebalancing of devolution, but I do not think that an 85:15 split of tax revenues is a fair balance for Scotland. The key test of whether the bill will be of any benefit must be on economic growth.

A point was made about borrowing powers. Peter Peacock said that the bill would bring "huge borrowing powers", but the proposed £2.2 billion cap is significantly lower than the Northern Irish cap of £3 billion. The bill would restrict how borrowing could be allocated in a particular year and would not allow us to issue bonds. It would leave us in a weaker position than local authorities are in. In that regard, I welcome Tom McCabe's acknowledgment that improvements can be made.

As they stand, the bill's financial provisions fall short of the ambitions that not just the SNP but other parties such as the Liberal Democrats have long expressed for Scotland. If we are to grow the country's economy and to secure the future income of our public services, it is important that we scrutinise the bill properly.

Moving on from the fiscal package, many of the non-financial elements of the bill represent welcome extensions of the devolution settlement that will enable us to move on, but on matters such as Scottish elections, the Crown Estate and the appointment of a Scottish member of the BBC trust, it falls far short. Tavish Scott wants us to have more powers over immigration, but that is not in the bill. Liam McArthur wants control of the Crown Estate to be devolved, but that is not in the bill.

The Calman commission made other significant recommendations that are not taken up in the bill, including the proposals on the aggregates levy and air passenger duty, and there is cross-party support in the Parliament for many of those recommendations. Powers over benefits are crucial, too. Christine Grahame was absolutely right when she said that we cannot tackle social housing unless we have influence over such matters.

There is much to be done on the bill. We can welcome the general principles, but if we welcome the bill without subjecting it to criticism or scrutiny, we will not be doing our jobs properly.

The Scottish Government has always supported proposals to strengthen and enhance this Parliament, but we cannot support measures that diminish it or could damage Scotland's economy.

In its current form, the bill is a mixture of elements that strengthen Scotland and elements that weaken it. We need to eliminate the weaknesses and build on the strengths. In an excellent speech, Alasdair Allan talked about how, together, we can make the bill better. Jeremy Purvis should read the Government's legislative consent memorandum to understand how we can do that.

Parliament faces three challenges. The first is a challenge to the SNP Government to work constructively to enable the bill to progress; that is what we are doing. The second is a challenge to the Parliament on whether it is big enough to improve the bill. The third is a challenge to the Labour Party on whether its dislike of the SNP is enough to let it lead Scotland into a Tory tax trap and let Iain Gray be a cheerleader in chief in Scotland for the Tories. Will the Parliament and all the parties in it rise to those challenges?

The Presiding Officer (Alex Fergusson): That concludes the debate on the Scotland Bill.

Ross Finnie (West of Scotland) (LD): On a point of order, Presiding Officer. Will you advise Parliament under which standing order the party that lodged an amendment can end up winding up the debate?

The Presiding Officer: It is for the Presiding Officer to adjudicate on the speaking order in a debate, and that is how the matter was adjudicated today.

Scottish Executive Question Time

General Questions

11:40

The Presiding Officer (Alex Fergusson): The next item of business is general questions. I advise members that, due to travel difficulties, half of today's questions have been withdrawn, so for once I am happy to encourage regular supplementaries.

Question 1 has been withdrawn.

Teacher Numbers (Reduction)

2. Mr Frank McAveety (Glasgow Shettleston) (Lab): To ask the Scottish Executive what the reduction in full-time equivalent teachers in schools has been in the last year. (S3O-12273)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The school census published on 1 December 2010 shows that full-time equivalent teacher numbers declined by 796 between September 2009 and September 2010. The drop in teacher numbers reported in the 2010 census is less than last year and provides strong evidence that the teacher workforce is stabilising.

Mr McAveety: I know that it is hard to believe, but 26 years ago I started off as a qualified secondary school teacher. I was on a supply list, desperately seeking a full-time placement. I thought that since devolution we had made progress on the issue of teacher numbers. Why are we now moving backwards, under the cabinet secretary's Administration?

Michael Russell: There are a number of reasons, one of which is an oversupply undertaken by the previous Administration—I have drawn attention to that many times previously.

There is good news, though. By taking some tough decisions—decisions that, as the member knows, have to be taken in government—we have reduced the number of people coming through teacher training, which has meant that the situation is coming back into balance. I hope that every council will sign up to the commitment that I have made as a result of an agreement with the Convention of Scottish Local Authorities. Regrettably, Labour councils, and particularly Labour-led Glasgow City Council, seem the most reluctant to help young teachers in that regard. Although it pretends that it is not, Glasgow is one of the councils with the greatest reduction in teacher numbers. If those councils sign up, there

will be a positive effect on teacher employment and we will get the numbers back into balance.

We then need to keep the numbers in balance to match the needs of Scotland, and not to undertake the type of exercise undertaken by the previous Administration, which misled the people of Scotland and caused much of the present misery.

Jackie Baillie (Dumbarton) (Lab): The minister is all smoke and mirrors.

Peter Peacock (Highlands and Islands) (Lab): Will the cabinet secretary tell us exactly when, prior to coming to power, the Scottish National Party argued that there was an oversupply of teachers?

Michael Russell: I pay tribute to the member. He did an extremely effective smoke-and-mirrors job. I would have described it differently had I not heard Jackie Baillie use the phrase a moment ago. [Laughter.]

I pay tribute to Mr Peacock, who worked very hard. I regret that his colleagues are laughing at him. I have a lot of admiration for Peter Peacock. He inherited a situation from his predecessor, who went on to another job and is now a member of the House of Lords. On this occasion, though, Mr Peacock got it wrong. He let a lot of people down. I am glad that Fiona Hyslop and I have worked hard to turn that situation round. It is slowly coming into balance.

Des McNulty (Clydebank and Milngavie) (Lab): Perhaps the minister could explain why, on coming into power, his predecessor actually increased the number of students going into teacher training.

I will ask the minister a different question: what does he have to say to teachers on long-term supply contracts who face the prospect of being placed at point 1 on the teacher pay scale? How can that be good for children, who will be in classrooms with supply teachers who want to do the work rather than simply be treated as minders?

Michael Russell: Nobody on point 1 of the salary scale is being treated as a minder—that is a complete misrepresentation of the teacher salary scale. Indeed, it demeans and diminishes the young people who go into teaching by implying that anybody who is on point 1 is a minder, which is a complete nonsense.

The discussions in the pay negotiations that are now going on through the Scottish negotiating committee for teachers have a series of starting points. They were tabled by COSLA, as the member knows, and the issue in question is one of them. The matter will require careful discussion and negotiation over the next couple of months,

but it is based on a request from COSLA. In those circumstances, as COSLA is one part of the tripartite teacher negotiations, such a request requires to be treated seriously. All requests require to be tested against evidence, which is what will happen.

The member represents the situation as if there is no financial problem at all. He should remember that the wrecking of the economy was done by his own party—but we all have to face up to the consequences.

The Presiding Officer: Question 3 has been withdrawn.

Angus Council (Meetings)

4. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Executive when it last met representatives of Angus Council and what issues were discussed. (S3O-12244)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Scottish Government officials regularly meet representatives of local authorities, including Angus Council, to discuss a range of issues.

Alex Johnstone: Events have conspired so that John Swinney will answer this question; that is probably appropriate.

Everyone was delighted when Brechin secured a £1.8 million grant from the town centre regeneration fund, but it seems that events have overtaken the spending of the money. It is my understanding that a second proposal brought forward by Angus Council economic development department has now fallen through, putting the whole grant at risk. I am grateful for the Government's forbearance to date, but the matter is now extremely serious. Will the cabinet secretary therefore instruct his civil servants to work with Angus Council officers in a bid to have the money spent for the benefit of the people of Brechin?

John Swinney: Mr Johnstone cannot be keeping pace with events if he is asking me to direct my civil servants to try to resolve the difficulty. Civil servants have been working effectively for some considerable time to ensure that the grant award that was made to the city of Brechin can be spent in the appropriate fashion. There is no need for ministerial direction to civil servants to do that, as my officials—actually, Mr Neil's officials—have been undertaking that activity and working closely with Angus Council.

I should make the point that, as Angus Council is the organisation responsible for the development of the project, it is not for the Government to dictate its contents. I hope that Angus Council is able to formulate proposals that

will enable the project to proceed and that the people of Brechin—whom I have had the privilege to represent in a Parliament for the past 13 years, including the past 11 years in this Parliament—can benefit from a significant financial contribution from the Scottish Government.

Nigel Don (North East Scotland) (SNP): I am grateful to Alex Johnstone for getting us to Brechin, which is where I would like to stay. Given the current weather, I am conscious that there is a lot of snow that will eventually melt. The people of Brechin know a good deal about flooding. Has the cabinet secretary had any conversations with Angus Council about dealing with the flooding projects that Brechin so desperately needs?

John Swinney: I should be careful about the context in which I give this answer, as I have had conversations with Angus Council on flooding issues, but in my capacity as member of the Scottish Parliament for the city and not in my capacity as Cabinet Secretary for Finance and Sustainable Growth.

There are significant issues of flooding caused by the River South Esk at River Street in Brechin, and there is on-going discussion, in which the council is involved, about putting in place the most effective flood prevention measures. That is a matter for Angus Council to take forward.

Schools (International Links)

5. Ian McKee (Lothians) (SNP): To ask the Scottish Government what support or encouragement it offers to schools or individual school classes to develop links with schools in other countries. (S3O-12309)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): We actively encourage schools in Scotland to build links around the world through the British Council's twinning programmes, which currently have a total of 853 Scottish schools involved in active partnerships. We support international links through Learning and Teaching Scotland and the Scottish centre for information on language teaching and research. We are investing significantly in technology such as the glow intranet system to make it easier for schools to develop links with one another and with schools around the world. We are also encouraging schools to be international in outlook through the curriculum for excellence and the Scottish education award for global citizenship.

Ian McKee: I draw the cabinet secretary's attention to the British Council's connecting classrooms in east Asia project, which I observed in action during a recent visit to the region. I gather that the Scottish Executive Education Department, unlike the education departments of other United

Kingdom countries, was unable to send a representative to the launch meeting in 2007, when the curriculum was decided. Subsequently, there has been little response from Scottish local authorities, with only one Scottish school currently taking part. Now that a second phase of recruitment is taking place, will the cabinet secretary encourage local authorities throughout Scotland to embrace this successful initiative relating to a part of the world that will be of increasing significance in years to come?

Michael Russell: The member should distinguish between work that is being carried out through the Confucius hubs and other intensive work that I was happy to see both in Scotland and in China on my recent visit and some of the other work that is being done. Priorities must be set, and schools are best placed to set those priorities. However, we are encouraging Scottish schools to build links with schools in east Asia and a cluster of schools in West Lothian, led by Deans community high school, in Livingston, is involved in the connecting classrooms east Asia-UK project. In addition, three schools in Edinburgh and East Lothian have recently built links with schools on the Thailand-Burma border. Two of those schools have already paid visits to Scotland and representatives from the third school are due to visit in March.

The Presiding Officer: Question 6 was withdrawn.

A76 (Action Plan)

7. Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what consideration it will give to the A76 five-point action plan that was launched in November 2010. (S30-12282)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): In the past three years, we have invested more than £11 million in managing and maintaining and improving safety on the A76 trunk road. That included spending £5 million on the major upgrading of the section at Glenarlie, which was completed in December 2008. Transport Scotland will work with the A76 corridor partnership on the proposals that are identified in the action plan, which are consistent with the Government's aims for the A76. Those aims were set out in the strategic transport projects review, which was published in November 2008.

Elaine Murray: The minister is referring to the former action plan. If there are significant changes in capital spend and projects are not going ahead, there is now an opportunity to review. Upgrades to the A76 are necessary to improve the safety of that trunk road and for the development of the local economy. Campaigners were very disappointed when the minister cancelled the

improvement to the Ellisland stretch, on which many accidents have already happened. Will the minister meet representatives of Dumfries and Galloway Council and East Ayrshire Council who have worked hard on the project over many years—possibly on site so that he can see the problems on the road—to discuss how the new action plan can be progressed?

Stewart Stevenson: I always believe that working with local interests is far and away the best way in which to make progress on such issues. A review of the costs and benefits of the Ellisland scheme showed that it would not provide value for money. We now propose to investigate alternative improvement options for that section of the A76 that will deliver value for money.

Alasdair Morgan (South of Scotland) (SNP): I commend the plan to the minister. It is not just an unrealistic wish list, which is often what is produced in such cases; it is a modest and well-thought-out plan as to how the key problems on that important route should be addressed. I urge the minister to give it full consideration when capital becomes available.

Stewart Stevenson: We have worked up a range of plans across Scotland that await capital allocation. In response to Dr Murray, I said that I would be happy to meet local interests. If we can work up something that is affordable and which addresses the issues at Ellisland, we will be happy to see whether capital can be made available.

John Scott (Ayr) (Con): As the minister is aware, the delivery of vital safety works on the A77 at Bogend toll in my constituency—the A77, of course, intersects with the A76 at Kilmarnock—has been delayed for many years and the works are now scheduled to be completed during 2011-12. Can the minister provide an update on that project and give an assurance that every step possible is being taken to meet that completion date? If possible, will he give an estimate of when construction work will begin?

The Presiding Officer: That is about as tenuous as it gets.

Stewart Stevenson: Following the innovative approach to parliamentary questioning that has been taken by our friend, Mr Scott, I am happy to respond that I am pleased that we have those works in our programme. I will write to him with further information on that subject, which will come to hand shortly.

Willie Coffey (Kilmarnock and Loudoun) (SNP): Clearly, this is A76 day.

A recent study demonstrated that signalling alone will not solve the congestion on the Bellfield interchange, which links the A76 with the A77 and the A71, which is a major access road for

Kilmarnock. Will the minister ensure that Transport Scotland works with East Ayrshire Council to address that issue, which is a real constraint on local development and on the economy of Kilmarnock and Loudon?

Stewart Stevenson: A traffic simulation study has been undertaken in consultation with East Ayrshire Council and Strathclyde Police, and Transport Scotland has determined that there is no potential for directly increasing the capacity of the Bellfield interchange, within the existing infrastructure. Given the constraints of the existing footprint at Bellfield, a significant infrastructure upgrade will be required.

In September, we wrote to East Ayrshire Council recommending that the impact of future developments to be determined offered an opportunity to seek from developers a contribution towards upgrading the infrastructure. We will continue to work with East Ayrshire Council to bring improvements to the interchange.

George Foulkes (Lothians) (Lab): As a regular visitor to Ayrshire, I ask when the Minister for Transport, Infrastructure and Climate Change expects the New Cumnock bypass to be given the go-ahead. Also, will he confirm whether the officials who are advising him on the matter are the same ones who advised him on Sunday evening?

Stewart Stevenson: I prefer to rely on my roads officials rather than, perhaps, the difficult situations that we had on Sunday.

I am sure that it is always a pleasure for the member to visit Ayrshire, just as it is for us to have him there rather than here. We are, of course, keeping the situation at Cumnock under review.

The Presiding Officer: Questions 8 and 9 were not lodged.

A977 (Safety)

10. Elizabeth Smith (Mid Scotland and Fife) (Con): To ask the Scottish Executive what progress has been made to improve road safety on the A977. (S3O-12243)

I note that the A977 does not intersect with the roads that have previously been mentioned.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The A977 is primarily a local road and is, therefore, the responsibility of those local authorities through whose area the route runs.

Elizabeth Smith: The minister will be aware that the A977 has experienced a significant increase in traffic—particularly in heavy goods vehicles—since the opening of the new Clackmannanshire bridge. What mitigation

measures are being put in place to deal with the increase in volume of that heavy traffic and to limit its speed, so that there is improved road safety for the smaller communities on that route?

Stewart Stevenson: The previous transport minister, Tavish Scott, offered a contribution of £250,000 towards a package of works comprising a series of improvements to public transport, pedestrian and cycle facilities and signalised crossings, which were, at that time, expected to cost £1 million. It was made clear that that was the maximum contribution that the then Executive would make. It was noted that the council was being provided with substantially increased road funding and that funds were also then being provided to the regional transport partnerships.

First Minister's Question Time

11:59

The Presiding Officer (Alex Fergusson): A few seconds early, we come to questions to the First Minister.

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-2762)

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

Iain Gray: This is fast becoming First Minister's apologies. We have had apologies for losing our tax-varying powers; apologies for losing our money in dodgy loans; and, this week, the apology from the Minister for Transport, Infrastructure and Climate Change for losing the plot and leaving hundreds of Scots stranded in their cars overnight. Will the First Minister now apologise to Scotland for his Government's incompetent response to Monday's severe weather?

The First Minister: I see that Iain Gray is now stealing David McLetchie's lines from yesterday. If Iain Gray had felt, as the rest of Scotland did, that the weather last week was worthy of his questions, he would have asked questions about it last week.

Very precisely—[*Interruption.*]

The Presiding Officer: Order.

The First Minister: I believe that the Scottish Government should have done much better in terms of the information flow last Monday to people—our citizens—who were caught in the extraordinary conditions. The transport minister apologised for that, and I follow his apology. We should have done much better in providing the information flow to help our fellow citizens who were in a position of extremity. Improvements in that will be made by this Government.

Iain Gray: To be honest, last week even I could not have foreseen the degree of incompetence that the Scottish Government demonstrated this week. The problem is not just information flow; it is the minister's incompetent response.

Why was nothing done to prevent more traffic from joining motorways that were already blocked? Why were motorways not closed sooner to get them cleared? Why, at 4.30 pm, was the minister saying that roads were clearing when they were not? Why was there no emergency meeting until 9 pm, when some people had already been stuck for 12 hours? Why did it take until 11.15 at night to announce a helpline number, do so on

television and get the number wrong anyway? Above all, why is Stewart Stevenson still the transport minister?

The First Minister: If I can just correct Iain Gray, I saw a statement of his in which he said that the Cabinet contingency committee did not meet until the evening on Monday. That is not true: as was said during the statement yesterday, if Iain Gray was listening, that was the second meeting of the day on Monday. If Iain Gray is going to complain about people getting their facts wrong, he should at least pay some attention to his questions and his ability to summon the most simple facts to bring along.

He said that he did not anticipate—well, exactly: perhaps even the great Gray did not anticipate the extraordinary combination of weather conditions that people in central Scotland endured last Monday—[*Interruption.*]

The Presiding Officer: Order.

The First Minister: Iain Gray asked about the closure of motorways. Even he should know that those are police operational matters—[*Interruption.*]

The Presiding Officer: Order.

The First Minister: I am sorry, but if Iain Gray actually believes that a Cabinet sub-committee should make decisions to close the motorways or manage the road service around Scotland, I must tell him that those are matters for Transport Scotland and our police authorities which, incidentally, under the most trying circumstances have done an extraordinary job.

At some point, members in the chamber will have to recognise that what fell on central Scotland last Monday morning was an extraordinary event in weather conditions. Thousands of people were affected very seriously indeed, but thousands of people—public services, emergency services and volunteers—did their absolute best to help their fellow citizens. Amid this political argy-bargy, we should try to unite in thanking those who helped their fellow citizens.

Iain Gray: For three days, the First Minister and the transport minister have tried to blame the Met Office. Now, it would appear, they are blaming the police for the decisions that were taken—[*Interruption.*]

The Presiding Officer: Order.

Iain Gray: Frankly, the people of Scotland expect greater leadership from their Government. Last week, Alex Salmond was praising *The Sun* newspaper's coverage of the weather. This week, the paper says that the transport minister

"turned incompetence into an art form."

As for the First Minister,

"it's his total failure to show any kind of leadership in a crisis that will be remembered long after the snows have melted."

It is clear that the hundreds of Scots who were stuck in their cars, the hundreds of thousands whose lives were disrupted and the national media en masse have lost confidence in the transport minister. Does the First Minister really still have confidence in him?

The First Minister: I have full confidence in Stewart Stevenson as transport minister.

Just for the record, and as a correction, I did not criticise the police service in Scotland. I was admiring the dedication and commitment of the police, which should be acknowledged just occasionally by Iain Gray. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: The police deployed more than 1,000 extra officers to help people in extremity. It is a good job that there are more than 1,000 extra officers in Scotland to be deployed.

At some point, Iain Gray will have to acknowledge that the occurrence last Monday was an extraordinary weather combination. Yes, we will learn lessons on communications and other things, but if Iain Gray's platform in seeking election is that he will have control over the elements and the weather, he and his band behind him are going to find it difficult to sell their message to any serious person in Scotland.

Iain Gray: Of course the weather last Monday was extraordinary, but what was also extraordinary was the incompetence of the response from the Government and its transport minister. I say to the First Minister that, as the apologies mount week by week, there has to come a point when he realises that standing by incompetent ministers is not a show of strength but a sign of weakness.

Let us go back to those editorials that he loves so much to read out. The *Daily Record* states:

"They lurch from crisis to crisis"—*[Interruption.]*

The Presiding Officer: Order.

Iain Gray: It states:

"They lurch from crisis to crisis with the look of an administration in terminal decline."

As for platforms in May, I tell the First Minister this: if I was First Minister and my transport minister proved as incompetent as his, I would sack him. What on earth does a minister have to do to get the sack in Alex Salmond's apology for a Government?

The First Minister: Apart from Iain Gray's ability to forecast the elements, the other notable

aspect is his total inability to come forward with a single constructive suggestion that would assist the country's resilience.

Let me offer Iain Gray some of the things that are being done. As we recover from the disruption to our transport services, people today are working to ensure that fuel supplies are accessible, that the tankers are indeed rolling out of Grangemouth and that people's vehicles are being refilled. We will still have difficulties but, as Iain Gray is talking politics, people throughout Scotland are talking sense and are acting to restore the country's infrastructure and economy. The general public are talking about issues such as snow tyres. We have already been in contact with the Department for Transport regarding heavy goods vehicles. If Iain Gray would care to have a glance at the traffic disruption in Scotland, he would find that the vast majority of it involved HGVs jackknifing across key points in the transport infrastructure. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: Constructive, positive suggestions to improve things are not the lot of the Labour Party, but with the Department for Transport, which has that reserved power at the moment, perhaps we can bring about an improvement as the ability to handle the extreme winter weather becomes more pertinent for our economy.

People throughout Scotland are taking action and volunteering to help their neighbours, and our police forces and emergency services are taking action to deal with the extreme weather conditions. Is it too much to hope that the Opposition parties will recognise the efforts that I recognised when I mentioned the examples in *The Sun* last week, will bring forward some intelligent, constructive suggestions and, just for once, will think of the interests of the Scottish people in dealing with these national emergencies?

Prime Minister (Meetings)

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

To ask the First Minister when he will next meet the Prime Minister. (S3F-2763)

The First Minister (Alex Salmond): I have no immediate plans to meet the Prime Minister.

Annabel Goldie: On its website, under the banner "Ready Winter", the Scottish Government tells the nation:

"Even the worst effects of winter can be reduced by a few simple steps ... such as ... being more aware of the weather forecast, especially weather warnings".

[Laughter.] It is a pity that the transport minister did not follow his own advice.

On the website, we also find a report entitled "Scottish Road Network" on the events of last winter. Published back in August, the report mentions a

"wider review of the resilience of Scottish transport which will be published in the autumn".

Now that we are in the grip of winter, where is that review? Was it indeed published? No one can find it.

The First Minister: As Annabel Goldie should know, a key aspect of the review was increasing the resilience of salt and grit stocks around Scotland, which is of course one of the actions that have been taken.

Gavin Brown (Lothians) (Con): Where is it?

The Presiding Officer: Order, Mr Brown.

The First Minister: As for the other question on forecasting, I have some information that might be of interest to Annabel Goldie. On weather warnings and flashes such as those that were, indeed, given last Sunday night, in Scotland in 2010 we have had 96 such weather flashes for ice and 130 for snow. In even a normal Scottish winter, these are significant and common occurrences. However, what we faced last Monday was not the orange warning of a weather flash that we regularly get but an extraordinary circumstance of weather conditions.

Each year in Scotland, the Met Office puts forward four red flashes in their system for exceptional events. My view is that last Monday was an exceptional event. The issue with forecasting is not to suggest that it should be perfect; we are just explaining the combination of circumstances that put the Scottish Government, the emergency services, Traffic Scotland and every single person trying to deal with the emergency in a difficult position. Annabel Goldie's attitude stands in contrast to the highly constructive attitude that she took last week, and she should at least come forward with some constructive suggestions for improving resilience.

Annabel Goldie: I find it absolutely unbelievable that initiatives mooted by the Scottish Government because of last winter's atrocious conditions cannot even be delivered by the Scottish Government to deal with this winter's challenges.

In light of what the First Minister has just said, I point out that the Scottish Government spent yesterday pretending that no severe weather warnings had been issued on Sunday night. Last night, though, we caught it red-handed. It also spent yesterday claiming that, as the First Minister has said, the actual fresh snowfall was twice or three times the amount that had been predicted. The Met Office warned of up to 10cm of fresh

snow across the central belt. Overnight, my office spoke to the Met Office, which confirmed that on Monday there was between 5cm and 10cm of fresh snowfall across the central belt. Frankly, how can anyone believe anything that this Government says about this crisis any more?

Scotland is losing patience and losing confidence in the transport minister, who has been complacent, negligent and belligerent. Are those essential components for being a Scottish Government minister or just optional extras?

The First Minister: I would have hoped that Annabel Goldie would have paid attention to the key details in yesterday's statement. The national severe weather warning issued at 16:01 predicted 2.5cm of snow and 10cm in the higher areas and hills. The 20:41 flash warning forecast was for 2cm to 5cm of snow with 10cm in the hills and higher areas, not, as Ms Goldie put it, across central Scotland. The Met Office, which sits on the resilience committee, has absolutely confirmed to us that there was 5cm in Glasgow and 10cm in Edinburgh but 12cm in Livingston and 20cm in Lanarkshire. Unfortunately for us and unfortunately for Scotland, key aspects of our motorway network are not only in Glasgow and Edinburgh; they go through West Lothian and Lanarkshire.

The conditions were exceptional and extraordinary. At 10:30 last Monday, the Met Office said that the conditions were worse than those that were forecast.

We have never said that forecasting can be a perfect science. That is not the point that we are making. We are suggesting that, when people are thinking about the response that was put in place, the extraordinary weather circumstances should at least be acknowledged. Whatever the failings in communication—and there were failings in communication—there was an extraordinary response on the ground from the emergency services, gritters and a combination of the public and service personnel, who worked hard to help their fellow citizens in distress. I hold to that position because I saw what happened. The Government acknowledges the contribution of those people.

Secretary of State for Scotland (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-2764)

The First Minister (Alex Salmond): I have no plans to meet the Secretary of State in the immediate future, but we will no doubt discuss the outcome of consideration of the Scotland Bill.

Tavish Scott: I am sure that the First Minister now appreciates the frustration and anger of

hundreds of Scottish motorists and truck drivers who have been trapped for long periods in snow and ice on central Scotland's road network this week. Scottish drivers expect him to learn what went wrong and to know that his Government is putting it right.

Yesterday morning, the First Minister said on Radio Scotland that the

"forecast ... told us it would be a normal winter day in Scotland".

Why has the Met Office stated that it gave his Government further updated and more severe weather warnings on Sunday evening? He has just stated that his Government received severe weather warnings at 8.40 and 8.49 on Sunday evening. Why did the Minister for Transport, Infrastructure and Climate Change's statement to the Parliament yesterday not include those significant facts?

The First Minister: Let me clarify matters. The Met Office's forecast on Sunday morning that went to the resilience committee told us to expect normal winter conditions on Monday. That was changed at 16:01, as the Minister for Transport, Infrastructure and Climate Change indicated, and a national severe weather warning came out. That forecast 2cm to 5cm of snow and 10cm in the higher areas. At 20:41, a further flash warning was forecast that suggested that there would be 2cm to 5cm of snow and 10cm in the higher areas. That was immediately put on the Traffic Scotland website.

The minister also pointed out that, at 8 o'clock on Monday morning, the Met Office suggested that there would be 2cm to 5cm of snow and 10cm in the higher areas. That is significant snowfall, but that level is not unusual in Scotland. I suspect that my constituency experienced at least that snowfall yesterday and that Tavish Scott's constituency did so as well. What was unusual about the snowfall on Monday was that it was far greater than 2cm to 5cm or 10cm in the higher areas: it was 12cm in Livingston; 20cm in Lanarkshire; and, according to the president of the Convention of Scottish Local Authorities, whom I have every reason to believe, touched 30cm in East Kilbride. That is the reality.

This was an exceptional weather event. Thank goodness so many people on the ground performed exceptionally to help their fellow citizens in distress.

Tavish Scott: Members had an expectation that we would be told those figures and that they would have the information that has now come out about the Sunday evening weather warnings. Does not the First Minister appreciate that the forecasters were trying to do their best to help the Government and motorists with accurate forecasts? Alex Hill from the Met Office said:

"The forecast was right in timing, the forecast was right in location and we upped the amounts as we went through the entire period ... We got the information to them."

Is it not clear that the Government received a great deal more information about severe weather the evening before it hit Scotland than it has said until now? Should not the Government's contingency planning have ensured that those warnings became clear, unambiguous motoring advice overnight on Sunday and early on Monday not to travel in central Scotland? So that Scottish motorists know for next week, when winter weather is set to return, how deep does forecast snow have to be before the Government will act on a severe weather warning?

The First Minister: Let us be accurate. I have not attacked forecasters for forecasts that underestimated what happened. I will quote what Stewart Stevenson quoted yesterday. The view is not my view; it is the Met Office's view not before the event, but after it had started. At 10:37 on Monday morning, after the snow was falling, the Met Office said that there were

"more significant snow accumulations than were expected yesterday across eastern parts of the Central Belt"

of Scotland. That statement, on Monday at 10:37, accepted that what was happening was greater than forecast.

The argument is not about attacking anyone; it is about trying to understand why our transport resilience was put under such extreme pressure. My view is that it was because of a combination of circumstances that, I hope, will occur once in a generation. However, I suspect that the lesson from what has happened is that, in considering the resilience of this country, we must expect such extraordinary weather events on a regular basis. On that, I hope that the Parliament and all the parties can start to identify what needs to be done to improve Scotland's infrastructure and its ability to withstand the extremities of the climate. That will not be achieved if people do not agree and accept that what happened on Monday was truly exceptional, as every person who experienced it on the ground knows.

Karen Gillon (Clydesdale) (Lab): What happened on Monday is having real implications for my constituents today. Many communities have no fuel, trains from Motherwell to Clydesdale have been cancelled and motorways and trunk roads remain treacherous. How are the tankers that roll out of Grangemouth being allocated to ensure that rural areas such as Clydesdale are reached? What is being done to give rail commuters a fair service, rather than have points locked to service the west coast main line? Would it not be better to take the decision to close a road for a period, clear it properly, give the grit a fighting chance and let

people get about their communities safely and securely?

The First Minister: I will deal with the first part of the question first. When I had to leave the debate this morning, it was to deal with exactly that sort of issue. There were key discussions about how, in recovering the fuel levels, fuel can be allocated to ensure that areas that have had most difficulty get priority. We are in a recovering and improving situation, but there will still be pinchpoints in key areas. That is being taken on board. I will reflect on the member's question, as I appreciate that some areas of her constituency and elsewhere have had particular difficulties.

Tuition Fees (Impact on Scottish Higher Education)

4. Christina McKelvie (Central Scotland) (SNP): To ask the First Minister what impact a decision to lift the cap on tuition fees at English universities would have on Scottish higher education. (S3F-2766)

The First Minister (Alex Salmond): It would be substantial, of course. We hope that the vote that will take place in Westminster today does not result in a major change in the way that England supports higher education. That is because, as we all know, if the change takes place to move the burden entirely on to the student, the impact on the consequential for Scotland will be substantial and will leave us facing great challenges. We recognise that the situation in England affects Scottish higher education, but it should not be allowed to dictate it. Later this month, we will publish a green paper that will set out the range of options for the future of the higher education sector in Scotland. As part of that process, we will have to consider how best to respond to any pressure that is created by a misguided move in England to hugely increase tuition fees.

Christina McKelvie: Will the First Minister confirm for us once again that there will be no imposition of tuition fees on Scottish students under a Scottish National Party Government? Will he call on the other parties to join the SNP in voting against the changes to tuition fees? In particular, will he encourage the Lib Dems to stick by the pledge that they made during the election campaign earlier this year and ask them to vote against tuition fees?

The First Minister: I am prepared to issue that rallying call to the Liberal Democrat group at Westminster to vote against tuition fees. The Scottish National Party will vote against, on the perfectly legitimate grounds that the vote today can affect Scottish higher education. However, there is hope, because a newspaper was passed to me just a few days ago that was delivered in Edinburgh and which shows the former student

leader and Liberal candidate Alex Cole-Hamilton holding up a banner with the headline, "No to Student Fees". I can only hope that that message gets across to the Liberal Democrat group at Westminster.

Elizabeth Smith (Mid Scotland and Fife) (Con): Will the First Minister acknowledge that, irrespective of the result of today's debate at Westminster, the real issue at stake is the increased funding gap between Scottish universities and those south of the border? Will his Government provide a more sustainable long-term future for Scottish universities than that under proposals that Labour and Plaid Cymru have just announced in Wales?

The First Minister: I say as gently as possible to the member that she has put her finger on exactly why we are bringing forward the green paper: to find a distinctively Scottish approach to the issue. The member must remember that the immediate pressure on funding in Scotland is exactly because of the course that her party has chosen to take along with the Liberal Democrats—a path that will cut substantially the funds that are available for Scottish higher education. In joining to seek a solution, I hope that, at some point, she will remember the cause of the problem.

Energy Use (Independent Advice)

5. Lewis Macdonald (Aberdeen Central) (Lab): To ask the First Minister, in light of the decision to close the Sustainable Development Commission in Scotland, where the Scottish Government will seek independent advice on energy use in the public sector. (S3F-2774)

The First Minister (Alex Salmond): As the member will be aware, the Scottish Government provides funding to a number of organisations to provide independent advice to the Scottish Government, the wider public sector and individuals on energy consumption. It is true that the Westminster Government, which provided the majority of funding to the Sustainable Development Commission, has withdrawn its funding. However, the Scottish Government will continue to draw on independent advice and guidance on sustainability and energy use from a number of bodies.

This year the Scottish Government has provided £5.5 million funding to the Carbon Trust and £4.5 million to the Energy Savings Trust for its work on energy use. Through the Carbon Trust's carbon management programme, our Scottish public bodies saved more than 350,000 tonnes of carbon dioxide and more than £35 million in energy costs, between 2005 and 2009.

Lewis Macdonald: Is the First Minister aware of last week's announcement of the merger of the

Sustainable Development Commission Wales with Cynnal Cymru to maintain independent advice and scrutiny of Welsh Assembly Government actions? Did ministers consider taking a similar approach to SDC Scotland? If so, why did they choose instead to abolish SDC Scotland?

The First Minister: If we had established a new Scottish Sustainable Development Commission, it would have meant establishing a new non-departmental public body in Scotland, which would have resulted in significant cost. In my first answer, I made the point that the Government provides substantial funding to bodies such as the Carbon Trust and the Energy Savings Trust and to the central energy efficiency fund, which provide substantial and independent guidance on energy savings. Of course, scrutiny of the Scottish Government is also done by bodies such as Audit Scotland. The scrutiny and support are there.

We would rather that the United Kingdom Government had not withdrawn the funding. Given the circumstances that we face and the successful track record of the bodies that I mentioned, we think that it is better to invest in bodies that provide such independent advice.

Prisoners (Festive Entertainment)

6. Bill Aitken (Glasgow) (Con): To ask the First Minister what discussions the Scottish Government has had with the Scottish Prison Service regarding additional entertainment for prisoners over the festive period. (S3F-2771)

The First Minister (Alex Salmond): None, sir.

Bill Aitken: I suggest that he have some discussion.

In this deep midwinter, as the halls of Barlinnie are no doubt decked with holly, as Saughton prisoners puff on a cigar after a Christmas dinner of turkey and Christmas pud and as the Addiewell cons enjoy their flat-screen TVs with some 15 channels, including soft porn, the only prisoners who are concerned are those in the open estate who fear that they may be granted home leave and so miss out on the jollification. Does the First Minister not realise the degree of anger and concern about the way in which prisoners are being mollycoddled? Will he instruct his colleague, the Cabinet Secretary for Justice, to ensure that all those treats are earned rather than given? Will he get prisoners out of the jails, clearing snow and doing some hard work? [*Laughter.*]

The Presiding Officer: Order.

The First Minister: Such entertainment for prisoners in the Scottish Prison Service is very much a privilege; it is earned at the discretion of prison governors. Bill Aitken cited Addiewell prison. I thought that he might. I was reminded

that the contract to run Addiewell with Sodexo was signed under the previous Administration. I was also reminded of the three prisons south of the border that the company runs. I did a wee bit of checking and found out that the policy in England is exactly the same as that in Scotland, so I will send the member's excellent question to Kenneth Clarke and make clear that, once again, the member has been railing in the Parliament against a soft-touch England.

Robert Brown (Glasgow) (LD): Does the First Minister accept that the real question is not Christmas bonuses and treats but the lack of adequate provision of skills training and work opportunities in prisons? Does the prisoner— [*Laughter.*] Does the First Minister agree that the Scottish Prison Service should give offenders worthwhile activities to stop idleness in jail and to give them useful skills that will assist their attempts to stop reoffending after prison?

The First Minister: As Robert Brown knows, our policy—and his—is to end short prison sentences, which do not do anything to support rehabilitation or to stop reoffending. As he also knows, the policy has another advantage. Community service winter emergency figures tell us that those on community service have spent 14,566 hours on snow clearing and other useful activities. Robert Brown and I can unite to say that that is another reason why community service orders are a much superior alternative to short prison sentences.

Nuclear Weapons-free Zones

The Deputy Presiding Officer (Alasdair Morgan): The next item of business today is a members' business debate on motion S3M-7072, in the name of Bill Kidd, on Scotland's nuclear weapons-free zones. The debate will be concluded without any question being put.

Motion debated,

That the Parliament believes that New Zealand has set a good example with the establishment of a succession of nuclear weapons-free zones; would welcome the establishment of such zones in Scotland in homes, classrooms, places of work, communities, local authorities and in the environs of the Scottish Parliament in Edinburgh, with the aim to register Scotland as a single-state nuclear weapons-free zone with the United Nations, and would further welcome the development of a protocol for Scotland requesting that the nuclear weapons states honour such a zone by not deploying nuclear weapons on Scottish territory and by guaranteeing not to threaten or use nuclear weapons against Scotland.

12:32

Bill Kidd (Glasgow) (SNP): I thank the members who are present who kindly signed my motion to allow this members' business debate to take place. I also thank those who have come here to observe the debate, including my parliamentarians for nuclear non-proliferation and disarmament colleague Rob van Riet, who has travelled up from London especially for that purpose.

Nuclear weapons-free zones are now in existence across the world, from single-state nuclear weapons-free zones such as New Zealand and Mongolia to whole continents such as the entirety of central and South America, and from nations such as South Africa, which once harboured nuclear programmes, to countries closer to home such as our western European neighbours, from whose lands America's tactical nuclear weapons will soon be removed and whose citizenry aims to keep things that way.

The great majority of countries around the world are looking to unburden themselves of the 20th century legacy of nuclear weapons, which has affected them either directly or has made them live in the shadow of those weapons of mass murder. Sadly, all of us know of the countries that are termed rogue states, such as Iran and North Korea, which occasionally embark on brinkmanship against the existing nuclear states that hold permanent seats on the United Nations Security Council. That causes all of us concern. We are also aware of nations such as India, which has pretensions to a place at the top table, and its neighbour Pakistan, whose nuclear capability sits cheek by jowl with a Taliban insurgency in its northern marches. Then there are countries such

as the United Kingdom and France, which cling to the idea of a post-imperialist importance through the maintenance of costly and unsustainable nuclear programmes, under the guise of deterrence.

However, we in Scotland could follow the example of New Zealand, where a nuclear weapons-free movement took root in the 1960s and grew to be a national statement of intent when, in 1997, the New Zealand Government declared its nation to be a nuclear weapons-free zone. Like New Zealand, Scotland can and should campaign via a popular organic movement led by the civic population of our nation, for the establishment of a nuclear weapons-free zone Scotland.

That should be done by means of a straightforward non-Government education programme, through which the Scottish people can debate the issues around the pros and cons of the Trident and nuclear weapons issue. I believe that, home by home, classroom by classroom, workspace by workspace, our land will become a coherent series of nuclear weapons-free zones. In that way, Scotland can join the majority view of countries at the United Nations that have signed the non-proliferation treaty in good faith—and not as a smokescreen for ill intentions.

To that end, NWFZ Scotland has written to schools, colleges, universities, faith groups, trade unions and businesses. It has produced cards such as the one that I am holding now, which allow individuals and groups to make contact to obtain further informative and display materials.

Lest anyone doubt that we are pushing at an open door, let me quote a recent YouGov poll, in which 67 per cent of respondents said that the UK Government should not buy a replacement for Trident, but should instead secure conventional defences. Only 13 per cent supported Trident replacement. To say it might seem pointless—no, it does not, because, fortunately, Jackson Carlaw has been good enough to stay in the chamber for the debate—but 56 per cent of Tory voters against replacement of Trident and only 28 per cent are for it.

The proposal for the NWFZ Scotland campaign grew from an event in the Parliament that I sponsored in October to celebrate the UN international day of peace. Senior figures in the disarmament movement spoke about nuclear weapons, about how we can free our country and about how we can stop those weapons spreading across the world. Among the guests was Marian Hobbs, former Minister for Disarmament and Arms Control in the New Zealand Government. I have with me a recently received message of support from her to NWFZ Scotland.

"Dear Bill,

I am so impressed to read your Parliamentary Motion advocating for Scotland to develop a network of nuclear weapons-free zones leading to NWFZ Scotland.

A nuclear weapon-free zone in Motherwell, in Pitlochry, in Kirkwall, in Ullapool, in Aberdeen has two effects.

The first is education. When the local authority proposes such a nuclear weapon-free zone ... there is a public debate within the community, and having that debate is very important. People become too used to the threat of nuclear war, it seems so remote".

Once a nationwide grass-roots movement develops in small towns, suburbs, schools, churches or wherever, the nuclear weapons-free mentality becomes strong. That is what happened in New Zealand.

The second effect is national. It is that

"the nation's politicians can defend its nuclear weapon free status, because behind them are thousands of small communities who have thought about, argued about and finally adopted that status."

That chimes perfectly with the recent message from the UN secretary-general, Ban Ki-moon, to last month's Dublin seminar that was held by Pax Christi in honour of Bruce Kent. The secretary-general restated that positive advances such as a new strategic arms reduction treaty—START—and further advances at the 2010 non-proliferation of nuclear weapons review should be built on, so as to outlaw the nuclear weapons that curse our world. They should be eliminated, and the risks that they pose should be removed. They offer mankind nothing but a threat of no future whatsoever. I hope that the Parliament will lend its support to the aims of such a campaign as our contribution to the secretary-general's vision, through which the people of Scotland can become fully informed on the issues around the nuclear weapons that are in their midst, and can decide on having a nuclear weapons free-zone Scotland.

12:39

Joe FitzPatrick (Dundee West) (SNP): I thank Bill Kidd for securing today's debate. This is a topic of huge importance and relevance at this time. As we have heard, support from around the world is growing for ridding ourselves of nuclear weapons, and local authorities and communities in Scotland can make a real difference by declaring themselves nuclear weapons-free zones.

Let us take a minute to think about why we aspire to be a nuclear weapons-free zone. Nuclear weapons are designed with one purpose, which is to kill large civilian populations. We cannot hide from the fact that a nuclear weapon is a bomb, not a deterrent. They are weapons of mass destruction.

Governments have rightly argued that weapons such as landmines are immoral and should be banned under international law because of their detrimental effect on civilian populations. The international community finds unacceptable the image of a young child in Cambodia who has lost a limb as a result of a landmine, but it is apparently acceptable that the girl and her baby brother, parents and grandparents, and everyone whom the family has ever met, should be obliterated in a nuclear explosion.

As we heard from Bill Kidd, that might be the UK Government's view, but it is certainly not the Scottish people's view. Two thirds of Scots oppose the renewal of Trident. The average Scot is concerned that, at a time when we face the largest cuts in public spending since the 1920s, spending £100 billion on weapons of mass destruction is not just immoral but economically unjustifiable.

Nuclear weapons have only one purpose: to kill large numbers of civilians. They have been no use to our troops in Iraq and Afghanistan, and it could be argued that by diverting money that could have been used to support the military on the front line they potentially cause the deaths of UK soldiers.

Nuclear weapons are no use as a deterrent, as Commander Robert Green pointed out in his book, "Security Without Nuclear Deterrence", in which he drew on his knowledge as an operator of British nuclear weapons to make the case that such weapons would not deter a nuclear first strike. The rationale of deterrence enthusiasts is that we would be safer if every state had nuclear weapons, because there would be a balance and every nation would be afraid to use its bombs, for fear of retaliation. If nuclear weapons would make the world safer, it seems odd that NATO's nuclear powers are so concerned about the nuclear ambitions of Iran and North Korea.

The deterrence argument is nonsense; fewer weapons, not more weapons, will make the world safer. I wonder whether any member thinks that New Zealand's decision to declare the country a nuclear weapons-free zone has made it more likely to suffer a nuclear or other attack than it would have been if it had invested in a nuclear weapons programme.

The majority of Scots are against nuclear weapons and other weapons of mass destruction. A move to register Scotland with the UN as a single-state nuclear weapons-free zone would be an important expression of Scots' views and would send a clear signal to the Westminster Government that it should not spend £100 billion of our money on new nuclear weapons.

12:42

Marlyn Glen (North East Scotland) (Lab): I value the sentiments in the motion and I know how committed Bill Kidd and other people are to the cause of peace. I value Bill Kidd's work on the issue. There is a wide peace movement throughout civic society in Scotland, which has particular support from Scottish churches, for example. We should continue to encourage the movement to grow.

It is unfortunate to try to marry anti-nuclear arguments with arguments for statehood. After all, nuclear fallout takes no notice of borders, be they local, regional or national. However, I applaud the aspiration of having nuclear weapons-free zones.

I was delighted when Dundee City Council declared itself a nuclear-free local authority and joined a network that now comprises more than 70 councils throughout Scotland, England, Wales and Ireland to support the policy work of nuclear-free local authorities. Nuclear-free local authorities tackle in practical ways and within their powers the problems that civil and military nuclear hazards pose. They have linked up with the worldwide organisation Mayors for Peace, which supports the 2020 vision campaign for the elimination of nuclear weapons by 2020. I know that members share that vision.

The cross-party group on nuclear disarmament has had excellent meetings and has heard from excellent speakers, including Bruce Kent. Most significant, perhaps, was the memorable event in the Parliament in 2006, when we welcomed the peace walkers who had walked the 85 miles from Faslane to Holyrood. Of course, we have also welcomed peace walkers since then.

The recent meeting that Bill Kidd mentioned, which was co-hosted with the Edinburgh peace and justice resource centre, was held on international peace day, 21 September. That was an important date, which provided the inspiration for the debate. That successful event was attended by about 100 people, including nine MSPs. I was delighted to introduce the speakers: Bill Kidd; Alyn Ware of parliamentarians for nuclear non-proliferation and disarmament; Shetland's Sandy Cluness for Mayors for Peace; Dr Rebecca Johnson, the director of the Acronym Institute for Disarmament Diplomacy, who works on nuclear weapons policy development; and, lastly, the wonderfully titled former New Zealand Minister for Disarmament and Arms Control, Marian Hobbs.

The nuclear-free zone label can be symbolic only, but New Zealand's status as a nuclear-free zone is enshrined in the nation's legislation. It is the first western allied nation to legislate for a

nuclear-free zone, effectively renouncing the nuclear deterrent.

I raise deep concerns about the proposed UK-French defence agreement. The planned arrangements for co-operation break the spirit of the non-proliferation treaty and the comprehensive nuclear test ban treaty. That implies that there is little chance of major nuclear weapons reductions or eventual abolition until at least 2060. It is against article 6 of the NPT, which issues a good-faith challenge to all states to pursue negotiations on the cessation of the nuclear arms race at an early date, and on nuclear disarmament. It is also, of course, against the Mayors for Peace 2020 vision. Parliamentarians need to work together with NFLA and Mayors for Peace to urge an essential change in direction towards the abolition of nuclear weapons.

I thank Bill Kidd for his continued work and congratulate him on securing this rather delayed debate.

I finish with the words of "The Scottish Peace Covenant", which declares:

"We desire that Scotland should be known for its international contribution to peace and justice rather than for waging war".

12:46

Jackson Carlaw (West of Scotland) (Con): I thank Bill Kidd for bringing his motion to Parliament in the debate, if only for its nostalgia value. It takes me back to the grand old days when the arguments against unilateral disarmament were comprehensively lost in the face of the decisive action of Ronald Reagan and Margaret Thatcher when they stood together, resolved to introduce new Pershing cruise missiles at Greenham Common. We now know that the cold war was won at that crucial moment. It was then that the Soviet President, Mikhail Gorbachev, changed course.

It all seems such a long time ago now. Of course, there will be people who like to pretend that decisive action and resolve had nothing to do with it and that it was inevitable that Gorbachev would lead the change. I prefer to believe Mr Gorbachev himself. As chance would have it, a decade ago, I found myself placed next to Mr Gorbachev each day for a week while on holiday. When he arrived at the hotel, I was reading John Campbell's biography of Mrs Thatcher, and he immediately came over to me and struck up a conversation. "Let me tell you this," he said. "Never let anyone tell you other than that it was the three of us—Reagan, Thatcher and me—who worked together to achieve this. The contribution of all three of us was vital." I am sorry to say that the contribution of the unilateralists, Bruce Kent

among them, and the promoters of nuclear-free councils did not rate a mention.

What I find dangerous about the motion is that it contains a further attempt to subvert historical truths in classrooms. I argue that, far from being taught that they should feel safe in nuclear-free classrooms, pupils should be taught just how grateful—

Jamie Hepburn (Central Scotland) (SNP): Will the member give way?

Jackson Carlaw: No. So many members are ranged to speak on the side of anarchy.

Pupils should be taught just how grateful they should be that strong Governments and leadership from a succession of Conservative and Labour Prime Ministers ensured that our preparedness and the security that we derived from nuclear weapons kept the peace and prevented any further European or worldwide conflict in the post-second world war world into which I was born and in which their parents were raised.

I have no brief to belittle New Zealand. Suffice it to say that mainland Europe was the key strategic theatre of concern and that we should be concerned with our future security and that of our immediate neighbours.

I understand the debate about where we go next. I happen to believe that a submarine-based nuclear deterrent remains vital. It is not difficult to envisage Britain being left defenceless in a new technical age by an electromagnetic pulse—EMP—event. With communications and power paralysed, the potential threat of a submarine-based response would be our only effective deterrent. For as long as the threat to us exists, with the history that we have behind us—one of courageous intervention, which has undoubtedly left a sour taste in the mouths of those whom we have intervened against—we cannot pretend that we may not yet be a target and a trophy prize to others.

I find the spirit underpinning the motion desperate, dangerous and risible. There are no such things as nuclear weapons-free homes, classrooms, places of work, communities or local authorities. Scotland is part of a nation—the United Kingdom—that is a nuclear weapons state. It is a nonsense to pretend that, in Scotland, we can posture against our own national defence capability while being defended by it. To be frank, to invite our potential adversaries to promise not to use such weapons against us and to ask us to rely on such assurances is bewilderingly naive.

I argue against the motion out of a conviction for our national defence and security. I do not doubt that Mr Kidd has a conviction too, but the motion matches the heights of fantasy of even the most

ludicrous of the barking-mad campaigns of a generation ago. I am astonished at the continuing contradiction that SNP members rail against any reduction in defence spending but acknowledge not a job lost or a pound no longer spent in Scotland were their policy of abandoning our national defences ever to be realised.

I recognise that an alternative view that has its roots in the traditions of the pacifist movement exists, but it remains a minority view. I fully accept that the case for our nuclear defence must be renewed with each generation. However, even as I face a rump of unilateralist evangelists, I am in no doubt that fantasy is no substitute for defending our country. To indulge in fantasies about nuclear weapons-free classrooms and the like is a parlour game and not a strategy for the defence or the security of Scotland or the United Kingdom.

12:50

Sandra White (Glasgow) (SNP): I congratulate my colleague Bill Kidd on securing the debate. Jackson Carlaw made what was probably the best speech for independence that I have heard—lots of people will now be joining the SNP and even Marlyn Glen might change her mind from what she said in opening her speech. Jackson Carlaw basically said that, if we want to blow up millions of people and spend billions of pounds, we must remain a member of the UK, so I am glad that I am a member of the SNP. I look forward to a nuclear-free independent Scotland. I have never been called an anarchist before. Jackson Carlaw's speech was the best recruitment message for the SNP and I hope that he will make more such speeches. People will have an independent nuclear-free Scotland.

I return to the subject of the debate. Some people might look on the zones as a grass-roots initiative and might be a little sceptical—Jackson Carlaw is obviously more than that. I will put the situation in perspective. We have heard that nuclear weapons-free zones have been established throughout the world. Wales, which has been mentioned, was declared a nuclear weapons-free zone in 1982, after all 22 of its local authorities announced their support for the measure. We should pursue the initiative. I suggest that we write to ask all our local authorities about it, and publish their answers, with the aim of registering Scotland as a nuclear weapons-free zone.

In the USA, some native American nations—they are not states—such as the Shoshone have declared their land to be a nuclear weapons-free zone because they objected to it being used for missile bases or radioactive waste dumps. That is the grass roots for us. Cities such as New York, Chicago, Oakland and Berkeley have joined the

growing movement. More than 17 million Americans live in nuclear-free zones. That is people power again.

The continent of Antarctica is a de facto nuclear weapons-free zone under the 1959 Antarctic Treaty. The earth's orbit and the moon and all other celestial bodies are also de facto nuclear weapons-free zones under the 1967 outer space treaty. The list goes on—more than 4,300 nuclear-free zones exist in 37 countries. Let us be clear that, although the initiative might have started at the grass roots, it is a global movement that is gathering momentum hour by hour and day by day. It is time that we aspired to join it.

One inspirational aspect of many of the movements is that they have gone from the bottom up, as I have said, rather than from the top down. That process has been achieved by people working on the ground with grass-roots movements and listening to what people want. People want nuclear-free zones and no nuclear weapons in their countries.

We as representatives of the people should listen to that growing voice and do everything that we can to support the initiative. We as parliamentarians should do everything that is in our power to help Scotland to join the growing movement, to add our voice to the global desire and to declare our country nuclear weapons free, in the hope that we will one day live in a nuclear-free world.

I was going to say that we all share the aspiration, but we have heard otherwise from other members and, unfortunately, no Lib Dems are present. We should all share the aspiration, which we will achieve only if we all—I include Jackson Carlaw—join together to push the initiative as far as possible to ensure that Scotland becomes a nuclear weapons-free zone.

12:54

Robin Harper (Lothians) (Green): I have a treasured collection of genial insults. To William Hickey's description of me in the *Daily Express* as a jackbooted goose-stepping eco-fascist, I can add the view that I, along with the rest of us in the chamber, am a "bewilderingly naive" anarchist fantasist. Thank you very much indeed, Jackson Carlaw.

I am reminded of a story of a parkie who approached an old man who was distributing peanuts in the Meadows in Edinburgh. When the parkie asked him why he was throwing peanuts on the ground, the old man looked up at him and said, "It's to keep the elephants away," to which the parkie replied, "But there aren't any elephants in the Meadows." The old man said, "Yes, it works,

doesn't it?" That sums up my feeling about the theory of deterrents: it is, quite simply, peanuts.

I have been campaigning against nuclear weapons for more than 50 years. In that time, progress has been made. I grant Jackson Carlaw that the very real fears of imminent nuclear warfare that overshadowed our lives in the late 1950s and early 1960s have subsided. We have a nuclear arms limitation treaty, there has been a huge reduction in the stockpiles of nuclear weapons that were held by the US and the then Soviet Union, and there are high levels of transparency in the international inspection regime.

However, we are in a dangerously developing situation in which a number of smaller states are queueing up to become nuclear powers, so there is no room for complacency, no reason to reduce our efforts and every reason to press for the UK to set an example by becoming the first ex-nuclear power in the world, which would put pressure on those smaller countries that want to join in the ghastly dance of death by getting their own nuclear weapons.

At Faslane demonstrations, I am regularly asked why. Why do we still demonstrate? Why bother, as Jackson Carlaw would put it? My reply is always the same. The issue has not gone away and successive Governments need to know that there is, has been and always will be, for the foreseeable future, huge civic support for the idea that we should rid ourselves once and for all of our entire nuclear armoury.

We are here to show our support for the NFLA group, which has more than 60 members in the UK and Ireland, and the work that it does, and for the scientific groups, groups of doctors and countless others, as well as the Campaign for Nuclear Disarmament, that demonstrate regularly and show that there is entrenched cross-party, cross-sectoral civic support for any Government that may have the courage and wisdom to abandon our nuclear armoury for ever.

I would also like to reflect on the work of the international organisation Mayors for Peace, which now has 4,301 "bewilderingly naive" anarchist fantasist members from 145 countries. They aim to persuade all the world's Governments to negotiate a nuclear weapons convention by 2020. Hiroshima is bidding to hold the 2020 Olympics and hopes to combine the games with a festival for peace. That would be a powerful combination of ideals, which I hope will attract worldwide support.

I conclude by paying tribute to the work of Chris Ballance, a former Green MSP, in pursuing peace education, and to the cross-party group in the Scottish Parliament on nuclear disarmament,

Marlyn Glen and Bill Kidd, for bringing the debate to Parliament.

12:58

Jamie Hepburn (Central Scotland) (SNP): I, too, thank Bill Kidd for bringing the debate to Parliament.

I begin by declaring my membership of the Scottish Campaign for Nuclear Disarmament and of parliamentarians for nuclear non-proliferation and disarmament, and by reflecting on the fact that it is extremely unfortunate that not one Liberal member has bothered to participate in the debate, just as no Liberal participated in last week's debate on Afghanistan.

At the crux of the motion is a simple idea—that of popular self-determination and the will of the Scottish people to state their opposition to the stationing of nuclear weapons in Scotland. The beauty of the nuclear weapons-free zone initiative lies in its simplicity. Ordinary citizens can be encouraged to declare their homes, workplaces, schools and any other spaces nuclear free. In that regard, I am happy to declare my home and my parliamentary and constituency offices nuclear weapons-free zones, and I encourage others to do the same. I accept that that is largely a symbolic gesture. However, it is not unimportant. Declaring any area a nuclear weapons-free zone may seem like a quiet or modest protest, but cumulatively, if more and more people declare their space as nuclear weapons free, the message to the UK Government will be loud and clear. Let us make Scotland a nuclear weapons-free zone in reality.

To see the success of such popular movements, we need look no further than New Zealand. Popular opposition to nuclear weapons culminated in New Zealand passing strong anti-nuclear legislation and becoming nuclear free. The popular will to make Scotland a nuclear weapons-free zone exists. Opinion polls indicate time and again the opposition of people in Scotland to weapons that continue to make the world a more dangerous place.

We are constantly told that, among the dangers of the modern world, the primary danger to our security is global terrorist networks. Although those arguments are sometimes overblown, I accept that that is the threat we face. However, a nuclear weapon cannot be deployed against an extraterritorial force such as terrorism. It is futile in the extreme.

I enjoyed Jackson Carlaw's speech, although I disagreed with it entirely. I will say what I would have said in my intervention, if he had been bold enough to accept it. I hope that he will be brave enough when he is the leader of the Tories in this place, as he surely will become. By talking about

the contribution of Gorbachev, Thatcher, Reagan and other "Spitting Image" puppets from my childhood, he reinforced our argument that the cold war is over. Why, then, are we trying to perpetuate the arms race? Why are we spending £100 billion on a new generation of Trident?

However, there is, the world over, growing consensus about the need to take positive steps towards global nuclear disarmament. The new START treaty, agreed by President Medvedev and President Obama, is indicative of the growing consensus on achieving a nuclear-free world. In Scotland, and in this Parliament, there is a commitment to nuclear disarmament. In June 2007, we voted overwhelmingly—by 71 votes to 16—against the renewal of Trident. Without checking the *Official Report* for absolute accuracy, dare I say it that Jackson Carlaw was probably included in the 16.

The political will in this Parliament can be conveniently ignored by Westminster—circumstances that will persist even once the Scotland Bill has been passed. It is regrettable that there appears to be no chance of the UK Government disarming at any time in the near future. At Westminster, there is a lamentable and distinct lack of will to take necessary and constructive steps towards nuclear disarmament. We see that from the Tory position; we also see it from the Labour position, although we have heard from some honourable exceptions today, and I am sure that we will hear another shortly.

We need the full powers of independence to make Scotland nuclear free in reality. In the meantime, though, I commend the direction that is suggested in Bill Kidd's motion, just as I commend Bill Kidd for securing the debate.

13:02

Elaine Smith (Coatbridge and Chryston) (Lab): Like others, I congratulate Bill Kidd on securing the debate. I am curious about which anarchists Jackson Carlaw knows, because I wonder whether anarchists would have sat quietly and listened to his drivel.

I recognise the major role that was played by New Zealand in helping to progress the campaign for nuclear disarmament. The New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 is an extremely important piece of legislation, which prohibits

"Entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power".

It also prohibits any citizen of New Zealand from manufacturing, acquiring or possessing any nuclear explosive device. That pioneering legislation came about as a result of increasing

unease in New Zealand about the cold war and as a result of concern about the number of American nuclear ships docking on New Zealand's coasts.

In the early 1980s, the ruling party in New Zealand, which had a majority of one, decided to vote against a bill to ban nuclear arms-empowered ships. However, anti-nuclear campaigner Marilyn Waring decided to vote with her conscience and support a ban. According to her account, Waring was dragged into the whips' office and subjected to verbal abuse. The Prime Minister, Robert Muldoon, decided to take the issue to the people and called a snap general election. Unfortunately for him, the people overwhelmingly supported the stance of the anti-nuclear Labour Party, which swept to power on the promise of enacting nuclear-free zones. Waring did not seek re-election and has spent her time since lecturing on issues of feminism and human rights.

Legislation such as that sets an example to the rest of the world. It requires brave people such as Waring to take a stance. It is fair to say that it has required bravery on the part of the New Zealand Government to stand up to the might of the American military machine and refuse to back down.

As the motion suggests, Scotland too could play its part with the establishment of nuclear-free zones in homes, classrooms, places of work, communities, local authorities and—I note what Jamie Hepburn said—the environs of this Parliament. That would send a clear message to the international community about the strength of feeling in Scotland against the use of nuclear weapons.

We have something of a position against Trident in this Parliament—I say “something” because the vote was to support the position that Trident should not be replaced at this time. Personally, and I am sure like others in the chamber, I do not want it to be replaced at any time; I know that I am not alone in that view.

The majority of Scots oppose the Trident nuclear programme, for a variety of reasons. Besides the abhorrent nature of such destructive weapons of mass destruction, the cost is overwhelming, particularly at a time of imposed economic austerity. The UK Government estimates that renewal of the programme will cost somewhere in the region of £20 billion, but Greenpeace estimates the real figure would be closer to £100 billion. How many affordable homes could we have for that amount of money? How many new jobs could be created? How many people could be taken out of poverty? CND believes that the cost of replacing Trident can be paid only at the expense of jobs and public services. The establishment of nuclear-free zones

in Scotland would make the point about the futility of nuclear weapons clear.

For years there have been health fears about the legacy of nuclear tests, and I note that last year the French Government announced that it was prepared to compensate people who were involved in nuclear testing and had suffered illness as a result. I have constituents in Coatbridge and Chryston who were involved in similar British tests in the 1950s and 1960s. They have spent years fighting for compensation, but they have not had it. There has been no justice for my constituents who have suffered ill health, and that is unacceptable.

The evil of nuclear warfare is indisputable. Storing our own weapons of mass destruction is wrong, replacing them is wrong, and using them would be an abomination. I was pleased that Bruce Kent spent time with my family on the evening of the peace walk. Unlike Jackson Carlaw, Bruce Kent will be remembered for devoting his life to promoting peace and nuclear disarmament. Scotland could help that cause by sending a clear message against weapons of mass destruction by establishing nuclear-free zones. By doing so, we could educate future generations about the danger of living in a world with the threat of nuclear annihilation.

13:07

The Minister for Parliamentary Business (Bruce Crawford): I thank Bill Kidd and congratulate him on raising this important matter in Parliament. I welcome the opportunity to discuss nuclear weapons-free zones in the chamber.

The debate gives us the opportunity to remind ourselves that we have the chance to help our children to grow up with a philosophy of peace and a clear understanding of the implications of their actions in the world. We have the chance to lead by example and to take a statesmanlike approach to non-proliferation and nuclear disarmament.

Other parts of the world have shown us what Scotland could achieve if we were free to decide our own position on nuclear weapons. We may not currently have the scope to remove the weapons of mass destruction from Scottish soil, but we can still make a united stand against the possession, threat and use of nuclear weapons.

Nuclear weapons-free zones operate at both the macro and micro level. At the macro end, we have five regions covered by nuclear weapons-free zone agreements: Latin America, the south Pacific, south-east Asia, Africa and central Asia. They show what can be achieved when countries unite to stand against nuclear weapons.

As Bill Kidd and Elaine Smith have mentioned, at the micro level New Zealand took a courageous

step towards a nuclear-free world in 1984 when it barred nuclear-powered and nuclear-armed ships from using its ports or entering its waters. New Zealand followed that with legislation that means that for more than 20 years its people have benefited from being the citizens of a nation whose nuclear-free zone status is protected by statute.

The approach in New Zealand is grounded in a long-term opposition to nuclear weapons. Three decades of anti-nuclear weapons campaigns culminated in the creation of nuclear-free zones, enshrined in legislation. That shows what a nation can do when it has control over its sovereignty and cultural identity. It sets an inspiring precedent for other nations to follow.

I was lucky enough to chair the working group on Scotland without nuclear weapons, which published its report in November last year. The creation of the group represented an important landmark in the Scottish Government's aspiration for Scotland to be free of nuclear weapons.

The group raised concerns about the ways in which nuclear weapons are stored and transported in our country. It highlighted the fact that local authorities are not always aware when nuclear weapons are being transported through their areas. Although there is a balance to be struck in ensuring that security-related information is not shared too widely, we believe that much more can be done.

The group also highlighted that we should start the process of peace education at a very early age. We already support peace education as part of the curriculum for excellence and we support teachers with material on peace education through Learning and Teaching Scotland's website. Our young people have the potential to make a change and it must start with education.

Let us turn to Trident. In Scotland, we are in a unique position. Scotland is home to the UK's nuclear weapons arsenal but, as a country, we are opposed to the possession, threat and use of nuclear weapons. As Bill Kidd said, a recent opinion poll considering cuts in defence demonstrated clearly that 67 per cent of the Scottish people do not want Trident to be replaced. In June 2007, the Scottish Parliament voted conclusively for a motion congratulating the majority of Scottish MPs on voting in the House of Commons to reject the replacement of Trident.

Jackson Carlaw is not only in a minority in the chamber today; he is in a minority in the Parliament and in the country. We know that the Conservatives have never been particularly good at listening to the people of Scotland, or at listening to what the Parliament says in this regard. However, one would have thought that

they might be persuaded by some of the generals who have recently come out against the possession of nuclear weapons. Writing in *The Times* in April this year, Field Marshal Lord Bramall, General Lord Ramsbotham, General Sir Hugh Beach and Major-General Patrick Cordingley expressed "deep concern" that the future of Trident had been excluded from the strategic defence review that followed the election. They cautioned that suppressing discussion of the issues or dismissing alternatives would be "a big strategic blunder". The generals say that the Government will threaten both front-line forces and global disarmament talks unless it considers different ways of spending the £80 billion that is required to replace the fleet of Trident submarines.

The moral arguments against Trident have always been clear. There may have been an argument for a deterrent in the past—especially in the 1960s and 1970s—although I never accepted that argument. The trouble now is that those who argue for the deterrent policy position cannot tell us who the weapons would be pointed at or who the threat is. If there is a threat out there, they should tell us who it is and back up their argument.

The economic arguments against Trident are now crystal clear. So far, the UK Government has spent £320 million on the replacement of Trident before even starting to build the first submarine. The approximate cost of procuring the submarines is a staggering £25 billion and the total potential cost of maintaining the system, including new infrastructure and missiles and extending the life of the current submarines, is approximately £100 billion. It already costs £2 billion a year to keep the current Trident fleet operational. We cannot afford to spend that money on a deterrent that we do not need. It is equivalent to the cost of the new Forth crossing, which is estimated to cost between £1.7 billion and £2.3 billion. As Elaine Smith has said, that would buy about 4,000 firefighters, the same number of nurses or more than 2,000 junior doctors each year between 2012 and 2017.

I welcome this opportunity to reiterate the Scottish Government's opposition to the presence of nuclear weapons on our soil and I very much look forward to the day when Scotland can join New Zealand as a proud country whose nuclear-free status is firmly set out in legislation.

13:14

Meeting suspended until 14:15.

14:15

On resuming—

Scottish Executive Question Time

Justice and Law Officers

The Deputy Presiding Officer (Alasdair Morgan): Question 1 is withdrawn.

Scottish Final Court of Appeal

2. Alasdair Allan (Western Isles) (SNP): A dh' fhaighneachd do Riaghaltas na h-Alba dè an sealladh a tha aige air a' mholadh gum bu chòir cùirt Albannach, seach Àrd-cùirt na Rìoghachd Aonaichte, a bhith na chùirt ath-thagraidh mu dheireadh ann an cùisean catharra agus cùisean eucoraich.

To ask the Scottish Government what its position is regarding the proposal for the final court of appeal in both civil and criminal cases to be a Scottish court rather than the United Kingdom Supreme Court. (S3O-12293)

The Cabinet Secretary for Justice (Kenny MacAskill): In criminal matters, the Government believes that it is desirable to restore the historic position of the High Court of Justiciary as the final court of appeal, as it was prior to devolution. In civil cases, for as long as Scotland remains part of the United Kingdom, a range of complex questions would need to be resolved before consideration could be given to removing the historic link between the Court of Session and the Supreme Court—formerly the House of Lords. Of course, the Scottish Government's preferred option is that, in an independent Scotland, the final court of appeal in both civil and criminal cases should be in Scotland.

Alasdair Allan: In light of the unfortunate stance taken by the UK Supreme Court on a number of issues lately, does the cabinet secretary feel that it would be of benefit for the Scotland Bill to correct that 18th century anomaly?

Kenny MacAskill: It is an opportunity. The Advocate General for Scotland has indicated his willingness to look at certain matters. We think that the Scotland Bill offers an opportunity to restore matters, avoid some cases going to the Supreme Court and avoid fundamentally amending Scottish criminal law when that was never the intention either of the Westminster Parliament or this Parliament.

James Kelly (Glasgow Rutherglen) (Lab): It is clear that the motivation for the question comes from the implications of the recent Cadder judgment. The Government's priority must be to

deal with the implications of that judgment as opposed to posturing on the independence issue.

On the Cadder judgment, it is now seven weeks since the emergency legislation was passed—

The Deputy Presiding Officer: I am sorry, but that is not a supplementary to the substantive question.

Human Trafficking

3. Christina McKelvie (Central Scotland) (SNP): To ask the Scottish Government what its position is on human trafficking. (S3O-12310)

The Cabinet Secretary for Justice (Kenny MacAskill): Trafficking in human beings is an abhorrent crime that has no place in a civilised society. Tackling that form of serious organised crime is a priority for the Government and we are working with others with the aim of eradicating it in Scotland. That work is being led by the Scottish Crime and Drug Enforcement Agency, which we have provided with £4 million of additional funding to boost its capacity to tackle organised crime. The agency has established a human trafficking unit, which is Scotland's first expert resource dedicated to building the intelligence necessary to improve and support the investigation of human trafficking. The Scottish Government is also supporting the Equality and Human Rights Commission's inquiry into human trafficking in Scotland, which is led by Baroness Helena Kennedy.

Christina McKelvie: I ask the cabinet secretary to take account of recent evidence to the Equal Opportunities Committee from Amnesty International and in the anti-trafficking monitoring group report that suggests that the national referral mechanism does not cater for children's needs. Does he agree with the aforementioned organisations that local authority child protection services should determine the trafficked status of children and not the UK Border Agency?

Kenny MacAskill: Trafficking is a complex matter on which it is appropriate that we all try to work together. I said in my evidence to the Equal Opportunities Committee that the important issue was which system was best for the victim. That means that we have to be able to deal with particular localities and work with local authorities.

On the separate UKBA point, it is a matter of record that Ms McKelvie, the First Minister, the Government and, I believe, most members in the chamber are deeply discomfited by some of the actions that the UKBA is taking. We must always remember that we are dealing with victims, and that applies most particularly when we are dealing with those who are vulnerable, such as children.

Johann Lamont (Glasgow Pollok) (Lab): I am sure that the minister is aware of the connection

between the trafficking of people into this country and the demand for prostitution. Indeed, there is evidence of women who are brought in for domestic services and who end up being forced into prostitution. In the light of that connection, will he make a commitment to consider the proposal for a bill lodged by Trish Godman, which seeks to address the whole issue of criminalising the purchasing of sex, and to do all that he can to support the intention behind the proposal? Such a bill would have an impact on the likelihood of people being trafficked into the country.

Kenny MacAskill: I think that this Government has already dealt with the issue of on-street prostitution. We legislated on that issue early on, and we increased the penalties for those involved in running brothels and in other such matters in the Criminal Justice and Licensing (Scotland) Act 2010.

We are aware that, in many ways, off-street prostitution is tied in with human trafficking and, indeed, with serious organised crime. It is for that reason, as I said in answer to Christina McKelvie, that we have been co-operating with Baroness Helena Kennedy, who is carrying out an investigation and to whom I have given evidence. Our justice directorate, the Scottish Crime and Drug Enforcement Agency and the Crown are fully supporting her. We should await the outcome of her review; thereafter, I think that it would be appropriate for us, as a chamber, to seek to act upon it.

Robert Brown (Glasgow) (LD): Does the cabinet secretary consider that there is enough awareness and expertise yet among the agencies that deal with trafficking? He will recall the difference between the lack of prosecutions and convictions in Scotland that previous figures have indicated and the reasonably substantial evidence of the problem indicated in the figures from organisations such as the trafficking awareness raising alliance. Have there been any prosecutions or convictions for human trafficking in Scotland yet? Can he give us any other assurances about the level of awareness among the agencies of such activity?

Kenny MacAskill: The Solicitor General for Scotland advises me that there have been convictions, and we are also aware of people in Scotland who have been involved in Northern Ireland, where a Scottish gang was convicted. We clearly co-operate with the authorities, such as the Police Service of Northern Ireland and the justice directorate across the Irish channel.

We know that matters are on-going, but we are dealing with people who are often frightened and who, in many instances, have a different view of the police and the prosecution than we do in this country. We have to raise awareness, but there

are some areas of the country where it is perhaps less prevalent than it is in others.

I think that I can give Mr Brown, who I know has pursued the matter doggedly, an absolute assurance that all of us, whether in the SCDEA, the Crown Office, the voluntary agencies or, indeed, the chamber, are looking to learn what the extent of the problem is. That is what we are looking to establish through Baroness Helena Kennedy's investigation, which we will seek to act on, whether by providing resources—albeit that this is a time of financial austerity—by making legislative changes or by addressing attitudes. I think that there is a common will in Scotland, as in the chamber, that trafficking is abhorrent and that we have to deal with it.

Emergency Services (Hoax Calls)

4. Nanette Milne (North East Scotland) (Con):

To ask the Scottish Executive what assessment has been made of the total cost to the emergency services from hoax calls received in each year since 2007. (S3O-12242)

The Minister for Community Safety (Fergus Ewing): Assessment of the cost of hoax calls to the emergency services is a matter for individual services, and information is not held centrally. It is likely that any costs will vary depending on the circumstance of the call. Hoax calls divert services from dealing with real emergencies, and the Scottish Government continues to support the emergency services in their efforts to reduce the number of hoax calls.

Nanette Milne: The response to a written question on the number of people prosecuted for making hoax emergency calls indicates that only 26 people were prosecuted last year out of a total of 3,267 hoax calls received. I agree that our emergency workers are unsung heroes and that any attempt to waste their time and resources must not be tolerated. Given the likely considerable cost to our services, what action can be taken to ensure that those who make hoax calls are held to account and face prosecution when appropriate?

Fergus Ewing: Hoax calls to our emergency services waste vital time. If a fire appliance is misdirected to a bogus call, for example, the appliance could be diverted from vital life-saving action in a real emergency. That is why the issue is so important.

Like members throughout the chamber, the member will be aware that hoax callers tend not to give their name and address. It is therefore scarcely a surprise that it is not easy—particularly when the hoax call is made from a public telephone box—to identify someone who hides, in a cowardly way, behind the cloak of anonymity.

However, having looked into this serious matter, I understand that 80 per cent of cases that are reported to the procurator fiscal are prosecuted and there is a high conviction rate. I have confirmed with my colleagues in the Lord Advocate and Solicitor General's department that it is taken extremely seriously.

I am pleased to say that, in the past few years, there has been a significant reduction in the number of hoax calls and malicious calls that are made both to the fire services and to the police, which are treated differently under the law on those two emergency services. The reduction is due not least to fire safety campaigns and campaigns such as Lothian and Borders Fire and Rescue Service's cool down crew initiative, which make young people aware of the utter folly of hoax calls and the potentially serious risk that they create in our country.

Crime (Fife)

5. Tricia Marwick (Central Fife) (SNP): To ask the Scottish Government what steps it has taken to reduce crime in Fife. (S3O-12305)

The Minister for Community Safety (Fergus Ewing): The Scottish Government supports a number of successful initiatives to reduce crime in Fife. The work of Fife police, alongside that of local community safety partners, contributed to a 12 per cent reduction in crime between 2008-09 and 2009-10. In real terms, that equates to 3,000 fewer victims of crime. This is the fifth consecutive year in which Fife Constabulary has recorded a decrease in the number of crimes.

Fife police are involved in a number of initiatives to reduce crime in the region, such as the intelligence-led local action supporting enforcement and reassurance—LASER—operation, the community engagement model, and the partnership tasking model.

Tricia Marwick: Is the minister aware that the two police teams in my constituency, in Glenrothes and Levenmouth, have both announced that crime rates continued to fall in the latest quarter, building on the great work of the past few years under the Scottish National Party Government in reducing crime and the number of victims of crime? Will he join me in congratulating the chief officers and all the other officers on their continuing efforts to make Glenrothes and Leven safer than they have been for many a year?

Fergus Ewing: I am happy to agree with the sentiments that my colleague expresses, although I would apportion the considerable success not to any particular effort on my part but rather to the excellent efforts of the police and all those who work in the community safety teams in Fife. I understand that the community engagement

model was developed in Levenmouth. The alcohol diversion scheme was highly commended at the recent Scottish policing awards in November 2010, and a project with the rather dramatic title of the revolution bus was noted as making an outstanding contribution. All those activities have been considerably helped by the Scottish Government enabling Fife, like all other parts of Scotland, to gain more bobbies on the beat.

Claire Baker (Mid Scotland and Fife) (Lab): Will the minister respond to the concerns that a spokesman for Fife police expressed when he said:

"There can be no doubt ... that the scale of the cuts being faced will mean a reduction in the level, and potentially breadth, of service provided by the force"?

Does he recognise that the level of cuts to Fife police will threaten the very continuation of diversionary and community projects such as the revolution bus, which he mentioned? The police deliver such projects by going above and beyond their regular services. Does he agree that the cuts will negatively impact on the crime figures in Fife?

Fergus Ewing: I think that that takes us well and truly into the area of party politics.

I suggest to the member that, rather than fret and worry unduly about what might happen in the future, we should acknowledge the excellent efforts, which were mentioned by Tricia Marwick, that have taken place in the past and are taking place at present. As I said, they have resulted in a substantial reduction in crime in Fife—including knife crime, a matter that is frequently raised by the member's colleagues—and a general improvement in community safety in the kingdom of Fife. I expect that everyone who works in justice, in community safety and in tackling crime in Fife will rise to the challenge. In that respect, they will be considerably aided by the excellent budget proposals that John Swinney has put forward, which will provide the wherewithal for that good work to be continued.

The Deputy Presiding Officer: Question 6 was not lodged.

Childhood Abuse

7. Des McNulty (Clydebank and Milngavie) (Lab): To ask the Scottish Executive whether it will commit itself to a comprehensive human rights-based approach to securing effective access to justice, effective remedies and reparation for survivors of childhood abuse, including those victims of historic abuse whose cases are currently blocked from being brought before the courts by prescription or time bar. (S3O-12280)

The Minister for Community Safety (Fergus Ewing): As I have recently discussed with Mr

McNulty, early next year we will carry out an open, public consultation on the law on prescription and limitation. Our approach will certainly take full account of human rights considerations, as we are bound to do by the terms of the Scotland Act 1998.

Des McNulty: I look forward to that consultation. I draw the minister's attention to the Scottish Human Rights Commission's response to the Public Petitions Committee on petition PE1351. The SHRC's response refers to

"the dignity and determination of those who have been subject to gross human rights abuses in the past and continue to seek justice, remedies and reparation."

In a number of recent court cases, senior judges have indicated that the current law is unfit for purpose and that victims of historic child abuse must have better access to justice, including legal aid. I hope that in developing his consultation document the minister takes those issues into account.

Fergus Ewing: Des McNulty makes a very reasonable and sensible point that he and Marilyn Livingstone raised with me at a recent meeting that we had on this topic. I understand that, weather permitting, Shona Robison, Adam Ingram and I will address some of the issues at the next Public Petitions Committee meeting. I should also add that these are the most sensitive issues that the Parliament can address and we will certainly give careful consideration to the SHRC's points and the point about legal aid that Des McNulty has just raised.

Prison Capacity (Friarton Hall)

8. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive whether it will consider using Friarton hall to increase prison capacity in Scotland. (S3O-12241)

The Cabinet Secretary for Justice (Kenny MacAskill): The prisoner accommodation in Friarton hall is not fit for purpose and would require significant investment before it could be used to house the mainstream prisoner population. There are no plans to make such investment.

Murdo Fraser: Does the cabinet secretary agree that when there is such pressure on prison places it makes little sense to have an asset such as Friarton hall lying underutilised and empty? I am aware that the Scottish Prison Service is putting together proposals for the redevelopment of the building. Will he seriously consider those proposals to ensure that we are making best use of the prison estate?

Kenny MacAskill: Absolutely. I thank Murdo Fraser for the tenor of his question and the

manner in which he asked it. Discussions are ongoing. Although these are operational matters for the Scottish Prison Service, I point out that we operate with partners and today I met not only the SPS but the Prison Officers Association to discuss Friarton and other issues. The various issues are being borne in mind in discussions and decisions will be made shortly.

Antisocial Behaviour

9. Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what progress it has made in tackling antisocial behaviour. (S3O-12281)

The Minister for Community Safety (Fergus Ewing): The Scottish Government is committed to making our communities safer and stronger. With record numbers of police on our streets and a renewed focus on prevention and education, that commitment has resulted in recorded crime at its lowest levels since 1978, including a 15 per cent reduction in vandalism last year alone.

Our innovative approach to tackling antisocial behaviour is set out in "Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland", which was published in spring 2009 and continues to have the full support of the Convention of Scottish Local Authorities, the Association of Chief Police Officers in Scotland, the Society of Local Authority Chief Executives and Senior Managers, academia, the third sector and other partners. The first annual progress report to Parliament on implementing the framework was published on 30 November.

Mary Mulligan: I have recently had to deal with a case in my constituency in which a young tenant who, sometimes under the effects of drug abuse, has been involved in antisocial behaviour, terrorising neighbours, some of whom are elderly and living alone. The local authority said that it was limited as to what it could do because the sheriff was happy to deal with drug offences but clearly did not see antisocial behaviour as anywhere near as serious. What is the Scottish Government's view of the response by both the local authority and the sheriff? Is it common? What can the Government do to assist my constituents?

Fergus Ewing: Obviously, I do not know and am not familiar with the case that Mary Mulligan has referred to. However, in tackling antisocial behaviour, local authorities still have available to them various tools, such as antisocial behaviour orders, and can take many other statutory measures that were passed by the Administration of which she was a member.

We would study any comments that the sheriff made on the matter, but I am not aware of the substance of those comments. Of course, it is the sheriff's job to deal with the prosecution of crime.

Some aspects of antisocial behaviour may not necessarily constitute criminal behaviour and may be more appropriately dealt with in other ways. We generally need to tackle the causes of crime, and addiction to illegal drugs is one of the most serious contributory factors in relation to crime. In that context, I am pleased that we have support across the chamber for the delivery of our drugs strategy, which I hope will bear fruit.

Rural Affairs and the Environment

Food and Agricultural Co-operatives

1. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive how it plans to promote food and agricultural co-operatives in Scotland. (S3O-12258)

The Minister for Environment (Roseanna Cunningham): The Scottish Government works closely with the Scottish Agricultural Organisation Society and other key partners in the industry to address issues across the supply chain. We hope that we can continue to build and strengthen our relationship with the SAOS to provide support to allow businesses throughout the agri-food sector to collaborate to gain economies of scale, reduce costs and, we hope, improve profitability.

Bill Butler: The minister will appreciate that, as a Labour and Co-operative Party MSP, I am keen to see significant growth in the sector, particularly in community co-operatives, which are becoming increasingly important throughout Scotland. Given that three of the remotest community-owned shops in Scotland featured strongly in the community regeneration awards last week, will the minister acknowledge the vital contribution that community-owned shops make to the viability of rural communities? Will she agree to meet the Community Retailing Network to discuss how best the Government might support such ventures?

Roseanna Cunningham: My colleague Richard Lochhead and I are, of course, happy to meet people, and I look forward to a request for a meeting from the organisation concerned.

The member represents a Glasgow constituency, and he may or may not be aware of the support and help that is given via the SAOS to farmers markets, one of which may take place in his constituency—I am not certain about that. Farmers markets are an example of co-operatives that perhaps people do not really think about as co-operatives. There are many other examples of very good co-operative endeavour in rural Scotland.

The turnover of the top 10 SAOS members is £1.9 million, and there are machinery rings throughout Scotland that turn over £55 million annually. The co-operative idea is strong, alive

and thriving in rural Scotland, and I appreciate the member's concern about the much smaller co-operative ventures that we also support.

John Scott (Ayr) (Con): I declare an interest as a council member of the SAOS.

The minister may be aware that the previous Westminster Government started a project on updating the legislation that governs the development of agricultural co-operatives in Scotland. I understand that that project was not completed. What discussions is the minister having with United Kingdom ministers and the Department for Environment, Food and Rural Affairs to get that work done and make the legislation fit for purpose in Scotland as soon as possible, and to remove that barrier to the development of co-operation and co-operatives in Scotland?

Roseanna Cunningham: I fear that I might disappoint the member in saying that I personally have had no discussions on progressing that matter with officials from DEFRA. However, the member will be aware that there has been active co-operation between the wider movement and the Government, and that serious funding has been provided when that has been required. Co-operative ventures in Scotland have improved throughout the period of the Government's administration, and I expect that to continue, but I will take on board the member's specific request and try to establish exactly where we are with the legislation, which has, as he said, not gone anywhere down south. Of course, I hope that he is also pressing his own party in government in Westminster to consider the matter.

Sarah Boyack (Edinburgh Central) (Lab): The issue of access to capital has also been raised. I have been asked how co-operatives can compete with the big European co-operatives, which have much easier access to capital that has built up over many years. Is the minister prepared to consider the giving out of resources under the Scotland rural development programme? I have been told by the co-operative movement that smaller co-operatives cannot get access to capital, which makes it hard for them to put in bids under the SRDP when they have to put money up front.

Roseanna Cunningham: I wonder whether, in those circumstances, the smaller co-operatives are in a different position from that of any small business. Currently, there is a significant issue about access to investment capital. If the member has specific cases in mind, I would be keen for her to give us information on them, because it would be helpful for us to try to ascertain whether there are specific obstacles that relate particularly to co-operatives. It would be useful to investigate that.

Zero Waste

2. Joe FitzPatrick (Dundee West) (SNP): To ask the Scottish Government what progress is being made towards making Scotland a zero waste society. (S3O-12299)

The Minister for Environment (Roseanna Cunningham): Progress continues to be made in helping Scotland to become a zero waste nation that makes the most of its resources. Scotland has already met the 2013 European Union landfill diversion target, with 17 local authorities now recycling more than 40 per cent of the waste that they collect. In addition, the Scottish Government has launched a consultation paper that looks at separate collections, restricting inputs to energy from waste facilities and banning certain materials from being landfilled. The Government, with zero waste Scotland, will continue to work closely with all the partners, who will be vital to the successful delivery of the zero waste plan, including the achievement of future targets.

Joe FitzPatrick: I welcome the progress that the Government is making. If we are to meet the target of sending a maximum of 5 per cent of all waste to landfill by 2025, how we deal with food waste will be crucial. Food waste is a valuable commodity. If all the food waste that is currently produced in Scotland was captured and treated separately, it could generate enough energy to power the city of Dundee. What actions are being taken to reduce and recycle food waste?

Roseanna Cunningham: The member is right that we must treat food waste as a valuable resource. That is why we are currently consulting on draft legislation for separate food waste collections and stopping waste food from being landfilled, which generates climate-damaging methane emissions. The Scottish Government is also driving the development of anaerobic digestion capacity, which is currently at 38,000 tonnes, with capacity of 231,000 tonnes under construction or approved. That will deliver valuable sustainable energy and soil conditioner. We are also developing support mechanisms and committing an additional £2 million in the draft budget to help local authorities to make progress on separate food waste collections.

Elaine Murray (Dumfries) (Lab): Does the minister agree that, as valuable as technologies such as anaerobic digestion are, the emphasis should be on not wasting food in the first place? Prevention is always higher up the waste hierarchy than re-use or burning. What action can the Government take, possibly working with the grocery retailers forum, to encourage retailers to take action that prevents people from creating food waste in the first place?

Roseanna Cunningham: The member is right. The Government continues to support the love food, hate waste campaign, which is a key driver on the issue. We are working constantly with retailers on several issues, including that one. However, it is a little difficult for retailers to drive down food waste if people continue to buy far more food than they can possibly eat. I suspect that many of us are guilty of that from time to time, and I do not exempt myself from that. There are a number of conversations and developments, and they will continue. All of us, including retailers and individual consumers, have to play our part.

The Deputy Presiding Officer: Question number 3 was not lodged.

River Basin Management Plans (Assistance to Farmers)

4. Robin Harper (Lothians) (Green): To ask the Scottish Executive what special assistance to farmers is in place or is planned to reinstate water meadows and plant trees as part of the roll-out of the river basin management plans. (S3O-12334)

The Minister for Environment (Roseanna Cunningham): Financial assistance to help farmers to deliver environmental improvements generally is available via the Scotland rural development programme. That includes measures to improve water quality and biodiversity and to mitigate flooding, all of which could include the issues that Robin Harper raises.

Robin Harper: The minister will be aware that the Water Environment and Water Services (Scotland) Act 2003 received royal assent on 5 March 2003 and that Scotland was one of the first countries in Europe to incorporate the European water directive in that way. Seven years and two Governments later, we appear not to have made very much progress. Does the minister agree that, at this rate, we are in danger of being one of the last countries in Europe to put our act into action?

Roseanna Cunningham: I am not sure that I take such a pessimistic view as Robin Harper takes. We are doing a number of things to help. The Forestry Commission has launched a pilot scheme under which it will lease land from farmers to create woodland and return it to them. The commission hopes for around 400 hectares under the pilot. Obviously, if the pilot is successful, we can roll it out.

There are several measures in the rural priorities part of the SRDP under which land managers can be funded for peatland work. We have spent some £2 million on measures that relate directly to peatlands. That includes money that has gone to RSPB Scotland for peatland restoration under the current SRDP. Obviously, many of the things that require to be done require

money, and finding money in the current financial circumstances is not always easy. However, this Government is always prepared to do what is considered necessary if the applications that are received are substantial and can be substantiated.

Jamie McGrigor (Highlands and Islands) (Con): In light of recent adverse comments in the press in connection with the pilot project to reintroduce beavers to Knapdale in Argyll, does the minister envisage that beavers in river basins will chop down newly-planted trees, thereby causing flooding?

Roseanna Cunningham: The pilot project that is taking place in the west of Scotland will be assessed at its close—any and all of the information will be looked at—and, at that point, it will be considered whether the species is capable of being reintroduced into Scotland and whether it is desirable to do so. I am not aware that, in the current scenario, beavers are chopping down trees across the board in the way that the member suggests. Beavers are, of course, woodland engineers. In the areas where we are looking to reintroduce them, the surrounding wetland badly needs thinning out. The beavers are doing an important job.

Rural Priorities Scheme (Clyde)

5. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive how many applications in the Clyde area were received for the last round of funding from the rural priorities scheme and how many were successful. (S3O-12264)

The Minister for Environment (Roseanna Cunningham): For the rural priorities assessment round in October, there were 20 applications in the Clyde region. Sixteen were approved—that is 80 per cent of applications—which is worth around £1.3 million for the Clyde area.

Karen Gillon: I welcome the number of successful bids in the area and the progress that has been made. I draw the minister's attention to the application from the Coalburn Miners Welfare Charitable Society one-stop shop, which received a very positive report, but which was, in the end, unsuccessful. Clearly, there is disappointment at the result. Can the minister suggest how best the group can receive feedback on why its case was not successful and give advice on how to be successful in future funding rounds?

Roseanna Cunningham: I congratulate the local bodies in the member's constituency that have worked together to improve the volume and quality of applications for rural development support. There was a much-improved success rate in both the August and October rounds. The rate is now in line with the national average.

I understand the disappointment of those behind any unsuccessful application bid. I expect that the rejection of the Coalburn Miners Welfare Charitable Society one-stop shop application was tough for those involved to accept. Of course, bidding for rural development funding is competitive, which can mean that good applications are ultimately unsuccessful. That does not mean that they were not good applications; it means that there were better applications. The group can get feedback to try to establish what it could have done that would have changed the outcome. I understand that the application did not demonstrate sufficiently that it would deliver key regional and national outcomes. Perhaps the group needs to have another look at how it can make the bid work in that respect.

Locally Grown Produce

6. Maureen Watt (North East Scotland) (SNP): To ask the Scottish Government what it is doing to encourage greater use of locally grown produce by businesses. (S3O-12314)

The Minister for Environment (Roseanna Cunningham): Scotland's first national food and drink policy sets out how the Scottish Government, its agencies and industry partners are helping Scottish food and drink businesses to succeed and enhance Scotland's reputation as a land of food and drink.

Maureen Watt: There are those in the hospitality sector who would welcome the opportunity to purchase locally grown surplus produce from allotments. Doing that would provide an economic boost for those who work the allotments and reduce the carbon footprint of the hospitality industry. However, it seems that local byelaws in some areas prevent such purchases from happening. Will the minister undertake to work with local authorities to look at easing such restrictions to allow the hospitality industry to make use of a fantastic local resource?

Roseanna Cunningham: The primary purpose of allotments is to create a community amenity that provides food for owners and their families, rather than property from which to conduct commercial businesses, so we need to be a little careful about that. However, the hospitality industry is free to make arrangements to purchase allotment produce in small quantities, if it is surplus to the owner's needs. Obviously, that must be done on a case-by-case basis, but the sale of surplus produce is consistent with the Allotments (Scotland) Act 1922 and Convention of Scottish Local Authorities guidance on allotments in Scotland.

In individual cases, consideration may need to be given to other issues such as tax, insurance, health and safety, and traceability, but there is no

reason in principle why the sale of surplus produce should not happen. As the member said, byelaws are made by local authorities, which have the power to allow that to happen at local level and are best placed to conduct a full assessment of what is required locally.

Local Food

7. Jamie McGrigor (Highlands and Islands) (Con): To ask the Scottish Executive what it is doing to encourage the promotion and marketing of local food including meat from native breeds and produce from integrated farming systems. (S3O-12250)

The Minister for Environment (Roseanna Cunningham): The Scottish Government provides support to the agriculture and food processing sectors for marketing and development through the food processing, marketing and co-operation grant scheme and the market development grant scheme.

Jamie McGrigor: Will future Scotland rural development programme mechanisms under the common agricultural policy after 2013 provide incentives for food producers who provide public benefits to the environment and human health and help to address climate change by producing local food, farming native breeds and promoting integrated farming systems?

Roseanna Cunningham: I regret to advise the member that I forgot to bring my crystal ball with me to the chamber. It is not really possible for me to say what the future will hold, but I can tell the member that the Government intends to be able to support such ventures in Scotland and will argue for that, if it can. However, we are not certain how things will work out in the future.

As I am sure the member knows, good things are already happening in respect of beef labelling for rare breeds and through the Scottish venison working group. Good projects are on-going under the national food and drink policy, which remains a first in the whole United Kingdom. I hope that the member will take that as an indication of the Government's intent at every level to produce a situation in Scotland that allows big and small producers, local and national, to access the benefits of the policy.

Food Production (Standards)

8. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what action it is taking to promote high standards of food production in Scotland. (S3O-12283)

The Minister for Environment (Roseanna Cunningham): Our farmers strive constantly to meet the highest possible production standards. The Scottish Government provides support to

improve food production standards through the Scotland rural development programme, which offers farmers assistance to participate in food quality assurance schemes and to improve animal welfare under land managers options.

Irene Oldfather: Does the minister support the Farm Animal Welfare Council's new approach to animal welfare, which moves away from the five freedoms and promotes the concept of a good life worth living? Given that at this time of year demand for poultry, in particular, is at a peak, will she outline what the Government could do further to promote the purchase of free-range goods?

Roseanna Cunningham: In all that the Government does, we are asking consumers, whether they be individual, retail or company consumers, to look closely at the provenance of our food. We have a number of schemes in place. The provenance on a plate toolkit allows local restaurants and retailers to put local food on menus. If we were to mandate individuals to buy certain kinds of produce rather than others, we would be stepping a little beyond our remit, however much we would like to encourage and personally to provide examples of such behaviour, where possible.

The Deputy Presiding Officer: Question 9 has been withdrawn.

Climate Challenge Fund (Eligibility)

10. Margo MacDonald (Lothians) (Ind): To ask the Scottish Government whether the recently announced increase in the climate challenge fund, or any future similar funding, will be available to groups who have temporary or short-term leasing. (S3O-12251)

The Minister for Environment (Roseanna Cunningham): There is no specific exclusion for projects that involve temporary or short-term leases in the application criteria for the climate challenge fund. If a community applies for funding, it is important that it demonstrates how it will achieve both significant carbon emissions reductions and a positive legacy for the community.

Margo MacDonald: There might have been a feeling abroad that short-term leasing was not a good idea and did not give groups enough time to dig in—literally—and produce better reasons for their use of the funding. If we consider, for example, the evidence that has been produced by Royal Edinburgh community gardens, we can see that, over one year, there have been many benefits. People get into the idea, and where they have only short-term use of land, they are likely to go on to another area for leasing.

Roseanna Cunningham: I am not certain that there was a question there, Presiding Officer.

The Deputy Presiding Officer: Neither am I.

Roseanna Cunningham: I can reassure members that the climate challenge fund is not based on length of lease; it is based on outcomes. If people can demonstrate that the outcomes fit with those that are required under the climate challenge fund, their project will be worthy of as much consideration as any other project.

“Inquiry into the Impact of the Treaty of Lisbon on Scotland”

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-7496, in the name of Irene Oldfather, on the report on the inquiry into the impact of the Treaty of Lisbon on Scotland. I call Irene Oldfather to speak to and move the motion on behalf of the European and External Relations Committee.

14:57

Irene Oldfather (Cunninghame South) (Lab): It is a privilege to open this afternoon’s debate on behalf of the European and External Relations Committee on a piece of work that has formed the core of our work programme over the past year—the Treaty of Lisbon.

The committee published its report in June and since then we have been actively engaging with stakeholders across the Parliament, exploring how we in the Parliament can take advantage of the opportunities that are provided. The treaty has ushered in a new European architecture, which does a number of things that are relevant to the work of the Parliament. For the first time, it formally recognises the principle of territorial cohesion. It also introduces the principle of consultation of regional Parliaments, enhances the principles of subsidiarity and proportionality and invites greater engagement from the regions of Europe. Critically, the test of the changes lies in the answer to the question: will they enable us, here in the Scottish Parliament, to do our job better? I think that they will.

With the new subsidiarity mechanism, or early-warning system, member-state Parliaments can block European Union legislation if it does not accord with the principle of subsidiarity. That action should be taken at the most appropriate and effective level. Through that, the treaty offers the real prospect of improved democratic oversight of the EU’s decision-making process. It also offers the prospect of new routes of influence in areas that are of significant interest to Scotland, through better and improved liaison with the European Parliament and European Commission.

Given the devolved interest in many areas of EU competence, and the role of the UK Government as interlocutor with the EU, there is a need for improved mechanisms for representation of any policy area that might be of importance to the people of Scotland. As EU legislation takes precedence over national legislation, the Scottish Parliament and the Scottish Government need to be vigilant, as even welcome or favourable legislation can have implications as to which level

of government in the UK becomes decision maker in a given field. Scrutiny and improvement of the process will be essential to ensure clear mechanisms for dealing with conflict resolution.

The subsidiarity protocol offers a chance for the Scottish Parliament to challenge incursions into areas of devolved interest. To realise that power, the Parliament needs to work in partnership with the UK Parliament. A formal proposal to ensure co-operation between the UK and the Scottish Parliaments on the matter has been agreed in principle—that is part of the work that the committee has been doing since we published our report. The implication is that because the Scottish Parliament can get involved in such initiatives, we can exert more influence in the European Union.

In taking the proposed strategy forward, the EERC will retain its role in co-ordinating, horizon scanning, undertaking overarching inquiries—such as our inquiry into the EU budget review—or in doing work that a subject committee is unable to do. The committee will also continue to lead on analysis of the European Commission's work programme, so that the Parliament can identify key issues in the future.

I hope that the new system will generate contributions to the debate from subject committees, which will be vital. The active scrutiny role will rest primarily with the subject committees, which will undertake work of their own volition. At the core of the proposed new model is the appointment by the subject committees of European reporters, who would act as conduits between the EERC and their committees and have specific roles. The idea is based on a model that has been successfully used by the Parliaments of Bavaria and Flanders. It builds on the aspiration of the Scottish constitutional convention that there should be strong links between European committees and the subject committees of the Scottish Parliament.

We propose to use the scrutiny process to give subject committees an overview of all proposals that come out of Brussels and an opportunity to intervene early in the process, if that is desired or required.

The Minister for Culture and External Affairs (Fiona Hyslop): I am interested in developments in the Scottish Parliament. What response to the initiative has there been from conveners of the subject committees?

Irene Oldfather: We have had a positive response. I have spoken at the Conveners Group on—I think—three occasions, and I think that there is recognition that we need to engage better. We also want engagement to be measured, because although we need to intervene early, we realise that a light touch is needed. Work should not

impact on committees' already heavy workloads. However, we must do a good job of policy co-ordination.

The proposals will require changes to the standing orders of the Scottish Parliament if they are to be fully effective. We are well advanced with a detailed plan for the development and implementation of the strategy on a pilot basis in January, should the proposed approach be endorsed by the Parliament at decision time. After the pilot, the strategy would be evaluated and the process would be in place for the start of the new parliamentary session in 2011.

The Standards, Procedures and Public Appointments Committee would undertake the necessary work on changes to the standing orders and would report to the Parliament on what was needed. Detailed guidance and training, and a system for management of information and intelligence, would be developed by the EERC, with support from the Brussels office and the Scottish Parliament information centre. That guidance would be in place for the forthcoming parliamentary session. What we propose is a legacy for the Parliament in the next session, so that it can up its game in a manageable way.

It would be remiss of me not to thank everyone who was involved in this substantial piece of work, from committee clerks and the Scottish Parliament information centre to committee conveners, the minister and the Presiding Officer. I thank them for their constructive input along the way.

The evidence that the committee received was overwhelming, and I am grateful to academics, politicians, lawyers, representative bodies and members of the European Parliament for their contributions. There was consensus among those people that the treaty creates an opportunity, that radical change is needed to make the Parliament fit for purpose in the context of European scrutiny, and that we should embed in the Parliament a process that will realise that aspiration.

The Scottish Parliament does not want to be an observer on the European stage; we have a great deal to contribute and we want to be a participant. The committee's proposals prove that Scotland can lead in ensuring transparency, accountability and equality in relation to the legislation that we review and produce.

I move,

That the Parliament notes the European and External Relations Committee's 4th Report 2010 (Session 3), *Inquiry into the Impact of the Treaty of Lisbon on Scotland* (SP Paper 469) and agrees to the introduction of a Parliament-wide strategy for European Union engagement and scrutiny, including the introduction on a pilot basis, and, if successful, permanently, of an early warning system for EU legislative proposals, as outlined in Annex B to the Report.

15:04

The Minister for Culture and External Affairs (Fiona Hyslop): I am pleased to have this opportunity to respond on the Scottish Government's behalf to the committee's report on the impact of the Treaty of Lisbon on Scotland.

As the convener indicated, the Lisbon treaty clearly has broad implications for Scotland. Extended and new competences mean that the EU will be active in a range of new areas. We already see that in policy areas that range from energy to sport. We need to ensure that Scotland's interests are protected and promoted under the freedom, security and justice opt-in arrangements, and that we respond to the European Parliament's increased powers by engaging effectively with members of the European Parliament.

The treaty has presented Scotland with increased opportunities to influence European legislation in new areas, and to feed into the European Union's decision-making process on key policy areas for us such as justice, energy, climate change, agriculture and fisheries. The subsidiarity protocol provides, for the first time, a treaty-based role for this Parliament to engage in that process, too.

The Scottish Government welcomes the findings of the committee's report. We have taken a positive and proactive approach to working with the Scottish Parliament throughout the inquiry and will continue to do so.

I am encouraged that a key recommendation of the report is for the Scottish Parliament to take on a more effective role in the EU policy-development process through a reinforced Scottish Parliament European strategy. The strategy involves an expanded role for the subject committees. That is a necessary step following the changes that the Lisbon treaty has introduced. Through the extension of shared and supporting competences, more of us will need an increased awareness of Europe.

In September, I set out to the European and External Relations Committee the successful outcomes that we are seeing from the Government's "Action Plan on European Engagement". The action plan's focused and proactive approach has delivered real results for Scotland in energy, research, justice and the marine environment. Ministers have a strong record of engagement, both in attendance at the Council of Ministers and in discussions with commissioners and MEPs.

European activity is central to many of our domestic responsibilities, and such activity continues to increase. Therefore, I am pleased that the Scottish Parliament has recognised the

opportunities that the subsidiarity protocol offers and has proposed mechanisms to make the most of them. I welcome the recommendations to ensure formal co-operation with the UK Parliament and to seek a Scottish Government view as an integral part of any formal subsidiarity mechanism.

I am pleased to announce that the Scottish Government's new explanatory memoranda—EM—management system is now operational and will be piloted with the Scottish Parliament over the coming months. The new system will help to facilitate the Parliament's new responsibility to scrutinise European Commission proposals.

The Lisbon treaty introduced new fast-track infraction procedures with particular emphasis on implementing European legislation on time. The Scottish Government has made significant improvements in its handling of EU obligations and its transposition performance is leading the way among the devolved Administrations. Last month, I submitted to the committee a report that indicated that only two transposition cases were past their deadline. One has since been achieved, and the second is due to be laid before the Parliament early in the new year.

The committee's report rightly identifies freedom, security and justice—which is one of the Scottish Government's EU priorities—as an important area of EU engagement for Scotland. Scotland is in a unique position within the European Union. The UK is the only member state that contains two legislative jurisdictions and justice systems, so it is vital that policies on freedom, security and justice take account of the different legal system that we have in Scotland. The Lisbon treaty extends the opt-in to all FSJ matters, so we will continue to work closely with the UK Government to ensure that Scotland's interests are properly and positively represented.

I take this opportunity to update the Parliament on the European Union Bill, which is the UK's response to the Lisbon treaty. The subject matter of the bill and its provisions appear at first sight to be reserved, but there are significant potential implications for devolved interests, especially on justice. We have been in close discussion with the UK Government in order to protect Scotland's interests. I will continue to press to ensure that the Scottish Government's role under the memorandum of understanding in developing UK policy in the areas that the bill covers is fully respected. We have clear and robust processes in place to ensure that.

Irene Oldfather: Does the minister agree that there is a case for saying that, should a referendum be held, information about results should be available at sub-state level?

Fiona Hyslop: I am very interested in referendums and I am delighted that the UK Government has an increased interest in them, whether on the alternative vote system or under the European Union Bill for when a change to the Lisbon treaty is proposed. However, we know of resistance in this place to referendums on our constitutional future.

Irene Oldfather is correct to identify Scotland's interest in relation to the Lisbon treaty. If any discussions or proposed changes to the Lisbon treaty resulted in the UK Government wanting to hold a referendum, I would be sympathetic to the proposal that the results should be distinguishable. In different parts of the UK—in Wales, Northern Ireland and Scotland—different perspectives can be taken. The working time directive is a good example of a subject on which Scotland might have had a different perspective from the rest of the UK.

The point is well made and important, despite my reservations in relation to a referendum by the Scottish Government. I suspect that we will return to issues that relate to the bill as it progresses through the UK Parliament and I am sure that the European and External Relations Committee will take a keen interest in what happens on that.

I return to implementation of the Lisbon treaty, the proposed work programme and the changes in the Parliament. I was pleased to work with the committee throughout its inquiry and I sought to provide positive and constructive ideas about how engagement could take place. I look forward to further engagement in the months ahead.

15:12

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome the European and External Relations Committee's report on the Lisbon treaty's impact on Scotland. This month marks the first anniversary of the treaty's coming into force in December 2009.

The ever-expanding European Union, with 27 member states, is becoming a huge institution that has huge powers and influence over the citizens of Europe. We are debating the potential for the Parliament to be given the right to be more involved in scrutinising the Lisbon treaty's extended competences. The Union began primarily by removing trade barriers across Europe and with treaties that promoted economic and social union, but it has grown to be much more.

To the ordinary man and woman on the street, the European Union in its most popular terms is responsible for some sensible decisions on consumer law, such as the legal requirement for manufacturers to fit plugs to all appliances. Those of us who are not very good at fitting a three-pin

plug have come to accept that welcome decision of the EU, although not such a popular decision—it is just my view of the world—was the removal of 100W bulbs. As for the consolidation of charger models, the Commission has ensured through a memorandum of understanding that new interchangeable mobile phone chargers should reach the market by 2010 onwards. I am sure that I am not the first member to have complained that, every time I am lucky enough to get a new phone, it uses a different charger, even if the phone is of the same make as the previous one. The EU has made popular decisions that demonstrate the importance of economic union.

I mentioned those issues because it is important to note that the language that we as politicians use in relation to the EU—such as “infraction procedures” and “subsidiarity protocols”—is perhaps not the most accessible to the ordinary person on the street. It is our duty to ensure that the EU is an accessible institution to the people whom we represent. I am not surprised that Governments that have conducted referendums on the Lisbon treaty have struggled to make the case, because not enough has been done to make the EU a democratic and relevant institution. However, the Lisbon treaty could change that. Given the extended competences and the gathering of pace on co-operation on freedom, security and justice, it is imperative that the Scottish Parliament can influence matters in which it has a direct interest. For that reason, I commend the committee for its imaginative ideas on how we can initiate early warning systems to ensure that we do not lose out. If we do not have formal systems, the EU will simply make decisions that we will be affected by, so the committee's report has an important status.

We want the fact that Scotland has a unique legal system to be respected. As Michael Clancy from the Law Society of Scotland has pointed out, there are no Scottish MEPs on the European Parliament's Committee on Legal Affairs, and it was not so long ago that there was not one lawyer who had been trained in Scots law on the Commission's team of lawyers. We must be extremely vigilant about the possibility of our laws being encroached on without our knowledge. That is why an early warning system is critical.

In my experience, the Commission has been responsive to requests from Scottish Parliament committees that they be able to respond to, and to make submissions on, proposed legislative measures, but the ordinary legislative procedure is highly significant as it will allow us to make representations directly to the European Parliament.

The suggestion that we should appoint EU co-ordinators to each committee seems to be useful,

because it cannot be the exclusive role of the European and External Relations Committee to scrutinise European matters. The point that the committee's report tries to get across is that it is for the whole Parliament and its committee system to do that, which is what the recommendations are designed to achieve.

The report's suggestions have a lot of potential, but the Parliament must be clear about the formal mechanisms that it wants to put in place for next session. As Irene Oldfather eloquently outlined, that is a legacy that we need to leave for the next four years. If we can do that, I think that we will have done our job.

15:16

Ted Brocklebank (Mid Scotland and Fife) (Con): I am grateful to Pauline McNeill for reminding me of two positive outcomes of the Lisbon treaty, as I could not think of any.

As members will be aware, the Germans are already talking about reopening discussions on the treaty with a view to dealing with the hopelessly inadequate reserve fund that the euro-zone nations have cobbled together, so it is clear that the financial provisions—and possibly other provisions—of the Lisbon treaty are far from set in stone. As David Cameron has made clear, any changes in the treaty will require the approval of the British people in a referendum.

The gestation period of the committee's report on the present treaty stretches back some two years. Since we began our deliberations all those weeks ago, no fewer than 20 members have served on the committee. I and our redoubtable convener are the only two members who have stayed on the committee over that time. I pay tribute to the clerks for their efforts in achieving continuity in preparing the report in those far from ideal circumstances.

Our work highlights the opportunity that the treaty presented for national Parliaments, devolved Parliaments and devolved Governments to play a greater role in the EU's decision-making process. As a moderate Eurosceptic, I welcome any moves that would see powers being transferred from the continent back to this country.

The report argues strongly that there is a genuine need for the Scottish Parliament and the Scottish Government to have a greater say in areas that are of significant interest to Scotland, such as energy and climate change, and to have a stronger voice in existing priority areas such as agriculture and fisheries. I will say more about fisheries later.

The key point is that the Scottish Parliament needs to be more vigilant in scrutinising proposed

European legislation. The so-called subsidiarity protocol offers a chance for the Scottish Parliament to challenge any incursion into areas of devolved interest but, in reality, it can do so only through the UK Parliament, so it is vital that there be a formal mechanism to ensure co-operation on that issue between the UK Parliament and the Scottish Parliament. The proposed eight-week period under the subsidiarity protocol is far from satisfactory. The report rightly suggests ways in which a devolved Parliament such as ours can ensure that the Scottish dimension is taken into account as timeously as possible.

The most important of the decision-making changes is the extension of the ordinary legislative procedure to 40 new articles, which cover around 95 per cent of EU legislative activity. That means that several of the areas that are now encompassed by the OLP—most notably, justice and security, judicial matters, agriculture and fisheries, and tourism—are major devolved competences of the Scottish Parliament. In the time that is available, I can deal with only two of them.

I turn first to justice matters. The UK, as the member state, has secured an opt-in for all freedom, security and justice matters, but that could have difficult and complex consequences for Scotland, which might be forced to adopt legislation that does not suit its legal system. Conversely, Scotland might be unable to take advantage of EU legislation that might be beneficial. The committee strongly urges the Scottish Government to ensure that Scotland's unique situation is represented in the formulation of any UK negotiating line.

On fisheries, the Scottish Fishermen's Federation claimed in evidence that extending the OLP to cover fisheries will bring potential advantages in influencing decision making. However, since the key factors that affect the Scottish fleet are not included in the OLP—I refer to the setting of total allowable catches, quotas and the vexed questions of discards and days at sea—what influence can be brought to bear through the OLP? I see little appetite among member states, and little scope in the new legislation, for the root-and-branch reform of the common fisheries policy, despite all the weasel words of good intent that we often hear from Brussels.

It would be impossible for the European and External Relations Committee to carry out scrutiny on such a hugely augmented raft of legislation, especially within such a constricted timeframe. Our report recommends that a more active approach be taken to early engagement using rapporteurs and working with the subject committees. We believe that the subject

committees should have significant responsibility for making early contact in their individual policy areas, in the manner that was outlined by Irene Oldfather.

I commend the committee's report on the impact of the Lisbon treaty to the chamber.

15:21

Iain Smith (North East Fife) (LD): I am speaking in this debate as replacement for my colleague, Jim Hume, who is a member of the European and External Relations Committee. Unfortunately he cannot be with us today because of a family bereavement. I am sure that Parliament will join me in passing our condolences on to Jim and his family on such a sad day.

I congratulate the committee on the work that it has done in this area. I might be one of the 20 people to whom Ted Brocklebank referred, because I was a member of the European and External Relations Committee during the first year of this parliamentary session before I moved on to the Economy, Energy and Tourism Committee. The gestation period of this important inquiry started when I was on the committee.

Much has been said about the Lisbon treaty by many people. Some of it is true, and some less so. However, people tend to forget that the Lisbon treaty was largely about reforming the institutions of Europe rather than about extending Europe's power and scope. The European institutions were established for a Europe that had 12 or 15 members, but Europe now has 27 members. The European Union was no longer fit for purpose and it required major reform and change. That is largely what the Lisbon treaty is about.

Many of the treaty's other aspects that have been criticised were about bringing together in one document the competences of Europe, and the areas in which Europe does not have competence, which is equally important. That was an important piece of work that was done during the bringing together of the Lisbon treaty.

I do not necessarily agree with everything in the treaty, and I do not necessarily think that it has gone far enough in democratising Europe, but it certainly has gone some way towards dealing with what was a clear democratic deficit within the European institutions. In particular, it extends the powers of the European Parliament for co-decision in a much wider area of European policies. In fact, the majority of European legislation requires co-decision with the European Parliament, and it now goes through the ordinary legislative procedure, to which Ted Brocklebank referred. That is an important change to how Europe works, and we will see significant changes in the nature of the European Union in the coming years as the

European Parliament flexes its muscles in those new areas of power.

Another important aspect of the treaty is largely what today's debate is about: the protocol around the applications of the principles of subsidiarity and proportionality. That is an important protocol that sets more limits around what the European Union can do, and it makes clear what national Parliaments and, for the first time ever in a European document, sub-national Parliaments with legislative powers can do. It is extremely important that we now have in a European treaty formal recognition that the Scottish Parliament, as a legislative assembly, has the right to a say when Europe extends its reach beyond what is appropriate in terms of subsidiarity and proportionality.

The committee's report and the draft procedure that it has developed are sensible and wise, so I look forward to seeing how the experiment works. The suggestion that there should be a reporter from each committee is valuable. My immediate thought was that that could be a role for the committee's deputy convener. It would obviously be a matter for each committee to consider, but I think that it would be useful for each deputy convener to take on the role of European reporter.

It is also important that the European and External Relations Committee has had discussions with Westminster. One thing that is clear is that, if the new system is going to work and Scotland is to have its say in European matters, we need clear procedures so that we are consulted immediately on any issue in which there are devolution implications. I am glad that the committee was able to bring the issue up; I may be able to say a few more words on it in my summing up.

The Deputy Presiding Officer (Trish Godman): We move to the open debate, with speeches of four minutes.

15:25

Ian McKee (Lothians) (SNP): The Lisbon treaty is the culmination of almost a decade of attempts to reform the functioning of a constantly enlarging European Union. For some, it makes a decent attempt at addressing the EU's democratic deficit, but for others it is nothing but a Brussels trap for power and centralisation.

Let us get the facts straight. The treaty is a watered-down version of the European constitution, which was drafted by a constitutional convention—an innovative method that involved representatives from all member states. Scotland's voice was the late Professor Neil MacCormick, an expert in constitutional law. It is the first time a European treaty has been drawn up in such a

transparent and representative manner, so the propaganda that it has somehow been imposed on member states is laughable.

The SNP had one issue with the constitution—or Lisbon treaty, as it is now called—and that was the common fisheries policy. It is our view that fisheries should be repatriated to member states, and to that end I welcome the European Union's reform of the CFP that is due for 2013. Despite the fisheries aspect, however, there is no denying that the institutional reforms that the treaty makes are pivotal for the functioning of a union of 27 states. For instance, it strengthens the role of national Parliaments and gives greater recognition to Europe's regional and local entities.

In fact, the Lisbon treaty is a major turning point for the Scottish Parliament and the European and External Relations Committee, as both will have an increased role to play in scrutinising the EU decision-making process. I therefore welcome the committee report and its proposed EU strategy, in particular the proposal to create for each subject committee European Union co-ordinators, who can advise on European Union policy and look out for emerging legislation. We could have avoided so much Labour spin in the Health and Sport Committee if there had been an EU co-ordinator telling us from the start that minimum pricing is perfectly legal under EU law.

I am particularly interested by the new protocol on the application of subsidiarity. The Scottish Parliament will have less than eight weeks to formulate a stance and feed it back to Westminster, if it ever considers that the protocol has been breached. In that respect, the committee is absolutely right to express concern that Whitehall departments could ignore the Scottish position.

Unlike other European countries such as Germany, Belgium or Austria, whose constitutions oblige central Government to consult regional parliaments, the UK Government has no legal obligation to consult devolved Administrations and to seek a common position. While nations such as Bavaria, the Basque Country and Flanders have the constitutional power to shape the overall member state position, the most that Scotland can hope for is an informal agreement. In my view, that is inadequate and I encourage the committee to do all that it can to establish a strong and credible mechanism with London and other devolved Administrations, whereby the Scottish position is heard and considered at every stage.

Irene Oldfather: Will the member take an intervention?

Ian McKee: I am sorry. I have only four minutes; otherwise, I would certainly give way.

What a nightmare that must sound to centralist London, which for all these years has been coming up with its Eurosceptic positions all alone. For years, Labour denied the Scottish ministers the opportunity to represent the UK at EU council meetings.

To conclude, the Lisbon treaty gives our Parliament a greater opportunity for involvement, but the challenge that now faces us is to ensure that we can take advantage. It is also clear that, while many Länder and other regions of Europe are treated as equals in their respective member states, Scotland's voice has been subdued by an overparanoid and centralist London for almost 40 years of EU membership. Scotland must have real influence in Europe, and it can do so only with its own votes in the Council of Ministers, 13 Scottish MEPs, an independent civil service in Brussels, and its very own Scottish commissioner.

15:30

Helen Eadie (Dunfermline East) (Lab): I congratulate the members of the European and External Relations Committee on their welcome report, as well as the clerks to the committee, those from SPICe who were involved in the research team and all the witnesses who have been mentioned by my colleagues. For once—and only once—I agree with Ian McKee about the late Professor Neil MacCormick and mention my own dear friend, Kenneth Munro, who used to head the office in Scotland for European Union matters. Those two people are legends in their own time. I was an enthusiastic member of the European and External Relations Committee and, like others, served with Irene Oldfather and Iain Smith, although I do not remember serving with Ted Brocklebank.

I have been very impressed with the issues that the committee has raised in its report, which are important. However, one issue is critical and requires to be agreed and endorsed by the Parliament today. I refer to the evidence that was given by Professor Michael Keating, who said that it is vital that the Parliament agrees—among others—the committee's recommendation that there be established a formal mechanism for dispute resolution covering all areas where the UK, as a member state, may have a different opinion from the devolved Scottish Parliament, so that Scotland's interests are protected. The report tells us clearly that there will be times when the opt-in will be good for Scotland and times when the opt-out will be better for Scotland. That is where there is potential for real dispute, which is why it is vital that the matter is resolved. We are grateful to Professor Michael Keating and others for making that point.

As the minister said, nowhere is that more important than in the area of justice and home affairs. Scotland has a rich justice system to protect. We should pay particular regard to the evidence that was given to the Parliament by Donald Henderson, the EU director for the Scottish Government, the Association of Chief Police Officers in Scotland, Michael Clancy of the Law Society of Scotland, and Professor Becker of the Royal Society of Edinburgh. They all spelled out to the Parliament what the implications are for the new opt-in system relating to freedom, security and justice matters. It is vital that Scotland's interests are protected, and I hope that the Parliament endorses that recommendation with enthusiasm today.

I know, from my work with eastern European countries, that there are many aspects of work in which we can share knowledge and experience. I am especially keen to see that being developed in practical ways. I could cite many examples of situations in which co-operation would be of mutual benefit but will cite one that is topical today: Bulgaria and Romania know how to keep the trains running in exceptionally severe weather. Maybe Scotland has an immediate need to co-operate in that area, starting now. A second area for co-operation is police and security matters. I would be happy to share with appropriate personnel the detail of my experience and why I cite that as my second choice. With the new and extended competencies come opportunities to develop enhanced co-operation between enforcement agencies across Europe, which—I agree with the committee—is to be viewed as a positive development.

The evidence that was provided to committee members by a range of experts is important reading for all who are concerned with our freedom, security and justice, but time does not permit me or them to speak about that today. However, that evidence convinces me that the recommendations of the European and External Relations Committee are appropriate. The committee has responded extremely well to the challenges that I know are significant for the Parliament. It is almost too easy for us parliamentarians to say that European politics is for the MEPs. Our attitude must change, simply because the Lisbon treaty now extends the range and reach of shared competencies between the EU and member states. We know that many areas of shared or supporting competence are devolved matters. We know, too, that most areas of devolved competence are now subject to some degree of EU involvement. So, if we are not to imperil the people of Scotland, the Scottish Parliament must agree the recommendations about the way in which we work as parliamentarians on committees and how we are

vigilant about issues related to our committees coming across the horizon.

Ian McKee will know and will, perhaps, bear testimony to the fact that I campaigned tenaciously on the issue of cross-border health care and EU legislation. I hope that that gives the minister a response to her previous question about those members who have an interest in European matters. I hope that I have demonstrated to her an absolute interest in all European matters, and I congratulate everyone who is associated with this piece of work.

15:35

Christopher Harvie (Mid Scotland and Fife) (SNP): I add my congratulations to the committee on the lucidity of its report.

The Lisbon treaty was signed on 12 December 2007 when the market-driven economy seemed at its zenith, although as we now know, it was already crumbling from within. The treaty was a bid to bring a united Europe abreast of the United States of America as an economic motor, and in that context there was a role for Scotland as a financial services centre. What remains of that bid today? At the time, Gordon Brown's Labour Government rather looked down on the European business of widget making, preferring the grown-up game of speculating on asset-backed securities—what a lovely secure concept! However, that was in fact like loaning millions to Homer Simpson. The result was that investment banks, including the high-street retail banks, now regarded by many as a form of international banditry, slumped. Bankers, however, survive and as Professor John Kay argued in 2009, their recovery is heading towards a double dip at least.

In this quite different world, Lisbon's Europe still presents possibilities for Scotland. As the great constitutionalist Lord Bryce wrote in his book "The American Commonwealth", never underestimate the powers of convention and manoeuvre in semi-federal structures. There are formal treaties, such as Lisbon, and two other factors—the balance of power in Europe and the tendency of small countries with distinctive resources to use that balance to bargain for particular rights.

We have heard of the two-speed Europe, which demonstrably exists, but there is also an evolving and intriguing two-directional Europe: a Franco-English nuclear alliance with would-be great power pretensions and enough aircraft carriers to go with it, and a German-Scandinavian industrial, ecological, potentially low-carbon Europe. What has changed is the influence of energy on the balance of European power. If the 2008 bust was a replay of the South Sea bubble of the 1720s, we now face the sort of revolution that faced James

Watt and the steam engine—a large and feeble contraption—in the 1760s, and the evolution of a new marine energy technology that is only beginning to get into its stride.

Using current technology, Scotland has about 20 per cent of Europe's marine energy resources, but with improved turbines and power storage systems—pump storage has almost doubled in efficiency to 90 per cent—we could greatly increase that. We also have the potential to provide carbon capture for up to 15 years of the CO₂ emissions from northern Europe. We are the most convenient break-bulk centre for goods to and from the far east, making use of the opening up of the north-east passage between China and the ports of the Rhine delta. In other words, if we were to subtract Scotland from Europe in five or six years, Europe would look significantly different.

Those factors mean that in securing our political and economic chances, only independence will enable us to manoeuvre with success. However, we must keep a wary and, I hope, emulating eye on the success of Norway, and the overcentralisation and lobbyism of what I would style the Brussels-London-Paris triangle, because all those places are far closer to each other than to us.

15:39

Mr Frank McAveety (Glasgow Shettleston) (Lab): When the business manager called me and said, “Frank, we want you to speak about Lisbon,” I clearly misunderstood the message and thought about the last time that Scotland made a great contribution in Lisbon—obviously, that was the 1967 European cup-winning side. On the internet page that I checked, the national symbol for each player was shown down the left-hand side; one of the most emotional moments was seeing that every player's national symbol was the Scottish flag. I do not think that that will ever happen again with any future champions league winners.

In the real debate, I follow on from Christopher Harvie's speech; my speech may not be as erudite, but it may be a bit more populist. We need to learn the lessons that we have had in Europe. My opinion is that the issue will not go away; it may well emerge come the debate on it within the UK coalition Government. I await with interest the emissaries of Ted Brocklebank in the Conservative party in the House of Commons emerging over the next couple of years on Europe.

There is also the debate about powers. It is interesting that we are having this debate on the very day that we have debated the Scotland Bill, because many of the speeches by SNP members in this debate act as a counterpoint to the speeches that they made in the debate on the

Scotland Bill—other than on the absolute position, which I respect, of arguing for an independent Scotland.

Having spent the previous couple of days in Brussels, I returned to what should be an advanced European nation that is able to cope with many difficulties. However, when I arrived in Glasgow city centre at midnight on Tuesday I realised that a nuclear attack must have taken place, given the condition of the streets.

In those brief two days—I have been a member of the European and External Relations Committee for only a brief period—I learned a number of important lessons and took away some key messages, which members have already mentioned. Clearly, the Lisbon treaty addresses, in the way in which powers of competence are redefined, the ways in which nation states or regions—however we are defined or would like to be defined in the future—make a contribution to Europe. It strikes me that we have an opportunity, through our parliamentary procedure and our Government strategy, to try to exercise our influence on the European stage more effectively.

In the discussions of equivalent nation states or regions that we spoke about in our two days in Brussels, there are four important messages. One is that we need to influence the decision makers. I touch on what Christopher Harvie said about the axes of power that may exist, in terms of either defence or economic regeneration and industrial policy. Obviously, I would prefer the latter to the former. We need to influence that. Are we aware of developments early doors as a result of the Government's European strategy? In addition, do we have the right people in all the right places in Europe? We must not assume that the matter is solely the responsibility of the European office. A number of discussions touched on how we can ensure that individuals from Scotland influence much of the committee decision making through, perhaps, the role that they play within the Council itself and in all the bureaucracy that exists in Europe.

Secondly, what is our relationship with our MEPs and beyond? That issue was raised constantly and I welcome the committee report's recommendations about regular liaison with our MEPs. How do we engage with rapporteurs and various other agents in the infrastructure and ecology of Brussels? We would welcome such engagement.

There are a number of important issues that we need to touch on. I welcome the idea of having EU co-ordinators within parliamentary committees. I love the buzzwords that come up throughout the documents; I have developed an understanding of “upstream”, “horizon scanning” and “downstream”, so my advanced knowledge is markedly better this

week than it was last week. I think that what they mean is, "Have we got the right people in the right place trying to do the right things?" I would say that that was the fundamental message. Although the key policy areas are clearly there in the European strategy, it is important that we try to realign with the MEPs.

Obviously, much of the debate is about how we can continue to influence some of the resource allocation in Europe. That is an important issue. I note with interest that European Union funds may still be available for sport. I return to my initial comments about how we can ensure that we produce the level of talent through our sporting investment, with the support of the EU, that could perhaps result in another Scottish team having the success that we had on that wonderful summer's night in May 1967.

15:44

Bill Kidd (Glasgow) (SNP): I do not know whether I can follow Jock Stein's team, but I will do my best.

I am here as a member of the European and External Relations Committee, although I was not a member of the committee when it looked into the important issues of how the Lisbon treaty will affect Scotland's role in the EU decision-making process and how the Scottish Parliament can take advantage of the new powers for sub-national Parliaments that are contained in the treaty.

Although the SNP was wary of the treaty at its inception, realpolitik dictates that, for the greater benefit of the people of Scotland, we must make its provisions work in the best interests of our country. The Parliament should use all the opportunities that are provided to scrutinise proposed European legislation to best effect. In particular, we must look positively on the treaty because it provides the committee with an active scrutiny role and possibilities to assess any possible breach of subsidiarity. My late friend and SNP colleague Professor Neil MacCormick, who has been mentioned by a number of members, was a strong supporter of the treaty and led the debate on its likely effects in Scotland. I believe that his role deserves recognition, because he put the Scottish stamp on the Lisbon treaty.

The protocol on application of the principles of subsidiarity and proportionality provides an opportunity for the Scottish Parliament to take part in the scrutiny process for legislative proposals from the European Commission. That opportunity to address the democratic deficit that we have all heard of is, of course, to be welcomed, and the extension of qualified majority voting in the Council will add to the efficiency of the processes. I particularly welcome the introduction of the charter

of fundamental rights to European primary law. Protocol 30 clarifies the application of the EU charter of fundamental rights, which reconfirms existing rights. That is to be welcomed. I must also mention that the recognition of the possibility of a state's withdrawal from the EU—I think that Ted Brocklebank will be fully in favour of that—is a sign of political maturity that has been sadly lacking in the past.

Turning to how we can make our influence felt, I am pleased that the Minister for Culture and External Affairs has provided summaries following each joint ministerial committee meeting and I look forward to the further discussions among the Administrations that are involved in the JMC process as they move towards greater openness in those discussions. I hope that the European and External Relations Committee will lead the Scottish Parliament towards greater and more influential involvement at the EU level of governance. With more and more legislative influence from Brussels becoming evident each year, the Lisbon treaty gives us an opportunity to directly intervene in European legislative proposals up to the point of objecting to any proposals that do not conform with the principles of subsidiarity. That is where the Scottish Parliament's European strategy, which was developed to ensure that we can engage with, scrutinise and monitor EU legislation, must be used to best advantage.

We cannot afford to find ourselves at the fag end of processes that affect the day-to-day lives of Scotland's citizens. That would leave us as mere administrators of the decisions of others. Let us therefore ensure that our Scottish Parliament is as proactive as possible in the implementation of the treaty, to the benefit of Scotland.

15:48

Iain Smith: It has been a short but interesting debate on this important topic. A number of important points have been raised by members. Pauline McNeill mentioned the issue of mobile chargers. Having a basket full of old mobile chargers in my garage that go back more years than I care to remember, I certainly look forward to the day when I do not need to get a new charger when I change my phone. However, there are other areas in which Europe provides direct benefits to British and Scottish citizens. For example, in air travel, even Ryanair has to listen to the European Union and give compensation when it fails to deliver services to air passengers. We would not have been able to do something about that in Scotland alone, but as part of the European Union, we have been able to ensure that, when disruption is caused to air passengers, it can be dealt with.

Ian McKee mentioned the fact that the Lisbon treaty came out of the European constitutional convention. I am pleased to note that that was a constitutional convention that the SNP actually got involved in. It is a valuable lesson that the treaty came out of that convention. It was about democratising the European Union, and the European Parliament has been significantly strengthened as a result. One reason why some people are so opposed to the Lisbon treaty is that it is taking some of the power away from the Council of Ministers and the Commission and giving it to a democratically elected European Parliament.

Helen Eadie mentioned the opt-in provisions on justice and home affairs, and said that sometimes it will be good for us to opt in, and sometimes to opt out, which is very important. There are Eurosceptics who have opposed all European involvement in justice and home affairs, even to the extent of opposing things such as the European arrest warrant, which allows us to give our citizens greater protection. We have that option, and we need to work with the UK Government on the procedures with regard to when it would be appropriate for Scotland to opt in even if the rest of the UK does not want to do so, and vice versa.

It is always interesting to listen to my committee colleague Christopher Harvie. He manages to get into every debate such key issues as our friends in the banking sector and the things that they got up to, as well as the north-east passage. He makes an important point: the European dimension is necessary with regard to the financial sector, because we need to work across boundaries to ensure that we avoid the type of behaviour from the bankers that resulted in the situation that we are now in.

It is difficult to comment on a speech by Frank McAveety, because he always takes an interesting angle on the issue in question. I am just about old enough to remember 1967 and Lisbon. He pointed out that a number of speeches from SNP members seemed to be more appropriate to this morning's debate, as they addressed the question of independence rather than how we deal with the Lisbon treaty; that is a bit of a red herring in my view.

I am the convener of the Economy, Energy and Tourism Committee, which the European and External Relations Committee highlighted as one of the committees that has a particular interest in Europe, certainly with regard to energy issues. Europe has shared interests, so it is appropriate that the European Union has a shared competence in energy matters on things such as security of supply; we know what happened with the gas market a couple of years ago.

We know that on climate change, emissions have to be reduced throughout Europe. The Scottish Government has indicated that without action in Europe to increase its targets, it will be difficult for Scotland to reach the 42 per cent target. The document "Low Carbon Scotland: The Draft Report on Proposals and Policies", which was published last week, suggests that we would be able to reach only 32 per cent.

Renewable energy is an area in which Europe is pressing forward, through the development of carbon capture and storage, and—very importantly—the European supergrid, which will allow us to ensure that renewable energy sources from all over Europe can spread throughout Europe.

Those things are all important, and the Lisbon treaty helps us to deliver them.

15:52

Jackson Carlaw (West of Scotland) (Con): I will do my best to find something to say, but I think it will be a struggle.

I was immediately struck by Ted Brocklebank's point that 20 members—some 15 per cent of all MSPs—had participated in the process. As a substitute on the European and External Relations Committee, I am sad to report that I have not yet been called on to deputise for Mr Brocklebank on any of the occasions when evidence was taken in the inquiry.

Today we have had the Scotland Bill, Bill Kidd's nuclear weapons-free classrooms debate and now the Lisbon treaty—all my favourite things in one concentrated session. I pay tribute to Irene Oldfather for the way in which she set out the committee's report with some clarity. She identified in detail the challenges to Scotland from the Lisbon treaty, and the need to ensure that Scotland is able to engage with colleagues at Westminster in an effective manner—which was the key point—to further its interests.

I welcome Irene Oldfather's approach to the committee conveners: I was encouraged by the response that she was able to detail and I look forward to seeing how that develops in the new year.

The minister gave a positive welcome to the committee, and her contribution was the first occasion I can recall on which there was no repetition of the independence litany. I give thanks for such small mercies. I know it was there beneath the surface, unspoken, but we got through the whole debate without having it positioned.

Pauline McNeill made a sensible and well-illustrated contribution. Although I may not share

her enthusiasm—she had certain reservations, but she is more enthusiastic about the whole European project than I am—I thought that her points were clear and well made. In particular, I appreciated her illustration of the benefits of and the need for the early-warning system with regard to the potential consequences for the legal system. Helen Eadie expanded on that and brought in to support it evidence from a number of the experts who have appeared before the committee.

Ted Brocklebank again emphasised the need for vigilance and the need for a formal mechanism. In fact, in some nations in Europe, there is even a constitutionally established mechanism. The key point that I return to, which Irene Oldfather made, is that the mechanism needs to be effective.

Ian McKee made up for Fiona Hyslop, of course, with a paranoid contribution in which the more naked independence arguments were brought out. He was followed by Christopher Harvie, with one of his idiosyncratic, if illuminating, polemics. His independent commentary is always fascinating and intriguingly caustic. His speeches always make us think, even when their relevance to immediate concerns and matters at hand can be tenuous. We will lose Mr Harvie at the next election. The Deputy Presiding Officer should lobby the BBC. He would be the ideal man to do the Royal Institution Christmas lectures next year. He could give us five polemics over our Christmas holiday period, which I am sure that we would all be better for.

Frank McAveety illustrated why he will be an engaging and entertaining member of the European and External Relations Committee. Helen Eadie and I must both wish that he had been a member of the Subordinate Legislation Committee during all the years in which we have struggled through its meetings. Mr McAveety talked about engagement for Scotland's future advantage. He also brought up the ghost of 1967. What happened then is seared in my memory for reasons that he might not expect. My parents were away on holiday, and the lady who came to look after us did not have a television set, so her entire family descended on us. That evening was an education in many ways that I had not quite expected. It burns in my consciousness even to this day.

Bill Kidd made a business-like speech. I will close by taking on board a point that he made, which sums up the great expectation of and hope for the SNP Government. He said that he was sceptical of the treaty initially, but *realpolitik* means that, in the best interests of Scotland, we must make its provisions work. How we look forward to that attitude being applied to the Scotland Bill as it makes progress.

15:56

Pauline McNeill: Irene Oldfather asked whether the changes will enable us to do our job better, and illustrated throughout her speech that the answer to that question is yes. I endorse the words of Jackson Carlaw in congratulating her on the constant work that she has done on Europe. I hope that she now thinks that we will meet some of her expectations in basing Europe in our work better than we have done in the past.

The European and External Relations Committee has shown that it is a linchpin in leading the way to ensuring that we are better Europeans and that we do our job as democrats in ensuring that the EU becomes more democratic.

Irene Oldfather talked about embedding in our parliamentary system, and she said that we should not be observers. I think that Iain Smith also said that. The word “embed” is critical to how we progress matters. We do not want to be observers. We want the system to be embedded in our parliamentary system because, if it is not, something will certainly fall through a loophole somewhere.

Fiona Hyslop talked about a treaty-based role for the Parliament and the implications for justice in particular. I agree that dangers lie in that area if we do not properly set up systems through which we can look to see everything that will impact on the Scottish Parliament.

Ted Brocklebank described himself as a “moderate Eurosceptic”. I agree with most of what he said. I am impressed that he has never missed a meeting of the committee; perhaps he is more enthusiastic than he makes out. He pointed out that the opt-out procedure can be used only through the UK Government. Others have made that point. It is therefore essential that we have a proper and consistent dialogue with the UK Government to ensure that Scotland is part of the process.

Ted Brocklebank also talked about freedom, security and justice. I think that we need to scrutinise that area most. Perhaps Scotland has a lot to offer Europe in that area. For example, the Scottish Drug Enforcement Agency is the largest user of the European Police Office. I like to think that we have something to offer Europe in that regard. We have lessons that can be learned. We are one of the few countries in the 27 member states whose system is based on a common law system. I have spoken many times in the Parliament about where Europe has unfairly encroached on our family law. When we have completed our legislative process, Europe has wanted to go a little bit further than we would want to go. That demonstrates to me that we need

formal mechanisms to ensure that we will not go where we have no desire to go.

Iain Smith talked about the expansion of the co-decision procedure to cover a wider range of issues. I agree that it is about making the EU much more democratic. Therefore, the European Parliament's powers in that respect have to be welcomed.

I agree with Ian McKee that the Lisbon treaty is a turning point. Helen Eadie, another long-standing proponent of a stronger Europe, says that our attitude has to change, and I agree with that. She amplified the point that Scotland's interest will be protected better in relation to the opt-out if we have more formal procedures with the UK.

Irene Oldfather let me see a letter from the House of Lords showing that there has been discussion about the House of Lords and the House of Commons incorporating the view of the Scottish Parliament into what they do in relation to Europe. That probably answers the question that was raised earlier about having that recognised by the UK Parliament.

As ever, Christopher Harvie made a marvellously compiled speech. He got to the heart of the issue, which is that we have to consider the balance of power in Europe. He is right that energy issues have probably changed the balance of power. We will see where that ends up.

I have always known that Lisbon has a different meaning for my colleague Frank McAveety than it has for most people. As a novice member of the European and External Relations Committee, he has mastered the Eurospeak in a way that only he could do. He boils it down to the issues of influencing the decision makers, access to power and realigning ourselves with MEPs.

Bill Kidd is right to ask us to recognise the work of Neil MacCormick, and I am happy to do that. Bill Kidd said that we should not come in at the fag end of discussions—I have always liked that phrase, but I am not often allowed to use it.

I am pleased to support the report that the European and External Relations Committee has compiled. The legacy for the next session of Parliament must be to embed a formal system in our work to ensure that the powers of the European Parliament are properly scrutinised in Scotland's best interests.

16:01

Fiona Hyslop: The debate has been informed and engaging. I particularly appreciated the reflections on the role of Professor Neil MacCormick and Ken Munro in Scotland's contribution to developing European constitutional

policy. I also appreciated the thoughtful comments from Chris Harvie and Frank McAveety. It is important to reflect that we can take on more roles and responsibility and be proactive with direct EU engagement. I welcome the Parliament-wide strategy for European engagement and scrutiny.

The debate has involved confessions. We had a confession from Pauline McNeill that she cannot change a plug, but she made a relevant point about how we can ensure that people can relate to decisions that are made by Europe. We had the confession that Iain Smith is one of some 20 MSPs who have at one point been a member of the European and External Relations Committee. I confess that I am not and have never been a member of the European and External Relations Committee, but I very much appreciate the work that it does.

The introduction of new competencies and the extension of existing ones has required a great deal of cross-organisational response from the Scottish Government and Scotland's public bodies. We have recently discussed with sportscotland, VisitScotland and Creative Scotland how to take full advantage of the opportunities that are available, such as those on the EU's new sport policy, and how to co-ordinate responses to Commission consultations, such as the recent consultation on the future EU programme for culture.

We have stepped up engagement with the European Parliament and our MEPs, particularly on key interest areas. For example, our engagement on common agricultural policy reform has included hosting a visit to Scotland from Paolo De Castro, the chair of the European Parliament's Committee on Agriculture and Rural Development, and regular contact with George Lyon MEP.

We have worked closely with the UK Government on freedom, security and justice issues for many years, providing input from the Scottish perspective. We will continue to build on that experience and ensure that our interests are properly and positively represented. Although snow prevented the Lord Advocate from attending last week's justice and home affairs council, the Cabinet Secretary for Justice attended the November council. The Parliament now has the opportunity to comment on whether the Commission's legislative proposals adhere to the subsidiarity principle when they concern areas of devolved competence. Together, we can ensure that we have early intelligence gathering and that we have robust systems in place to do that.

On openness on our engagement with the UK Government, the Scottish Government has already taken steps to give the committee a better understanding of the work of the joint ministerial committee on Europe by providing summary

reports following each meeting. I have consistently said that I favour as much openness as appropriate around the process, bearing in mind that a certain level of confidentiality is required to allow full and free intergovernmental discussion to take place. The snow on Monday meant that I could not travel to London for the recent JMC Europe but, in a telephone call with David Lidington, I raised several points on the Commission's new energy 2020 strategy and the EU budget review. Officials who attended noted that HM Treasury and the Department of Energy and Climate Change are keen to continue their close working relationship with us on those issues.

Energy is a good example. A number of members touched on the subject. It was mentioned that the strategic, proactive and focused approach through our EU action plan is delivering results for Scotland. This week, as part of the UK delegation, Jim Mather took a full part in the EU co-ordination that was central to the Cancun conference. That is another example of how Scotland is maximising our experience. Christopher Harvie's analysis of the power proposals and, indeed the strategic direction of Europe, was interesting in terms of where Scotland can influence, particularly in relation to marine energy.

I turn to research. We are working actively with business, academia and policy makers to look at the opportunities through the next framework programme for research and development—another interest of the Parliament. In the new year, we will host an event to launch our strategic engagement approach on this area. We will provide information on the future of European research and innovation and outline the benefits of engagement in European research and innovation programmes. We will debate and discuss future priorities for Scotland in a European context.

Engaging early and directly with Europe will ensure that Scotland's voice is heard. I know that I am in danger of disappointing Jackson Carlaw in saying that I agree with Ian McKee: we want greater direct access to the European Union by bypassing Westminster. Until such time, we accept our duties and obligations as a devolved Government in taking forward Scotland's interests.

As we debate the Parliament's new EU strategy and our engagement with Europe more generally, it is important to make Scotland's voice louder. We will do that if we can find common ground and work together to develop a shared view across the Parliament, Government and all our MEPs. The budget review—including review of the CAP, cohesion and some cross-cutting issues on Europe 2020, energy and the single market—provides opportunities for us to do so across the parties. As well as carrying added weight in the

EU and presenting a unified and positive position to the commission and EU institutions on key challenges, we can help to highlight Scotland as a valued, trusted and reliable partner in EU policy.

Irene Oldfather should get a long-service medal for her perseverance on the issue. She and all members of the European and External Relations Committee should be pleased with the report and recommendations, which are a valued contribution in taking forward the Parliament's work in this area.

16:07

Sandra White (Glasgow) (SNP): The debate has been informative. As other members have said, the Lisbon treaty has a direct impact on areas that are devolved to the Scottish Parliament. In recognition of that, the committee undertook an inquiry into the impact of the Treaty of Lisbon on Scotland. I join with other members in thanking the committee clerks for all their hard work in preparing the report. I thank the convener and admire her tenacity in pushing the subject and securing this welcome chamber debate.

Irene Oldfather mentioned in her opening speech that the committee's recommendations look to the Government taking a much more proactive approach—having an early-warning system, if you like—to identify legislation that has a direct effect on the Scottish Parliament. It is important to get that right.

I turn to some comments that were made in the debate. In her first speech, Fiona Hyslop raised the issue of subsidiarity, as did Ian McKee, albeit that his comments were in a different vein. Subsidiarity is important. Like other committee members, I believe that it allows the Scottish Parliament greater opportunities to become involved. That is why we must have in place a system to ensure that we monitor the memoranda that come forward and other European areas that affect Scotland. I also welcome the recognition of the need for closer working with Westminster and the revised explanatory memoranda management system. The minister also referred to that in her first speech.

Pauline McNeill spoke about what the EU means to the public. I agree with her on the light bulb issue. I also know where to buy old-style light bulbs. I can give her the name of the shop where I have just bought about 40 old-style light bulbs. I wanted to do that before they were taken off the shelves. Pauline McNeill made an important point when she said that we may talk about light bulbs and other such issues, but the key point is what the general public takes out of Europe and what the Parliament can get across to them. As parliamentarians, we must ensure that the public

knows exactly what is happening in Europe and how Europe affects them. That important point may have been missed by some.

Pauline McNeill also mentioned freedom, security and justice, as did Helen Eadie. They were absolutely right to mention the uniqueness of the Scots law system and why it must be protected. We have to be very vigilant on the issue.

Ted Brocklebank outlined many areas of the treaty. Like other members, he reiterated the need for vigilance, in particular on the CFP, in which he has a special interest. That is probably why he has been on the European and External Relations Committee for so long. He is absolutely right to say that we have to keep an eye on that one.

Iain Smith was right to remind us that the treaty is about reforming the institution of Europe. That point was well made, because it is sometimes missed.

As ever, Chris Harvie brought new insights to the debate. In particular, he highlighted the significance of energy to the European Union and the importance and uniqueness of Scotland's position and development in the area. We must monitor and pay close attention to that issue.

Today's debate is about the Lisbon treaty, but Frank McAveety mentioned Lisbon in another context. He made an important point about the influence that the Scottish Parliament should have in Europe. That issue had not been mentioned before, although it has been thought about. He referred to our relationship with MEPs, which is an important point and is discussed in the committee's report. The committee was right to raise the issue. Neatly, the member finished on the subject of sport, as he had begun.

Bill Kidd reminded us that the Lisbon treaty has had a rocky road. I am pleased that Pauline McNeill and others recognised the late Professor Neil MacCormick as a great proponent of Europe and a very good statesman.

Having participated in an earlier debate with Jackson Carlaw, I can say only that his summing up was as entertaining as ever; I will leave it at that.

Iain Smith and Pauline McNeill made positive contributions when summing up and reiterated the need for co-operation. That is what it is all about. It is important to stress that, if we co-operate, we can get things right.

Sometimes when we talk about Europe, people do not quite understand what we are talking about. It is our duty to ensure that they do. I have been a member of the European and External Relations Committee for between 10 months and a year, but I must admit that I am still getting my head around

some of the acronyms that it uses. We are Europeans, so we should behave like Europeans and engage with the European Community.

It is a good move for the Scottish Parliament that recognises that Europe plays a huge part not just in the lives of Scots but in the Scottish Parliament. I commend the committee's report to the Parliament.

Local Government Finance Settlement 2011-12

The Presiding Officer (Alex Fergusson): The next item of business is a ministerial statement by John Swinney, the Cabinet Secretary for Finance and Sustainable Growth, on the local government finance settlement 2011-12. As always, the cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions during it.

16:12

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): My statement to the Parliament will cover two areas. I will set out the terms of the provisional local government finance settlement for 2011-12. I will also report on the business rate poundage levels that we intend to set for next year.

The settlement is a central element in our relationship with local government, which is now into its fourth year. That relationship, which has underpinned the single outcome agreements that are in place for every community planning partnership in Scotland, focuses the work of national and local government on delivering for all our communities.

As the Parliament knows, we are facing the biggest reduction in public spending that any United Kingdom Government has imposed on Scotland. The draft budget that I presented to the Parliament last month addressed a financial challenge that is without precedent since devolution. In cash terms, the Scottish budget will be cut by £1.3 billion next year. Within that, Scotland's revenue budget will be around £500 million lower and our capital budget will be £800 million lower.

In my statement on the draft budget, I highlighted the key role of our local authorities in delivering front-line services. I explained that we had agreed with the leadership of the Convention of Scottish Local Authorities a settlement for local government in 2011-12 that reflects our joint determination to protect those services as far as is possible.

The agreement that we and COSLA's leadership have recommended to individual councils maintains local government's share of the overall Scottish budget, provided that local authorities agree to deliver certain commitments. Those include a commitment to deliver the current single outcome agreements and the various social strategies that we have developed with local government, including giving every child the best

start in life through implementation of the early years framework.

On school education, the package includes funding to maintain the pupil-teacher ratios in primaries 1 to 3 and measures to reduce teacher unemployment. It also provides for an extension of the council tax freeze into 2011-12; maintenance of the delivery of existing commitments on free personal care and work with local government to support carers; and maintenance of the total number of police officers at 1,000 more than before the Government took office.

However, the package is conditional. Although it has been agreed between the Government and COSLA's leadership, it is now up to individual authorities to decide whether they wish to accept it. If they accept, their resource funding will reduce next year by an average of 2.6 per cent. That is a much greater degree of protection than applies in other parts of the budget, and it is superior to that for local government in England.

If authorities choose not to accept the package, their funding will fall not by an average of 2.6 per cent but by an average of 6.4 per cent. The 6.4 per cent figure is the average resource budget reduction in non-protected areas of the Scottish budget next year.

Those, in brief, are the terms of the agreement that we reached with COSLA's leadership on the local government settlement for 2011-12.

Today I can announce the provisional funding allocations to individual local authorities for 2011-12. Copies of summary tables containing the key information in my statement are available at the back of the chamber. Assuming that all councils agree to the terms of the funding package that we and COSLA have jointly put to them, the total support for local government in 2011-12 will amount to £11.548 billion. That includes revenue and capital funding.

Under the previous Administration, local government's share of the Scottish budget declined steadily, year on year. We halted that decline. Under this Administration, local government's share has risen each year. It was 33.4 per cent in 2007-08. If the Parliament approves our budget, it will be 34.5 per cent in 2011-12.

Within the total that is available, support for revenue will amount to £10.9 billion in 2011-12. That includes a further £70 million to enable councils to extend the council tax freeze for a fourth year, and a further £20 million to honour the commitments on public-private partnership schools projects that were approved by the previous Administration. That support continues the removal of, or reduction in, business rates for the smallest businesses in Scotland.

Last year I reported to the Parliament the results of a joint review that was undertaken with COSLA into the needs-based grant distribution mechanism. The report concluded that the formula contained no inherent unfairness, and the Scottish Government and COSLA both accepted the report's recommendations. Council leaders, at their meeting on 19 November 2010, just after my statement on the draft budget, agreed that the established distribution methodology should apply to the local government settlement for 2011-12. That is what we have done. As a result, if all councils accept the package that has been put to them, the average revenue reduction across all councils between 2010-11 and 2011-12 will be 2.6 per cent, with the range varying from 0.3 to 4.9 per cent.

If councils do not accept the package, however, the average reduction will be correspondingly greater. It equates to an average of 6.4 per cent across all councils, and the range by council varies from 4.5 to 9.2 per cent. Council leaders have been asked to let me know in writing by 21 December whether their council agrees to the full package according to the terms that have been set out.

The capital funding element for local government will amount to £700 million for 2011-12. This year, for the first time, we are providing the whole of that amount as capital grant. In past years, local authorities were provided with a mix of capital grant and support to enable them to borrow. By providing the whole amount as capital grant this year, we are freeing authorities from the costs of the associated borrowing that they would otherwise have incurred. They can now use the money that has been freed up to meet other priorities, including those that involve further boosting their capital expenditure.

In allocating the available capital grant among councils, we have maintained funding for specific elements within the total. We have therefore protected the funding allocations for flood prevention schemes that were approved earlier. That is why, for example, Moray Council, which has a number of significant flood prevention schemes under way, receives a smaller reduction than other councils in its overall capital support compared with 2010-11.

The reduction in grant compared with 2010-11 will clearly impact on different councils in different ways. We will work with local government to deliver on our shared commitment to protect and improve services, and we will make progress on the delivery of the national and local outcomes that are set out in the single outcome agreements.

I turn now to business rates. Ordinarily, I would confirm today the business rate poundage. The Government committed that, for the life of this

parliamentary session, the poundage rate in Scotland would not rise above that in England. The UK Government usually announces the English poundage by around the end of November each year. It is late in doing so this year. I therefore regret that I am unable, in the meantime, to confirm the Scottish poundage rate, although I will do so as soon as possible after the rate for England is announced.

I can confirm, however, that the large business supplement will remain at 0.7p for properties with a rateable value over £35,000, excluding the largest retail properties.

I announced on 17 November 2010 that I intend to increase the business rates that are paid by the largest retail properties, including supermarkets and out-of-town retailers. When we compiled our draft budget for 2011-12 we decided that it would be wrong to raise council tax levels and to reduce the small business bonus scheme or the other business rate reliefs that are in place. However, we decided that we needed additional revenue from business rate taxation. We therefore turned our attention to the largest retail properties.

Our rationale is that many smaller independent retailers in town centres have to cope with higher relative rateable values than those of their out-of-town competitors. Their customers, too, often incur parking charges when they bring their cars into town and city centres. To that extent, such retailers can be at a disadvantage, particularly compared with the largest supermarket branches, many of which operate outwith town centres.

Of course, not all large retailers operate outside town or city centres. However, business rates currently account for just 2 per cent of turnover for the largest retailers, and even during the recession the supermarkets have reported higher profits. We took the view that, on balance, increasing the contribution that such large businesses make to local communities through their business rates could begin to redress the balance a little. It is only fair that they now make a greater contribution.

Today I have laid before the Parliament legislation that sets out how the large-retail levy will operate. Retail properties with a rateable value of more than £750,000 will pay a different level of large-business supplement, which will be stepped so that the properties that have the highest rateable value contribute most. I have kept our commitment to match the English poundage but I am applying a supplement to that poundage to a very small proportion of properties.

In total, the retail levy would raise an estimated £30 million in income in 2011-12, of which more than three quarters would come from the largest supermarket chains. We estimate that only around 225 occupied retail properties in Scotland, which

represent about 0.1 per cent of all non-domestic property, will pay the levy. Overall, only 30 companies will pay a greater contribution to the local services that they receive from councils through business rates.

The additional resource can be used to maintain front-line services that councils provide to businesses and to contribute towards the cost of the small business bonus scheme, which has reduced or removed the rates burden for tens of thousands of small and medium-sized enterprises, including many independent town-centre businesses. The scheme has benefited 74,000 properties in Scotland. More than a third of all non-domestic properties benefit from a rates bill reduction through the scheme, and some 64,000 pay nothing at all and enjoy average savings of more than £1,400.

More businesses are benefiting from the small business bonus scheme this year. Jim Mather reported to the Parliament that he had visited the Ardmaleish Boatbuilding Company during the summer. Previously, that business, which supports 25 local jobs on Bute, including a number of apprentices, had not qualified for the small business bonus scheme. Following the revaluation and the uplift of the scheme, it now receives a welcome cash boost. I am pleased to confirm that, despite an overall reduction in the amount of resource that is available to me in 2011-12, I will maintain the small business bonus scheme at the same level in 2011-12 as it is at present.

Following the 2010 revaluation, the number of properties that are potentially eligible for the scheme has increased by 12 per cent, from 102,000 in 2009-10 to 114,600 in 2010-11. In light of such a significant rise in potentially eligible properties, we have taken steps to raise awareness of the scheme, to ensure that everyone who is eligible applies. This month, the First Minister is writing to 19,300 premises that could be eligible for the scheme, to encourage them to participate. That should further increase the number of recipients.

I expect that the small business bonus scheme will reduce the tax burden for Scotland's small and medium-sized enterprises by an estimated £128 million next year—that is up on the estimated total of £117 million for 2010-11 and is by far the most generous rate relief of its type to be available in the United Kingdom.

I also confirm that we will maintain charitable and disabled persons relief at the same levels as in the rest of the UK. We will continue to offer more generous relief for empty properties than is the case in England, and our renewable energy generators will continue to benefit from the only relief scheme in the UK to reduce or remove the rates burden for that vital and expanding sector.

The budget allocations to councils that I am announcing today offer them a choice. If they opt in, they will have access to a funding package that is significantly better than that for local government in England and better than for non-protected areas of the Scottish Government. The settlement will include a further £70 million to enable councils to freeze council tax once again. I hope that all councils take up the offer and deliver a much-needed boost for hard-pressed families in these tough times.

Of course, councils will continue to face competing pressures on their budgets in 2011-12. That is why, through our on-going partnership, we will continue to work with local authority leaders to deliver on our shared commitments. That dialogue will continue as we look ahead to the challenges in 2012-13 and beyond.

Today marks the start of the normal consultation period with local government on the provisional allocations for 2011-12. I will bring the final figures to the Parliament as part of the debate on the local government finance order early in the new year.

The Presiding Officer: The cabinet secretary will now take questions on the issues that were raised in his statement. We have until exactly 5 o'clock for those questions, after which we will come to decision time.

Michael McMahon (Hamilton North and Bellshill) (Lab): I thank the cabinet secretary for early sight of his statement. It is clearly more interesting for what it omits than what it tells us.

We will study in detail his proposal on a supermarket tax to assess what damage it will cause but, regardless of what statistical trickery he employs in the local government settlement, the cabinet secretary cannot disguise the fact that it is a bad package for our local councils.

As he has decided to threaten to cut budgets by 6.4 per cent if councils do not comply with his coercion, the cabinet secretary has removed the pistol that he has pressed against the heads of local councils for the past three years merely to replace it with a blunderbuss. So much for respecting local democracy.

In spite of the gloss that has been placed on the funding package, we should make no mistake about its consequences: police numbers will fall and teacher numbers will continue to plummet.

The Minister for Parliamentary Business (Bruce Crawford): Ha, ha!

Michael McMahon: The Minister for Parliamentary Business may laugh but, as we see from press reports today, social and care services will be decimated by the settlement. The cabinet secretary can hide the figures but he cannot run from them.

Councils are presented as contributors to the national purpose and five strategic objectives but no data are presented to validate those assertions. Will the cabinet secretary produce a performance report on those outcomes since 2007 so that proper assessment can be carried out?

The cabinet secretary claims partnership working with councils on targets and outcomes, so will he explain why, overall, the national performance framework reports progress on only three of the 11 purpose targets and 19 of the 45 national performance indicators?

No costings are provided for spending commitments on policing and teacher numbers, unlike in the 1999 to 2007 format, so will Mr Swinney explain why that vital information is missing?

The table on specific grant funding has been removed. With £1.1 billion of spend, including police grant, it is essential to scrutinise the reality of the cabinet secretary's policy assumptions. Will he now produce the table on specific grant funding?

John Swinney: Mr McMahon contradicted himself in asking me to publish a performance report on national outcomes by then citing the performance report on outcomes, which is available any day of the week—24/7—on the Government's website. It is under "Scotland Performs", and all the indicators that are part of the national performance framework are updated regularly when new statistical information appears, in line with a statistical protocol that is agreed by statisticians and not ministers. Therefore, a performance report on outcomes is currently available on the Government's website.

There will be a number of indicators that demonstrate that performance is not what we want it to be. I readily concede that. For example, performance on the business start-up rate, which has either been updated or is about to be updated, shows that performance is not improving. That is a matter of concern for the Government. We are working to support improvement in business start-ups and have set out initiatives to try to do that, so that information is publicly available.

Mr McMahon made a number of remarks about the agreement between the Government and the political leadership of COSLA. It was not immediately obvious to me which parts of that agreement he objected to. The agreement provides, for example, for the maintenance of 1,000 extra police officers on Scotland's streets. I am not sure whether the Labour Party agrees or disagrees with that; it is an interesting point. I am also not altogether sure whether Mr McMahon agrees or disagrees with the council tax freeze. I

cannot keep up with the Labour Party's thinking on that.

The proposed package reflects the priorities of the Government and local authorities and takes account of the financial reality that I must face, which Mr McMahon's questions skirted past. Whether I like it or not, the Government's resource budget will fall next year. I have addressed the question of what we will do to take account of that. I have made my decisions and published them in the draft budget. I have not heard from Mr McMahon or any of his colleagues what change they would make to any of that.

Michael McMahon: Show us the figures.

John Swinney: Mr McMahon says, "Show us the figures." I have published a document that runs to about 200 pages and which has loads of numbers. He made a point about the individual grant distribution. One change to local government finance that we delivered was the abolition of a substantial amount of ring fencing that constrained local authority activity and built in inflexibility and inefficiency. As a consequence, local authorities have more flexibility to deal with the financial challenges that they face. That is why I hope that, in a difficult financial settlement, local authorities will endorse the approach that the Government has agreed with COSLA's political leadership.

Derek Brownlee (South of Scotland) (Con): I, too, thank the cabinet secretary for early sight of his statement. We Conservatives certainly welcome the intention to freeze the council tax for a further year and the commitment on police numbers.

The cabinet secretary's statement did not make clear the consequences for individual local authorities should they choose not to accept the deal that is on offer. If any local authority chooses not to accept the offer, where will the resource that it is assumed will be allocated to it end up? Do contingency plans exist for spending that money elsewhere?

Given how much the cabinet secretary made of preserving the share of the budget that is given to local government, will the longer-term indicative figures that he will produce after Christmas show that that share will be maintained, will increase or will decline?

John Swinney: Mr Brownlee's first question was about where resources in the settlement would be allocated if local authorities did not accept the Government's proposal. The Government would decide on that in the light of any such response by local authorities. I hope that we do not have to address that scenario.

As for the share of the Scottish Government's budget in the longer-term plans, as I explained to

a number of members yesterday, the Government will consider in detail all questions that relate to the numbers and publish that information before the stage 1 debate in January.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The very mention of the word “concordat” used to raise a cheer from the Government back benches, but it has not even been used today.

The definition of a negotiated agreement is warped when more than £300 million will be held back unless council leaders write to the Government by 21 December to say that they will do the Government’s bidding. It was curious that, although John Swinney ended his statement by saying,

“Today marks the start of the normal consultation period”,

he said that council leaders had to write to him by 21 December to say that they would do what the Government wanted them to do.

In 2009, the Government said that the 5 per cent increase in Scottish business rates would be damaging, so it allowed businesses to defer payment, which was to provide

“vital breathing space in these tough economic times.”

Given that next year’s inflation increase is set to be 4.6 per cent, will the Government provide the same mechanism for deferring payments?

Will such a mechanism be detailed in the questionable letter from Alex Salmond to 19,300 businesses? Given the lack of a transitional relief scheme and the fact—which the statement failed to mention—that 80 per cent of properties that pay rates are appealing their valuations, perhaps he could include an apology to businesses.

My final point on business rates relates to John Swinney’s announcement in his budget statement of a surcharge on out-of-town retailers. Now he has clarified that it cannot be applied only to out-of-town retailers, so it will hit Princes Street, Sauchiehall Street and Union Street. Is not the imposition of a Princes Street penalty an odd thing to do, given that when the figures showed that retail was performing worse in Scotland than it was in England, Jim Mather called for more powers to help retail? The Government is to use its own powers to charge retailers more.

John Swinney: Mr Purvis makes a number of points about the Government’s relationship with local authorities. I stress to him that, as I made clear in my statement, the Government attaches significant weight to the arrangements for joint working that exist between local government and national Government. The various social strategies embody such joint working, which is a product of the concordat between the Government

and the local authorities. If Mr Purvis is at all concerned about the issue, I assure him that the Government’s relationship with local government is extremely healthy. I appreciate the dialogue that we had with local authorities across Scotland over the summer.

Mr Purvis asked about the business rate inflation increase. As I made clear in my statement, I am reserving the Government’s position until the UK Government has announced what the poundage rate in England will be. I am determined to maintain the Government’s commitment to ensuring that the core business rate poundage is no higher in Scotland than it is in England.

I am not quite sure that I understood Mr Purvis’s inference when he asked about the “questionable” letter from the First Minister. I would have thought that if a business property that was not receiving business rates relief got a letter on the issue from the First Minister, realised that it was eligible and made a saving as a result, it might welcome that letter, but maybe I am wrong. The businesses that I speak to tell me that they really value the small business bonus scheme, but I know that the Liberal Democrats have never been particularly supportive of that concept.

A number of issues exist in relation to the levy that I am to apply to large retailers, the rationale for which I explained in my statement. Despite the economic difficulties, the performance of retailers remains strong. In these times, the Government must identify how it can raise additional revenue and face up to the spending cuts that have been imposed on us by the Conservative and Liberal Democrat Government in London.

Michael Matheson (Falkirk West) (SNP): I was pleased that the cabinet secretary confirmed that he will continue to provide funding for the small business bonus scheme, which helps to support some 1,500 businesses in my constituency. I know from my discussions with many of those businesses that they greatly value the scheme, even though it is opposed by the Labour Party and the Liberal Democrats.

How does the cabinet secretary’s proposed financial settlement for local government in Scotland compare with the settlement that the London Government has proposed for local authorities south of the border?

John Swinney: I welcome Mr Matheson’s comments on the small business bonus scheme. I know that he has been active in promoting it in his constituency and encouraging businesses to participate in it.

As far as the comparison between the settlements for local government in Scotland and England is concerned, the core local government

settlement in England involves a comparative reduction of in excess of 7 per cent. The numbers speak for themselves. The settlement that has been offered in Scotland has taken due account of the significant role that local authorities play in the delivery of front-line services to members of the public.

James Kelly (Glasgow Rutherglen) (Lab): The cabinet secretary's statement majored on the delivery of outcomes, but it did not set out how councils will deliver those outcomes. He tells us that there are lots of numbers in the draft budget documentation, and on page 201 we have got the grant figures for 2010-11. However, the cabinet secretary's statement still does not give us figures for 2011-12. For example, the police grant was £968 million last year, but we do not know what the current figure is. Against that background, on police officer numbers, and bearing in mind the fact that different police authorities started at different baselines and have progressed at different rates, how will each individual council's contribution to police authority budgets be decided? How will progress on police officer numbers be monitored?

John Swinney: One of the obvious points that must be acknowledged about how local government contributes to the delivery of outcomes is that that will vary from authority to authority. One local authority area might face more of a challenge with drug and alcohol abuse, for example, than another authority does, and it will contribute to an outcome on that in a different way, depending on the circumstances. It is absolutely right that that should be the case.

Mr Kelly also asked about the police grant and councils' individual contributions to the preservation of police numbers at 1,000 more than there were when the Government came to office. That is a matter for negotiation between individual police boards and the relevant constituent local authorities.

Police numbers will be monitored in exactly the same way as they are monitored just now. A statistical publication comes out every three months that sets out the number of police officers in Scotland. That is the basis on which we can determine whether the Government is reaching its objective of having 1,000 more police officers than we had when we came to office. That publication will chart that information in future also.

Gavin Brown (Lothians) (Con): On the large retailer tax, how many bands will there be and what will the thresholds be within those bands? Has a business impact assessment been carried out on the large retailer tax? Does the cabinet secretary think that any jobs will be lost or not created as a consequence of the tax?

John Swinney: There will be five bands, beginning with a rateable value threshold of £750,000 and going up to the highest band, for rateable values in excess of £2,140,000.

I have given detailed consideration to the issues surrounding the tax, including the potential impact on the economy. I made my remarks about the motivation for imposing it on that basis. As I explained to Mr Brown in committee yesterday, my judgment is that, because the tax represents a minor proportion of the financial health of major retailers—business rates typically account for around 2 per cent of the turnover of large retailers—I do not consider that the measure will have significant economic impact.

Alison McInnes (North East Scotland) (LD): The offer to local authorities of only a 2.6 per cent cut has more strings attached than there are in a string quartet, and many councillors have described it as unworkable. Will the cabinet secretary explain how the maintenance of 1,000 more police officers can be assured, especially given the number of councils that are involved? If even one police board reduces police numbers, are the other councils expected to pick up the slack or be penalised?

The cabinet secretary recently confirmed to the Finance Committee that he has £100 million underspend this year, which he will transfer into additional capital spend. Will he confirm today that councils will get a share of that?

John Swinney: If Alison McInnes will forgive me, I will spare her a reflection on the politics and leave it to local authorities to decide whether they want to participate in the Government's proposals.

The position with police numbers could not be clearer. Today we have in excess of 1,000 more police officers than we had when the Government came to office. The approach that each police authority must take is to maintain staffing levels at a comparable level to the position today and to put financial arrangements in place with their constituent local authorities to enable that to happen. That seems to me to be a pretty orderly way of going about things.

The, um—

Alison McInnes: Underspend.

John Swinney: Thank you—sorry, I had a momentary lapse.

Alison McInnes asked about the underspend. Local authorities will not get a share of the allocation for the simple reason that it is underspend that they have not contributed to. Local authorities may retain any underspend that they have within their reserves; that is not clawed back by Government. The £100 million underspend—or carryover, as I would more

accurately call it—that has been taken into 2011-12 has been identified from budgets that are exclusively under the control of the Government and do not relate to local authorities. I think that that is a fair approach.

I have fulfilled my commitment to local government to maintain the share of the capital budget that they command at 27.6 per cent. That has been honoured, and the money available to local government from the schools development project is in excess of a 27.6 per cent share of the capital budget.

Brian Adam (Aberdeen North) (SNP): Will the cabinet secretary assure me that he will keep the funding formula under review? Can he confirm that the reduction in revenue grant to Aberdeen City Council is under 1.6 per cent? What assurances has he received so far from local authorities that they are willing to sign up to his offer?

John Swinney: I am aware of Mr Adam's long-standing interest in the distribution formula. It is an issue that he has pursued assiduously on behalf of his constituents with both my predecessors and me. As he knows and as I said in my statement, we considered the distribution formula once again, and I have made it clear to the authorities that have expressed concerns about it—principally Aberdeen City Council and Aberdeenshire Council—that I will consider any issues of unfairness that they wish to draw to my attention.

Aberdeen City Council's budget reduction will be 1.59 per cent, which compares to a Scottish average of 2.59 per cent. That is a product of the distribution formula.

I said that I would pass on Alison McInnes's more political remarks, but let me return to them. It is a little rich for me to be criticised for budget reductions when I am simply addressing the consequences of decisions taken by the Conservative and Liberal Democrat Government in London.

David Whitton (Strathkelvin and Bearsden) (Lab): The minister has set a deadline of 21 December for councils to agree the deal, but his side of the bargain is to consider a number of changes to teachers' terms and conditions that COSLA has asked for, or other changes that achieve savings of the same value, and to have a decision by the end of January next year—a month later. Considerable sums of money are involved. Can Mr Swinney tell Scotland's 32 councils today how he will achieve his side of the bargain so that they can make an informed decision by 21 December—or do they have to plan for even deeper cuts to services to balance their books?

John Swinney: I will just address a point that I did not address with Mr Adam: a number of

authorities have already expressed to me their intention to accept the Government's proposals.

On Mr Whitton's comments, I think that local authorities have all the information that they require to take an informed decision. The agreement struck with the COSLA leadership makes clear the Government's commitment to work with local government to deliver the savings that are required in relation to teacher employment and terms and conditions. The Government will fulfil its side of the bargain.

Maureen Watt (North East Scotland) (SNP): Given that local authorities south of the border have seen planned annual budget reductions of an average of 7.25 per cent, does the cabinet secretary believe that the 2.6 per cent reduction that has been offered to councils in Scotland will better protect services and represents a strong deal when looked at against the massive cuts that are being handed to England and Scotland by the Lib Dem and Tory Government in London?

John Swinney: The Government has clearly established as a priority, and recognises the importance of, adequate and effective funding for local authorities. One of the points that I have been keen to stress, which is reflected strongly in the budget document, is the importance of the contribution that local government makes to the strength of local economies. Equally vital is the expenditure that we deploy through the health service. The decision that we have taken about the extent to which the local government funding settlement should be protected is a measure of the importance that the Government attaches to supporting local economies in every part of Scotland.

Mary Mulligan (Linlithgow) (Lab): Last week, official statistics revealed the second-lowest number of new houses being built in Scotland since 1981. I am sure that many people will be disappointed that today, in a statement on local government finance, the cabinet secretary has made no reference to, and has given no explanation of, the reduction in next year's housing budget. Shelter and the Chartered Institute of Housing Scotland have calculated that the housing budget is receiving a 34 per cent cut, which is one of the biggest. Does the cabinet secretary regret the housing budget that he has allocated? Does he recognise it as a huge blow to homeless people and many construction workers? When might we expect more detail on the housing and regeneration budgets?

John Swinney: After that question, I am left wondering whether Mary Mulligan was worried about those matters when the Labour Government was making such an unholy mess of the United Kingdom's public finances. That, regrettably, is

what we are all having to face up to—
[*Interruption.*]

The Presiding Officer: Order.

John Swinney: Labour members have suddenly sprung into action with the usual muttering because they do not like being reminded of the truth. Let me remind the Labour Party of another truth: the housing budget is not falling by the numbers that Mary Mulligan is talking about. Our capital budget has been cut by the Conservative and Liberal Democrat Government operating—

Mary Mulligan: It is Shelter saying that, not me.

John Swinney: I think that Mary Mulligan should listen to this point. The Conservative and Liberal Democrat Government is cutting our capital budget by 25 per cent, but it is simply carrying on the capital budget cuts that the Labour Party produced. I cannot criticise the Conservatives and Liberals for that, as it is the responsibility of Mrs Mulligan and her colleagues. Our capital budget is falling by 25 per cent and the housing budget in Scotland is, regrettably, falling by the same amount.

Of course, I would like the housing budget to be larger. However, if I increased the housing budget, one of Mrs Mulligan's colleagues would complain about some other capital budget being cut to pay for that. At some stage between now and 9 February, the Labour Party will have to tell us what it will support or not support in the budget and what changes it would make to the financial provisions that the Government is putting in place.

Stewart Maxwell (West of Scotland) (SNP): I very much welcome the support that the council tax freeze has given to hard-pressed families since the SNP Government came to power. How much has the average family saved under the Scottish Government's council tax freeze? Will the cabinet secretary give us an assurance that he will continue to do everything in his power to minimise the burden that is placed on families throughout Scotland by that unfair tax during these difficult times?

John Swinney: The average band D household in Scotland has saved £322 a year because of the council tax freeze, which is a welcome contribution to household finances around the country. Of course, I give Mr Maxwell my assurance that I will do all that I can to maintain that approach. That has been an implicit part of the settlement for local government that we have put forward, and I hope that local authorities will agree to co-operate with us in that respect.

Duncan McNeil (Greenock and Inverclyde) (Lab): I listened carefully to the cabinet secretary's statement and I am disappointed that low pay in

the local government sector has not been addressed. Can he really be satisfied with a situation that means that a worker who earns less than £21,000 for looking after an elderly person in a hospital setting will receive a protective payment of £250 while their equivalent who looks after an elderly person in the community setting will not? Given that a Tory-led Government in England—which we have heard much of today—will ensure that low-paid workers right across the public sector, including those in local government, will receive the £250 protective payment, why can we not expect the same of an SNP Government in Edinburgh?

John Swinney: I might stand to be corrected on this point, but I think that Duncan McNeil is giving the Conservative Government in London more credit than it is entitled to, because I am not quite sure that the £250 payment will be applied to local authority employees south of the border. In light of Mr McNeil's remarks, I will check to see whether I am correct on that point—I hope that I have put enough caveats on the record.

Local authority remuneration is, properly, a matter for local authorities to determine within the financial settlement that has been made available to them. Their ability to support low-paid staff is made a great deal easier by a budget settlement that reduces the budget by only 2.6 per cent compared to the much more significant reductions that are taking place in English local government and other parts of the public sector in Scotland.

Angela Constance (Livingston) (SNP): Having had an opportunity to look briefly at the figures that the cabinet secretary referred to, I believe that this looks like a favourable settlement for West Lothian. Could he confirm my mental arithmetic, which suggests that there is a reduction of only 0.35 per cent in that council's budget?

Given the severe weather that we have had this week, I want to ask about winter maintenance budgets. Last year, West Lothian budgeted for £2.2 million but spent £3.9 million. Can the Government accommodate hard-pressed local authorities in any way, particularly if not all local authorities sign up to the generous settlement?

John Swinney: Angela Constance highlights the fact that there is a range of reductions in local authority budgets, which is driven by the distribution formula. That formula is underpinned by population, which is growing in West Lothian. I confirm that the West Lothian budget is reducing by 0.32 per cent. However, there will be greater demands on the council as a result of increased population.

The Government has maintained the national routine and winter maintenance budget in the financial settlement that is proposed to Parliament.

I appreciate that the burdens of winter maintenance, last year and this year, are significant for local authorities. I allocated an additional sum of money to local government in the spring of this year to take account of the additional costs that local authorities had to meet last year and, of course, I will keep the issue under review.

West Lothian Council contributed considerably to the maintenance of the subsidiary road network over the past few days, when the M8 was closed. I wish to put on record the Government's appreciation of the co-operation that was displayed by the staff of West Lothian Council in maintaining a number of routes, which allowed movements between the east and the west of Scotland on the local road network when, unfortunately, the M8 was affected by the significant challenges that we faced earlier this week.

16:58

Meeting suspended.

17:00

On resuming—

Decision Time

The Presiding Officer (Alex Fergusson):

There are three questions to be put as a result of today's business. The first question is, that amendment S3M-7550.1, in the name of Alex Salmond, which seeks to amend motion S3M-7550, in the name of Iain Gray, on the Scotland Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)

Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 42, Against 62, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-7550, in the name of Iain Gray, on the Scotland Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)

Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)

Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Mitchell, Margaret (Central Scotland) (Con)

The Presiding Officer: The result of the division is: For 59, Against 44, Abstentions 1.

Motion agreed to,

That the Parliament welcomes the introduction of the Scotland Bill in the House of Commons on 30 November 2010; notes that it is based on the recommendations of the Calman Commission on Scottish Devolution, which were warmly welcomed by the Parliament on 25 June 2009; supports the general principles of the Bill, which will give the Parliament substantial new taxation, spending and other powers, strengthen its relationship with the rest of the United Kingdom and enable it to serve the people of Scotland better, and calls on the Scottish Government to respond positively and timeously to any requests for assistance or analysis from Scottish Government officials from the committee considering the Bill.

The Presiding Officer: The next question is, that motion S3M-7496, in the name of Irene Oldfather, on the European and External Relations Committee's report on its inquiry into the impact of the Treaty of Lisbon on Scotland, be agreed to.

Motion agreed to,

That the Parliament notes the European and External Relations Committee's 4th Report 2010 (Session 3), *Inquiry into the Impact of the Treaty of Lisbon on Scotland* (SP Paper 469) and agrees to the introduction of a Parliament-wide strategy for European Union engagement and scrutiny, including the introduction on a pilot basis, and, if successful, permanently, of an early warning system for EU legislative proposals, as outlined in Annexe B to the Report.

Sudden Arrhythmia Death Syndrome

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-7393, in the name of Jim Hume, on sudden arrhythmia death syndrome—SADS. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the devastating impact that the death of an apparently healthy young person from a previously undiagnosed heart condition can have on the friends and family of the deceased; further recognises that, on average, 12 people in the United Kingdom die each week from a heart condition associated with sudden arrhythmia death syndrome (SADS); understands that this figure is likely to be less than the actual total because of the difficulties that it believes exist in accurately identifying and recording such deaths; congratulates the work of charities such as Cardiac Risk in the Young and the Selkirk-based Scottish HART for highlighting the deaths of young people from SADS and campaigning for greater awareness; welcomes the Cardiac Assessment of Young Athletes programme run by Professor Stewart Hillis, which screens young people involved in amateur sport for potential heart conditions, and wishes to see a greater awareness of deaths in young people from SADS.

17:03

Jim Hume (South of Scotland) (LD): I thank members who have remained behind to participate in the debate. I also thank those who signed my motion in order to make the debate possible. Among them are health spokespeople from the three main Opposition parties, which I found particularly pleasing.

Sudden arrhythmia death syndrome is not easy to say, but it can also be called sudden death syndrome or sudden cardiac death. Those are all umbrella terms pertaining to a number of conditions that lead to the sudden deaths of young people every day. However, despite those daily tragedies, many people are still relatively unaware of the terms.

Leading charities, such as Cardiac Risk in the Young, estimate that at least 200,000 people under the age of 35 in the United Kingdom have a cardiac condition that is capable of causing sudden cardiac death, which could mean that as many as 16,500 people are in that situation in Scotland alone. Although many of those people will live normal lives, never knowing that they are at risk, it is important to note that they will still be genetic carriers of an abnormality that could, with more serious consequences, be passed on to their children.

Unfortunately, the Gunn family in Selkirk is all too well aware of the dangers of one heart condition that can be responsible for sudden

cardiac deaths. Wilma Gunn decided to dedicate her life to raising awareness of sudden cardiac deaths following the death of her son Cameron. She established Scottish Heart at Risk Testing 14 years ago and has a record of achievements of which she should be proud. Money raised by Scottish HART has gone towards supplying a number of defibrillators to schools, fitness centres and swimming pools across Scotland, and they have already saved lives. In her attempts to raise awareness, Wilma has met Government ministers and presented evidence to parliamentary committees. Thanks to Scottish HART, an important annual sporting fixture in the Borders is the Cameron Gunn memorial soccer sevens tournament. The event has grown so large that it is now run in conjunction with Scottish Borders Council and the Scottish Football Association. It involves more than 1,000 youths every year and it is an important means of fundraising for the charity.

Cardiac Risk in the Young, or CRY as it is sometimes called, deserves enormous credit for the work that it has done in the past 15 years. During that time, it has been at the forefront of campaigns to raise awareness of sudden cardiac deaths in young people. Its activities include supporting bereaved families throughout the United Kingdom, conducting heart screenings, research, and lobbying politicians and the medical profession to raise awareness of SADS issues. CRY should be commended particularly for offering significant grants to trained cardiologists who will continue to work in the national health service as experts in SADS-related conditions.

Before this evening's debate, I made inquiries of the University of Edinburgh regarding the structure and content of its physical education teacher training programme. With some of the conditions there are warning signs, and if they are detected early enough, that can lead to a diagnosis and the ability to effect life-saving lifestyle changes. PE teachers are ideally situated to spot the warning signs, so I was intrigued to learn whether they have the necessary skills to do so. I understand that, following the introduction of curriculum for excellence, there is now a focus on the wellbeing of pupils, and that this year's intake of PE teaching students at Edinburgh will be the first to leave university equipped with such skills when they graduate in 2014. I certainly welcome those amendments to the course structure.

However, before this year, only students who undertook more scientific modules would have gained the necessary knowledge, and those modules were not compulsory. I wonder whether the minister will be willing to look into that and investigate the possibility of giving existing PE teachers some retrospective training in the symptoms of heart conditions. I imagine that most

13 or 14-year olds would not readily associate dizziness or shortness of breath from exertion with a heart condition, but if their teacher did so, it could make all the difference. I am not suggesting a full course for PE teachers; perhaps a brief lecture from a physician or some educational literature would suffice.

Although that approach would be helpful, we must be mindful that the first time many people who fall victim to sudden cardiac death become symptomatic is when they die. The only way to combat that is to screen young people for heart conditions. That is why the Government deserves credit for supporting Professor Stewart Hillis's cardiac assessment of young athletes programme, or CAYA. In the answer to a parliamentary question last month, I learned that 176 of the 885 individuals who had been screened up to that point had been referred for further treatment. Many of those cases involved elevated blood pressure. My concern is that the commendable CAYA programme is largely geared towards those who compete in organised amateur sport. Those sporting individuals who keep active, but do so outside organised competition, are in danger of slipping through the net. For every weekend amateur footballer or cricketer, there are many people who jog or cycle after work or play five-a-side football with colleagues, as Cameron Gunn was doing when he passed away.

I am fully aware that blanket screening is not feasible because of budgetary constraints and the lack of medical professionals in the NHS who have experience of electrocardiogram and echocardiogram manifestations. I understand that most of the CAYA programme's subjects thus far have been male and involved in team sports, but that there is a capability to offer satellite clinics. I would be interested to know whether the additional funding that was announced in October will allow the CAYA programme to move into leisure centres and gyms to screen those who would otherwise miss out on the opportunity.

SADS is a phenomenon that strikes without discrimination. It is thanks only to the actions of charities such as Cardiac Risk in the Young and Scottish HART that we are beginning to understand that previously unexplained deaths were, in fact, the result of heart conditions.

The CAYA programme is a good start, but it would be desirable to have many more of our country's young people screened for heart defects. It costs the NHS just £38 to operate an electrocardiogram machine on a patient, which has the potential to save a person's life.

Perhaps in the future we will have a programme to rival that in Italy, which has virtually eradicated sudden cardiac deaths in sport and has led to a greater recognition of such deaths in that country.

17:10

Christine Grahame (South of Scotland) (SNP): I congratulate Jim Hume on bringing the debate to the chamber; I know that he has had a difficult day, so I congratulate him even more for staying the course.

I pay tribute to other members of the Parliament who have raised awareness of cardiomyopathy and the work of Scottish HART. Euan Robson, one of Jim Hume's predecessors in the Parliament, first lodged a motion on the issue in 1999, followed by Johann Lamont in 2001, me in 2003 and Rosemary Byrne in 2004.

The campaigning by outside organisations that are involved in cardiomyopathy prevention has made progress, and all parties have responded to it. I thank Malcolm Chisholm, who was then the health minister, for meeting Wilma and Kenny Gunn, who are my constituents as well as being constituents of Jim Hume.

Malcolm Chisholm—and more recently Nicola Sturgeon—gave up a lot of time to discuss the issues with them. That shows that, with a heartfelt commitment to an issue that requires attention, ordinary people can, with determination, change things in the Parliament, and it shows that politicians do listen and that there are results.

Jim Hume referred to the petition that Kenny and Wilma Gunn submitted following the tragic death of their son, Cameron, as a teenager, after taking part in very active sport, and he described how that was another step forward.

As Jim Hume said, the condition affects young people who are very active in sports. Cardiomyopathy is a thickening of the muscles in the heart that often goes undetected but is present at times of rapid growth in adolescence. It can manifest itself in the teenage years, particularly when someone is taking strenuous exercise, so a lot of young sporting people can be vulnerable to it.

Following the petition, and further meetings with and representations from Kenny and Wilma Gunn and Scottish HART, the Cabinet Secretary for Health and Wellbeing launched a pilot screening programme, in conjunction with health professionals and the Scottish Football Association, at Hampden park. It involved screening amateur athletes aged 16 or over for life-threatening conditions.

As a little caveat, I have some concerns about blanket screening. The pilot involved voluntary screening, but blanket screening could give rise to issues in relation to applying for jobs and insurance, when people are asked whether they have any underlying health conditions. We should consider those issues carefully, so I am content at

present with voluntary screening for particular groups.

The cabinet secretary has put in a further £150,000 of funding to extend the screening pilot over the coming years. So far, it has found 400 youngsters who have exhibited risk factors that range from mild to serious. Even one life saved is excellent, so the programme is making wonderful progress.

I congratulate Wilma Gunn for continuing to work hard on the issue. She has been campaigning for the provision of defibrillators in public areas such as large supermarkets, airports, train stations and bus stations. Scottish HART has so far managed to get 30 of those in Scotland; that is the most recent figure that I have. That is another excellent step forward.

I congratulate Kenny and Wilma Gunn, who have embraced all political parties and none, pursued the issue and worked with Professor Stewart Hillis. Wilma never lets go—she is a determined woman, and her determination has probably saved lives.

17:14

Johann Lamont (Glasgow Pollok) (Lab): I, too, congratulate Jim Hume on securing this important debate, and pass on my condolences. He is determined to continue to press the issue in difficult times.

Members will be relieved to hear that I do not intend to make a long speech, but I would like to follow on from what Christine Grahame said and make a couple of relevant points.

I recognise the critical role of sudden arrhythmia death syndrome campaigning groups and the way in which such groups can inform and shape health policy more generally. In particular, I want to mention the Cardiomyopathy Association and the Scottish support group because of the critical role that they have had in highlighting important issues. There is often campaigning activity and determination to raise issues in times of great personal loss. People are driven and focused even when they face the most tragic circumstances, and they determine that what has happened should not happen to somebody else. I stand in awe of everybody who is able to do that in the face of such thoughts. They are able to look at their experience, to determine that others should not experience the same, and to try to progress things.

I want to mention Irene and Bob McConnachie, who are constituents of mine and are now friends. They lost their son and had a particularly traumatic experience following that loss. They were to be tested to see whether there was anything in their

genetic make-up, and the journey proved to be horrendous for them. It involved having to go, until very recently, for screening and testing and follow-up work in London. They realised then the extent to which the medical profession is unaware of the condition's potential to affect the broader family. Perhaps we are not talking about across-the-board screening, but family screening where there has been an impact on the family and finding a way of supporting people through it are critical. It is understandable that there is a lot of coverage in newspapers when a high-profile footballer or athlete loses their life as a result of the condition, but the question is what should be done for the broader family to find out whether they are at risk as well and whether they can be supported.

I recognise that there has been a significant development in Scotland. Bob McConnachie, whom I mentioned, is in a group that has been developing the familial arrhythmia network for Scotland, which has done a presentation to Helen Eadie's cross-party group on heart disease and stroke. The critical issue for it is supporting families and bringing together clinical geneticists, cardiologists and families to try to develop protocols so that people do not have to go on the horrendous journey that my constituents went on. I would welcome any comments or information from the minister on how that work is being progressed. As in many other areas, people's energies, commitment and understanding are being harnessed so that they can come together and say where there is a flaw or gap in health provision. The health professionals can then respond in a positive way and, critically, maintain understanding and awareness of issues among our young people and, more broadly, among families and the medical profession.

I commend Jim Hume for his motion, and everybody who has continued to make all the political parties focus on the matter, and would welcome an update from the minister on how matters are being progressed at Scottish Government level.

17:18

Nanette Milne (North East Scotland) (Con): I am pleased that Jim Hume has brought to members' attention once again sudden arrhythmia death syndrome, and I congratulate him on securing the debate. I also add my condolences and my admiration for his decision to attend the debate.

We are all familiar with newspaper headlines—we see them from time to time—about the sudden death of a fit young person on the football pitch, the running track or the rugby field, and we all lament the wasted potential and the lost years to a group of talented, athletic people who are ideal

role models for youngsters who aspire to develop their physical talents and fitness. A number of those unexpected deaths are due to the sudden onset of a fatal arrhythmia that could have been prevented if the victim had been screened to detect an underlying heart condition.

SADS was first brought to my attention soon after I became an MSP by the founder of Scottish HART, Wilma Gunn of Selkirk. She has campaigned tirelessly to raise awareness of the syndrome since her son suddenly died as a result of an underlying heart condition. She enlisted my help and made me, along with other MSPs, a patron of Scottish HART. I did what I could at the time to achieve her ambition to have screening carried out on young people to identify young athletes who might be at risk.

Like Christine Grahame, I recall an interesting meeting in St Andrews house with Mrs Gunn, Professor Stewart Hillis, Malcolm Chisholm—the then health minister—and some of the Executive's health team. The clear advice from the national advisory committee was that such screening of young people was not considered appropriate.

Undaunted by that and supported by Professor Hillis, Wilma Gunn pursued her case and continued to raise awareness of SADS across the country. As we have heard, she raised money for defibrillators and presented them to sporting organisations, including Aberdeen Football Club at Pittodrie. Although those machines do not prevent the occurrence of potential fatal arrhythmias, they have made possible the immediate treatment that offers the only hope of survival to the unfortunate victims.

The cardiac assessment in young athletes pilot programme that is based at the Hampden sports medicine centre and run by Professor Hillis was therefore warmly welcomed when the Cabinet Secretary for Health and Wellbeing launched it just over two years ago. I am delighted that it has been so successful that the Scottish Government has extended it for a further two years, allowing its expansion to include satellite assessment units that can be taken into rural parts of Scotland. The screening of 800-plus people aged between 15 and 25 has revealed a number of cardiac health issues, and early intervention thereafter has prevented the occurrence of more serious complications while allowing the young people concerned to take part in competitive sport, which is particularly important.

I am glad that the prevention of SADS is being taken seriously in this country and that the programme of cardiac screening of young athletes is providing an accurate and informative bank of research data that can be used as a reservoir for the development of future expertise. However, I wonder whether matters would have progressed

this far so quickly without the dogged determination of people such as Wilma Gunn to keep up the pressure on Government. We should pay tribute to charities such as Scottish HART and Cardiac Risk in the Young for highlighting the preventable deaths of young people from SADS and for campaigning resolutely to raise awareness of the condition among the population of Scotland.

I hope that the next phase of the screening pilot is as successful as the first and I look forward to the day when all those embarking on strenuous sporting activity can be offered appropriate screening if they so wish, because every preventable death in a young person is a tragedy that should be avoided if at all possible. I am happy to support Jim Hume's motion and I look forward to the minister's response.

17:22

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): I, too, welcome the opportunity to participate in the debate, and I congratulate Jim Hume on obtaining it and on pursuing the issue.

SADS is a pretty horrendous thing for a family to go through. I will raise a slightly different issue, although Johann Lamont alluded to it: the bereavement that the families go through. Unexpected deaths in young adults are some of the harder bereavements that have to be gone through—they are difficult. Many of us will have had constituency cases in which a young adult has suddenly dropped dead. In my case, a constituent and neighbour suddenly dropped dead on a rugby field in America. Such deaths are absolutely devastating events and it takes a long time for families to recover, so they need adequate support. CRY certainly does some work to provide that.

We are told that about 12 young people die every week in the UK of an undiagnosed heart problem. Therefore, the question properly arises as to whether there should be universal screening. However, universal screening is undertaken only if certain rules are complied with and certain precepts are fulfilled. The general view is that, at present, a universal screening programme is not appropriate. That is not because of the reasons that Christine Grahame mentioned about a programme being mandatory, as the programme would always be voluntary, but because it might not fulfil all the precepts and principles. To those who are interested, I commend a recent debate on the issue in the *British Medical Journal*. It was one of the journal's yes-no debates, in which one person argues for a proposal and another against.

Christine Grahame: I understand the member's point about the mandatory aspect, but I seek his advice. Is it not the case that such tests would be

mandatory for young men who were looking forward to a football or athletics career?

Dr Simpson: Yes, certainly. Those of my age can remember a certain footballer—I have forgotten his name for the moment—who, on being transferred to Manchester United, was found to have a heart murmur. The whole process was held up. As part of a contract of employment, the test may be mandatory, but we are talking about the much wider base of amateur sport.

As Jim Hume said, Italy has introduced much more general testing, which has been pretty successful. The question then arises of how many false positives there are, and how much distress is caused when conditions that are not serious are found. Both the person and their family can be put through considerable difficulty.

Although I very much welcome the debate, we have to be very careful about how we proceed. In that regard, I welcome in particular the programme that the Scottish Government has set up. It has already had an initial evaluation, which led to an extension, and will be further evaluated. We will see from that exactly how it proceeds. Obviously, the situation needs to be watched.

Organisations such as HART and CRY are essential to maintaining public interest and to ensuring that professionals do not simply dismiss SADS because it involves small numbers. It is important that the issue is looked at carefully.

Other measures can be taken on a much more general basis. We have heard about defibrillators in supermarkets. Indeed, I promoted the fact that the Thistles shopping centre in my constituency obtained two defibrillators and trained staff in using them. In my practice, we trained shopkeepers in the village so that they could undertake cardiopulmonary resuscitation. More general CPR of the sort promoted by the temperature post cardiac arrest—TOPCAT—programme in Lothian can produce benefit by way of allowing people to give rapid CPR until the appropriate staff arrive. We do not do rapid CPR well in Scotland at the moment. We need to extend such programmes.

Genetics are an important consideration. The future may lie in identifying and examining mutated genes. Further examination of ion channelopathies, as they are called, and the genetics that underpin them may make the condition not one that we have to debate every session of the Parliament but something that is dealt with by way of genetic testing, which may be easier in future.

17:27

The Minister for Public Health and Sport (Shona Robison): I, too, thank Jim Hume for introducing this very important debate. I recognise his very direct and personal interest in this serious and complex issue.

The sudden and unexpected death of a youngster is absolutely a tragedy. As members have said, such deaths are frequently caused by an inherited cardiac condition. It can be an inherited disorder of the rhythm of the heart, such as long QT syndrome, or an inherited disorder that causes abnormal thickening of the heart muscle in, for example, cardiomyopathy. Although the motion refers specifically to sudden arrhythmia deaths, I will broaden my reply to cover sudden cardiac death of young people in general. What makes these deaths particularly devastating is that the young person usually has no symptoms; there is no indication that they are at risk.

The conditions are difficult to diagnose. At the moment, there is no diagnostic test that can predict with accuracy the outcome for any individual. That is why the national screening committee advises against having a population screening programme for sudden cardiac death. As Richard Simpson outlined, there are also concerns about wrongly labelling someone as being at risk. That could restrict the activities of many children who never go on to develop clinical problems. As has also been said, it could also cause difficulties in adult life with employment, insurance and mortgages. However, the committee is very clear that close relatives who have lost a family member to sudden cardiac death should be offered tests and advice. We have accepted that advice.

There is a section on inherited cardiac conditions in our better heart disease and stroke care action plan. The key to getting a better grasp of these conditions is to bring together cardiologists, clinical geneticists and pathologists, since each have a part to play. We are very fortunate in Scotland to have a mechanism that does just that, and very effectively. I refer to the familial arrhythmia network Scotland, or FANS, which is much easier to say. I put on record our appreciation of the work that FANS is doing through its lead clinician, Dr Anna Maria Choy and her colleagues.

FANS is clear that reducing the risk of sudden cardiac death involves a number of different approaches. First, it means targeting the young people who are at highest risk. That includes those with a close family member who has been diagnosed with an inherited condition that carries a risk of sudden cardiac death. It also includes young people who are taking part in competitive sports. As has been pointed out, the Government

is funding the cardiac assessment of young athletes programme at Hampden Park, which is a voluntary programme that is open to young sportspeople aged between 15 and 25. The programme breaks new ground by using an echocardiogram—a two-dimensional image of the heart—to help with the accuracy of the assessment process. Recently the Cabinet Secretary for Health and Wellbeing announced that we are providing further funding to allow the programme to run for another two years. The results will help the national screening committee's further consideration of the issue.

The next issue on FANS's list is improving professional and public awareness of inherited cardiac conditions. On the professional front, FANS organises national symposia and it is undertaking a survey to gauge the level of knowledge of the conditions among general practitioners, cardiologists and nursing and allied health professionals across Scotland.

To raise public awareness, the network produces newsletters, leaflets and patient materials. It also has close links to key voluntary sector organisations such as Scottish Heart at Risk Testing and the Cardiomyopathy Association in Scotland. I pay tribute to those voluntary bodies for the valuable work that they do to provide information and support to families. That includes the work of the British Heart Foundation, which last year launched its genetic information service to help relatives deal with the consequences of losing a loved one to an inherited cardiac condition. The service's helpline assists bereaved families to have an assessment at a specialist clinic.

Jim Hume asked about the training of existing PE teachers in heart conditions. I am happy to look into that, but it may already form part of heartstart, the cardiopulmonary resuscitation programmes that the British Heart Foundation offers in schools. I will pursue the matter and let the member have more information.

Improving referral and care pathways is another of FANS's objectives for reducing the risk of sudden cardiac death. The FANS website provides information for patients and health care professionals on who should be referred to specialist cardiologists and clinical geneticists and where they are based. Referral of those with a suspected inherited arrhythmia to one of FANS's regional services has been included in the NHS Quality Improvement Scotland clinical standards for heart disease.

FANS has developed and ratified clinical protocols, which it keeps up to date so that clinicians can deliver the best evidence-based care. It is also developing standards of care for inherited cardiac conditions. That will pave the

way for audits, leading to subsequent improvements in the practice and delivery of care.

FANS is also working with the Information Services Division of NHS National Services Scotland to develop a national registry of inherited cardiac conditions. That will make it easier to screen and follow up individuals and families, while avoiding duplication of expensive tests and reducing patient inconvenience.

Through the pathologists who are involved with FANS, the registry will be linked to the UK sudden cardiac death pathology database, which was launched late in 2008. Pathologists will obtain important information from careful post mortem examination of young sudden death victims. The database will ensure that that information is recorded and retained centrally and help those who are assessing the relatives of the young people concerned. It will also provide better data on the frequency of sudden cardiac death.

I should say a word about the availability of public access defibrillators. Our heart disease and stroke action plan highlights their importance and calls on the cardiac managed clinical network in each NHS board to carry out an assessment of the need for them. I am again grateful to the British Heart Foundation for providing information from its mapping exercise that shows the location of public access defibrillators across the UK. That will help the MCNs with their assessment of local provision.

I very much support what the motion says about the need for greater awareness of sudden cardiac death. I hope that it will be clear from what I have said that the Government takes the issue seriously. We have highlighted it in our action plan and are fortunate that FANS is so active in the area. I congratulate all its members and the voluntary sector bodies that are associated with it on the excellent work that they are doing to improve services for all of those who are at risk of sudden cardiac death.

Meeting closed at 17:34.

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