



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 27 January 2011

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 27 January 2011

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

Reservoirs (Scotland) Bill: Stage 1

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a debate on motion S3M-7769, in the name of Richard Lochhead, on the Reservoirs (Scotland) Bill.

09:15

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Reservoirs (Scotland) Bill will introduce a new regime to better protect the people of Scotland from the risk of flooding from reservoirs.

In recent years, incidents at reservoirs here and in other countries have led us to review Scotland's legislative framework for reservoir safety. For instance, in August 2008, a near failure of the dam at the Maich fishery in Renfrewshire required the evacuation of residents downstream, the closure of public roads and the activation of emergency works to prevent an uncontrolled release of water. That near miss had the potential to cost lives and to cause extensive damage to property and infrastructure but, as the Maich was less than 25,000m³ in capacity, it was not regulated under the Reservoirs Act 1975.

The 1975 act is based solely on capacity. Under it, all reservoirs of more than 25,000m³ in capacity have the same inspection and supervision requirements. The bill will introduce a new system of regulation that is based on the level of risk that each reservoir poses. That makes sense for two reasons. First, reservoirs with no communities downstream will be subject to less regulation and will benefit from significant savings. Secondly, reservoirs that are close to businesses and communities will be more rigorously assessed to provide the highest level of protection.

We have set the minimum volume for regulation at 10,000m³ on advice from the Institution of Civil Engineers that that is the level above which an uncontrolled release of water could cause injury or death. All managers of reservoirs that have a capacity of more than 10,000m³ will have to register their reservoir with the Scottish Environment Protection Agency. Registration will be free for the first six months to encourage reservoir managers to register early. Once a reservoir has been registered, SEPA will classify it

as high, medium or low risk. If reservoir managers are unhappy with the risk classification of their reservoir, they can appeal.

Managers of low-risk reservoirs will need only to register, to keep basic records, to put up an emergency information board and to produce a simple flood plan. Managers of medium-risk reservoirs will, in addition, have to appoint a qualified civil engineer to supervise the reservoir and will have to have the reservoir inspected when that is recommended by the supervising engineer.

High-risk reservoirs will have to be inspected regularly. With high and medium-risk reservoirs, the reservoir manager will have to carry out any mandatory repairs and maintenance works that are specified by the inspecting engineer to maintain the safety of the reservoir.

The role of the Institution of Civil Engineers has been a central feature of reservoir safety for more than 30 years. The knowledge of the engineers will continue to be invaluable to reservoir managers and to SEPA, which will take on the enforcement role for reservoir safety from local authorities. SEPA will hold a central register of all reservoirs in Scotland and will receive details of any maintenance and construction work that is taking place from the appointed engineers.

Under the 1975 act, local authorities are constrained by the limited enforcement mechanisms that are available to them. Professor Richard Macrory's 2006 review on improving regulatory compliance found that, in many cases, criminal prosecution may not be the most effective sanction. The report concluded that flexible and risk-based tools were more likely to achieve the desired outcome. That is why we are creating a more flexible and dynamic system of enforcement, in line with the Scottish Government's aim of better regulation. That will give SEPA access to a more appropriate and effective range of tools to encourage compliance, which should further guarantee the safety of the public.

During the bill's development, we have taken steps to engage with the public, key stakeholders and other experts. The overwhelming majority of respondents to our public consultation were in favour of the implementation model that is set out in the bill. Our reservoir safety stakeholder group has provided crucial insight into reservoir safety issues and has contributed to the bill's development.

I take the opportunity to thank the Rural Affairs and Environment Committee for its diligent scrutiny of the bill and for its support for the bill's general principles. I also thank the many individuals and organisations who gave evidence to the committee. I would like to mention some of the key points that the committee raised in its

stage 1 report and some of the amendments that the Government intends to lodge at stage 2.

The committee highlighted the potential costs that may be incurred by individuals, but the cost of maintaining a reservoir properly should be balanced against the potential cost to a reservoir manager of dealing with the consequences of the failure of a poorly maintained dam. The bill is designed to reduce the risk to the public and to reservoir managers.

We are open to considering whether provision for financial assistance should be made but, for the reasons that I have mentioned, we will do so only in the limited circumstances in which the costs of bringing a reservoir up to the required standard are clearly impossible for a small business owner to pay.

The committee also highlighted areas in which some unintended practical problems could arise as a result of the current drafting. To that end, I confirm that we are considering lodging amendments at stage 2 to resolve those issues. The proposed amendments will, for example, require SEPA to consult the ICE before publishing guidance on the risk designation process; remove the requirement for an inspecting engineer to be appointed at all times; and make it clearer that routine maintenance that does not affect the safety of a reservoir is not mandatory.

I have given a rapid account of the bill's main features and some of the key changes that we expect to introduce at stage 2. We will work closely with local authorities, SEPA, Scottish Water and others to put in place the appropriate regulations, guidance and resourcing to take that forward.

In conclusion, the Reservoirs (Scotland) Bill represents a crucial step towards achieving our aspiration of managing effectively the risk of flooding in Scotland. Through the bill, Scotland will introduce a modern system of risk-based reservoir management that puts public safety first.

I move,

That the Parliament agrees to the general principles of the Reservoirs (Scotland) Bill.

The Presiding Officer: At this stage, I advise members that I am in a generous mood and can offer all speakers an extra minute.

I call John Scott to speak on behalf of the Rural Affairs and Environment Committee.

09:22

John Scott (Ayr) (Con): Every so often, a committee of the Parliament has the privilege of considering a bill that captures the imagination of the Scottish people and provokes excited debate

across the land but, on other occasions, a committee considers a bill such as the Reservoirs (Scotland) Bill. In case that sets too flippant an opening tone, let me add that it is undoubtedly a very important bill that one day might save lives. It is also a bill with possible drawbacks, including the challenging financial implications that it might have for some individuals. That is a serious business, to which I will return later.

I can sincerely declare that I enjoyed the stage 1 scrutiny, in part because of the illuminating testimony of our expert witnesses and in part because I am a civil engineer by training and find such matters fascinating anyway. I got the impression, though, that other committee members perhaps enjoyed themselves more than they had expected to, tapping into hitherto unexploited reserves of enthusiasm on issues such as the relative merits of concrete and puddle-clay dams, and the statistical probability of a peat slide. I expect that some members will wish to refer to such issues in more detail, and we all look forward to that.

The committee has produced a thorough report, and I thank my colleagues for their diligence. I thank Maureen Watt, who chaired proceedings in her usual efficient and good-humoured way. As she is away on parliamentary business this week, I have stepped into her shoes, as it were. I also thank the Scottish Parliament information centre and the clerks, who, as usual, have done a sterling job.

The committee took evidence from SEPA, Scottish Water, the Institution of Civil Engineers, an energy company, an angling club operator, an insurer and the Minister for the Environment and Climate Change and her officials. We received more than 20 written submissions from councils, charities, landowners and large and small businesses, for which I thank them all. I reiterate that our scrutiny of what is a long and technical bill has been thorough.

In evidence, engineers, in particular, raised concerns about various technical issues. I did not sense that any of them was hugely important, but they underline a key recommendation of the committee, which is that the Government must maintain a dialogue with the ICE during the amending stages and, if the bill is passed, in the lead-up to implementation. It is crucial that the technical provisions—the nuts and bolts of the legislation—appear to be workable to the people who rely on them. It is only fair to add that the Government has so far demonstrated a willingness to listen, which is encouraging.

It is also important for the Government to maintain a dialogue with reservoir managers. I appreciate that there is a stakeholder working group that serves as a forum for stakeholders to

air their views and as a conduit for the Government to relay information. I suggest that the information-relaying role needs to be stepped up, particularly in relation to the cost implications for reservoir managers, because there are some worried people out there.

One of our witnesses was a gentleman who runs an angling business. He ended up owning a reservoir as an indirect result of water authorities selling off redundant reservoirs to the public some years ago. He raised the prospect of the bill leaving people like him unable to meet the maintenance costs that will arise under the new regime, and equally unable to afford the eye-watering one-off cost of reservoir decommissioning. Our report described that as a catch-22 situation. We might also have said that such people are damned if they do and damned if they don't. I hope that the minister will be able to address that issue. It is to be hoped that only a tiny minority of reservoir owners will be in that position, in which case the way might be open for the Government to provide help, as the minister hinted in the committee and—if I heard him correctly—commented this morning. I would certainly welcome that.

As the minister was keen to stress, most reservoir managers might not incur significant extra costs and, in some cases, bills might go down. I certainly hope so, but the stage 1 evidence was contradictory on the point. An example is the annual subsistence fees that SEPA proposed to charge reservoir managers. It emerged that the authority to charge those fees is missing from the bill. There is also uncertainty about the level of fees. SEPA indicated the low hundreds of pounds, but the financial memorandum suggested a far greater range. There is a slight sense of policy being made on the hoof, which also concerned the committee.

I conclude by noting that Scotland has a good reservoir safety record, with no fatalities in almost a century. That is despite having some of the oldest working dams in the world—splendid feats of engineering such as Loch Thom and the Greenock Cut above the Firth of Clyde. That is a tribute to generations of Scottish engineers and, I suppose, an indication that the current legislation has not served us too badly. However, the committee has been persuaded that the bill should proceed on the basis that it will take a more flexible approach, with the level of risk matching the level of inspection. As our report says, we expect SEPA's overall regulatory regime to be

"as light touch as possible without compromising safety",

so that costs to managers are driven down.

I note that the minister expressed an interest in lodging stage 2 amendments. I restate the

importance of on-going Government dialogue with the experts in order to improve the bill. I hope that that leads to a steady trickle of Government amendments rather than an uncontrolled dam burst but, either way, the committee looks forward to reconsidering the bill at stage 2.

09:28

Elaine Murray (Dumfries) (Lab): Labour members, too, support the general principles of the bill, which requires all reservoirs with a capacity of more than 10,000m³—we were told that that is four Olympic swimming pools—that lie above the natural level of any part of the surrounding land to be risk assessed and categorised by SEPA according to risk. The bill maintains consistency with the United Kingdom Flood and Water Management Act 2010 and modernises the regulatory regime, which is currently fragmented. Although there have been no fatalities in Scotland due to reservoir flooding since the 1920s, there have been serious incidents, as the cabinet secretary said. Climate change and increased precipitation will also increase risk, so a more consistent approach is to be welcomed.

As others have said, the bill is technical and does not involve many policy issues. However, because of its size and technicality, a number of drafting issues were picked up by witnesses who gave evidence to the committee and they will have to be clarified by amendment at stage 2. For example, the bill appears to require all water-bearing structures that are attached to a controlled reservoir to be inspected, which could be interpreted as meaning that all the kilometres of tunnels that are attached to a reservoir are also to be inspected, which would be very onerous. It is important that those drafting issues are rectified at stage 2. It is also a matter of concern that they were picked by external consultees and not by the bill team. I seek the cabinet secretary's assurance that all amendments will be thoroughly checked for any further inconsistencies. I realise that we are all galloping towards 22 March, but it is important to get the bill right.

The committee debated the proposal from some witnesses that the only factor that should be considered is the risk to human life. Although that should be paramount, Labour members strongly support the retention of environmental and cultural heritage as aspects that must be considered. I would be concerned if risk to the environment were excluded from consideration when assessing how the risk of a reservoir should be categorised.

The bill will have implications for some reservoir owners who are currently excluded from the 1975 act but who will be caught by the new legislation. Some reservoir owners might be uncertain about

whether their reservoir exceeds the threshold volume and the bill is not clear about who will pay for the inspection that will be required to assess whether the reservoir requires to be risk assessed. We would welcome clarification on whether SEPA will provide that service and, if it will, what the financial implications are for SEPA, as they are not included in the financial memorandum

The Minister for the Environment and Climate Change also suggested that there might be some financial support for owners, and the cabinet secretary referred to that again today. There might be assistance for some reservoirs that are included in the regulation for the first time and I am interested to learn further what those provisions might be. I appreciate that such assistance should be available only in particular limited circumstances when the reservoir owner cannot afford the cost of registration or the cost of decommissioning the reservoir.

I would also like to see some consideration of SEPA's budget. We know from the draft budget that SEPA's budget will decrease in 2011-2012 by 11 per cent to £4.9 million. I know that SEPA is in the process of consulting on better environmental regulation with the aim of developing a proportionate risk-based approach that would reduce complexity and introduce efficiencies. I support that approach in principle and I wish SEPA every success with the consultation and further implementation of its approach. However, a budget reduction of 11 per cent when SEPA has already been given additional responsibilities in flood risk management, for example, will make things difficult.

The financial memorandum states that the costs to SEPA are difficult to estimate at the moment because we do not know how many new reservoirs will be included under the legislation or what category they might fall into. It estimates that there will be a one-off cost of between £1.7 million and £2.9 million, and staffing costs of £2.19 million for the implementation period up to 2016. Thereafter, there will be revenue costs of £0.41 million per year. SEPA will be able to charge reservoir owners to fund its administration costs, but the financial memorandum still estimates that the cost to SEPA could be around £4.12 million until 2016. That is almost as much as next year's budget reduction, so I would welcome reassurance from the cabinet secretary that the money can be found without detracting from SEPA's other responsibilities, which are quite onerous in some respects.

Overall, we are supportive of the bill. I suppose that we are looking forward to stage 2, although I suspect that it might be a rather technical process.

09:34

Jamie McGrigor (Highlands and Islands)

(Con): I am pleased to speak for the Scottish Conservatives in the debate. It might not be the most controversial debate, but it is important. I put on record my thanks to the members of the Rural Affairs and Environment Committee, including my friend the deputy convener, John Scott, for a thorough and useful stage 1 report, which has helped me to prepare for the debate. Thanks should also be recorded to the committee's clerking and support team, and to all those individuals and organisations who gave written or oral evidence to the committee. SPICe's Alasdair Reid produced a helpful briefing paper on the bill and the Law Society of Scotland also submitted a briefing for the debate.

The Scottish Conservatives share the Scottish Government's recognition of the specific need to enhance reservoir safety and to seek a clear legal and administrative framework for the construction and management of controlled reservoirs so that the risk of uncontrolled releases of water and their consequences can be reduced.

The debate is of particular importance to my region of the Highlands and Islands. The Highland Council area has the highest number in Scotland of reservoirs holding 25,000m³ or more of water—127—while my native Argyll and Bute has the second highest number, at 76. I expect that both areas will remain near the top of the tables for the most reservoirs when the bill brings all the smaller reservoirs above 10,000m³ under the auspices of the new system. With the push towards new hydro schemes, there may also be pump storage areas that are made into new reservoirs.

I will ask the minister to comment in more detail on two specific areas. The first relates to whether the probability of an uncontrolled release of water from a reservoir or just the consequences of such a release should be considered. Alex Macdonald of the Institution of Civil Engineers raised the issue in his evidence to the committee, and I have sympathy with the view that the consequence should be the key driver.

Secondly, given the concerns that have been expressed about the impact on small businesses and not-for-profit organisations that run reservoirs from both compliance and decommissioning costs, what if any costings has the Scottish Government done on the options for taking reservoirs off small operators' hands? I was interested in the committee's comments on the issue in its report. At paragraph 40, it states:

"There is uncertainty over the status and likely level of annual or subsistence charges likely to arise under the Bill. The Committee recommends that this be addressed as a matter of urgency, so as to provide greater certainty to stakeholders, particularly those persons who anticipate

becoming managers of medium or high-risk reservoirs under the Bill and who are confused by the financial implications of this."

At paragraph 44, it states:

"The Committee notes the Minister for Environment and Climate Change's recognition that the Bill might lead to difficulties for some reservoir managers, and welcomes her tentative indication that the Government might consider providing some sort of assistance in extreme cases."

Like the committee, I seek further clarification on what sort of assistance the minister and the Scottish Government might have in mind.

09:37

Jim Hume (South of Scotland) (LD): I am pleased to contribute to the debate. I should probably begin by declaring an interest as I live just a few miles downstream from the Megget reservoir, which has a capacity of 61,400,000m³ and, being nearly 1,100ft deep, is deeper than any Scottish loch or British lake. I take more than a passing interest in reservoir safety as any breach of the Megget would most likely result in my home ending up at Berwick-upon-Tweed.

Joking aside, I note that the regulation of our numerous reservoirs is an important matter due to our reliance on many of them and the close proximity of settlements to some of them. Indeed, the example that the cabinet secretary gave of the Maich fishery in Renfrewshire is cited in the policy memorandum and serves as a reminder that complacency on reservoir safety is not an option. In that regard, I welcome the Government's attempt to look more closely at the matter.

The bill has particular relevance to my region, the South of Scotland. I believe that all of Edinburgh's water comes from the region, and there are numerous reservoirs dotted around the area, with 38 in Dumfries and Galloway and 26 in the Borders. Of course, not all reservoirs are used for drinking water and many of them are utilised for recreation. As members will know, Penwhirn near Stranraer and Alemoor near Hawick are both excellent fishing locations that are enjoyed by many.

I plan to touch on a few aspects of the bill that I feel are worth highlighting, the first of which is the relatively contentious issue of the proposed threshold volume. Members will be aware that the Reservoirs Act 1975 is largely responsible for setting the current safety requirements surrounding large raised reservoirs. It was that legislation that introduced the 25,000m³ threshold but, interestingly, the act still did not cover the Skelmorlie reservoir in Ayrshire, the failure of which in 1925 resulted in the sad loss of five people.

The bill puts an extra burden on to SEPA and, as Elaine Murray said, there will be a cost to that organisation. The cost is estimated at more than £4 million in the next five years, so I would be interested in hearing how the cabinet secretary foresees funding that cost, especially in the light of SEPA's diminishing budget. Will we see an increase in fees from SEPA across the board, or will an extra burden be passed on to consumers through water rates?

Clearly, a reservoir need not be greater than 25,000m³ to have the ability to cause great harm to life and property. The Government has realised that and sought to address the issue in the bill, for which I am grateful. I am aware that RSPB Scotland and the Association of British Insurers have opposed the lowering of the threshold, but I think that we need to be guided by those who have direct experience in the field. That is why I am comfortable supporting a threshold that was set largely thanks to professional advice from the Institution of Civil Engineers and which has been supported by SEPA, local authorities and even the Scotch Whisky Association.

I note that the committee supports the lowering of the threshold, but I share its concerns that the Government failed during stage 1 to articulate adequately the rationale behind the use of the 10,000m³ figure. The fact is that each reservoir is unique, and increased capacity of a reservoir does not equate to greater risk. Indeed, some reservoirs in excess of 25,000m³ will pose no risk to life or infrastructure because of their remoteness, but a 10,000m³ reservoir that is being held back by an embankment dam near a village certainly does pose a risk.

The Liberal Democrats support the bill at stage 1, but I look forward to some clarifications in the minister's summing up.

09:41

Bill Wilson (West of Scotland) (SNP): At the start, let me comment on and condemn the inconsiderate behaviour of the cabinet secretary towards the back benchers who will speak in the debate. There has been little disagreement on the bill: all parties are supportive and there are but a limited number of points on which there is any disagreement. There were of course some technical issues, but the cabinet secretary has already informed the committee of steps that will be taken to resolve several of them.

When there is little disagreement and therefore only a limited number of discussion points, is it not rather inconsiderate of the cabinet secretary to reduce further the discussion points by agreeing with the committee's proposals? A cabinet secretary who listens to the committee can clearly

make it very difficult for humble back benchers such as me to find points of discussion.

Although the bill is uncontroversial, recent events in Renfrewshire show the importance of reservoir safety: four Olympic swimming pools can do a fair bit of damage.

It is fair to say that, barring a few quibbles here and there, we all broadly agree on the bill. Therefore, let us quibble.

It was suggested by some witnesses that, in determining the risk status of a reservoir, only human life should be considered and that other factors—cultural, archaeological and ecological—should not feature in the calculations. I note that the Government has given an assurance that risk to life will be the paramount consideration, and rightly so. However, I believe that there is no need to specify that in the bill. It would be necessary to do so only should there be a possible conflict between the needs to protect archaeological, ecological or cultural sites and human life, but such a conflict clearly cannot arise. At least, it should not arise, and it is certainly easy to ensure that it does not do so.

In order for such a conflict to arise, it would have to be the case that a low level of hazard to ecological or cultural factors would result in a downgrading of risk. In effect, we would balance disparate factors in a form of arithmetic, giving so many points for each factor and subtracting points if there is little risk to any given factor. That would surely not be a logical way to determine the aspect of risk, and I am sure that it is not one that would be used by those doing so.

If a substantial number of people live in the inundation area, the risk category should be high, regardless of the lack of risk to other factors. However, if there are few or no people living within the inundation area, should the reservoir automatically be low risk, even if a major archaeological site lies in the inundation area? Let us imagine a dam built near Skara Brae. Even though no lives might be at risk, is the risk to such a major archaeological site not enough to raise the level of risk by which the dam is defined? There is a real possibility that specifically raising one factor higher than all the others might result in the other factors being downgraded. That would be necessary if there were a potential conflict between the factors, but there is not and nor should there be.

A second point of concern for me is the designation of reservoirs as posing a low, medium or high risk. Risk is determined by two factors: the probability of the dam failing and the likelihood of the loss of human life or damage to significant sites within the inundation area. Herein lies the problem. When people see the word “risk”, they

are likely to think of the risk of dam failure. What will be the impact on those who live below a dam if they suddenly find that the dam is labelled as high risk? One morning, they think that they are safe; the next morning, they are told that the dam above them is a high-risk dam. Of course, a high-risk dam may have an almost zero probability of failure; indeed, our history of limited dam failures suggests that that is the case. However, inadequate or malicious reporting—far be it from me to suggest that our press ever report inadequately or maliciously, but let us imagine for a second that some might—could easily result in an unpleasant psychological shock to those living below the dam.

I therefore urge the cabinet secretary to reconsider the use of the word “risk”. If the dams were labelled as category 1, 2 or 3, any reporting of a dam’s category would have to be accompanied by a clear explanation of how a categorisation is arrived at. Furthermore, a label such as category 1, 2 or 3 would not of itself be alarming, as opposed to someone suddenly finding that they are living below a dam that is described as high risk—which might prove very alarming indeed. I appreciate that this may seem a rather minor point, but it is one with considerable potential to impact both on an individual’s sense of security and on house prices.

This is a worthy bill and the committee is agreed that it is a commonsense bill. I have chosen to concentrate on a few specific areas mainly because, to be brutally frank, there is not much to be terribly excited about. It is a sensible bill containing sensible, uncontroversial measures. I urge the cabinet secretary to try not to introduce too many of them—it does not make for exciting debate.

09:46

Peter Peacock (Highlands and Islands) (Lab):

I am grateful—I think—for the opportunity to speak in the debate. The cabinet secretary set out clearly the reasons for the bill, including the incident in Renfrewshire that gave rise to recognition that there was a gap in the armoury of reservoir protection. John Scott carefully and clearly set out the committee’s considerations of the bill, which have been thorough. They would not have been as thorough had it not been for the contribution that John Scott made, which on balance was very helpful. There were times, such as when he was explaining the intricacies of Mohr’s circle, when I began to wonder how valuable his contribution was, but it genuinely proved to be so. As a civil engineer, he was able to pick up on issues that lay members such as I were unable to and he made a big contribution to improving the committee’s stage 1 report.

As Bill Wilson said, Governments would generally not introduce such a bill unless there were an absolute need to do so—the Scottish Government has certainly not done it for fun. In many respects, it is just a technical bill, and there is no reason why we should not support it. In so doing, however, it is our job to point out areas where further clarity may be required, such as the definitions in the bill. Bill Wilson made a rather interesting point about the risk categories that are used in the bill. That is one of the areas that the Government might have another think about.

As Jamie McGrigor said, the Highlands and Islands region that I represent has more reservoirs than any other part of Scotland—indeed, any other part of the United Kingdom, I imagine—because of our history and topography. Therefore, the implications of the bill are of particular interest for the region that I represent.

As John Scott rightly said, the industrial revolution gave rise to the creation of many of the structures that we are now having to regulate and think more about. He mentioned Greenock, which has a number of reservoirs around it that fed power to industries there. In today's world, however, those structures, which were originally conceived and constructed for engineering purposes and to drive industry, have assumed new significance in society and are used for recreational purposes, principally fishing. They have also become havens for wildlife and for improving biodiversity. In maintaining those functions, the current reservoir managers face different challenges.

Also, as Bill Wilson and John Scott have pointed out, since the construction of many of the reservoirs we have built housing and other forms of occupation below them, potentially in inundation areas, if there were to be any catastrophic breaches of the reservoirs in the future. Given that history and the age of the structures, some of which are 150 years old or older, it is important that we review our laws to make sure that we have the required protection to ensure people's safety into the future.

As other members have said, the bill takes a risk-based approach, whereby the higher the risk, as defined by the number of people who would be affected by a breach or any other problem with the dam, the more regulation is imposed. The lower the risk, the more light-touch the regulation will be. That seems entirely appropriate as a way of dealing with the matter.

The size of the reservoirs that are to be regulated is coming down from 25,000m³ to 10,000m³. I probed that in the committee and, on the basis of the evidence that we received, it seems to be an entirely reasonable level for regulation—nobody particularly disagreed with it. I

was concerned that there might be implications for the promotion of modern small hydro schemes as part of our renewables drive, which might be caught up in unnecessary regulation that would add cost and be a disincentive to the creation of more of those schemes. However, I am glad to say that I have been reassured, through the committee's scrutiny of the bill, that that will not be the case for the most part.

Elaine Murray raised an important point about the nature and extent of the inspection regime. Scottish and Southern Energy gave us evidence on the potential interpretation of the current provisions, which could include all pipes and inlets to a reservoir. If that were the case, that could cause significant difficulty for SSE and other energy companies. When the Minister for Environment and Climate Change gave evidence, however, she indicated that the Government will consider issuing guidance on the matter, which is what Scottish and Southern Energy is looking for. That guidance will be provided and will helpfully clarify the situation.

The thing that I found most difficult to come to terms with in the bill, if that is the right way of putting it, was the problem that was identified by one witness who inherited a reservoir and is looking after it so that it can be used for recreational purposes. That is a laudable social objective, as the reservoir provides good recreational enjoyment for many people. Suddenly, however, that person could be faced with bills that they would find difficult to contend with. The best option for them might be to decide not to continue to allow use of the reservoir and to decommission it. However, they would then find themselves in the catch-22 situation to which John Scott referred, as they would not have the cash to do that either. That is a genuine problem, and I hope that the cabinet secretary will continue to explore ways of solving it.

Presiding Officer, I am happy to stop now, but I am also happy to continue if you want me to fill more time.

The Presiding Officer: I am happy for you to have another minute, Mr Peacock.

Peter Peacock: In that case, I will make another couple of points.

Another point that was raised with the committee was the significance of the planning authority in giving consent for development below existing reservoirs or for reservoirs to be constructed above existing developments. There was quite a lot of debate about the need for the right balance to be struck. I take the view that planning authorities would act responsibly and would always take into account the increased risk either in constructing properties below a high-risk

reservoir or in allowing development to take place in circumstances in which there would be a risk to people. We should leave it to the good judgment of planning authorities to make the right decisions. Nevertheless, I would not be against further guidance being issued to planning authorities in the light of the bill to ensure that they correctly interpret their duties.

The bill is a sensible measure and I am happy to support its general principles.

09:54

Rob Gibson (Highlands and Islands) (SNP):

As we know, the Reservoirs (Scotland) Bill is a technical bill that has been drawn up through need. For example, there is no central database covering reservoirs in Scotland. Currently, each of the 32 local authorities in Scotland is responsible for regulating the reservoirs in its area, which has led to a fragmented and inconsistent approach to record keeping and enforcement across the country. However, given the fact that we are in the business of making sure that registration leads to regulation, we must be careful that the bill does not add to the costs of reservoir owners and users. At the same time, we should not increase the bureaucracy that is likely to arise from classification, enforcement and giving advice.

We all recognise that the committee's work on the bill has been carried out with a desire to ensure that people are safe, that the reservoir structures, which are quite old, are well maintained and that we can find ways in which to incorporate reservoirs as a natural part of how Scotland looks. We must recognise that, although some of their uses have changed, reservoirs are very much a part of the landscape of Scotland.

Concerns about flooding and the potential for breaches in dams cannot be too far from the minds of those of us in the Highlands. For example, anyone who drives on the road between Dingwall and Ullapool and passes Loch Glascarnoch dam—one of the great hydro dams of the 1950s—will recognise that the houses and the inn at Aultguish that are just below the dam are in the kind of place that Peter Peacock talked about, which was not covered by detailed planning regulations when the dam was constructed. I am not saying for one minute that there are dangers in the structures there, as they are well maintained, but it is important to recognise that there has to be a clear understanding in civil engineering terms of the capacity of the relevant dams.

The fact that the bill will increase the number of dams that Scottish and Southern Energy has responsibility for from 80 to 90 means that the structure of and safety issues around more and more structures will be examined. I welcome that.

Most people recognise, when they drive along the roads, that a lot of the structures are quite old, and we all hope that they are maintained in the best possible fashion.

It is interesting that people are creating new dams. I want to speak about an example of one such dam, although I am not sure whether I can confirm that it is the size of four Olympic swimming pools. Last summer, Lighthouse Caledonia, one of Europe's leading producers of farmed salmon, wanted to safeguard water supplies to its salmon hatchery at Loch Carron, on the Applecross peninsula, and lower rainfall meant that it wanted to increase the size of the reservoir by 30 per cent. It was able to carry out the necessary work, including the installation of a new pipe system, in six weeks. It is a fairly small dam, but it has an effect on the areas around it, and its environmental impact will be measured. I am delighted that it will be possible for us to ask SEPA to consider such developments, as the relevant parliamentary committee in future will be able to consider how the process of regulation, registration and enforcement is taken forward. The bill will allow that to happen, and I am delighted that we will be able to place something on the statute book before the end of March—I hope—that will be of use to many people across the country.

09:58

Sarah Boyack (Edinburgh Central) (Lab): Like other colleagues, I thank the committee's witnesses and clerks, as well as the committee members, for their work on the bill. We also had some useful briefings from the Royal Society for the Protection of Birds and Scottish and Southern Energy.

Although, as everyone has said, the bill is technical, that does not mean that it is not important, and there is a job to be done over the coming weeks to ensure that the issues that colleagues and witnesses have raised are dealt with.

Elaine Murray acknowledged the importance of climate change, noting that we will have stormier and more unpredictable weather. We therefore need to examine structures that people might not have thought about for decades and ensure that risks are properly assessed.

The background to and purpose of the bill are straightforward. What emerges from the committee's report is the range of details that need to be pinned down at stage 2. That will be a difficult job because of the short time available. The committee makes the striking point that it was a challenge to scrutinise every aspect of the bill in the limited time that was available to it. The fact

that the bill is not seen as being exciting does not mean that that scrutiny does not need to take place, so I hope that that will happen. I ask the cabinet secretary to make clear before stage 2 what he believes will need to be changed at stage 2. Ministers have not had much time to consider that since the report was published last week. We all took notes during the cabinet secretary's opening speech, but a written comment would be helpful.

I will focus on the questions that are not answered in the committee's report. It would not be surprising if those who own or manage reservoirs were nervous about the implications of the report, some of which are fundamental to their work, such as knowing whether a reservoir is or is not within the threshold. Having a threshold seems eminently sensible, but it will be challenging for people to find out whether they have crossed it. Other important issues include timescales and the cost of studies. There will be costs to people who manage reservoirs, and we could do with more clarity from ministers about that.

There are particular issues about responsibility. Responsible owners will manage their reservoirs well and ensure that they are kept to a high standard. However, we should understand people being nervous about the process. Like Elaine Murray, I agree that giving SEPA responsibility for managing the process makes a huge amount of sense, because of its existing flooding expertise, the fact that flood maps are already being drawn up for river basins and the fact that flood catchment areas are being extended. However, as Elaine Murray pointed out, SEPA is undergoing cuts, and even though, in the big scheme of things, it does not seem that the work that the bill will give to SEPA will involve a lot of money, it will either push other priorities aside or it will require changes to be made. We would like ministers to confirm that they do not think that the new responsibilities will be a problem for SEPA or that they will dislodge other important work.

There are concerns about the cost of the legislation. We need to make clear exactly what financial support the Government is prepared to offer. The cabinet secretary mentioned that in his opening remarks, and I would welcome more detail. For example, there is a need to pin down exactly what the cost implications would be for community groups in situations in which Scottish Water offered a community a reservoir that it no longer needed but which the community wanted in order to take advantage of the recreational opportunities that it provided. In that situation, would there be a dowry from Scottish Water? Who would be responsible for registration and for any works that happened after the reservoir was transferred? Such communities would need to be aware of the financial implications. There is also a

question about smaller businesses that exist on a shoestring and do not make a lot of profit. John Scott and Peter Peacock spoke effectively about that.

This is a technical bill. I remember sitting through the debates on the Water Environment (Controlled Activities) (Scotland) Regulations 2005, which involved discussions of the cost of implementing the regulations. Such matters might not look huge in the big scheme of things, but the related issues of costs and timescales can be important to those who are affected by them. We need clarity about such matters before stage 2.

I want to end on planning issues. If developments are built downstream, there is a question about costs and who takes on the bigger risk. That is fundamental. The committee is clear that the developer should be responsible and that there should be clear planning guidance. We all know that planning guidance cannot be wished out of a hat instantly. Dealing with such issues takes time. In implementing the bill, consideration must be given to responsibilities. From the minister's evidence to the committee, it seems that the Scottish Government's view is that, once the regime is in place and reservoirs that are over the 10,000m³ threshold are covered, it will be up to those who build below a reservoir to take on the risk. I take Bill Wilson's point about the word "risk" flagging up concerns, but I think that developers will have to factor that into new developments. People must consider the issues carefully.

I am concerned that, because the bill has been labelled as technical, everyone thinks that it can be rushed through Parliament. The fact that we were all delighted to hear that another debate was being scheduled for this morning exposes that view. However, stage 2 of the bill will be important in teasing out the issues that I have mentioned, which are important to those who will be affected. The committee has recorded that it felt rushed at stage 1. I hope that we can make stage 2 a meaningful stage in the progress of the bill, so that we can get the detail right. In that regard, it would be helpful if, before then, ministers were up front about the amendments that they intend to make and their views of the committee's recommendations.

Once stage 2 has begun, it is hard for members to plug gaps if the Government does not deal with matters that it has been assumed it will deal with. Anything that the cabinet secretary can do today to allay people's fears, clarify points of detail and give the committee more certainty before it gets into the nitty-gritty of stage 2 will do the Parliament and the owners and managers of reservoirs a great service.

10:05

Jim Hume: This has been a productive and fairly consensual debate, with some worthy contributions from members on all sides of the chamber. Peter Peacock, Rob Gibson and Jamie McGrigor all mentioned that reservoir safety is very important in the Highlands and Islands. I noted its relevance to my own region of the South of Scotland, which has many reservoirs that feed Edinburgh, and thereby affect Sarah Boyack's constituency.

Sarah Boyack and Elaine Murray mentioned climate change and its effect on reservoir safety. To go back to my example of the Megget reservoir, the earth dam there was recently reinforced with more stone, because the winds and waves have been higher and stronger than originally calculated when the dam was built.

Several members have noted that when the bill receives royal assent, SEPA will acquire many additional powers as the recognised enforcement authority for reservoirs. Those powers will include serving enforcement notices on reservoir managers, appointing relevant engineers and imposing monetary penalties when an offence has been committed.

It is clear that SEPA will be burdened with many new responsibilities on top of its already extensive remit, and that will be costly, as Elaine Murray, Sarah Boyack and I pointed out. The Government's own figures reveal that the full implementation of the bill will cost SEPA £4.2 million in the period up to 2016. It is expected that £0.34 million of that will be spent in the next financial year alone on recruiting just five new staff members—I hope that that is not an example of high pay coming into Government again. I am interested to hear from the cabinet secretary the Government's plans for how SEPA will meet those additional costs. That is important, particularly when one considers that the spring budget revision for 2010-11 showed that SEPA's spending was £48.2 million, and its budget for 2011-12 is £10.4 million less than that.

I am aware that an enabling power could allow Scottish ministers to let SEPA recover some revenue by transferring some of the costs to reservoir managers. However, that would only slightly reduce SEPA's resource figure, and it would risk higher water rates. I would be grateful if the cabinet secretary addressed that point.

There is a wider issue in terms of burdening managers of reservoirs that are not regulated by the 1975 act with costs that they will find difficult to meet. Now that the threshold will rightly be lowered, many smaller and perhaps privately owned reservoirs that are used for angling will be included. Peter Peacock gave examples of such

reservoirs, and I mentioned some that exist in my own region.

A glance at the committee's recommendations in its report reveals that it is awaiting clarification on a number of points relating to costs. It would be unfair to expect some reservoir managers to absorb all the costs without assistance, and I am glad that the cabinet secretary has stated that the Government is considering assistance in certain cases. I would like to know where we are with that. Many of those reservoir managers operate without the luxury of extensive resources or deep pockets, and we must be mindful of overburdening them. Like the committee, I await further clarification.

However, there is certainly much to be lauded in the bill, and it has clearly benefited from a consultation exercise with high-quality responses. The bill is important for safety. Peter Peacock mentioned that many dams are more than 50 years old. In fact, many are more than 100 years old. Lowering the threshold and creating a central register of reservoirs are sensible ideas.

Ultimately, I support the general principles of the bill. However, we require further clarification from the Government on a few issues, with a particular focus on whether assistance will be provided to reservoir managers and how SEPA will operate as an enforcement authority despite the cuts to its budget. I look forward to scrutinising the bill as it progresses through the Parliament, and I will support it at stage 1.

10:10

Jamie McGrigor: This short debate has been useful, and has contained some good speeches. As I suspected at the beginning, it has been consensual, as befits the subject. However, I am sure that the cabinet secretary will want to address a few points.

Reservoir safety is the key aim of the bill. I live on Loch Awe in Argyll, and I well remember the events of 1992, when a combination of circumstances led to an 18ft wall of water being released from the Loch Awe barrage dam. A dam does not have to break to cause damage—there can just be an exceptional release. In that case, it washed away a three-arch-span Thomas Telford bridge and did untold damage to the banks of the river and to angling interests. The rubble of the bridge and the damage to the banks can still be seen today.

We have seen the power of water and flooding recently in news bulletins from Australia and South America, and we must not forget the collapse of the reservoir that held toxic waste in Hungary. Those incidents must all make us very aware of the danger of the collapse of reservoirs, and the bill is important in that respect.

I will not add a great deal to my earlier remarks, but I ask the cabinet secretary to give a clear assurance—for which the Rural Affairs and Environment Committee has also asked—that the Government remains committed to substantial dialogue with the Institution of Civil Engineers and other key stakeholders in the subsequent stages of the bill.

On the finances, and the extra charges that may come from the bill, there seems to be a huge discrepancy. According to the financial memorandum, the SEPA charges and costs for supervision and reviewing and testing flood plans vary from £525 to £21,000. Supplementary evidence from SEPA states that the annual subsistence charges will be in the region of £100 to £300. There is a vast disparity in the figures, and I hope that the cabinet secretary can clarify what the charges for small businesses—which they have not previously had to pay—are likely to be.

The Scottish Conservatives are otherwise happy to support the bill and to allow it to move to stage 2.

10:13

Elaine Murray: Peter Peacock referred in his speech to John Scott's role on the committee, given his experience as a civil engineer. I concur with those remarks: John Scott exhibited an enthusiasm for the bill that was possibly not mirrored by all his colleagues on the committee, and he certainly brought some extremely useful expertise. I also acknowledge the role that Peter Peacock and Sarah Boyack played in filling up some of the time in this debate by exceeding their five minutes.

The bill is technical, and generally consensual. However, Jamie McGrigor was quite right to remind us in his closing speech of the serious consequences of flooding that we have seen across the world, even in the past year. It is easy to be flippant about consensual matters, but the issue at stake is serious, and we should bear that in mind.

Sarah Boyack, Peter Peacock, John Scott and other members referred to the concerns of reservoir owners. It is not just big companies that own reservoirs; private individuals, small groups and non-governmental organisations are also among those that do. Owners are worried that the bill will place new regulatory burdens on them if they happen to have one of the estimated 1,150 new reservoirs that are likely to come into its scope. That is not a reason to oppose the bill, but RSPB Scotland, in its briefing for the debate, points out that some bodies of water that will be captured by the bill are managed for wider public

benefits such as biodiversity, rather than for commercial gain.

As the cabinet secretary said, consideration is being given to how to assist reservoir owners, but has consideration been given to some sort of scale of charges for different types of reservoirs that are managed for different reasons? Sarah Boyack mentioned that community groups have taken on land, including reservoirs, from Scottish Water, without realising that there might be extra financial burdens.

Public liability insurance has not been mentioned in this debate, but we considered it in the committee. There was general agreement in the committee that reservoir owners should be encouraged to take out public liability insurance if at all possible, and should possibly even be obliged to do so. The costs of that should decrease and the availability of insurance should increase if all reservoirs in Scotland are in such a scheme. Currently, 662 reservoirs are regulated under the 1975 act. As I said, the bill's financial memorandum estimates that 1,150 reservoirs will fall under the scope of the new regulation. That number of reservoirs could be the basis for an insurance scheme, which would assist reservoir owners and those who might be affected by the consequences of any breach of regulation.

Bill Wilson, Peter Peacock and Sarah Boyack made important points about planning. Bill Wilson was concerned about the consequences of designation and Peter Peacock talked about the consequences for subsequent development. It is unclear how the designation of a reservoir will affect subsequent planning decisions or how subsequent development might affect the designation of a reservoir. A reservoir might become higher risk if somebody builds downstream of it, which could result in the reservoir owner incurring additional expenditure through no fault of their own. We would like clarification of whether a developer would be liable for the additional costs if a development caused an increase in costs to a reservoir owner. The committee suggested that that would be a good idea.

We also touched on the assessment of the risk of failure. Jamie McGrigor asked whether it is the probability of failure or the consequences of failure that have to be taken into account, or whether it is a combination of the two, and, if so, how those are weighted. There was disagreement during the evidence sessions about whether examination of the structures of a reservoir and its maintenance are sufficient to assess risk appropriately. We have talked a little about climate change. Climatic factors such as increased rainfall and events such as peat slides, which we were advised are fairly

common in Scotland, can change the level of risk that is associated with a reservoir.

Jim Hume touched on the consultation on the guidance. Chapter 9 of the bill, which is entitled “Civil Enforcement, Emergency Powers and Further Offences”, gives SEPA the powers that it requires to enforce regulations. Many of the provisions are framework ones that give ministers the powers to create civil enforcement measures. Section 85 requires SEPA to publish guidance on how it will use the powers. Several organisations expressed concern about the breadth of the powers and said that they would welcome consultation on their implementation. As I think John Scott said, it would be helpful if SEPA consulted civil engineers and others before publication of the guidance so that, when the act is implemented, the guidance is available and stakeholders and reservoir owners are aware of their responsibilities.

I have probably used up my time, Presiding Officer.

The Deputy Presiding Officer (Alasdair Morgan): There is no necessity to speak for the sake of it.

Elaine Murray: I was wondering about that.

I look forward to stage 2, when I hope we will address the various technical issues that have been raised.

10:19

Richard Lochhead: I have been instructed to speak slowly, so I am sure that this will be at a good pace, Presiding Officer.

I am pleased that we have had an opportunity to debate the Reservoirs (Scotland) Bill, which ultimately will make Scotland's reservoirs much safer. We have more than 1,000 reservoirs in Scotland, of which about 660 are currently regulated. The bill will capture many of those that are not currently regulated, to protect the public.

As John Scott said, we all like bills that capture the public's imagination. Although we cannot pretend that this bill does so, the consensus is that it is an important bill nevertheless, given the consequences of flooding for communities and property. In the past few days and weeks, we have seen such consequences from around the world on television. When a reservoir collapses or is breached, it can devastate communities, as we know from our history and from events around the world, most recently in Hungary, where there was the dreadful incident to which members have referred.

As Elaine Murray said, the bill complements the Flood Risk Management (Scotland) Act 2009. That

shows that the Scottish Parliament is taking account of extreme weather conditions, our changing climate and the potential impact of flooding. Wherever possible, we must provide a safeguard against those.

I am pleased with the debate and I am grateful to all the members who have spoken for their insights. I assure the Rural Affairs and Environment Committee that the Government and I, as the cabinet secretary, will respond to its stage 1 report. As Sarah Boyack said, we have not had much time to do so, as the debate has happened rather soon after the publication of the report. The debate has been helpful, but I intend to give a much more detailed response to the committee in the coming days. I hope that that gives members some comfort.

I am confident that our proposed stage 2 amendments will go a long way towards meeting the majority of the committee's remaining concerns. It has been good to explore some of those concerns in more detail during the debate. We will reflect on the concerns that have been expressed as we prepare the stage 2 amendments.

Further thanks are due to the various stakeholders who have helped to shape the bill through their expertise and active participation in the consultation process and all the meetings that have taken place. All that good work emphasises the widespread support for the bill, which is important, and the agreement on the need to put in place a new and robust system for managing reservoir safety in Scotland. As members have requested, we will continue to work with all stakeholders as we proceed.

I will address some of the issues that members have raised. The issue of costs crept up in a number of speeches and we heard about the potential for those who own or run reservoirs to incur more costs. I am keen to point out that, if someone cannot afford to maintain their reservoir in a safe condition, they should perhaps not own a reservoir in the first place. As a society, we want only those who can afford to own and run reservoirs to do so—they need to be able to put in place the measures that must be taken to protect the public and local communities. If someone cannot do that, perhaps they should not own a reservoir in the first place.

The new regime will help reservoir owners who, because their reservoir is low risk, have perhaps been paying a bit more than they need to. They might not have to pay so much in regulatory costs in future because the new regime will be risk based. Whereas some people will have lower costs, others who are brought into the regime will face costs for the first time. We do not want any business to go bankrupt because of the potential

costs of keeping a reservoir safe. That is why I indicated in my opening speech that, as the Minister for the Environment and Climate Change said to the Rural Affairs and Environment Committee, we will consider whether there is a case for assisting people in the specific circumstances in which they have a small business that would be made bankrupt because of the regulatory costs that they have to pay.

John Scott: If a risk designation changes from low to high because of the bill, who will be responsible for the extra cost burden?

Richard Lochhead: There will be costs for owners and managers of reservoirs that have a higher risk designation under the new regime. SEPA will work with all owners of reservoirs to address issues of extra cost. Much effort will be put in to ensure that we minimise the costs, but someone has to pay somewhere.

Many members mentioned the financial burden on SEPA of taking on board responsibility for the bill. The Government will work closely with SEPA to ensure that it has the necessary resources. As we all know, SEPA has been going through several changes in recent months and years. In effect, those changes are making it a good-value and hyper-efficient organisation, which is what we all want.

Jamie McGrigor: Will the cabinet secretary clarify whether SEPA will pick up the cost of the initial risk assessment?

Richard Lochhead: A lot of work is taking place between SEPA and the Government. Much of the cost to which the member refers will be picked up by SEPA and the Government. However, as the member knows, SEPA will be able to recover much of those costs from reservoir owners and managers—that is only right—and the fee scales are laid out in the bill's financial memorandum.

Elaine Murray: I have a lot of sympathy with the cabinet secretary's arguments about the need for people to be able to pay for the maintenance of their reservoirs. However, the issue is to do with those people who do not know whether their reservoir holds 10,000m³ or less. Who pays for the assessment of whether they need to be captured by regulation—SEPA or the reservoir owner?

Richard Lochhead: I know that costs are of great importance to many committee members. I will clarify that point, as well as the numerous individual debates within it, when I write to the committee in response to its stage 1 report.

Bill Wilson said that there was total agreement on all issues between the Government and members in the chamber. It was perhaps unfair of him to say that, because it meant that we did not have much to debate. However, I assure him that,

although I welcome the positive stage 1 report, there are a couple of issues in it on which the Government does not agree.

The first is recommendation 13, which suggests that weirs

"should be excluded without qualification".

We do not think that that is appropriate because in Scotland, certain large structures that hold back large quantities of water are commonly described as weirs rather than dams. We do not want weirs to escape regulation so it is important that we do not rule them out.

The second is recommendation 19. In response, I note that although we would encourage reservoir managers to take out public liability insurance, we do not support making that compulsory because it would place additional ancillary costs on some reservoir managers. Indeed, our position is supported by the Association of British Insurers. I say to Bill Wilson that there are some issues on which there are grounds for debate in the weeks ahead.

Peter Peacock discussed the implications of the bill for the planning system in respect of the role of reservoirs. "Scottish Planning Policy" already states:

"Planning authorities must take ... flooding from all sources ... into account when preparing development plans and determining planning applications."

Reservoir flood inundation maps and flood risk management plans will therefore inform decisions alongside other planning considerations. We have to keep a close eye on that. If there is further need to update guidance to local authorities, we will ensure that that happens.

Bill Wilson discussed the weighting of the various criteria that are considered when the level of risk posed by any individual reservoir is being looked at. I put it on record that risk to life will always be of paramount consideration, but environmental and cultural heritage also have to be considered because they are important factors when the risk posed by any individual reservoir is looked at.

Jim Hume mentioned the threshold of 10,000m³ and asked how that threshold was decided and what its significance is. The threshold is based on advice from the Institution of Civil Engineers and others, but regulations under the bill will allow any reservoirs with a smaller capacity to be brought within the bill's ambit.

We do not want to bring reservoirs into public ownership—Jamie McGrigor touched on that, among other issues. We prefer reservoirs to be owned and managed by the private sector, organisations or individuals, as long as they are

aware of their responsibilities to keep their reservoirs safe. That is the really important point.

Ironically, I see the Presiding Officer indicating that I am now running out of time, so I will finish. We all recognise that the bill is an important one that will protect the public. We recognise that work is still to be done, which is why the bill will be implemented in a couple of stages and why the new reservoirs that it will capture have until 2015 to be registered—we have a few years between now and then to capture them.

The bill is also about taking on board the potentially devastating consequences for communities, life and property of flooding caused by a breach or collapse of a reservoir.

I commend the bill to Parliament and thank members for their contributions today.

Reservoirs (Scotland) Bill: Financial Resolution

10:29

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is consideration of motion S3M-7704, in the name of John Swinney, on the financial resolution to the Reservoirs (Scotland) Bill. The question on the motion will be put at decision time.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Reservoirs (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.—
[Richard Lochhead.]

Dementia Strategy

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-7793, in the name of Shona Robison, on the dementia strategy.

10:31

The Minister for Public Health and Sport (Shona Robison): I welcome this opportunity to update Parliament on the dementia strategy and the progress that we have made in implementing it since June.

I start on a sad note. Many members will be aware that Jim Jackson, who was Alzheimer Scotland's first chief executive, died unexpectedly on 12 January. As well as being chief executive of Alzheimer Scotland, he was deeply involved in dementia research at an international level. I know that members will want to pass on their sympathies to his family.

Many people with dementia and their carers do not receive the services that they need or want, despite the level of resources already in the system—an estimated £1.7 billion—to support people with dementia. The number of people with dementia is expected to double in the next 25 years. That is why we said that we are not looking for more of the same services and that we need to reshape fundamentally the model of care for people with dementia.

We are working closely with our partners in health and social care in the statutory, voluntary and private sectors to work out which are the best ways of making the changes that we need in dementia care. At each stage of the someone's journey in dementia there are things that we need to do better. We need to give better support after diagnosis; we need to improve people's experience when they are in general hospital settings; and, at all times, we need to ensure that people are treated with dignity and respect. The strategy reflects our endorsement of the cross-party group on Alzheimer's "Charter of Rights for People with Dementia and their Carers in Scotland".

We identified two key areas on which we intend to focus: ensuring that people receive the right information and support after diagnosis; and improving the care and treatment of people with dementia in general hospital settings. To deliver on those objectives and on the strategy's overall objectives, we are committed to a series of actions over the next three years. I will set out some of those actions and provide an update on our progress.

We are developing standards of care for dementia. One of the strongest messages from people with dementia is that all too often the nature of their illness means that they struggle to protect their rights. They do not always have access to the services that they need, and there is still too much stigma around and discrimination against people with the illness. Work on the standards is under way. We have commissioned the Mental Welfare Commission to develop the standards, and that work will be completed later this year.

We are developing a skills and knowledge framework for dementia. Staff who work with people with dementia need the right skills and knowledge if they are to deliver services in a way that treats people with dignity and respect. We, NHS Education for Scotland and the Scottish Social Services Council have started the first stage of that work, which is being led by a programme board that is chaired by the chief executive of Alzheimer Scotland, Henry Simmons. It will be completed this year.

We intend to provide funding of £300,000 to support Alzheimer Scotland to build on its pilot of specialist dementia nurses in national health service boards so that one such nurse can be introduced in each board area in Scotland. We have already seen the impact of dementia nurses, working to support other staff, on the quality of care and safety of people with dementia in care homes, at home or in hospital.

Hugh O'Donnell (Central Scotland) (LD): I welcome the minister's provision of that funding. Will she say how it will be protected from leaking into other areas of NHS activity?

Shona Robison: Through our normal NHS performance management arrangements, we will ensure that there is a specialist dementia nurse in each health board area and that the resource I mentioned goes there.

We need transformational change across the health and care system that goes beyond changes to individual elements of the system. We invited partnerships of NHS boards and local authorities to test in one area how whole-system redesign of services for dementia could be achieved. I was hugely impressed by the number of partnerships that entered into that process and by the enthusiasm for tackling the challenges. We are providing funding and support for three demonstrator sites—Midlothian, Perth and Kinross and North Lanarkshire—and that work has started.

We will continue the work to increase the number of people with dementia who have a diagnosis. Getting a diagnosis of dementia is frightening, but it is also a way to access information and support. We set a target to

increase the number of people who are registered by their general practitioner as having dementia. We expect to meet the health improvement, efficiency, access and treatment target across Scotland ahead of schedule and we will continue to monitor progress.

Last year, the Big Lottery Fund announced that it would invest a share of £50 million in supporting all aspects of the lives of people with dementia and their carers after diagnosis. Such person-centred early intervention is key to ensuring that people can live well with dementia and is a great example of partnership working between the voluntary and statutory sectors.

We need to promote positive care to prevent behavioural issues from arising or reaching a crisis point and we need to consider how we use psychoactive medication. We will do research to consider in more detail how psychoactive medication is used in dementia treatment across Scotland, to understand better the right level of prescribing. For some people, such medication is the right choice, but we must ensure that medication is used appropriately.

We will continue to support world-class research into medical treatments for dementia and into the delivery of care. We established the dementia clinical research network for Scotland in 2008 and have supported it with funding of more than £1 million. Alzheimer Scotland has highlighted that network's importance. People with dementia and their carers have a major role to play in bringing about change by becoming partners in research and we encourage them to continue to do so.

I am clear that the strategy needs to deliver tangible results quickly if we are to achieve change on the scale that is needed to meet the challenges that we face. We have established a monitoring and implementation group that involves key partners who are ensuring that we continue to make progress. More important, the group is considering whether the care and treatment of people with dementia are improving. It will publish a report at the end of each year and will make recommendations on what needs to be put in place in 2013 as a successor to the strategy.

I am pleased to move the motion. We have no issue with accepting the amendment.

I move,

That the Parliament welcomes the progress being made by the NHS, local government, scrutiny bodies and partners in the voluntary and private sectors, including Alzheimer Scotland and the Scottish Dementia Working Group, in delivering the commitments set out in Scotland's first dementia strategy, building on the Scottish Government's establishment of dementia as a national priority and on the Parliament's Cross-Party Group on Alzheimer's *Charter of Rights for People with Dementia and their Carers in Scotland*, and further welcomes the Big Lottery Fund's

investment in support for people with dementia and their carers after their diagnosis.

10:37

Dr Richard Simpson (Mid Scotland and Fife (Lab)): I declare my interests as a fellow of the Royal College of Psychiatrists and a member of the Scottish Association for Mental Health.

I very much welcome the debate—this must be the fastest response to a parliamentary question calling for a debate that had been promised. I also welcome the Government's good record on the issue.

Good health is a mirage. As soon as one treats one condition successfully, another becomes a problem. When I was a student, tuberculosis was finally being eliminated as a major scourge and cause of premature death through the introduction of vaccination, and heart disease was becoming the major concern. The rate of heart disease is now declining significantly in all western countries, and cancer is the current major concern, but dementia will be the next one. That was recognised as early as the 1980s by the programme planning group, of which I was a member, which resulted in the Timbury report.

The central message of that report was that 30 per cent of people over 80 would have dementia and that creating suitable domestic settings and reducing social isolation would help to ameliorate the condition. At that time, no treatment or cure was available. We now have some treatment, but we have no cure.

The number of people whom the report estimated would be affected was too low. We pitched numbers for the early 2000s at 55,000 to 60,000, but the estimated figure now is about 70,000. That reflects a significant increase in life expectancy.

What are the challenges, which are for all of us as politicians? Successive Governments have made contributions. In 2005, a commitment was given to an integrated care pathway, which was developed by 2007. Every health board had reached the standard of stage 1 by 2009. We have the new dementia strategy and the charter of rights, which are important contributions that underpin the progress that needs to be made on all fronts.

Those measures are important and worth while but, as the minister said, the challenges lie not in words but in actions. First, we must have the data and the evidence base to enable us to delay the onset of the condition, to reduce deterioration, to manage the condition and to treat it.

I should probably also declare that I still hold an honorary professorship at the University of Stirling,

where I did research on dementia. The dementia services development centre at Stirling is celebrating its 25th year. It is a world-class, world-leading centre. Will the minister say whether its core funding will be maintained as part of the Government's excellent work on dementia? The practical, evidence-based approach that the centre has promoted has made a major contribution to the knowledge, training and wellbeing of many Scots families and to the knowledge and training of health and social care professionals who provide support.

The second challenge is for health professionals to provide early diagnosis. I pay tribute to the Government and my GP colleagues for the increase of 5,000 in registered numbers in the past two years and for the potential for 40,000 of the likely 70,000 to be registered by the end of the year. That shows that we have a long way to go, but the challenge is being met.

The third challenge, which families have emphasised and which is underpinned in the strategy, is that of providing good-quality information. That is vital to allow families to adapt the domestic setting early for the dementia patient. Such adaptation is essential to reduce anxiety, distress, behavioural difficulties and deterioration.

Early assessment of and support for unpaid carers are important. Unpaid carers contribute about £1 billion of the £1.7 billion cost of dementia, but monetary estimates underrate carers' true value. They provide continuity, which is a major challenge. If I had one wish, it would be for our services to provide continuity to dementia patients. Community care is hard enough for the elderly. We have seen the shocking "Panorama" programme that showed patients with 30 or 40 carers a month. Last month, a constituent of mine had 11 carers, and that was in an area where social care is regarded as being quite good. For people with dementia, continuity is fundamental.

Everyone prefers to remain at home, and two thirds of patients do so, but that means that we must create a new approach in which packages include a rapid 24/7 emergency response component. If elderly patients with dementia fall—even if they do not have a fracture—they are more likely to end up in hospital than are elderly patients with other conditions. We need much more of the intermediate and emergency services such as those in north-east Fife in my constituency and those in Lanarkshire. Rapid response and reablement services can prevent admission.

I am not content with the inspection of care homes that takes place. We need to set new standards for training requirements in care homes. We must ensure that every care home has an emergency response arrangement. Scotland has almost no community geriatricians, although

England has them, yet 40,000 of our elderly are in care homes and 70 per cent of those people have dementia.

Our amendment says that we must consider the specific challenge of palliative care. Far too many patients with dementia enter hospital to die. The position is not good for people with dementia, their families or the health service.

We must develop reablement services for when patients leave hospital, such as the highly successful service that Peter Gabbittas runs in Edinburgh.

In the hospital setting—which I do not have time to deal with—dementia patients need good nutrition, better pain management and an end to boarding out, which must be banned. We must have dementia-friendly rooms for such patients, so that they have the potential to come out of hospital.

I have not had time to deal with alcohol-related brain damage, which is an important and growing problem; antipsychotic medicine, which the minister mentioned; telecare; assistive technology; or rights, which are important.

I commend the Government for its work and support its motion, along with the two additions on carers and palliative care that our amendment proposes.

I move amendment S3M-7793.1, to insert after "*Carers in Scotland*":

"; recognises the crucial role played by carers both paid and unpaid; notes also the challenge of ensuring good quality palliative care for people with dementia".

10:44

Mary Scanlon (Highlands and Islands) (Con):

On behalf of the Scottish Conservatives, I share our sympathies for the passing of Jim Jackson of Alzheimer Scotland, who was a well-kent face in the early days of the Parliament.

It is undoubtedly important for the Parliament to debate dementia—we have had Government debates as well as members' business debates on the subject. The estimated 72,000 people in Scotland with dementia should expect no less.

Everyone assumes that dementia is Alzheimer's, so it is important to make it clear that 62 per cent of people with dementia have Alzheimer's; 17 per cent have vascular dementia; and 11 per cent have mixed dementias. There are other groups, too. Richard Simpson made a good point about alcohol-related brain damage, which can happen to young people.

The Government's strategy was announced last June, and although it has taken seven months to secure the debate, it is nonetheless welcome. I

welcome the information update that the debate has provided and I look forward to the first-year progress report, which is due this June.

The Conservatives very much welcome the strategy—there is really nothing to disagree with in it. However, we want better implementation through better training and a better understanding of the condition. The target to increase the number of people with a diagnosis of dementia to 39,500 by March 2011 is welcome, but more important than meeting that target is that each and every person with dementia, and their families and carers, benefit from the diagnosis. We do not want a tick-box approach that says, “You’ve had your diagnosis, hen. Get on with it.” We need to know that people have benefited from better support and care, better training for family carers and paid carers, and better understanding of the condition.

I appreciate that time is short and that the minister could not talk about everything, but I welcome what she said about psychoactive medication.

We also need to know that hospital discharge is being better planned. It is clear from people at my surgeries that we are not quite there yet in the Highlands. That is a critically important point.

In the most recent debate on dementia, in October 2009, Robert Brown and I both raised the issue of the shortage of psychologists for people over 65. That group makes up 20 per cent of the population but gets only 5 per cent of the psychology workforce. Again I ask why. What is being done to ensure that older people get the psychological support that they need? I fully agree about the importance of diagnosing people with dementia, but surely giving them the right support also includes addressing their psychological needs.

I understand that there is an excellent clinical psychology rehab service in Glasgow, which works with older people to reduce mental health problems that are preventing their recovery from physical illness or surgery. The service works with patients and provides training, advice and clinical supervision to non-psychology colleagues in hospitals and the community. The service has been able to recognise and overcome psychological problems in older people, which has resulted in quicker recovery for patients and a reduction in the need for aids, adaptations and home care. Surely that is the type of service in which we should be investing.

We cannot ignore the fact that behavioural challenges such as wandering and aggression can arise in the care of people with dementia. Those are most often treated with medication, commonly antipsychotics. Although medication is often seen as a quick fix for those problems and in some

cases is the most appropriate solution, it does not always address the root cause of the behaviour and can also have problematic side effects. I understand that behavioural management can be an effective alternative in many cases. There is no doubt that investing in more posts in psychology for the elderly can improve outcomes and reduce the impact of depression, anxiety and dementia. Strangely, I could not find any mention of depression or mental wellbeing in the strategy.

The Deputy Presiding Officer: The member should wind up.

Mary Scanlon: Despite those issues being raised in the most recent debate on dementia in 2009, we have fewer psychologists for older people in Scotland now than we had then.

I recently visited someone in hospital in Inverness who was very much a country woman—she had lived in the country all her life. She was not allowed to open a window or go outside; she was not allowed fresh air. If we are going to make progress we need to treat people as individuals, not as prisoners.

10:50

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I associate my party with the remarks that have been made about the sad passing of Jim Jackson.

On behalf of my party, I welcome the announcement that money will be directed to specialist dementia nurses. Multiple sclerosis nurses in particular are a success story of which we can be proud.

I emphasise Richard Simpson’s point about the continuity of care. I have met constituents who have had a change in the lady who comes to bath them, which can put them badly wrong. Richard Simpson talked about unfamiliar faces—that is a difficult issue, and we have to avoid it.

I illustrate that with my experience, which is nothing to compare with that of Dr McKee or Dr Simpson. In the 1970s, my grandmother started on that sad decline. She stayed with us at home, and it gradually got worse and worse. It reached a point at which my parents could not cope. Perhaps to my everlasting shame, my grandmother ended up in Craig Dunain in Inverness—everyone from the Highlands knows what that is. I am about to use unparliamentary language but I do so to illustrate the point. The hospital was known locally as the loony bin. My grandmother was in there with people with mental problems, schizophrenia and other conditions. Her further descent and her death were appalling and have haunted me ever since. I will say in our defence, though, that that was the early 1970s and there was no alternative.

Medical science had not advanced to the stage that we are at today.

My first point, then, is that we should recognise the progress that has been made, which is hugely important to the dignity of not just the patient but the family. Let us chalk that up as a success story.

In 2007, Oliver Sacks wrote “Musicophilia: Tales of Music and the Brain”. This important quotation has stayed with me:

“I have seen deeply demented patients weep or shiver as they listen to music they have never heard before, and I think they can experience the entire range of feelings the rest of us can, and that dementia, at least at these times, is no bar to emotional depth. Once one has seen such responses, one knows that there is still a self to be called upon, even if music, and only music, can do the calling.”

There is a message there about the nature of dementia. We might think that someone with dementia is away with the fairies, but in fact there are human emotions and real feelings there. The best carers remember that.

We are grateful to the cross-party group on Alzheimer’s for the “Charter of Rights for People with Dementia and their Carers in Scotland”. The charter talks about people with dementia thus:

“The illness severely compromises their ability to protect their own rights; because of this people with dementia are often at greater risk of violence, injury or mental abuse, neglect or negligent treatment, maltreatment or financial exploitation.”

It goes on to say:

“Caring for someone with dementia can be stressful because of the complex, unpredictable and progressive nature of the illness and may have a profound social, emotional, physical and financial impact on carers”—

this is the important point—

“including increased risk of stress related illness such as depression.”

If there is one thrust to my speech it is to emphasise, as other members have done, the role of and support for the carer. If we think about who a carer is, we can refer to the film “Billy Elliot”, in which, early in the story, Billy goes out looking for his granny, who has wandered away into a wasteland. That poignantly reminds us of what caring is all about.

The dementia strategy is a good strategy and this is an essential debate. My party will be associated with the work that is being done by the minister and the Government, and with the Labour party amendment, which I warmly welcome.

10:54

Ian McKee (Lothians) (SNP): I welcome this debate on the dementia strategy for Scotland. The loss of cognitive ability in a previously unimpaired person has many ramifications in the field of not

only health but social services, as well as in all those areas, social and professional, in which we interact as part of everyday living.

As dementia is an impairment with no obvious physical manifestations, the outsider encountering someone with dementia is often totally unprepared and may act inappropriately, thus increasing the perceived stigma of the condition. I welcome whole-heartedly the progress that has been reported today and support all the statements that have been made.

I turn to an important aspect of the strategy that Mary Scanlon ably developed and which has not received the attention it requires: the nature of dementia. Throughout the strategy document, the term “dementia” is used as if it is a disease entity—indeed, reference is frequently made to the need to diagnose dementia. The terms “dementia” and “Alzheimer’s” seem to be used interchangeably and yet, as Mary Scanlon said, the term “dementia” is a description of a condition that can have several causes. As the treatment and detailed prognosis depend to a certain extent on the exact nature of the condition that is causing the symptoms of dementia, the causative condition is as important a diagnosis to make as the simple diagnosis that the person is suffering from dementia. Certainly, most cases of dementia are caused by what we call “Alzheimer’s disease” or simply “Alzheimer’s”.

Alois Alzheimer was a German psychiatrist who spent some time at the University of Tübingen, as did our own Professor Christopher Harvie. I suspect that they did not meet, given that Alzheimer researched the subject at the beginning of the 20th century. [*Laughter.*] Alzheimer described the condition that afflicts those under the age of 65 as “pre-senile dementia”. For those over that age, it was known as “senile dementia” and considered an almost inevitable consequence of growing old. Indeed, as recently as when Richard Simpson and I were medical students, both terms were commonly in use. As I am now comfortably over the age of 65, I am glad that things have moved on a little in this respect. Although we now realise that all cases of dementia that involve certain degenerative changes in the brain tissue can be classified as Alzheimer’s, treatment to arrest the progress of the condition has so far been unsatisfactory and those with Alzheimer’s certainly need the help that is outlined in the strategy.

There is, however, another and not uncommon cause of the condition, the development of which we know a little more about. In multi-infarct dementia, as the name suggests, damage to the brain is caused by a number of small strokes. Although it is impossible to reverse the damage that has already been done, it may be possible to

reduce the chances of further damage by paying attention to failings in the circulatory system. High blood pressure should be treated, smoking stopped, diabetes brought under control and anti-platelet or cholesterol-lowering therapy prescribed where necessary. None of those interventions, with perhaps the exception of smoking cessation, will help in Alzheimer's. A positive diagnosis is therefore essential.

Dementia can also be caused by, among other things, taking drugs, having an underactive thyroid, alcohol excess and depression. I will say a little about the latter cause. It is quite common for those with Alzheimer's to suffer from depression, which will benefit from treatment, but severe depression can cause dementia. In that case, treating the depression can improve the dementia. The diagnosis of depression and positive treatment of the condition is therefore most important.

I concede that less than 10 per cent of those presenting with dementia have a disease process that can be reversed, but without careful investigation we may well miss those we can help. That is why I contend that any dementia strategy must have careful investigation and accurate diagnosis as key components.

10:59

Irene Oldfather (Cunninghame South) (Lab):

First, I associate myself with other members' comments about Jim Jackson, who was a founding member of the cross-party group on Alzheimer's. He made a significant contribution to this agenda. I apologise ahead of time for being unable to stay to hear all the wind-up speakers. I should have left for Brussels at six o'clock this morning, but I stayed because I wanted to contribute to the debate.

I welcome the strategy, which is a step forward, as well as the further information that the minister provided this morning. There is much to be commended in the strategy, including recognition of the difficulties that people with dementia and Alzheimer's face in the hospital environment. There is also recognition of the need for improved access to diagnostic testing in the community. That builds on the first cross-party group on Alzheimer's report on admission to accident and emergency. Developing dementia-specific standards of care is very important. The two measures that I have mentioned will alone improve outcomes for people with dementia.

Respecting people with dementia and their families as equal citizens and giving them the dignity that they deserve costs nothing, yet we still have a long way to go in that regard. Only last week, I was contacted by a family member—his

sister is a dementia sufferer—who saw the charter of rights displayed on a notice board in her care home. He took it down, read it and found himself encouraged; he could see the implications for his sister. That is where the good news stops. He then asked the care home management and staff about the charter, including what status it had and how he could get more involved. Their response was that they knew nothing about it other than that it was displayed. Empowering people is key to improving outcomes for this vulnerable group. Adequate ownership and staff training is absolutely vital in that regard. As Mary Scanlon articulated, the distance between policy and practice is still significant. The reality of day-to-day life for families and individuals who are coping with dementia is nowhere near close enough to the aspirations, ambitions and policy on dementia.

Time is limited, but I want to say a few words on an issue that I have not spoken about in the past and which may make uncomfortable listening. It relates to the Labour amendment. Unfortunately, Alzheimer's is a terminal illness. When I speak at conferences where people who suffer from the illness are present, I often find it difficult to make points on the subject because I do not want to sound too gloomy. In the chamber, we have rightly spoken frequently about the importance of early diagnosis, but we have shirked away a little from the difficulties around end-of-life care. This is a time when families need a huge amount of support and I have come to the conclusion that a lot of work still needs to be done in this area. The medical difficulties and dilemmas for the Alzheimer's sufferer in terms of decisions on eating and drinking—including on feeding tubes—aspирating and choking and the use of antibiotics, for example, means that this time is a huge emotional rollercoaster for the families, given that their relative is a frail elderly person who, by the very nature of their illness, lacks capacity. It is important that we support people who have to make those end-of-life choices and decisions. I am happy that I took the opportunity to raise that today.

I turn to system failures. In every debate in which I mention them, I say that I hope that we can consign them to the dustbin of history. Unfortunately, yet another report has been published that underlines just how far we have to go. I refer to the Mental Welfare Commission for Scotland's "Best of Intentions" report, which looked into the case of Mrs I, an elderly woman with dementia. On admission to hospital, she was described as suffering from malnutrition and having been severely neglected despite being known to health and social services. Lack of co-ordination and a single point of contact were identified in the report as contributing factors to Mrs I's poor care and treatment. I truly hope that

the work that is being undertaken on an integrated care service will finally address those challenges.

There are things that we can do that do not cost money, but which need real political backing. We can spend money better and target more appropriately the personalised care that helps to keep people at home and in their community for as long as possible. We also need to ensure that resources are made available and protected where necessary. For those at the end of this journey, whether at home or in care, we must ensure that their care is the best—it needs to be of the highest possible quality. The people we represent deserve nothing less than to live the best life that they can and to die with dignity.

11:04

Stewart Stevenson (Banff and Buchan) (SNP): Irene Oldfather described Alzheimer's as a terminal illness. That reminded me of what Clive James said in his autobiography:

"Don't take life seriously; you won't get out of it alive anyway."

In other words, we are all going to die; something will kill us. Laughter has a place in every care home.

We must ensure that we have environments in which quality of life includes the whole range of human emotions that people suffering from dementia are capable of enjoying. It will be different for each person, so care must be tailored to each person. If we are to do that, the focus must be on diagnosis—and early diagnosis.

Jamie Stone covered some of the range of difficulties that people with dementia and their families can experience. I suggest strongly that, while mental capacity exists, people should get the kind of advice that will enable them to deal with future mental incapacity. Like some other members, I guess, I have already made arrangements for my future mental incapacity—to which my wife refers from time to time—by putting in place a power of attorney, so that arrangements are in place if I get into a position of mental incapacity in the legal sense. Early diagnosis and good advice to carers and families helps them to do that and removes one of a wide range of burdens that they will experience during the progression of the condition that is dementia.

Ian McKee talked about the changing nomenclature and descriptions that have been attached to the condition. As someone who for at least 50 years has taken an interest in genealogy, I have probably read thousands of death certificates, because they contain a lot of information. The modern system of certification was introduced in Scotland in 1855. On certificates from that date onwards—including certificates for

members of my family—you see the term "senile decay" or "senile dementia", with an indication of the period of time over which the person concerned suffered it. The diagnosis is relatively imprecise and imperfect, but it is clear that dementia is not a new condition but has been with the human race for a long time.

We must also focus on the fact that the burden that we place on carers—the expectations that we may have of close family members—can create illness, especially psychological illness, in those carers. It is important that they get the right kind of support. The gamut of emotions that many carers experience is not dissimilar to bereavement, but without the opportunity to move to the final phase of bereavement—accommodation, which involves putting in place happy memories of the person who has been lost and coming to terms with that loss—because the loss of the person from their carer's life is postponed by their condition, even though their mental capacity to interact with the carer may already have departed.

I have a dear friend whose wife is suffering from dementia. She distresses him so much that he has not seen her for four years; she has been unable to communicate with or to recognise him for well nigh 10 years. The condition of that very elderly gentleman tugs at my heartstrings whenever I talk to him about his wife.

My sister-in-law has just retired—at the age of 73—as a mental health nurse, working in a care home for the elderly mentally infirm, and my mother used to chair the local mental health services committee in Cupar in Fife, so I have had a lifelong interest in this issue. There are absolutely no easy answers to it, but the document that the Government has produced and the good heart that has been seen in all participants in the debate should give us great encouragement that we are on the right track.

11:09

Helen Eadie (Dunfermline East) (Lab): I associate myself with the remarks that other members have made about Jim Jackson. I also pay a warm tribute to Irene Oldfather for the work that she has done. I hope that members agree with me that no other member has done more to champion the cause of people who suffer from dementia. I have always admired her enormously for that. I hope that she will forgive me if I mention the very recent loss of her mother. That is a painful loss for anyone, and she spoke particularly courageously this morning in light of her recent loss.

Although it is important to welcome the progress that is being made by all the parties that are mentioned in the Government's motion, which

celebrates—quite rightly—what has been done, there is, as always, much to be done, especially given the scale of the problem that we face. I welcome the new financial resources for specialist nurses that the minister announced this morning. I agree with and support Richard Simpson's amendment, which underlines how critically important it is for us to support carers; Stewart Stevenson highlighted that issue particularly well in his speech. I am pleased that the minister has indicated that the Government will support Richard Simpson's amendment; this has been and will continue to be a consensual debate.

The minister spoke of how world-class research will be supported. I am familiar with the work that other members have mentioned, especially the work of Professor June Andrews and the dementia services development centre at Stirling University, to which Richard Simpson referred.

Those who know me will know—I am sure that I will see a little smile on Ian McKee's face in a minute—that my first port of call in any health debate is to ask what is happening across wider Europe and the European Union. When preparing for the debate, I was pleased to read that 20 countries are teaming up to study Alzheimer's and other forms of dementia, in the first test of the new approach to research in Europe.

More than a year ago, the Commission outlined that the recommended measures will encourage EU countries to pool resources for research, so that they do not duplicate efforts and waste precious funds. That must be welcome news for us all. Nearly 85 per cent of public money for research in Europe is spent on purely national ventures, so it is interesting to see that the EU is taking this tack.

EU leaders endorsed the joint programming concept on condition that projects were voluntary and aimed at a European or global issue. Dementia, which is a permanent or progressive decline in mental ability, was seen as a good subject for a pilot project, because it is a growing problem in all EU countries and the costs of care are huge—about €30 billion across Europe in 2005. It is hoped that the project will inspire joint research in other areas, including climate change. The then Commissioner for Science and Research said that if countries co-ordinate their efforts

“we will see a major step ahead”.

About 7.3 million people in the EU have some form of dementia—a number that is expected to double over the next 20 years, as life expectancy increases. As other members have said, Alzheimer's is the most common cause, accounting for 70 per cent of all cases of dementia. As we know, there is no cure for the disease, which robs people of their memory and

ability to think. The pilot project is part of a broader action plan that the Commission has drawn up in response to the anticipated rise in incidence of dementia. I hope that the Government and civil servants will take a close interest and be involved in that research. I am sure that Professor June Andrews will.

Dementia has touched my life in a variety of ways. It affected my husband's grandmother, my sister-in-law and my friend Mary, who died recently in a home in Dalgety Bay; she was a Labour Party member and the dearly beloved wife of Bob, who is also a close friend. As Stewart Stevenson described, it really tugs at the heartstrings to speak to such people when one knows what impact the condition has had on their primary carers and wider family and friends, and the loss that is felt. My sister-in-law described losing her mother from dementia as the long goodbye, because it is never possible to have the grieving process and the relief from grief that others sometimes experience, although everyone's form of grieving is different.

On a good note, as Jamie Stone said, progress has been made. Things have progressed hugely since my husband's grandmother was in a Fife Regional Council-run home in the late 1970s and early 1980s. More recently, I visited the specialist new Benore care home in Ballingry, in my constituency, designed by June Andrews of the specialist dementia services development centre. Referring to what Stewart Stevenson was saying, environmental factors are highly important in the design of any unit. If we can make units in the sort of environment where the Benore care home is set, it can serve as a prime example for other such units across Scotland.

11:15

Rhona Brankin (Midlothian) (Lab): I very much welcome the debate. As many members have said, this is a hugely important subject and, given the changing demographics, it will continue to be hugely important for many years.

Like other members, I pay tribute to Jim Jackson of Alzheimer Scotland, who made a hugely important contribution, and to the work of Irene Oldfather and the cross-party group on Alzheimer's.

I will focus on the inappropriate prescribing of drugs to people with dementia, starting with the potential dangers of labelling and treating dementia as just a medical issue. Rather like dyslexia or autism, the term or label “dementia” can help to explain what can be a range of often difficult behaviours. We can see a range of changes in people as they age—it is incredibly

common for such changes in behaviour to occur as people get older.

The bottom line is that people with dementia are individuals with their own personalities and their own needs, and one of our biggest challenges is around how families and other care providers can meet those very individual needs.

We know what constitutes good practice in supporting older people with dementia as individuals, and we have heard about the work that has been done in Stirling, but we are still a long way from providing the sort of support that meets individuals' cognitive needs, to which several members have referred.

There is a common medical response to dementia and some of the behaviours that are associated with it, and I wish to focus on the prescription of psychotropic, antipsychotic drugs.

In 2008, the all-party group on dementia at Westminster concluded that

"the widespread inappropriate prescribing of antipsychotic drugs is an unacceptable abuse of the human rights of people with dementia",

and that the "time for action" was therefore now. I very much support that conclusion.

It is no coincidence that many members who have spoken in the debate have discussed their own personal experiences of the failure of our system to meet the needs of family members. My own mother was prescribed antipsychotic drugs in a hospital setting. She was a 90-year-old with mild vascular dementia and had been admitted to hospital following a fall overnight, and she was rendered absolutely senseless by those drugs. The prescribing of those antipsychotic drugs was done with no reference to her family and it was a real struggle to get her taken off them. When she did come off them, she immediately regained her cognitive function—and retained her status as Scrabble champion in our family.

A 2010 study by Guthrie, Clark and McCowan stated:

"Antipsychotic prescribing to people with dementia in the United Kingdom is ... common and much of it is likely to have little benefit and cause harm. Stopping antipsychotics is not associated with significant increase in behavioural and psychological symptoms in dementia".

There has been updated guidance on inappropriate prescription, but we know that it is still widespread. That is simply not good enough. There is an urgent need for medical reviews for older people across the board. Prescribing antipsychotics will stop only if GPs stop it. Work is being done on that by the Government, and I very much welcome that. We now know enough about the damage that is caused and the lives that are lost through the inappropriate prescribing of drugs.

It is time to stop talking and to take real action on the matter. I call on the Government to step up its actions, as that could make a very real difference to people's lives.

11:19

Hugh O'Donnell (Central Scotland) (LD): Not unexpectedly, this has been a very consensual debate. The dementia strategy that was prepared and published in June last year was warmly welcomed and continues to be warmly welcomed by people across the community. That has been reflected in the speeches that we have heard in this morning's debate—in which we have heard the medical and clinical expertise of Dr Richard Simpson and Dr Ian McKee and about the involvement of other members in the cross-party group on Alzheimer's over a long period.

Mary Scanlon made a particularly useful contribution, reminding us that Alzheimer's, which is the most common term that we hear bandied about, is not the only cause of dementia. Rhona Brankin has just referred to vascular dementia in her speech. There are other related diagnosed and labelled conditions that we might not speak about—there has been no mention of Korsakoff's syndrome or other issues. Generally, there is recognition across the Parliament that the dementia strategy and the co-ordinated working of all the partners involved has gone at least some way towards resolving some of the challenges that we have faced in the past and towards addressing the ones that we will continue to face. We have a growing elderly population. Consequently, the challenges relating to dementia will continue to grow.

As other members have said, there will not be too many of us who do not have a connection to someone who has been touched by the condition, whether in our family or a friend, and whether historical or contemporary. I am no different in that regard.

Periodically, my young daughter and I, like many fathers and daughters, have a difference of opinion. She is wont to say to me, "You have to be nice to me, daddy—I'm picking your care home." By coincidence, I worked in a care home in 1994, and I am afraid that it was an oxymoron to refer to either "care" or "home" in that regard. My concern is that, notwithstanding the progress that we have all been speaking about, the provision of training, support and inspection has not yet reached a level where we can all be comfortable about any of our children saying such a thing and know that it is not a negative observation.

We need to address this, because challenges exist. Many care homes, particularly in the private sector, have a high level of churn among staff,

with inadequate training. As Richard Simpson said, it is critical to maintain continuity and for relationships to build up between carers and people who suffer from the condition. If regimes are not rigorous or professional enough, there is a danger of not improving the living environment.

The minister reinforced her view on funding, and that is welcome, but I hear anecdotally—as do other members, I am sure—about what is happening with the range of specialist nurses who have been provided for various conditions throughout the health services. We are getting the message that they are under increasing pressure to move into more general areas of practice, with those working in acute care returning to wards, for instance—away from the very purpose for which they were recruited. I ask the minister please to ensure that pressure is brought to bear on health boards such that, notwithstanding the pressures on board finances, such things are not allowed to slip in the way that they seem to be doing.

11:24

Nanette Milne (North East Scotland) (Con): I well remember, from when I entered Parliament in 2003, the strenuous efforts that were being made then by the late Jim Jackson of Alzheimer Scotland, and by the cross-party group on Alzheimer's, led by Irene Oldfather, to raise awareness of this devastating condition and to achieve better support and care for those people across Scotland who are affected by it.

The cross-party group's commitment to helping people with dementia and their carers led to the development of the "Charter of Rights for People with Dementia and their Carers in Scotland" and to the acceptance by political parties that dementia must become a national priority. The Scottish Government's publication of Scotland's national dementia strategy was therefore warmly welcomed as a first step towards improving dementia care and support.

Dementia has always been around and has always caused stress and turmoil—for sufferers in the early stages of its development and for friends and families as the disease progresses. However, as the population ages, dementia is becoming more common. There are 72,000 people with dementia in Scotland and the figure is predicted to double in 25 years. As families become more dispersed and more elderly people live on their own, caring for people with dementia becomes a significant problem for society, which must be faced up to.

It is difficult and bewildering for people who are in the early stages of dementia and their families to come to terms with the gradual loss of memory and skills that leads to a loved one becoming a

mere shadow of their former self, often lacking confidence and becoming depressed as they lose their ability to cope with the pace of modern living. I am pleased that Mary Scanlon and Ian McKee stressed the need to deal with depression in dementia sufferers, which is important.

It is key to patients' welfare that their condition is diagnosed as early as possible, so that they and their carers can get access to the information that they need and the support services that can help them to live as normal as possible a life at home and delay, or indeed avoid, the need for admission to residential care.

If we are to achieve the best care for dementia sufferers, there must be an act of partnership between national Government, local government, the health service and the voluntary and private sectors. The skills and knowledge of staff in health and social care settings need to be improved, to ensure the dignity and respect to which people are entitled, as we heard from Hugh O'Donnell. As of right, people should have access to services that provide the appropriate support, care and treatment.

In the implementation of the dementia strategy, two key areas on which we need to focus are the availability of quality support and information for people with dementia and their carers following diagnosis and the need to respond better to dementia in the general hospital setting by considering alternatives to hospital admission and by better planning for discharge into the community, as Mary Scanlon said.

On the latter point, Conservatives think that there would be significant benefit if Lord Sutherland's recommendation that health and social care budgets be merged were implemented. A single budget for health and social care and a common commissioning policy, to eliminate duplication, would lead to better continuity of care between the hospital and the community, which is important. It would reduce delayed discharges from hospital and ensure a better service for people and a faster response to addressing their needs. Such a joined-up approach would potentially lead to savings in administration costs, which could be ploughed back into front-line services.

We are happy to note the progress on the implementation of the dementia strategy. We particularly welcome the announcement of funding for specialist nurses and support for continuing research into the condition. Of course, all that is work in progress. Demands on services will continue to grow and it is important that scarce resources achieve best value in dementia care. It is proven that admission to residential care can be delayed if there is better support at home for patients and their families, and even a short delay

can release resource to improve home care and support.

Careful monitoring of how the strategy operates during the next two years will feed into the review that is planned for 2013. I hope that the strategy will evolve after that, as progress is made on meeting the needs of people with dementia and their carers. The work that has been done so far is commendable, as members have said, but it is not complete. I hope that future Scottish Governments will continue to regard dementia as a national priority and focus on the needs of sufferers and their carers.

We will support the motion and the amendment in Richard Simpson's name.

11:28

Dr Simpson: Let me begin by talking about success in early diagnosis. An additional 5,000 people have been registered during the past couple of years and we are likely to meet the target by the end of March. However, as Mary Scanlon said, if registration is simply a tick-box exercise to record diagnosis, it is not sufficient. We must use the opportunity that is presented by having a cohort of newly diagnosed individuals to ensure that research is undertaken into which non-pharmacological interventions, such as self-help and carer action, work. I hope that such studies will be part of the research that the minister said is being funded through the Scottish dementia clinical research network.

Members talked about legality and consent, and Rhona Brankin talked about the inappropriate use of antipsychotic medication. People are regarded as having capacity under the Adults with Incapacity (Scotland) Act 2000; it is only towards the end that capacity is so impaired that people are unable to participate in decisions. We need to address the matter carefully. I welcome what the minister said about antipsychotic medication, the use of which remains widespread. We need to understand when it is appropriate to use such drugs and ensure that they are not used inappropriately. As Jamie Stone said, it is hugely important that we protect vulnerable people.

The dementia integrated care pathway, which started in 2007, is an important advance, but standards of care of the sort that the minister mentioned in relation to the Mental Welfare Commission are also important. Irene Oldfather talked about the need to ensure that the standards are applied throughout the area of care. From April, inspection will be undertaken by social care and social work improvement Scotland rather than the Scottish Commission for the Regulation of Care, but it is important that the care commission's regime of inspection of the suitability of the care

home environment for dementia sufferers is toughened and includes a review of the use of antipsychotic medication. There should be a tough regime in that regard. The MWC's report, "Best of Intentions", which has been mentioned, showed how far we still have to come. As well as monitoring and annual reports, we must have a close inspection regime.

Members talked about training. The joint training by NES and social services is important. When I lectured in social work at the University of Stirling, I found it difficult to get social workers and doctors to undertake training together. We must make the effort to improve multidisciplinary training.

Carers also need training. It is not just about providing good information, although that is a good start, which is stressed in the strategy. We need to go further and provide good, effective support to enable carers to develop the right approach. Carers need training, support and respite. The Government has done quite a bit on respite and that work needs to continue. Carers also need emergency plans, because a source of stress is their concern about what will happen to the cared-for person if they are ill. Stewart Stevenson talked about the importance of carers and their need for such support.

I welcome the funding for specialist dementia nurses and the pilots for the system—although I must ask what happened after the joint futures pilot in Perth and Kinross 11 years ago, which was supposed to merge elderly health and social care but proved incredibly difficult.

Big Lottery Fund funding will be important, as is the research network funding. Helen Eadie stressed the European dimension to collaborative research. In the current period of austerity we need research to be focused and to take place in a number of countries.

As Ian McKee and Mary Scanlon said, there are many types of dementia. Only 60 per cent of sufferers have Alzheimer's. Members mentioned vascular and multi-infarct dementia. There is a form of vascular dementia that is known as Binswanger's disease, which I do not know much about; there is also dementia with Lewy bodies and frontal lobe dementia.

I did a case study on a patient who had alcohol-related brain damage. The individual had 11 separate case records. Everyone was doing their best, but the person was trapped in the revolving door of increasingly frequent admissions to hospital, which were hugely expensive and never resolved the issue. By tagging all the notes and indicating that people should phone or come to me, I was able to get the patient into an alcohol unit pending a guardianship order. I regret that it took six months to get the order and the wait cost

the taxpayer £60,000, because the patient would not agree to move to a care home. There is a problem that we need to deal with in that regard.

We have not talked about issues such as assistive technology and telecare, which are important. We talked a little about palliative care, which is the new challenge. The dementia services development centre at the University of Stirling will run new courses on the subject.

We did not talk about new treatments that are coming along, so I end on a note of hope, as a tribute to Jim Jackson. There is the potential for vaccination against dementia, and if research is successful it might lead to a repeat of the tuberculosis story. Our successors in the Parliament might come to the chamber to talk about the next disease on the list of health challenges that we must face.

I welcome the progress that has been made and the efforts of Government. I welcome the support for the motion and for the amendment in my name.

11:34

Shona Robison: I welcome the many very good speeches that have been made during this important debate. The quality of debate demonstrates that members have taken an interest in dementia over a long time and share a real commitment to influencing a transformation of dementia care and support.

That commitment is also shared by the range of individuals and organisations throughout Scotland that contribute to the dementia strategy's implementation. I have been impressed by local partners' enthusiasm for the strategy. There is a real appetite for making the changes to which many members referred.

I also give particular recognition to people with dementia and their families and carers for their huge contribution to the dementia strategy in the working groups and consultations leading up to the strategy's publication and, now, its implementation. We felt that it was really important to hear from those who are directly affected by dementia and from their carers.

I mention in particular the Scottish dementia working group for its huge role in all the work. All its members have a diagnosis of dementia and they have campaigned and raised awareness of the need for better dementia services since 2002. I was gratified by the amount of time that they devoted, and continue to devote, to that work. They bring valuable expertise to the agenda.

It is also appropriate to mention the MBE that was awarded in the new year honours list to James McKillop of the Scottish dementia working group for services to people with dementia. The

honour reflects the considerable value of his contribution to that area of public life. It is great to see recognition of that.

I turn to some of the points that were made in the debate.

Richard Simpson mentioned the core funding for the continuation of the dementia services development centre. It receives section 10 core funding under the Social Work (Scotland) Act 1968, which will continue into 2011-12. Future years will be considered at the appropriate time, but our support for the centre has been made clear.

Mary Scanlon touched on depression and mental health and wellbeing. We are writing to boards with the applied psychology report, which identifies the need to increase the workforce, particularly in response to the needs of older adults, so we are picking up on some of the issues that she raised.

Jamie Stone gave a personal account of his family's experience of dementia. He acknowledged that things have moved on a long way from the 1970s but, as many people said, there are still challenges. I think that it was Hugh O'Donnell who said that we still have challenges within our care sector.

Irene Oldfather has had to leave to get her flight, but it was good that she rearranged things to take part in the debate. I recognise her role within the cross-party group on dementia. She made some important comments on end-of-life care, which is incredibly difficult for families. Ian McKee also picked up on that point.

Irene Oldfather also mentioned the Mental Welfare Commission's "Best of Intentions" report, which reminds us that, although huge progress has been made, there is still more to do.

Helen Eadie talked about the long goodbye. I have heard that phrase before, as I am sure we all have. It captures some of the difficulties in personal relationships. Stewart Stevenson laid out what that really means for partners or other family members who feel the loss even though the person is still alive. Those are difficult emotional issues to deal with.

Rhona Brankin talked about her family's experience of the use of antipsychotic medication. The situation that she described is exactly what we want to avoid. She mentioned the updated guidance on prescribing, which is a good thing, but she indicated that more work needs to be done to stop inappropriate prescribing and I acknowledge that. Richard Simpson talked about this too. We need to research and understand where it is appropriate to prescribe antipsychotic drugs, because there will be cases in which it is

appropriate, but we absolutely must stop inappropriate prescribing, and the case that Rhona Brankin described was one of those.

I thank members for their speeches in a very good debate. I will be happy to keep them informed of the progress that we make.

Scottish Executive Question Time

General Questions

11:40

Broadband (Rural and Remote Areas)

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

To ask the Scottish Executive what progress it has made on delivering next generation broadband to rural and remote communities in light of its "Speak Up for Rural Scotland" consultation. (S3O-12805)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government published its statement "A Digital Ambition for Scotland" in October 2010. It makes clear our aspiration for next generation broadband to be available to all by 2020. The statement is being followed with a comprehensive digital strategy for Scotland, which will be published soon. The strategy will contain specific actions that will enable the achievement of our ambition and ensure that rural and remote communities are not left behind.

Scotland is set to reap early benefits from the United Kingdom Government's recently published UK-wide broadband strategy. We successfully made the case for one of the UK's rural market testing projects for next generation broadband to be located in the Highlands and Islands. That project is expected to bring more than £30 million-worth of infrastructure improvements to the region. Work is also under way to progress a substantial project in the south of Scotland in a second bidding round.

Additionally, in December 2010, the Scottish Government announced the five winning bids for the LEADER broadband challenge fund, under which €1 million will be distributed to support small-scale rural broadband projects.

Nanette Milne: I thank the minister for his comprehensive answer. He may be aware of the Cornwall and Isles of Scilly project, which has brought together Cornwall Council and BT to deliver 100 per cent coverage of faster broadband cost effectively through a network that will be open to all communications providers equally, which will potentially benefit more than 10,000 businesses. Will he undertake to examine that exciting project to determine whether there are similar possibilities for communities in Scotland?

Richard Lochhead: I would be delighted to examine closely the project that Nanette Milne mentions. It is clear that ensuring that we are connected to the next generation of broadband is

the way forward for economic development in rural and more remote communities in Scotland. If we can learn any lessons from what is happening elsewhere, we should certainly learn them, but we should also build on our existing success in Scotland.

Willie Coffey (Kilmarnock and Loudoun) (SNP): The minister may be interested to note that the cross-party group on digital participation also discussed the subject earlier this week. Professor Michael Fourman reported on the Royal Society of Edinburgh's recommendation that fibre backhaul should be available within reach of every accessible community in Scotland. Will the minister outline any work that is taking place with the UK Government and service providers on the implementation of that recommendation?

Richard Lochhead: We welcome the helpful and constructive contributions that the Royal Society of Edinburgh—and, indeed, Reform Scotland—is making to the digital Scotland debate. My officials and the Scottish Government are carefully considering a number of recent digital reports.

I will be happy to write to Willie Coffey about our current engagement with the UK Government. I alluded to some of it in my first answer to Nanette Milne. The issue is certainly shooting up the economic development agenda in Scotland and we welcome all contributions from all organisations.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The minister said that he wanted superfast broadband to be available to all within nine years. Does he agree that, in this day and age, when we hear about the introduction of superfast broadband, it is ridiculous that people in areas such as Corgarff, Lumsden and Garlogie in my constituency still cannot access ordinary broadband? That is the issue. Can we not just get them on to broadband before considering superfast broadband? It is easy to say that we want superfast for all within nine years, but what is happening now?

Richard Lochhead: Mike Rumbles highlights the reason why we need the broadband providers to get their act together in certain parts of Scotland. There are still a few communities that are not connected, as he highlights in the case of his constituency.

Of course, any schemes that we have run in Scotland have been oversubscribed, which shows the level of demand. If there were ways in which Mike Rumbles's colleagues in the UK Government could identify more resources to help the Scottish Government to connect rural Scotland to the next generation of broadband, that would be most helpful. It is clear that demand exists; the

Government and the Parliament have to find the resources to meet it.

School Nurses

2. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Scottish Executive how many school nurses there have been in each year since 2007. (S3O-12785)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Official statistics show that the number of school nurses has increased substantially since September 2007, from 385 then to 413 in 2008, 442 in 2009, and 456 in 2010. Those figures, of course, do not include other nurses such as public health nurses who work in a school setting.

Dr Simpson: Will the minister join me in praising school nurses for the work that they have done on the human papillomavirus vaccine? That vaccination programme has been a singular success. Are school nurses linked to primary care practices? Have they undertaken flu vaccinations in that capacity for those in the five to 15-year-old age group during the swine flu outbreak and the seasonal flu outbreak this year?

Nicola Sturgeon: I thank Richard Simpson for his words on the importance and good work of school nurses. I associate myself with those comments, echo his comments on the success of the HPV vaccine programme, and am happy to provide him with more information on the linkages between school nurses and primary care practices.

Richard Simpson has made a fundamental point. Ensuring that all the relevant professionals are properly integrated is part of our work around the further integration of health care. Richard Simpson will be aware that the bulk of the flu vaccine programme is delivered through general practitioner practices, but I would be more than happy to provide him with further information about the different health professionals who have specifically contributed to that programme.

Domestic Abuse (Children and Young People)

3. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive, in light of the getting it right for every child approach, what plans it has to ensure that children and young people experiencing and recovering from domestic abuse receive appropriate support. (S3O-12784)

The Minister for Children and Early Years (Adam Ingram): In 2010-11, we provided £4.16 million for the children's services-women's aid fund, which supports the network of children's workers throughout Scotland. I was delighted to announce in the Parliament on 23 December last

year that we will continue to fund those important local services at the same level for 2011-12.

Cathy Peattie: That answer is very welcome.

The minister will be aware of the positive evaluations of the children experiencing domestic abuse recovery pilot projects in Edinburgh, Fife and Forth valley in my constituency in a report that is appropriately entitled "Through the eyes of a bairn". What is the timescale for delivering that important project?

Adam Ingram: We are looking at funding the CEDAR project through the new early years and early intervention fund. We are working up details on the scope and management of the new fund and eligibility for it, and we will make an announcement as soon as we can.

The Presiding Officer (Alex Fergusson): Question 4 was lodged by Brian Adam, who is not in the chamber. This is the second week in a row that he has not been in the chamber.

European Commission (Meetings)

5. Margaret Mitchell (Central Scotland) (Con):

To ask the Scottish Executive when it last met representatives of the European Commission and what issues were discussed. (S3O-12811)

The Minister for Culture and External Affairs (Fiona Hyslop): The Administration has established strong relations with key commissioners. Most recently, Richard Lochhead met the fisheries commissioner in November; Roseanna Cunningham will see her again in 10 days' time. In September, I had productive talks with the education and culture commissioner, and met the humanitarian aid commissioner. In early February, Michael Russell will meet the research commissioner.

Margaret Mitchell: Is the minister aware that the working time directive has proved problematic for heavy and abnormal load hauliers and the police, who undertake escorting duties of loads where that is necessary? Representations could be made to the European commissioners about combining the two separate sets of regulations that cover driving times—the working time directive and the regulations on drivers' hours—which are causing confusion. Will she consider that suggestion, which would provide the opportunity to address that issue?

Fiona Hyslop: I am not aware of any pending meetings with the relevant commissioner in Brussels, but I will ask my ministerial colleagues who are responsible for transport whether they have raised or can raise those points in any meetings or whether they can raise them in forthcoming correspondence. I will advise the member accordingly.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It is clear that my constituents have been clobbered by the incredibly high price of domestic heating oil during the recent cold weather period. That phenomenon may occur in other parts of the European Community. Has the minister had discussions with European Community officials about that problem, or would she be willing to discuss it with them at some point in the future in order to ascertain and identify some way of tackling it to help my constituents?

Fiona Hyslop: I am aware that my colleague John Swinney has raised energy issues with commissioners in the past. Scotland is an energy-rich country, but we are penalised with respect to our domestic and transport fuel prices by not having responsibility for our own energy policy. Other countries can give us lessons, one of which is to have control over our own energy policy. However, I appreciate the points that the member makes. Until Scotland has control over its energy policy, we are happy to learn lessons from other countries.

Raptor Poisoning

6. Rob Gibson (Highlands and Islands) (SNP):

To ask the Scottish Government what progress is being made in tackling raptor poisoning. (S3O-12731)

The Minister for the Environment and Climate Change (Roseanna Cunningham): I am sure that all colleagues in the chamber share my dismay at the continuing persecution of our birds of prey. Because of that continuing persecution, I have lodged an amendment to the Wildlife and Natural Environment (Scotland) Bill to introduce criminal vicarious liability for employers or managers who are responsible for those who carry out offences related to bird persecution. That move is a necessary but proportionate response to the continuing blight of bird persecution in otherwise beautiful parts of rural Scotland.

Rob Gibson: Is the minister aware of the Scottish Rural Property and Business Association's letter that suggests that raptor poisoning has been reducing of late? Does she consider that that is the case?

Roseanna Cunningham: I am aware of the SRPBA's letter that was recently circulated. We had a look at the figures in the information that it has given us. It used a mixture of confirmed and unconfirmed statistics, which does not reflect the true picture.

In the first half of 2010, 17 birds were illegally poisoned in Scotland. That cannot continue. Landowners who abide by the law will have absolutely nothing to fear from vicarious liability.

NHS Borders (Meetings)

7. John Lamont (Roxburgh and Berwickshire) (Con): To ask the Scottish Executive when it last met representatives of NHS Borders. (S3O-12813)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Ministers and Government officials meet representatives of all national health service boards, including those from NHS Borders, on a regular basis.

John Lamont: The cabinet secretary will be all too aware of the importance of community and cottage hospitals in rural areas such as the Scottish Borders, and she might recall the previous Liberal-Labour Executive's extremely controversial decision to close hospitals in Jedburgh and Coldstream. Does the Scottish Government agree that local hospitals in rural areas are highly regarded by the communities that they serve and that they are often much more accessible to patients than larger general hospitals such as Borders general hospital? Will the Scottish Government support NHS Borders to ensure that the remaining community hospitals remain open to continue to serve the communities that they serve?

Nicola Sturgeon: In general, I agree with what John Lamont has said. Community hospitals are fundamentally important. They provide a valued service to people who live in more rural communities.

John Lamont will, of course, understand that health care is not delivered in a static way. It is absolutely right that NHS boards should constantly review their operations to ensure that they are meeting patients' needs in the most appropriate way, and people should certainly not unnecessarily occupy hospital beds. I would expect any proposed changes to any hospital, including community hospitals, to be subjected to the fullest consultation with the local community. That applies to community hospitals in the member's constituency and everywhere else in Scotland.

Health Services (Reform)

8. Jamie Hepburn (Central Scotland) (SNP): To ask the Scottish Government whether the United Kingdom Government's proposals to reform health services in England will have implications for NHS Scotland. (S3O-12733)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The vast majority of the provisions in the Westminster Health and Social Care Bill affect England only, but we have ensured that the legislation allows for any arrangements that

currently exist between the health service in Scotland and the health service in England to continue, where appropriate, within the proposals for health and social care in England. Most important, I can confirm that the Scottish Government remains committed to a publicly funded and publicly delivered national health service.

Jamie Hepburn: Does the cabinet secretary, in emphasising the importance of the Scottish Government's determination to keep the national health service public, agree with the findings of the House of Commons Select Committee on Health that the reforms that are being introduced in the NHS in England are risky and expensive?

Will the cabinet secretary expand on her reported comments that the reforms south of the border may make the stability of the NHS in Scotland more attractive to health professionals from elsewhere in the United Kingdom? Will she confirm that it is the Scottish Government's intention to protect health spending for the duration of the next parliamentary session?

Nicola Sturgeon: I will deal with that last point first. I confirm that, as the First Minister set out earlier this week, it is our intention to protect health spending for the duration of the next parliamentary session. That is an important commitment, which is certainly not matched by all other parties in the chamber.

On Jamie Hepburn's questions about the health reforms south of the border, it is not for me to tell other parts of the UK how to structure their health service. Suffice it to say that the reforms that are taking place south of the border are not ones that I or this Government would introduce in Scotland. In my view, they will introduce greater privatisation and dangerous price competition into the health service south of the border, which I do not believe will be in the interests of patients.

The report of the Select Committee on Health makes for interesting reading and anyone who has an interest in such matters would find it worth their while taking the time to read it. I confirm, as I did in my original answer, that this Government remains committed to a publicly funded, publicly delivered health service that will continue to deliver the improvements that we have seen over the past four years.

Rhoda Grant (Highlands and Islands) (Lab): What additional costs will there be to Scottish health boards and authorities as a result of the legislative consent motion on the Health and Social Care Bill at Westminster? Where reciprocal arrangements are in place, how will they be affected by that bill?

Nicola Sturgeon: We are discussing those issues with the Department of Health, and the

Parliament and the Health and Sport Committee will have an opportunity to scrutinise them in the context of the legislative consent motion.

An example of the arrangements whereby the Scottish Government can use services from agencies south of the border are those around the Health Protection Agency. It is important that we ensure that when we get value from such arrangements, they continue, the reforms south of the border notwithstanding, and that is the focus of the legislative consent motion.

Outdoor Education

9. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive what steps it is taking to ensure that all schoolchildren experience high-quality outdoor educational opportunities. (S3O-12759)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The Scottish Government believes that every child should experience outdoor learning, which we recognise can be delivered in a variety of situations.

The Scottish Government provided over £400,000 in both 2009-10 and 2010-11 to promote the use of the outdoors to help deliver the curriculum for excellence for all our young people. In April 2010, we published "Curriculum for Excellence through Outdoor Learning", which advocates embedding use of the outdoors in learning and teaching to provide powerful learning experiences for all children and young people.

Helen Eadie: Is the minister aware that Fife Council is taking action to close Ardroy outdoor education centre, despite all the health, social and developmental benefits that it provides? It is a remarkable centre. What dialogue has he had with Fife Council on the issue, given the Government's long-standing aim of developing outdoor educational opportunities across Scotland, which he has just outlined? The closure of the Ardroy centre will blow yet another hole in the Government's manifesto on a key issue.

Michael Russell: I advise Helen Eadie to keep up with the times. The reality is that although she and others may have a strong emotional attachment to the Ardroy outdoor education centre, its regrettable closure, if that is what the council decides to do, would not affect the opportunity for every pupil in Fife to have access to the outdoors. [*Interruption.*]

Members should know—the hollow laughs mean that some members do not know—that the Ardroy centre is not of the standard that many schools would wish and, as a result, its usage in recent years has been low. It is in close proximity to a number of residential properties and is under

a formal notice from the Scottish Environment Protection Agency to provide a new sewerage system, which would cost in the region of £300,000.

As many of Fife's pupils as possible will still have access to the outdoors. The closure of the centre would be regrettable, but it would not do what the member suggested, and it was wrong for her to make such a suggestion.

Barnett Consequentials

10. Linda Fabiani (Central Scotland) (SNP): To ask the Scottish Government whether the Minister for Culture and External Affairs has been involved in discussions about disputed Barnett consequentials at joint ministerial committee meetings. (S3O-12728)

The Minister for Culture and External Affairs (Fiona Hyslop): Yes. On 22 November, ministers discussed the dispute resolution protocol. We agreed to find ways for an independent third party to provide advice on issues that were not resolved earlier in the process. I hope that that will allow us to move quickly to find agreement on the Olympics issue, on which the three devolved Administrations are united in the view that Barnett consequentials should be applied.

Linda Fabiani: In light of her experience of the Westminster Government's propensity to rewrite the rules on Barnett consequentials to Scotland's disadvantage, does the minister believe that Parliament should put its trust in the loosely worded no-detriment clause that is proposed for inclusion in the Scotland Bill?

Fiona Hyslop: The no-detriment clause in the Scotland Bill is a blank cheque for the Treasury. Experience shows that we should pin down the Treasury before the legislation is passed.

First Minister's Question Time

12:00

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-2857)

The First Minister (Alex Salmond): Later today, I will have meetings to discuss the Minister for Transport and Infrastructure's announcement this morning about upgrading the A90 to dual-carriageway standard. That is not as big a project as the M74 or the M80, which is now approaching completion. Nonetheless, it is a vital part of Scotland's road infrastructure network and I am sure that everyone in the chamber was delighted by that announcement this morning.

Iain Gray: This week, Labour released a list of 100 promises that Alex Salmond made to Scotland and that he has broken. Here is another one that is not in that list. In April 2008, the First Minister promised that he would never leave the city of Aberdeen in the lurch. This week, Aberdeen City Council announced that it will make 900 council workers compulsorily redundant. Those workers are in a pretty big lurch. What is the First Minister going to do about it?

The First Minister: The Scottish Government has sent a strong signal to the public sector to avoid compulsory redundancies. That is our dearest wish and our policy position. We are negotiating with our unions on pay restraint to make that possible. I am sure that the administration in Aberdeen is anxious to do that and will make proposals to make it possible in the city.

The issue of local government funding is difficult, indeed. Many people in Aberdeen are concerned that the local government funding formula has, for many years, given it a much lower settlement than those that have been given elsewhere. Of course, that formula was devised by the Labour and Liberal Democrat parties. Aberdeen's settlement has been 84 per cent of the average.

In 2009, John Swinney asked the Convention of Scottish Local Authorities to do a review and made proposals that could bring about greater parity and fairness. I have here a copy of the front page of the *Glasgow Evening Times*, showing the reaction of a senior Labour politician to the proposal for more parity in local government funding. His name was Steven Purcell. Remember him? The headline is "We must fight this 'bribe'". So, when a proposal was on the table to bring greater parity to local government funding in Scotland to help

places such as Aberdeen, which was receiving substantially below the average, a leading Labour Party politician in Scotland said that it was a "bribe". The Labour Party will never get away with saying one thing in Glasgow and another in the north-east of Scotland.

Iain Gray: The Scottish National Party will never get away with saying one thing in Holyrood and another in Aberdeen. The SNP councillors in Aberdeen have not heard the First Minister's signal. They are not doing all that they can do to avoid the redundancies. For the sake of £3 million for a voluntary redundancy scheme, they are going to make 900 workers redundant. They can find £60 million for their new council headquarters, but they cannot find £3 million for a voluntary redundancy scheme.

Of those 900 job losses, 100 will be teachers. Even in the dark days of the Tories, I cannot remember teachers being made compulsorily redundant. Rifkind, Younger, Lang, Forsyth: none of them did that or allowed it to happen. If it did not happen in Thatcher's Britain, why is it happening in Salmond's Scotland?

The First Minister: Iain Gray needs to catch up with two particular things. First, he needs to catch up with the situation in the north-east of Scotland. The council in Aberdeen is trying to avoid compulsory redundancies. That is its policy; that is what it is trying to do. I hope that Iain Gray will support it in trying to avoid compulsory redundancies and lend his voice to that aim and ambition.

Aberdeen City Council, like every public authority in Scotland, has major economic pressures bearing down on it. That is the case for every public service—even the health service, which has been protected by this Government and which would face an uncertain future under the Labour Party.

Of course, the Labour position is that it has nothing to do with the situation, which is why Iain Gray should catch up on the wise words of Ed Miliband—his colleague in government. On "The Andrew Marr Show" just a week past Sunday, he said:

"we should have acknowledged earlier ... the financial crisis happened"

and

"there would have to be cuts under Labour. Our plans ... involved cuts and we should have acknowledged that ... we sometimes looked like we were pretending there weren't going to be cuts under Labour when in fact there were ... that is a point that I acknowledge."

Unfortunately, Ed Miliband did not get the message through to Iain Gray when he campaigned with him. Iain Gray's own leader acknowledges that two thirds of the funding

pressure that is faced by Aberdeen City Council and by every council in Scotland is down to the Labour Party in government.

The Presiding Officer (Alex Fergusson): Maybe we can get back to Aberdeen. I call Iain Gray.

Iain Gray: We have an SNP First Minister here and an administration in Aberdeen with the SNP as part of it. Is the First Minister seriously saying that it is Ed Miliband's fault? Of course, it was a different story when SNP councillors planned to close schools in Argyll. The Cabinet Secretary for Education and Lifelong Learning ordered them to do a U-turn and walk out on the council. When SNP councillors in Aberdeen are planning to sack 900 workers, will the First Minister get on the phone and tell them to walk out on their mess, too?

The First Minister: I was merely pointing out, from the words of Ed Miliband, that he is prepared to accept responsibility for at least two thirds of the funding cuts that are now being imposed on Scotland.

The SNP Government has increased the share of expenditure to local authorities in Scotland; it has now risen to 34.5 per cent of the Scottish budget and we inherited a rate of 33.5 per cent. If we have increased the share to local government, the Government has done well by local authorities, which is acknowledged by the Convention of Scottish Local Authorities. It must therefore be that the overall budget is too low not to put public services under enormous pressure.

Ed Miliband is prepared to acknowledge that situation, and Labour's responsibility for it, so when will Iain Gray accept responsibility on the part of the Labour Party in Scotland? If it is a question of the share that is allocated to Aberdeen City Council, why on earth did the Labour Party in Glasgow describe an attempt to redress the imbalance as a "bribe"—or is Steven Purcell to be written out of Labour Party history? The facts are that this Government is protecting local government and that this Administration is doing everything that it possibly can to avoid compulsory redundancies in Scotland.

Iain Gray: If Ed Miliband is willing to take responsibility for anything, that puts him one step ahead of Alex Salmond, who has never taken responsibility for anything in his life.

The First Minister is right, though: it is not just Aberdeen. In Dundee, the SNP has the nerve to claim that it is improving schools by cutting education budgets. In Edinburgh, Alex Neil was sent in last week to cut the Edinburgh jobless services in half, by more than £2 million—at a time like this. And yes—then there is Glasgow. The SNP cancelled the Glasgow airport rail link last

year, and this year it has cut the Glasgow gateway—the biggest regeneration project in Scotland—by half. What is it with Salmond and the city? Does the First Minister have some sort of vendetta against Scotland's cities?

The Presiding Officer: First Minister, I must ask you to be relatively brief, please. Time is marching on rather too quickly. [*Interruption.*]

The First Minister: As everybody in the chamber knows and would acknowledge, the 2.6 per cent decline in revenue funding to local government for next year is a difficult settlement. However, it is better than for any other major public service except the health service, which we are protecting under this Government. It is acknowledged across local government that that causes pressures, so councillors must do their best to avoid compulsory redundancies—as they will do in Aberdeen and as the Government is doing in Edinburgh.

I do accept responsibility. It is time that Iain Gray accepted responsibility for voting for a £500 million trams project in Edinburgh that nobody wanted and, for that matter, for voting for an illegal war that we now know was a tapestry of lies. [*Interruption.*]

The Presiding Officer: Order. The chamber will come to order.

Secretary of State for Scotland (Meetings)

2. Annabel Goldie (West of Scotland) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-2858)

The First Minister (Alex Salmond): I have no plans to meet the secretary of state in the near future, but I heard him on the radio this morning.

Annabel Goldie: In Scotland, cancer sufferers are being denied access to a range of drugs that can prolong life for some patients, which are now available in England. A report in October by the Rarer Cancers Foundation published a list of at least 18 drugs that are available in England but not in Scotland. The Scottish Conservatives have proposed the setting up of a Scottish cancer drugs fund to help patients in Scotland to get those drugs. Does the First Minister agree that Scottish cancer patients deserve the same access to those drugs as patients in England have?

The First Minister: Annabel Goldie should acknowledge that the Scottish Medicines Consortium is a very robust system of authorising drugs in Scotland and has been widely admired. It has difficult decisions to make, as resources are constrained in the health service even though the NHS budget is being protected by this Administration. The SMC has to make difficult decisions, and they are made only after

tremendous consideration has been given to their effects.

I have heard many stories emanating from England that complain about some drugs being authorised in Scotland but not by the processes down south. The decisions are made in the best interests of patients; however, inevitably, in any decision to authorise drug use, there is always a resource issue as well. The balancing of effectiveness against resources is an extremely difficult decision and I hope that Annabel Goldie will acknowledge that there is a robust process to help ministers with that decision.

Annabel Goldie: I have listened carefully to what the First Minister has said. Difficult challenges confront us, but I do not think that we should ever be timid about looking at what is happening elsewhere. This specific issue is one of importance and urgency. The United Kingdom Government's commitment to set up a cancer drugs fund for patients in England and Wales has been warmly received by cancer sufferers, their families and campaign groups there. It is time that the Scottish Government took action here. The UK Government thinks that the issue is so important that it has provided interim funding.

Will the First Minister agree to meet me and my health spokesman to discuss how we might proceed on the matter in Scotland, including the setting up of an interim fund, to give cancer patients in Scotland the same access to the drugs as patients have in England?

The First Minister: It is wrong to say that in Scotland we do not have access to the range of drugs to which people in England have access. That is just not true. The process that we have at the moment is independent and robust. We are always prepared—and the Cabinet Secretary for Health and Wellbeing is always prepared—to meet members to discuss ideas and concepts that could improve the situation further. However, on this most sensitive of issues, Annabel Goldie should acknowledge that we have a robust and independent process in Scotland that serves patients and the people well. Every decision in this area is a difficult one. It is extraordinarily difficult to have to have resource consequences as part of the decision making. We will meet Annabel Goldie to see what ideas she can suggest, but let us start from the basis that the process that we have in place in Scotland now is independent and robust.

Cabinet (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-2859)

The First Minister (Alex Salmond): The next meeting of Cabinet will discuss issues of importance to the people of Scotland.

Tavish Scott: Last week, I informed the First Minister that the high pay bill for the public sector had increased by £53 million in just one year. Does he know what the bonus bill is for the same period?

The First Minister: I have all the figures here. I am delighted that Tavish Scott has returned to this subject, as I can now explain the conundrum that he put to us last week of the so-called £50 million that Jeremy Purvis said we could save.

Last week, Tavish Scott compared salaries of more than £100,000 over two successive years. Some £40 million of that £50 million came from the national health service. It was caused by the fact that the maximum consultant's salary increased from £98,962 to £100,446, covering some 450 consultants. I lead Tavish Scott to the conclusion that, to save £40 million, we would have to sack every one of those consultants. By reducing their salaries to under £100,000, we would save £450,000.

I do not really think that, whatever Tavish Scott believes about consultants, he is going to stand up the claim that was made by him last week, and which was repeated by Jeremy Purvis yesterday, that there is a £450 million pot of gold. That could be achieved only by sacking 450 consultants in the NHS.

Tavish Scott: That answer was utterly dreadful. It had nothing to do with the question that I asked. The First Minister's answer needs to be clearer, because the bonuses were signed off by his Government—they are the First Minister's bonuses. It was his policy that promised punitive action on high pay, so why have bonuses gone up by 50 per cent at Scottish Water, Scottish Enterprise and the Scottish Prison Service? Bonuses are up to £48 million in the public sector and high pay is up £50 million. Will the First Minister tell us what has been cut to pay for his bonuses and high pay?

Alex Salmond: For the second year running, we are asking chief executives to waive all or part of any bonus, and many have agreed to do so. We have restricted the level of non-consolidated performance payments for senior civil servants to £600,000, which is down from the £1.2 million that we inherited from the Labour-Liberal Administration.

The vast majority of bonuses in the public sector are, indeed, consultants' bonuses. That is the system that we inherited, and the Cabinet Secretary for Health and Wellbeing is the first minister with responsibility for health to freeze those bonuses, and has been urging action on the

Westminster Government—past and present—so that we can move together on these issues.

Because Tavish Scott read out his second question, he slipped out the £50 million figure from the first question.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): That is because it is true.

The First Minister: I know—after that wonderful point of order yesterday, which had us all spellbound—that such things often do not occur to Mike Rumbles very quickly, but the point is that the only way in which we could save £50 million is by sacking 450 consultants. If we just want to reduce their pay to under £100,000, we would save £450,000. Those things are not matters of politics; they are matters of arithmetic. Just as we should beware of Greeks bearing gifts, we should beware of Liberal Democrats with budget-saving ideas.

Joe FitzPatrick (Dundee West) (SNP): What is the Scottish Government's position on the report by the Scottish digital network panel that a new television network for Scotland should be created and funded from the licence fee?

The First Minister: The Scottish Government welcomes the panel's report and agrees with the central recommendation that a new digital network for Scotland should be established and funded from the television licence fee.

This Parliament has already seen cross-party consensus in support of the Scottish digital network. I hope that we can build on that unity and, as a Parliament, press the United Kingdom Government to implement the panel's recommendation. *[Interruption.]*

The Presiding Officer (Alex Fergusson): Order. I am sorry, First Minister.

If members at the back of the chamber wish to have debates among themselves, could they do so outside?

The First Minister: In response to the UK Government's recently published local media action plan, the Scottish Government will argue that a Scottish digital network, with scope for local opt-outs, is the best way of delivering more localised broadcasting and will bring benefits for viewers and the creative industries in Scotland.

Joe FitzPatrick: At 2 per cent of the licence fee, the proposals for a Scottish digital channel should be taken seriously by the BBC.

Members on all sides of the chamber have been highlighting the need for a dedicated "Scottish Six" news bulletin without success for a number of years. Does the First Minister agree that a new dedicated digital television channel for Scotland

could bring a "Scottish Six"—a Scottish news bulletin—one step closer?

The First Minister: Yes, I do. I acknowledge, in supporting the idea, that it has had cross-party support. I am looking for the Conservatives' media spokesperson; I do not know whether he is here today, but nonetheless—

Members: He is in Malawi.

The First Minister: He is in Malawi. There was no disrespect intended, because I was going to say that Ted Brocklebank, with his experience in broadcasting, was one of the first people to bring forward that idea. It is an idea whose time has come, and we should continue to unite as a Parliament to press the issue. We should be extremely grateful to the network panel that was headed by Blair Jenkins, the former chair of the Scottish Broadcasting Commission, which has produced such an excellent and thoughtful report that members in the chamber can, I hope, unite behind.

Pauline McNeill (Glasgow Kelvin) (Lab): The First Minister is aware that Labour has supported the idea of investing in and growing the Scottish broadcasting industry, and a Scottish digital channel, provided that it is not at the expense of existing Scottish output and that it is a channel of quality.

Given that the BBC already reached an agreement last October on how the licence fee would be used, and given that the Tory-Liberal coalition Government has imposed new costs on the BBC—including £340 million for the cost of the world service—and has frozen the licence fee for the next six years, how does the First Minister propose to open up those talks? I presume that we are not proposing to reduce BBC Scotland's budget, in that argument.

The First Minister: As Pauline McNeill knows, and has acknowledged and supported in previous discussions and debates, if one looks at the spending of the licence fee in Scotland and the spending on BBC Scotland, and at the Scottish contribution to the network, which is still way under population share, it is not unreasonable for the digital network panel to suggest a proposal that would cost 2 per cent of the licence fee.

If the discussion is closed until 2017, the report proposed that bridge funding might be provided from the proceeds of auctioning the cleared spectrum after the digital switchover in 2012. The report anticipated that we might get a shut door from Westminster on the basis that agreement had been reached until 2017, and therefore proposed an alternative funding mechanism. With that in mind, and given the strength behind the report and the broad welcome that it has received across the media and cultural industries in Scotland, I hope

that we can continue our unity as a Parliament, which is the best possible outcome in terms of achieving what we all want to see in Scotland.

Domestic Violence

5. Richard Baker (North East Scotland) (Lab):

To ask the First Minister what the Scottish Government's position is on the violence reduction unit's report that 4,783 domestic violence incidents were logged by police forces during December 2010. (S3F-2866)

The First Minister (Alex Salmond): Domestic abuse is completely unacceptable and the Government continues to work closely with all key partners, including the police, to ensure that perpetrators are held to account and victims have access to appropriate support.

We know that domestic abuse is under-reported, which is why the violence reduction unit campaigns annually to encourage and increase reporting. As part of that campaign, Scottish police forces have introduced a number of measures to combat the most serious offenders, including global positioning system tracking and third-party reporting. We will continue to tackle the issue head on, with funding of more than £11 million proposed for 2011-12, which is 40 per cent higher than the budget in 2006-07.

Richard Baker: Will the First Minister agree that those figures show the need for continued support for the groups that are doing excellent work to deal with the serious and stubborn problem of domestic abuse in Scotland? Given that sentencing for those offences is crucial to the overall approach, what consideration has been given to building on the success of the domestic abuse court in Glasgow that was established in the previous session of Parliament, and to developing approaches in other parts of the country?

The First Minister: The route that we have chosen, in distributing the 40 per cent increase in funding to tackle this serious issue, is to ensure that a variety of support services and groups are assisted directly. For example, there is £2 million to fund ASSIST—advice, support, safety and information services together—and 73 projects are funded under the violence against women funding stream, many of which directly address domestic abuse.

There is also three-year funding for specialist children's services through the Women's Aid fund. The equality budget, from which violence against women funding is allocated, has been retained at its 2010-11 level for 2011-12, despite the £1,300 million of cutbacks that John Swinney has had to accommodate in the Scottish budget. Those statistics and the track record say that the issue is of the highest priority for the Government.

I hope that that priority is shared by the entire Parliament.

Robert Brown (Glasgow) (LD): It is a particular worry that more than half of domestic abuse victims have previously suffered abuse. There are good examples, such as the domestic abuse task force that Strathclyde Police has established, and which targets the more persistent offenders. Can the First Minister cast any further light on what the Government can do throughout Scotland to get into the intractable problem of repeat offenders?

The First Minister: A range of funding streams provide support to look at that particular issue. We obviously have a serious problem, and the statistics bear that out. The Government has had Robert Brown's support on a range of justice measures that we now see are yielding results, given the 30-year low in recorded crime in Scotland. However, there are still areas where there is much to do, and domestic abuse—violence against women in particular—is one of those areas. I hope that Robert Brown will acknowledge that the variety of projects and funding streams that are being introduced show that we recognise the seriousness of the issue, just as the reporting of it indicates that we now understand the problem better and are seeking to address it in the most serious way.

Sandra White (Glasgow) (SNP): Is the First Minister aware of concerns that have been expressed by Scottish Women's Aid regarding the effect that alcohol has on domestic violence, including the perception that being drunk can somehow be seen as an excuse for committing such appalling crimes, and the fact that violence is likely to be more severe when the perpetrator is drunk? Does the First Minister agree that it is imperative that we tackle and reduce overconsumption of alcohol if we are to have a serious reduction in those terrible figures?

The First Minister: Yes, I agree with that. Alcohol is not an excuse for domestic abuse or any other crime and can never be considered so. Parliament and society must recognise that the role of alcohol in a range of crimes is hugely significant in Scotland. That is why the Parliament, sooner rather than later, will have to tackle the booze culture in Scotland head on, which would result in remarkable improvements in the social fabric of Scotland on domestic abuse and on many other issues.

Student Support

6. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the First Minister whether the Scottish Government considers that the choices made in its draft budget 2011-12 represent fair support for college students. (S3F-2869)

The First Minister (Alex Salmond): Yes, I do. As Jeremy Purvis knows, the draft budget will ensure that not a single student place at college or university will be lost, despite the savage cut in Scotland's budget that has been imposed by the Liberal and Tory United Kingdom Government. The draft budget also protects the funding for student support, with a guarantee that no student will receive less living support next year than they receive this year. We have provided record funding of £84 million for student support in the current academic year, and the draft budget maintains that for 2011-12. That is a 25 per cent increase over the period of the Administration.

Jeremy Purvis: On Monday, I met three students who are in receipt of bursaries that give them the opportunity to be at college. In my discussions with John Swinney on the draft budget, I have indicated that we will work with the Government to tackle the £1.7 million real-terms reduction in the bursary budget for such students. Given that, as part of the bonuses that Tavish Scott talked about, £4.25 million was paid out at Scottish Water in the past year, is that fair arithmetic?

The First Minister: The arithmetic that counts is the 7.5 per cent increase in the number of places at college and the 25 per cent increase in the student support budget. We always listen to students and others in society who have a case. For example, we listened when we preserved the education maintenance allowance, which has been cancelled by the member's colleagues south of the border, but which helps tens of thousands of people from poorer backgrounds in Scotland to maintain their places in education.

We listen when we refuse to go down the road that has been taken by the member's colleagues south of the border, of having tuition fees of £9,000. We also listen when we do not cut college funding by 25 per cent or university funding by 40 per cent over the review period. That is how the Scottish Government is protecting the rights of Scottish students, as has been acknowledged. I say to Jeremy Purvis that there will have to be considerable rearrangement of the Liberal Democrat position before a single student in this country votes for his party at the coming election.

12:30

Meeting suspended until 14:15.

14:15

On resuming—

Scottish Executive Question Time

Finance and Sustainable Growth

The Deputy Presiding Officer (Trish Godman): Question 1 has not been lodged.

Fiscal Autonomy (Economic Growth)

2. David McLetchie (Edinburgh Pentlands) (Con): To ask the Scottish Executive whether it will specify the work published by Professors Andrew Hughes Hallett and Drew Scott that forms the basis of the First Minister's assertion that "with economic powers we could grow the Scottish economy by an extra 1% a year." (S3O-12810)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Professor Hughes Hallett and Professor Scott make clear in their policy forum research paper "Scotland: A New Fiscal Settlement" that the additional economic levers available under full financial responsibility would provide the opportunity to increase Scotland's gross domestic product. Ultimately, the impact on Scotland's economic performance would depend on our ability to put in place policies that are right for Scotland and have the greatest impact on the drivers of growth such as productivity, participation and population. I am confident that the Parliament, focusing on what is right for Scotland, would do just that.

David McLetchie: The wild and unfounded assertion that was made by the First Minister at the Scottish National Party conference was, of course, not featured in the work of the professors—work that is also found in a doctored form in a Scottish Government publication, although not exaggerated to the same extent.

Will the cabinet secretary accept that the evidence base for a relationship between economic growth and economic performance on the one hand and fiscal devolution, autonomy and decentralisation on the other is both tenuous and contentious? It flies in the face of logic, which is that it is not who exercises a power that counts but how that power is exercised at whatever level of government. Is it not the case that there is no better illustration of that than the fact that the Chancellor of the Exchequer wishes to cut corporation tax in Scotland to encourage economic growth and jobs, and the cabinet secretary wishes to impose super-taxes on business to do the very opposite?

John Swinney: I suspect that the point on which I can agree with Mr McLetchie is that the

issue is contentious. He certainly participates in this debate in a contentious fashion, as he does on all matters, and not in the fashion in which I, with my usual sense of consensus, do.

If we follow to its logical conclusion Mr McLetchie's argument that it does not matter who exercises the fiscal levers, it is an argument for the United Kingdom to surrender all its fiscal independence to the European Union. The last time I looked, Mr McLetchie was a confirmed Eurosceptic who has vigorously defended the fiscal independence of the United Kingdom. If it is good enough for the fiscal independence of the United Kingdom for the chancellor to want to be able to use economic levers to deliver economic growth, why on earth should it be any different for those of us in the Parliament who have aspirations for better things for Scotland?

Community Energy Loan Fund (Co-operatives)

3. James Kelly (Glasgow Rutherglen) (Lab): To ask the Scottish Executive how the community energy loan fund will be used to promote co-operatives in the energy sector. (S3O-12767)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The aim of the proposed community energy loan fund is to maximise the benefits of renewable energy for communities, not only in terms of access to locally produced low-carbon energy but in terms of social cohesion and economic development. Co-operatives are one of the business models that applicants will be able to use.

James Kelly: Recently, I had a meeting with the co-operative-owned group Energy4All, which expressed to me concerns about restrictions on community-owned co-ops in relation to the community renewables implementation group. I therefore welcome the minister's answer, but I ask him to clarify that groups such as Energy4All will have access to the fund. Also, will he agree to meet me and representatives of community co-ops to discuss how best to promote the use of co-operatives in the energy sector?

Jim Mather: I am certainly willing to have that meeting, as it would build on the many other meetings that we have had across Scotland to open up the opportunities that renewables offer to build the fabric of and social cohesion within communities. As for Energy4All, our intention is that co-ops will be eligible for the fund subject to similar eligibility criteria that apply to other applicants, chief among which is that such moves demonstrate a level of benefit to the wider local community. I think that that sets the scene rather well for the conversation that I will have with Mr Kelly and Energy4All.

Fuel Prices

4. Joe FitzPatrick (Dundee West) (SNP): To ask the Scottish Government what representations ministers have made to the United Kingdom Government regarding fuel prices. (S3O-12729)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Since 2007, the Scottish Government has made regular representations to the UK Government regarding fuel prices in Scotland, most recently on 14 January, when I wrote to the Chancellor of the Exchequer to urge him to introduce a fuel duty regulator. A fuel duty regulator would ensure that some of the additional revenue that the UK Government receives from the North Sea when oil prices increase unexpectedly is used to reduce fuel duty, thus providing welcome relief to hard-pressed households and businesses. The chancellor and the Prime Minister advocated a similar scheme prior to last year's UK general election and it is essential that they now take urgent action to tackle the issue.

Joe FitzPatrick: I know that the cabinet secretary is aware of *The Courier's* fight for fairer fuel campaign, because he has signed the accompanying petition. I, too, have signed the petition, along with my colleagues Shona Robison and Tricia Marwick and many others, and I have been told that the completion of the form that I am holding up brings the tally of signatures to more than 3,000. Given the campaign's popularity with readers throughout Scotland and constituents' concerns about high fuel prices, is the cabinet secretary surprised that Iain Gray, the leader of the Labour group in the Parliament, has failed to support *The Courier's* campaign?

John Swinney: I am certainly aware of *The Courier's* campaign; I read about it in my morning newspaper and have been delighted to support it. It is a very welcome intervention in the efforts to encourage a change of heart in the UK Government. I am surprised to hear that the leader of the Labour Party has not been prepared to sign the petition, given the number of hard-pressed households and businesses that I am sure would appreciate his support for *The Courier's* efforts. I am also sure that the welcome and helpful way in which Mr FitzPatrick has put forward the issue in Parliament today will encourage the Labour leader to change his mind.

Fiscal Autonomy

5. Robert Brown (Glasgow) (LD): To ask the Scottish Executive whether it continues to support full fiscal autonomy for Scotland. (S3O-12790)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Yes.

Robert Brown: I thought that the cabinet secretary might say that. I know that he is a very reasonable man and that he would like to debate these important issues on a solid factual basis. A while ago, the Scottish Government put into the public domain a document entitled "Summary of Full Financial Responsibility & Independence". In the interests of greater clarity, does the cabinet secretary now accept that that Scottish Government paper doctored a quotation from the two professors to whom Mr McLetchie referred by adding in a reference to "revenue" that was not in the original, to suggest that it was tax-raising powers that would make the difference? Does the cabinet secretary accept that, although greater public expenditure can certainly lead to growth, there is no academic or, indeed, commonsense basis for a link between greater devolved tax-raising powers and growth? If so, is the suggestion in the Scottish Government paper of a follow-through to £18 billion in additional public spending resources not entirely spurious and misleading, never mind that the academic paper in question talks about 1 per cent over five years, not the Scottish Government's staggering claim that 1 per cent growth every year would result in £18 billion? Does he now accept that there is no connection between fiscal decentralisation and growth and, in the interests of clarity, is he now prepared to withdraw the Scottish Government's dodgy document?

John Swinney: I certainly had plenty of time to take many breaths during Mr Brown's extensive and rather rambling question.

On the quotation to which the member refers, the Government was giving a clear explanation of the context of the arguments surrounding fiscal devolution. I have to say, though, that I am very surprised by Mr Brown's argument about fiscal powers, because everything that I have read from the Liberal Democrats on many of these questions suggests an inherent acceptance that control over the fiscal levers helps to encourage economic growth and improvements in economic performance.

I come back to my helpful answer to Mr McLetchie on the same issue. If these things were irrelevant, the United Kingdom would have surrendered these powers to the European Union. The Liberal Democrats may have argued at times in the past for the surrender of all these powers to the European Union—Mr Rumbles looks as if he is chastising me, so perhaps I am not doing justice to the full complexity of the Liberal Democrats' approach—but the key point is that having control of fiscal levers enables Administrations to deliver improvements in economic growth and economic performance. That point lies at the heart of the debate and it is one on which the Government is delighted to set out its arguments.

Small Business Bonus Scheme

6. Christina McKelvie (Central Scotland) (SNP): To ask the Scottish Government how many businesses are in receipt of business rates relief under the small business bonus scheme. (S3O-12740)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The latest figures show that the small business bonus scheme has reduced the rates burden for 74,000 properties in Scotland; of those, 63,000 paid no rates at all. In total, almost 30 per cent of all properties in Scotland benefit, with an average saving of £1,400. Since its introduction, the bonus scheme has saved Scottish businesses almost £300 million.

Christina McKelvie: The cabinet secretary and I both believe that it is the flourishing of small businesses in Scotland that will drive economic growth. Does he agree with the Federation of Small Businesses not only that the small business bonus is important for the survival of small businesses but that

"it is now more important than ever that the playing field is level wherever possible"

and that his proposal for an additional business rates levy on the largest supermarkets is vital for the future survival of Scotland's small businesses?

John Swinney: The supermarket levy has been well debated in Parliament and will be debated further when the Parliamentary Bureau makes provision for it to be discussed next week. The issues around the supermarket levy are very important. At a time of public expenditure constraint, there is an obligation to look at both reductions in spending and increases in revenue. I have settled on a proposal that increases revenue to the Scottish public finances, which helps to support our public services and helps us to deliver schemes such as the small business bonus scheme. I hope that Parliament will consider those points when it discusses the issue.

David Whitton (Strathkelvin and Bearsden) (Lab): I am sure that the cabinet secretary will remember a question from my colleague Johann Lamont back in May 2008, when she asked whether the Scottish Executive would carry out an evaluation of the small business bonus scheme. His reply was that there was a plan to evaluate the scheme after it had been fully implemented in 2009-10. Has that evaluation been carried out? When will it be published? Does it show how many jobs have been created as a result of the small business bonus scheme?

John Swinney: If Mr Whitton is in dialogue with small businesses in his constituency, he will have to accept the clear point that many small

businesses express to me—it is evidenced in some of the material published by the Federation of Small Businesses—that the small business bonus scheme has been an integral part of providing financial stability and support to businesses at a very difficult time economically and that it has allowed many of them to survive and to invest in their businesses. The Government will certainly be happy to evaluate the effectiveness of the small business bonus scheme, but Mr Whitton should not belittle the enormous contribution that it has made to safeguarding the interests of small businesses in Scotland.

Gavin Brown (Lothians) (Con): How many small businesses are entitled to the small business bonus but are not in receipt of it?

John Swinney: I think that the number of businesses that are eligible for but not subscribing to the small business bonus scheme is in the order of 20,000, but I had better safeguard myself by—I have been informed that the figure is 19,300, so I was not too far off. I will ensure that that number is confirmed for Mr Brown if there is any requirement to do so.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): On the latest Government estimates of the yield from business rates as we come towards the end of the current financial year, what is the latest Government estimate of whether the pot of business rates will be in surplus or in deficit? If it is due to be in net surplus, what is the figure?

John Swinney: The question that Mr Purvis wishes to have answered is one that can be answered only once the financial year is concluded and we see the yield from non-domestic rates in 2010-11. I explained at some length on two occasions yesterday—both in committee and in the chamber—that, although estimates can be made of that calculation, we will know the status of the non-domestic rates account only once the financial year is closed and the account has been settled. We will then formally know the starting point for the next financial year.

While I am on my feet, I should say, further to my answer to Gavin Brown's question on the number of companies that are eligible for but not subscribing to the small business bonus scheme, that we have written to those companies to encourage them to take up the offer of that scheme. That has resulted in an increase in the uptake of reliefs in recent months.

Former Mining Communities (Financial Support)

7. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive what

discussions the Cabinet Secretary for Finance and Sustainable Growth has had with the Minister for Housing and Communities regarding financial support to former mining communities in 2011-12. (S3O-12758)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I regularly meet ministerial colleagues to discuss how best to deliver real benefits and better outcomes for people in communities across the whole of Scotland.

Cathie Craigie: The cabinet secretary will be aware that coal mining was a major industry and source of employment in my constituency. To help to deal with the loss in coalfield communities, the Coalfields Regeneration Trust was set up and has enjoyed funding support from successive Governments, allowing it, in turn, to support communities. In my constituency, organisations such as the youth football team have enjoyed support over a number of years. We get good value for money from the trust. For every £1 that is given in grant, a further £1.37 is generated from other sources, so taxpayers are getting a very good return on their investment. How will the cabinet secretary protect this vital investment in the coming year?

John Swinney: I acknowledge the importance of the work that Cathie Craigie talks about and the importance of the regeneration and rehabilitation of the former coalfield areas. Support has been made available to the Coalfields Regeneration Trust through Scottish Government grant support. Representatives of the organisation met Alex Neil on 10 November at Mrs Craigie's request. We are obviously under financial pressures in the coming financial year and will be for some years to come. Resources will be under pressure, but continuing financial support will be given to the Coalfields Regeneration Trust in 2011-12.

Given that there is such pressure on public finances, I encourage organisations such as the Coalfields Regeneration Trust to identify additional financial support for projects. There are other funding streams such as cashback for communities, which is a spin-off of the fines collected from criminals and which she may wish to explore with the Cabinet Secretary for Justice, who takes all responsibility for distribution of those resources.

Jamie Hepburn (Central Scotland) (SNP): Is the cabinet secretary aware of figures that were secured by our colleague Dr Eilidh Whiteford, in the House of Commons, which demonstrate that more than 2,000 miners throughout Scotland—including 52 in the Cumbernauld, Kilsyth and Kirkintilloch East Westminster constituency—died before they received compensation for chronic obstructive pulmonary disease largely as a

consequence of the obfuscation and obstruction of the previous Labour Government?

John Swinney: That is a cause for concern. People in the mining communities and those who have been involved in mining have taken great risks on behalf of the rest of society. Those who have suffered from respiratory illness as a consequence have deserved the fairest and most prompt support in dealing with the difficulties that they have faced.

The Deputy Presiding Officer: Question 8 has not been lodged.

Bus Manufacturing Industry

9. Michael Matheson (Falkirk West) (SNP): To ask the Scottish Government what action it is taking to support the bus manufacturing industry. (S3O-12736)

The Minister for Transport and Infrastructure (Keith Brown): The Scottish Government provides a wide range of support to manufacturing companies, including bus manufacturing companies, which is delivered through Scottish Enterprise, Highlands and Islands Enterprise, Scottish Development International, local authorities and Skills Development Scotland.

All manufacturers are eligible for business development support through the Scottish manufacturing advisory service, which has gone from success to success since its inception in 2005. Bus companies in Scotland also receive support through a number of transport initiatives, such as the Scottish green bus fund and the low-carbon vehicle incentive, which encourages bus operators to invest in more environmentally friendly buses.

Michael Matheson: The minister will be aware of the delight of Alexander Dennis Ltd, the bus manufacturer that is based in my constituency, at the recent announcement of the green bus scheme, which will see 46 of the 50 buses that will be manufactured under that scheme being made by the company in Falkirk. The workforce recognises the importance of the scheme and the fact that, proportionately, the spend on the Scottish green bus scheme is significantly greater than that on the English green bus scheme.

Given the importance of the scheme, will the minister consider whether it can run into the future to try to promote greater moves towards green buses, which have great environmental benefits and also help manufacturing industry players such as Alexander Dennis, in my constituency?

Keith Brown: I am happy to give the member the assurance that he needs. I congratulate the member and Alexander Dennis on the work that is being done and on the way in which the member

has pursued his constituency interest in this area, which is reflected in the fact that the First Minister, the Cabinet Secretary for Finance and Sustainable Growth and my predecessor in this post all visited the Alexander Dennis site.

Although we should not always compare ourselves with England, it is true that Scotland has invested around £4.4 million in its green bus scheme while England has invested around £30 million in its, which means that we have made a higher per capita investment. Our investment has produced major dividends, especially in relation to the manufacturing sector, where it has safeguarded hundreds of jobs, so I am happy to give the member the assurance that he seeks.

Charlie Gordon (Glasgow Cathcart) (Lab): I add my congratulations to the minister on building on the pioneering work of the previous United Kingdom Government by establishing a green bus fund, for which we on the Labour benches campaigned relentlessly. Last year, the Scottish Government gave similar funding to Strathclyde partnership for transport, to enable it to acquire green buses. Is there funding in the draft budget to fund green buses that are operated by the public sector?

Keith Brown: I am delighted that Charlie Gordon and his colleagues followed the lead of Michael Matheson in campaigning for those funds to be made available. I know that Michael Matheson met my predecessor and the Cabinet Secretary for Finance and Sustainable Growth a long time ago to discuss the matter. Whoever has pushed for the policy, I think that there has been a good outcome.

I met people from SPT about an hour and a half ago and saw some evidence of its green bus initiatives, not least the fact that some of its new buses now have three-times-improved fuel consumption, which is extremely important. We are in discussion with a number of people about how such things can be taken forward in future, but that will depend on budgetary considerations.

The Deputy Presiding Officer: Question 10 was not lodged.

Renewable Energy (Skills Shortage)

11. Jim Tolson (Dunfermline West) (LD): To ask the Scottish Executive what discussions it has had to address the reported skills shortage in the renewable energy industry. (S3O-12804)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The First Minister's Scottish energy advisory board, which is co-chaired by Professor Jim McDonald of the University of Strathclyde and has representation from the key energy companies, has taken a specific interest in the future skills demands of the

energy sector, including renewables. The board has commissioned Skills Development Scotland, as a member of the group, to produce a study on Scotland's future energy skills demand.

In addition, the skills sub-group of the forum for renewable energy development in Scotland, under the energy advisory board, is charged with delivering the skills requirements that are needed for the developing renewable energy sector. By bringing together industry and key skills bodies, the group is focused on the delivery of the skills framework for action, as set out in the renewables action plan, including actions on developing appropriate qualifications and learning provision and raising awareness of the renewables industry as a positive career choice.

Jim Tolson: Given the significant plans for onshore and offshore wind energy, does the minister agree that it would be in the long-term financial interests of Scotland for there to be a stepped increase in investment in wind turbine technicians, such as that which is already provided, on a small scale, by Carnegie College in Dunfermline?

Jim Mather: There is a lot to build on vis-à-vis Carnegie College, and a lot is happening in the private sector, such as the work that is being done by Scottish and Southern Energy.

There is an opportunity for Mr Tolson and his Liberal Democrat colleagues, as well as members on the Tory benches, to come together with us as we debate electricity market reforms to ensure that the fabric of the low-carbon economy in Scotland is fully considered as we develop issues in the area along with his colleague, Chris Huhne.

Local Authorities (Early Severance Schemes)

12. Lewis Macdonald (Aberdeen Central) (Lab): To ask the Scottish Executive what its position is on local authorities funding severance schemes from reductions in pay. (S3O-12774)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): As independent corporate bodies, local authorities are responsible for managing their own financial affairs, including the terms and conditions of pay for their staff.

Lewis Macdonald: That is an interesting contrast with the answer that Mr Swinney gave me on 16 December, when he described pay cuts as an “unnecessary” tactic that was not even worth discussing.

Mr Swinney will have heard the First Minister suggest earlier today that Aberdeen City Council was seeking to avoid compulsory redundancies by promoting what Mr Salmond called “pay restraint”. Has the cabinet secretary had any discussions

with the council or his Scottish National Party councillor colleagues in Aberdeen with a view to the council avoiding compulsory redundancies? If he has had such discussions, what have the outcomes been?

John Swinney: As Lewis Macdonald will know from the comments that I have made in Parliament over a sustained period of time, and in light of the commitment that the Government has offered and fulfilled for the past three years—which has been fully honoured—that there will be no compulsory redundancies in the public sector areas that the Government controls, I am working on the creation of a framework that will provide an assurance on the avoidance of compulsory redundancies based on the delivery of flexibility in the workforce to enable us to manage the financial constraints that we face. The priority and aspiration for the agreement that I am working to secure is to ensure that we can maintain head count as far as possible in the public sector. I assure Mr Macdonald that I am applying all energy to ensure that that comes about.

On Mr Macdonald's specific point about Aberdeen City Council, I have of course discussed with the council the issues that have been raised publicly in the past few days. It is a matter for the council to consider, but it is important that it fully considers the approach that the Government has taken. We have said that we are working to provide an assurance that there will be no compulsory redundancies, provided that sufficient flexibility is deployed to manage the financial strain that should be evident to any independent observer of the budget challenges and choices that we face.

Small and Medium-sized Enterprises

13. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government what action it is taking to help protect small and medium-sized businesses from the economic downturn. (S3O-12730)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Scottish Government is committed to maintaining a supportive business environment and to ensuring that appropriate measures are in place to protect small and medium-sized enterprises during the current economic downturn.

We have introduced a range of policies that are helping to protect small and medium-sized enterprises in Scotland. Those include continuing to match the English business poundage rate; maintaining support for the small business bonus scheme, which has reduced the rates burden for 74,000 properties in Scotland; transferring the business gateway to local authorities; investing in broadband; reducing unnecessary burdens on

business; and making it easier for SMEs to access public sector contracts.

Kenneth Gibson: Does the minister agree that our larger retailers have a moral and civic responsibility to help to bear the burden of the Westminster-imposed cuts? Does he agree that the proposed increase in business rates for large retailers would help to ease the burden that is borne by small and medium-sized businesses? Does he agree that Labour and the Conservatives would perhaps find it easier to support those proposals had they not received more than £14 million in political donations from the Sainsbury family over the past few years?

Jim Mather: I agree that in a time when our budgets are being slashed, we need all hands to the pump. We are trying to optimise jobs, quality of life and economic growth in all parts of Scotland. The customers of the supermarkets are feeling the pinch as their incomes and pensions are frozen or declining and the cost of VAT and fuel is going through the roof.

I was criticised yesterday for suggesting that supermarkets and the people should come together. Those companies that do that will receive a big dividend in the future. That is the thought that we are hearing from the major business thinkers with whom we are meeting in the business schools.

As far as the donations are concerned, it is always best for donors and recipients to be seen to be even-handed. The current approach will not have escaped the attention of many people in Scotland and will make them think.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Does the minister still hold to the view that we should slash corporation tax for those very same companies?

Jim Mather: The member confuses the situation. We are a devolved Government and we aspire to have a competitive independent country with full responsibility for all our taxes and the same growth that other countries have. The people who advocate that we stay where we are and stay in our box are advocating that Scotland should continue with our trend rate of growth at 1.8 per cent per annum, when the United Kingdom achieved a growth rate of 2.3 per cent, Norway achieved 3.1 per cent and Ireland achieved 5.2 per cent. We can catch up and match them if we get economic powers. Those who deny that will be condemned by history, Mr Purvis.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Small businesses in my constituency of Cumbernauld and Kilsyth are finding it difficult to provide the service that they want to provide because of the slow broadband links in the area. The minister will know that I have written to him on

the matter. As I am sure he is aware, my Cumbernauld and Kilsyth constituency is right in the centre of Scotland, with great access to road and rail but, unfortunately, we are not connected up to 21st century broadband. Will the Scottish Government and the minister commit to investigating the issue further and bringing Cumbernauld and Kilsyth up to the speeds that people who move there expect?

Jim Mather: We indeed commit to investigating that further. We are very much linked to that. We want the "Digital Britain" vision to come to the fore and we have done everything that we can, incrementally, to make up for the shortcomings in broadband—as a UK universal service—that we were delivered under the previous UK Administration and the early days of the current one.

Inveramsay Bridge (Congestion)

14. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive whether funds are available to tackle congestion at the Inveramsay bridge. (S3O-12799)

The Minister for Transport and Infrastructure (Keith Brown): The Government remains committed to resolving the issues surrounding traffic flows at the Inveramsay bridge, and Transport Scotland will treat the project as a priority for the coming year's preparation programme.

Mike Rumbles: In the run-up to the 2007 Scottish parliamentary election, local people were promised by no less than Alex Salmond that he would replace the Inveramsay bridge by the election that is due in May this year. Network Rail has confirmed that the work could be completed in four days. Why has the SNP Government failed to do it in four years?

Keith Brown: As I said, the Scottish Government is committed to the project, which has been in the strategic transport projects review since 2009. The bridge was surveyed by Network Rail in October 2010 and the outcomes of the survey have been passed to Transport Scotland. The outcome of Transport Scotland's deliberations will be announced in early course.

Mr Rumbles mentioned the local constituency member, who has been assiduous in trying to push forward the issue and whom I very recently advised of progress on the matter. That progress and the investment so far are timely. In fact, the process has gone at almost lightning speed compared with the eight years for which Mike Rumbles supported a Labour-Lib Dem Administration that did precisely nothing, or even the 28 years for which there has been Liberal representation in the Gordon area and during

which the issue has not moved along at all. The simple fact is that, even with the £800 million capital cut from the Con-Dem Administration in London, we will proceed with the project. That underlines the point that a promise from the SNP is a real promise, unlike one from the Lib Dems.

Nanette Milne (North East Scotland) (Con): Mr Rumbles took the words out of my mouth regarding the pledge that the First Minister made in 2007. Local people and businesses are getting really fed up. For far too long, they have been waiting for action to address the issues with the Inveramsay bridge. Given that there are fewer than 100 days to go until the Holyrood elections, will the minister keep the pledge and announce a timetable for work to begin?

Keith Brown: I have already said that announcements on Transport Scotland's deliberations on the Network Rail survey will be made in early course. I wonder whether Nanette Milne can say exactly how that process is helped by taking £800 million out of the capital programme. Despite that cut, we will make progress and we have already done so, which is in stark contrast to previous Administrations.

The Deputy Presiding Officer: Question 15 has been withdrawn.

Unemployment (North East Scotland)

16. Marlyn Glen (North East Scotland) (Lab): To ask the Scottish Executive what measures it is financing to tackle unemployment in North East Scotland. (S3O-12763)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Scottish Government is working hard to create and protect jobs and to help those who are unemployed to get back into work across all areas of Scotland. A substantial acceleration of capital investment and front-loading of European funding has helped to support jobs, and we continue to prioritise investment to help to provide people with the skills and training opportunities that will help them to find sustained employment. Data from Skills Development Scotland show that, between April and December 2010, around £10 million was invested to support more than 3,600 starts across the modern apprenticeship, training for work and get ready for work training programmes in the north-east.

Marlyn Glen: Yesterday, Labour said that the budget ought to be about jobs. That is certainly what is needed in the north-east, where there are threatened compulsory redundancies at Aberdeen City Council, where unemployment is hitting one in 10 in far too many areas in Dundee, and, crucially, where the affordable housing investment budget is less than half what it was four years ago in real terms. How is the minister planning to use his

powers to mitigate the effects of that unemployment?

Jim Mather: The member paints a picture, certain elements of which we recognise. However, from the Dundee standpoint, we are now seeing the £70 million waterfront project, there is the Victoria and Albert at Dundee project, and Aberdeen, Montrose and Dundee are poised to capitalise on their port facilities as regards renewables. Looking at the complete picture, unemployment in the north-east is three percentage points lower than the national average, and just this week it was reported that Aberdeen is best placed to lead the United Kingdom economy into recovery.

FirstBus Services (West Lothian)

17. Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what discussions it has had with FirstBus regarding services in West Lothian. (S3O-12780)

The Minister for Transport and Infrastructure (Keith Brown): The Scottish Government's senior bus development advisor met representatives of FirstBus on 23 September 2010 and 16 December 2010 to discuss its services in West Lothian.

Mary Mulligan: This month in my constituency, FirstBus has reduced the frequency of the X1 service, which is an express service from Armadale to Edinburgh. That coincides with the opening of the Airdrie to Bathgate rail link and, I hope, with the opening of the new Armadale rail station in February. Does the minister think that that is just a coincidence—although both services are run by First—and how does he propose to ensure that there is real competition in public transport for the benefit of passengers?

Keith Brown: I imagine that the route to which Mary Mulligan referred is one of those that the Competition Commission considered when FirstGroup applied to withdraw services to which it had committed in a previous undertaking. The Competition Commission said that it was satisfied that there was no reasonable prospect of the routes becoming profitable. That decision was taken not by this Government but by the Competition Commission.

In relation to bus services in West Lothian more generally, we have given record levels of funding to local authorities, including passing across responsibility for the bus route development grant, which is now mainstreamed into local authority funding. Decisions are best made by local authorities in conjunction with the providers. If a case can be made to the provider that it can make a profit, not least given the changes to the rail infrastructure that Mary Mulligan mentioned, I am

sure that the matter can be taken forward by the parties involved.

Non-domestic Rates (Large Retail Supplement)

18. Anne McLaughlin (Glasgow) (SNP): To ask the Scottish Government what its position is on asking large retailers to pay a small increase in business rates. (S3O-12738)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): In light of the £1.3 billion budget reduction that we are having to address, tough decisions have had to be made to produce a balanced budget.

Household and family budgets are already tight, and the UK Government's VAT rise will stretch them even further—indeed, it will cost Scotland around £1 billion. I strongly believe that we should not raise household taxation by increasing council tax, which is why I intend to freeze the council tax for an unprecedented fourth year in 2011-12.

I believe that increasing business rates for a small number of the largest businesses in the retail sector is fair in the challenging circumstances that we all face. The money raised can be used to support front-line public services.

Anne McLaughlin: I am not surprised by the Tories' opposition to the proposal, and I am never surprised by anything that the Lib Dems do these days, but many people are utterly shocked that the Labour Party has chosen to abandon its support of working people in favour of their rich bosses. I invite the cabinet secretary to agree that any alleged link between that abandonment and the several large donations to the Labour Party from Tesco, Asda and Lord Sainsbury, who—what do you know—just happens to own Sainsbury's supermarkets, must surely be entirely coincidental.

John Swinney: The major issue that we have to address here—the one that I set out to Parliament yesterday—is that we are required to produce a balanced budget. When the Government sets out areas in which we can, and should, increase revenue, but other parties disagree, we must have a mature and responsible discussion about how to address the consequences of that. I am perfectly prepared to have that discussion to ensure that we set out financial provisions that meet the expectations of the people of Scotland, in the context of the swingeing reductions in public expenditure with which we must deal.

Scottish Water (Severe Weather)

19. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive what discussions it has had with Scottish Water regarding the recent severe weather. (S3O-12778)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Regular contact has taken place with Scottish Water to assess the impact of the severe weather on customers.

Pauline McNeill: I am sure that the cabinet secretary is aware that some constituents, such as mine in Glasgow Kelvin, were without water for 10 days in the Christmas and new year period. My constituents were unclear about the priority that they as customers had, and they had no drinking water until I contacted Scottish Water on hogmanay. Will the cabinet secretary raise that matter with Scottish Water? I accept that the period was difficult, but it is unacceptable for any Scottish Water customer to be without drinking water or water in their house for such a time. Customers are certainly entitled to know what priority they have. I would be grateful for an answer.

John Swinney: Pauline McNeill raises a fair and reasonable point on her constituents' behalf. I have had a similar experience in my constituency. On Tuesday evening, I was in Blair Atholl for a meeting with Scottish Water and local residents who had a similar experience to that which she recounted.

I will make two points. What I am about to say is an explanation and is by no means an excuse. During the severe weather, Scottish Water received about seven times the number of calls that it ordinarily receives. That is an inevitable consequence of severe weather, so Scottish Water must be prepared for it. It is clear that members of the public did not receive the service that the organisation should be equipped to deliver in call handling, which left the public uncertain about their position.

As the call handling was not effective enough, that affected the identification of clusters of problems, which lead to a decision about distributing bottled water, of which the supply is abundant—500,000 litres are available for use in such circumstances at any given time. Such decisions could have been taken more quickly, so that members of Parliament were not required to intervene.

I encountered in my constituency the problem that more understanding is needed of where Scottish Water's responsibilities start and stop. Members of the public do not understand that well. That is not to criticise them; I just do not think that people are aware of that factor, but they need to be, because it can have a detrimental effect on the supply of water to their households.

I hope that that answer helps Pauline McNeill. I would be delighted to address any other issues from her constituents on the question, because I

recognise that the public did not receive an appropriate service.

Private Rented Housing (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-7770, in the name of Alex Neil, on the Private Rented Housing (Scotland) Bill.

14:59

The Minister for Housing and Communities (Alex Neil): I am pleased to open the debate and I thank the Local Government and Communities Committee for its thorough stage 1 scrutiny of the bill.

The committee took evidence from many of the key stakeholders and has clearly taken careful account of their concerns in drafting the stage 1 report. I am pleased to see so much common ground in the stage 1 report and that the committee supports the general principles of the bill. I am delighted that the committee has recognised the efforts made to consult on the bill, from its conception and throughout its development and introduction. I am continuing to work with key stakeholders to improve the bill as it progresses through its parliamentary stages, using the sounding board that I established for that purpose. I thank its members and, indeed, the private rented sector strategy group, which has been instrumental in preparing the lead-up to the bill and in acting as a sounding board.

I reaffirm the Scottish Government's support for the private rented sector in Scotland, which accounts for about 8 per cent of all households. There is great room for expansion in the sector, which has a major role to play in the future of Scottish housing. When we publish our white paper on housing next month, members will see that the sector is very much part of the Government's philosophy and vision for the future of housing in Scotland over the next few years.

I acknowledge the excellent work of the many good landlords in the sector. I am keen to support them by ensuring that regulation is proportionate while protecting the rights of tenants and landlords, and by developing a long-term strategy for the growth of the sector. The private rented sector strategy group has been charged by me with developing that strategy, taking into account the various demands on the sector. I am keen to work with others, including the United Kingdom Government, which I hope to persuade to remove barriers to the expansion of the private rented sector and, in particular, of the need for the reform of the stamp duty regime and the real estate investment trust regime. We all want a modern, thriving, high-quality Scottish private rented sector that is responsive to the needs of tenants.

The bill plays a key part in the development of the long-term strategy by protecting the reputation of good landlords and tackling the minority of bad landlords who are acting illegally. In that way we believe that we can enhance the reputation and performance of the sector.

The bill responds to the concerns raised by a broad range of stakeholders and expert practitioners, as well as the concerns raised in the Parliament, particularly throughout the passage of the Housing (Scotland) Act 2010. In the main, the bill's provisions originate from the strategy group's recommendations, for which there was broad support. The bill improves the systems for landlord registration and the licensing of houses in multiple occupation, giving local authorities greater powers to tackle bad practice and penalise unlawful operators.

The bill gives new powers to tackle overcrowding, which can be a real difficulty in areas where problem landlords act irresponsibly when housing vulnerable tenants, such as migrant workers. It will improve tenants' and landlords' awareness of their rights and responsibilities and help landlords to carry out their statutory repairing standard obligations by enabling access to the private rented housing panel. It will crack down on the illegal pre-tenancy premiums that are often charged by unscrupulous agents or landlords, while clarifying the situation for responsible businesses.

I will deal in some detail with the key aspects of the bill, beginning with landlord registration and, in particular, the definition of a fit and proper person to be a landlord. I welcome the Local Government and Communities Committee's support for the expansion of the fit-and-proper person test criteria. It is not an exhaustive list, and local authorities are able to use discretion to look at any material evidence that they consider appropriate. The criteria highlight the specific types of information that we expect to be taken into account as a bare minimum, such as antisocial behaviour by the landlord, or circumstances in which the landlord has not taken reasonable steps to tackle antisocial behaviour in his property, for example by one of his tenants.

The bill puts landlord registration guidance on a statutory footing, so that local authorities are required to have regard to it. It is my intention that the guidance will cover, for example, what should be taken into account when applying the fit-and-proper person test, such as how to consider antisocial behaviour.

The guidance will outline the benefits of the bill to the regime, along with showcasing the good practice and recommendations highlighted in the outcomes of the current evaluation of registration. It will highlight some of the existing good practice

such as that at the local level between housing benefit and landlord registration implementation teams. For example, a number of local authority housing benefit teams are already not processing claims unless they have confirmation of the landlord's registration number. The guidance will help to generate consistency across local authorities whilst allowing for flexibility in taking account of local issues. The statutory guidance will also cover the use of the new local authority power to obtain information from people who are associated with a house. That will include situations involving vulnerable tenants, which have been a source of concern to date. We are also extending the power to issue guidance on HMO licensing so that it can cover the same issue.

Johann Lamont (Glasgow Pollok) (Lab): I welcome very much the idea of sharing information that will mean that housing benefit will not be paid out unless the property where the claimant lives is registered. However, the minister said that there required to be "flexibility" for "local issues". Why is that? Surely consistency is the absolute in delivering our shared aims in all this.

Alex Neil: It is more about the local process of how that is done. We already have two or three examples of local authorities where landlord registration teams are working closely with Department for Work and Pensions teams. As long as that happens, how things are done should be a matter for them. There are variations across authorities, including the size and the scale of the private rented sector in the area. The information that I have on places such as Edinburgh—I have visited the Edinburgh teams—is that people are helping each other. The landlord registration team is helping to identify housing benefit scams that the DWP can deal with and the DWP is helping to identify properties that landlords have not registered properly. There is mutual benefit in that system. Flexibility will be the *modus operandi* in achieving the consistency that we want at the end of the day.

One tortuous issue that we discussed with the sounding board and the committee is the registration number in advertisements. There was probably more debate on that subject than on any other aspect of the bill. We must be absolutely clear on the matter: the purpose of putting the registration number on the advert is enforcement—the number is an enforcement tool. If, in so doing, the number can also benefit the tenant, that is all well and good. However, the purpose of putting the registration number on the advert is to make it easier for landlord registration enforcement teams to ensure that whatever property is advertised is registered properly.

I know that the committee would like both the registration number and a kitemark to be used.

Obviously, we will consider the committee's point of view before we move to stage 2. Landlords are concerned about the length of the registration number—some may extend to 16 digits—which makes the number expensive to include in adverts. We have found a way of identifying each local authority that is similar to the way in which car registration numbers identify the county from which a registration number emanates. We believe that the Scottish Association of Landlords is now satisfied that registration numbers with fewer digits limit the expense for landlords and can therefore be used in adverts. I have dealt with the issue in a bit more detail than I would normally have done as it has proved to be a controversial aspect of the bill.

Houses in multiple occupation provide an invaluable housing solution for many people, not least students. I welcome the committee's support for the HMO provisions in the bill, which strike a proper balance between tackling the issues that stakeholders raised and maintaining supply in the sector.

Clearly, a major part of the bill is the increase in fines, which I think is welcomed in general. We cannot rely entirely on the threat of increased fines to achieve all our objectives, however. The bill contains other measures in that regard.

One major benefit of the bill to the consumer is the information pack, which will now be placed on a statutory footing. Landlords will have to provide a pack with essential information on the aspects of the tenancy as well as on health and safety issues, including in relation to electrical appliances and energy systems.

The provisions in the bill relating to overcrowding provide other major benefits, without leading to the unintended consequence of a massive increase in homelessness. I take the committee's point that, in future, we may need to look at whether we should register agents, as well as landlords. Regardless of who is elected on 5 May, the new Administration should address that issue.

I recognise that there is probably more to do, but the bill is a major landmark in improving the performance of the private rented sector in Scotland and will help to pave the way for the sector's further expansion and growth.

I move,

That the Parliament agrees to the general principles of the Private Rented Housing (Scotland) Bill.

15:11

Duncan McNeil (Greenock and Inverclyde) (Lab): I am pleased to take part in the debate as convener of the Local Government and

Communities Committee. I am experiencing a bit of déjà vu, however, as it is not long since we debated the Housing (Scotland) Bill, which contained quite a few of the provisions that are before us today. I thank all those who gave us written and oral evidence, our committee clerks, Scottish Parliament information centre researchers and my fellow committee members.

The committee looked first at landlord registration. As the minister outlined, the bill expands the fit-and-proper person test that the landlord must meet. We will support that expansion, which provides focus and direction to local authorities about the issues, especially antisocial behaviour, that they must take into account when assessing someone's registration.

The bill also provides for all adverts for properties to let to include the landlord's registration number. As the minister said, it was important that we had real discussion about the measure, if it is truly to be a means of and tool for enforcement. In the evidence that we received, there was general agreement that it was a good idea. However, as has been mentioned, a number of concerns were raised about how it would work in practice. As the minister said, one issue was that, generally, registration numbers are pretty long, so the number would probably not mean much to the public unless there was some kind of explanation. To let boards would be exempt from the requirement, apparently because it was thought that it would be impractical to have different numbers on different boards. We look forward to hearing more about all that.

The alternative of having a symbol or kitemark was suggested, but we recognised that there were concerns that any symbol would not be unique and might be too easy to copy. For that reason, the committee suggested that we replicate the system that trade bodies use, under which the kitemark denotes registration but is backed up by a list of registered organisations that are given unique registration numbers. We also thought that using such a system could get round the difficulties with to let boards, so that they might not have to be exempt.

The Housing (Scotland) Bill proposed increasing the fine for non-registration to £20,000. This bill proposes that the fine should be £50,000. Although we support increasing fines as a deterrent to rogue landlords, we were concerned about the lack of prosecutions, which we saw as, in effect, allowing bad landlords to continue operating outwith the system. We heard in evidence on the bill that the City of Edinburgh Council successfully prosecuted a landlord who had failed to register three of his seven properties, but that the courts imposed a fine of only £65 per property. If we compare that with the amount that

it cost, according to the council, to prosecute the case, which was about £2,000 or £3,000, we find that there is hardly an incentive to deal with rogue landlords. The current level of fines is significantly lower than the current maximum, and there are a number of difficulties in pursuing prosecutions. That toxic combination left the committee doubting whether a fine could act as a deterrent whatever the level at which it is set.

Our report makes it clear that there can be a proper deterrent only if courts recognise and impose the higher fines so that local authorities are more prepared to pursue cases. It is vital that the courts give sufficient weight both to landlord registration and to HMO licensing schemes. The committee has suggested that it might be worth having either a dedicated housing court or a housing tribunal. That said, we support the increase in the maximum fine as a step in the right direction.

During our scrutiny of the Housing (Scotland) Bill, and again during our scrutiny of the Private Rented Housing (Scotland) Bill that is now before us, one issue that was raised time and again was whether the landlord registration scheme was working as it should, even with the improvements that were being made. There were also concerns that enforcement was not consistent across all local authorities. I am pleased to hear that the minister will be encouraging best practice in that regard, as we know that some schemes could be more proactive.

It seems that landlord representatives—the good landlords—were so disillusioned that they suggested that the registration scheme should be abolished. There was a worry about people not reregistering. We do not agree with that view, but we also do not think that the scheme is working as effectively as it should. When we scrutinised the Housing (Scotland) Bill, we said that we were not sure that the proposals in that bill were sufficient to tackle rogue landlords. We say that again with regard to the Private Rented Housing (Scotland) Bill.

We know that the Scottish Government's private rented sector strategy group will review the current registration scheme, so we hope that the group will look at how to tackle those issues. We support the bill's provisions on landlord registration, but we recognise that they will go only so far. Guidance that the Scottish Government will produce subsequently, and the review of the scheme, will be very important.

The substantive provisions on HMO licensing that were originally in the Housing (Scotland) Bill are replicated in the Private Rented Housing (Scotland) Bill. In our stage 1 report on the Housing (Scotland) Bill, we welcomed those provisions, as we felt that they could tackle the

breaches of planning control that often result from landlords trying to maximise the letting potential of a property. We took the view that local authorities must use the tools at their disposal in housing and planning legislation to support sustainable communities and to maintain private sector housing.

The committee considered the Private Rented Housing (Scotland) Bill's provisions to deal with overcrowding. We know that overcrowding is a significant issue in certain parts of Glasgow—there was a lot of discussion about Govanhill and about the migrant workers who live there, as the minister mentioned. Everyone who gave evidence to us agreed that overcrowding is an issue that needs to be tackled, but a number of concerns were raised about the approach that the Government was intending to take. For instance, some organisations suggested that there should be a duty to deal with anyone who is displaced as a result of their living in overcrowded conditions.

It became clear to the committee that this is a very complex area: existing legislation can already be used to deal with overcrowding and local authorities already have duties to deal with homelessness in certain situations. On that basis, we support the bill's provisions in that regard, although we have concerns about their practical application. We certainly do not want situations to arise where an overcrowding notice is served, but all that it does is to make someone homeless. That would mean solving one problem, but creating another. Neither do we want undue pressure to be put on the social rented sector, with private landlords quite happily breaching the legislation, knowing that local authorities will have to deal with the problem.

We noted that the minister had given reassurances that the provisions in the bill were not intended to give rise to either of those situations, but I re-emphasise the fact that the current position is complex, and it is really not possible to predict with any certainty how many cases of homelessness there are likely to be across Scotland, and therefore whether or not there will be sufficient capacity in the private and social rented sectors to house people who have been displaced.

The powers in the bill will be used at the discretion of local authorities and are likely to be used as a last resort, but there is uncertainty about how things will play out in practice and we are concerned about that. That is why we recommended that the Scottish Government consult widely on its guidance on the factors that need to be taken into account before the decision is made to issue an overcrowding notice. We also recommended that the Government monitor the number of overcrowding notices and local

authorities' reasons for issuing them. In that way we should be able to assess how effective notices are in dealing with overcrowding and what impact they have on levels of homelessness and the housing stock.

We need a fully effective landlord registration scheme to ensure that we weed out rogue landlords. We are not there yet. We welcome the improvements that the bill will bring, but it is clear that more needs to be done. Overcrowding is a serious problem that needs to be addressed. We acknowledge what the bill is trying to achieve, but we are concerned about the practicalities. With those caveats, we recommend that the general principles of the bill be agreed to.

15:21

Mary Mulligan (Linlithgow) (Lab): I welcome another opportunity to debate a housing issue and I am pleased to open the debate on behalf of the Labour group.

The private rented sector in Scotland is not big, particularly in comparison with the private rented sector in many other European countries, but it has the potential to grow, as the minister said. Given our current housing landscape, in which the public housing sector cannot meet demand and owner-occupation is often an unreachable aspiration, especially for first-time buyers, we need a private rented sector that provides good-quality housing at reasonable rents.

That is why the bill is a little disappointing. There is a need to ensure that tenants and landlords understand their rights and responsibilities in relation to renting property, and there is a broad discussion to be had on the private rented sector's role in providing housing. I accept that not everything will need legislation, but I do not think that the bill has started to tackle the issues. It tinkers with existing provisions, for example on landlord registration, rather than taking on bigger issues. For that reason and others that I will mention, the bill is not quite what it might be. The Government has missed another opportunity in that regard.

I can be positive about the measures in the bill. I will concentrate on three areas: landlord registration, HMOs and overcrowding. Landlord registration was introduced through the Antisocial Behaviour etc (Scotland) Act 2004, as members will remember, when it was realised that in many cases it was impossible to deal with the antisocial behaviour of tenants in the private rented sector if we did not know who their landlord was. Registration was introduced for a particular reason, but it was always acknowledged that it could be expanded to provide a further service.

The first challenge that we faced was the way in which local authorities responded to the provisions on landlord registration. All members would agree that some local authorities have responded well and used registration to benefit tenants and their neighbours, whereas other local authorities have done little. Because of that inconsistency, many responsible landlords feel cheated.

The bill will strengthen landlord registration by expanding the fit-and-proper person test and increasing the fine for non-registration. I welcome the provisions. However, like Duncan McNeil, I ask the minister how the bill will make local authorities any more likely to pursue landlords and register them and whether it will encourage the courts to be stricter with errant landlords. I have doubts, and if the measures do not work many people will become even more disillusioned with the scheme.

Alex Neil: Is the member suggesting that local authorities' discretionary powers in some areas should be made into statutory duties?

Mary Mulligan: I am suggesting that we need to work with the local authorities on how we incentivise them to be more proactive on registration than they are.

On HMO legislation, the bill again tries to build on what already exists. I suggested that the private rented sector may expand and, similarly, changes to housing benefit rules could result in increased demand for HMOs. The Westminster Government is wrong to propose to change housing benefit so that single individuals up to 35 years old—rather than 25—will be entitled to shared-room rate only. When people from the west end of Glasgow or St Andrews tell the committee that there are too many HMOs in their areas, we can only warn them and others that, thanks to the housing benefit changes, there may be more in the future.

However, I acknowledge the other side of that debate: that demand is not being met, which leads to higher rents. I thank the National Union of Students Scotland for its briefing on that. There is an issue with how we share the spread of HMOs within our towns and cities. I also support the NUS's call for a strategy to be developed to address young people's housing needs.

Pauline McNeill will say more on HMOs, so I will move on to overcrowding.

The overcrowding measures are the minister's response to particular issues in Govanhill—Frank McAveety will say more on that—but overcrowding is generally more complicated than that specific issue. It may include extended families or ethnic groups or may have a variety of random reasons. Current legislation provides for overcrowding to lead to a homeless designation and there was, as Duncan McNeil said, some concern that that could

lead to more pressure on housing waiting lists. Indeed, the Convention of Scottish Local Authorities has raised further concerns.

The measures in the bill are welcome as long as they achieve what is intended. We clearly have an opportunity to improve the bill at stage 2, and I look forward to working with the minister to do that. However, it will be disappointing if we again pass a housing bill while acknowledging that we will soon have to return to it to achieve what we intended in the first place.

15:27

Alex Johnstone (North East Scotland) (Con):

The Scottish Conservatives always welcome the opportunity to debate housing and I am pleased to say that we will support the principles of the bill at stage 1.

The debate is well timed, in view of the increase in buy-to-let mortgage approvals, which coincides with a report from the Association of Residential Letting Agents—ARLA—that void periods between tenancies are decreasing while demand for rental properties is on the up. It is clear that, as the Government appears to have taken a scorched-earth approach to social housing funding, the private sector is playing an increasingly important role in providing properties for rent.

Crucial to the debate is the fact that a substantially increased proportion of ARLA members' offices—34 per cent in quarter 3 last year, as opposed to 19 per cent in Q2—believe that they are seeing an increase in property coming on to the rental market because it cannot be sold. That group is now often referred to as the reluctant landlords. Therefore, it is vital not only that any legislation clearly articulates a landlord's responsibilities, but that the legislation be enforced.

I welcome the substantial increase in fines for non-registration that the bill introduces, but there is little point in the increase if someone who is found not to have registered as a landlord is not prosecuted. Such a substantial fine as is proposed would certainly be a deterrent, but the fact remains that, as at May last year, not a single prosecution had been brought for failure to register under the current landlord registration scheme. That suggests either that all is well in the private rented sector—in which case, there is little need for the bill—or that there is a reluctance to prosecute. I am inclined to suggest that it is the latter, given the fact that councils had issued more than 1,300 late application fees and more than 1,200 rent penalty notices by 31 March last year.

That said, a commonsense approach must be taken. We are extremely supportive of the introduction of tenant information packs, but there

is considerable concern about the level of information that they will be required to contain. Some of the suggestions for inclusion in tenant information packs that I have heard are simply not practical or are superfluous. However, if the right balance is struck, I am certain that tenant information packs will be an asset in promoting sustainable tenancies. That is vital, especially for more vulnerable tenants.

I welcome the fact that a more holistic approach is now being taken to houses in multiple occupation. Refusing an HMO licence that would breach planning controls will be possible. It is therefore important that local authorities use planning controls and local housing policies to maintain balance in their communities and ensure that they remain sustainable, especially in areas in which the vast majority of HMOs are aimed at the student population.

However, there is growing concern about the variation in fees that councils across the country are charging for processing HMO applications. For example, a new application for a five-bed HMO in Angus, where HMOs are predominantly used to house migrant workers, may cost just £386 for the first year—the fee is reduced for renewal applications—but in the city of Aberdeen, the cost of the same HMO licence has risen from just £237 in 2006-07 to a staggering £1,500 in 2011-12, with no discount offered for renewals. I am aware that HMO licences in Aberdeen are for longer than one year, but that is still a substantial sum of money for a landlord to find in the first instance. Landlords must be assured that the fees that they are charged come to absolutely no more than the cost of processing the applications and running the system.

Given that the balance of tenure is shifting, with many people being forced to rent their home rather than buy because of stringent lending criteria, and more individuals becoming landlords because of a depressed housing market or a poor return on their savings, the Scottish Conservatives believe that the bill is a step in the right direction. It is certainly not, however, the comprehensive solution that may be required in the medium term. On that basis, we will support the bill at this stage, but we are disappointed that there is nothing in it to encourage greater investment in the sector by private institutions. In that respect it is, as Mary Mulligan would say, a missed opportunity. That said, I acknowledge the points that the minister made in his opening speech, in which he suggested that there are areas in which the national Government could help.

It is obvious that there is still a lot of work to be done. I urge the Scottish Government to remain open to the views of stakeholders in order to deliver a bill that is an important step forward in

managing the expectations of landlords and tenants, so that a better relationship between the two, and better relationships with the wider community, can be achieved. The Conservatives support the general principles of the bill, and I look forward to working on it in its later stages.

15:33

Jim Tolson (Dunfermline West) (LD): I, too, thank the committee clerks, the Scottish Parliament information centre advisers and fellow members for their work on the bill thus far.

The bill is an important part of the armoury to tackle the current housing crisis in Scotland. Underinvestment not just in affordable housing, but in affordable housing to rent has been going on for far too many years. We need to invest to tackle the overcrowding and poor housing in our communities. The Liberal Democrats will also agree to the general principles of the bill.

We have heard that one of the most controversial issues relating to the bill is the increase in the maximum penalty from £5,000 to £50,000. We believe that that increase is necessary to highlight to private landlords and the courts the seriousness with which the renting of poor or dangerous private rented housing should be treated. The vast majority of private landlords—large and small—run good establishments, and they have nothing whatever to fear from the measures in the bill because they currently follow most, if not all, of them. However, robust registration, review and—where required—penalties must be part of the package to ensure that the minority of private landlords who do not meet the prescribed standards either shape up or ship out.

I will look in more detail at some key areas of the bill. Part 1 deals with registration of private landlords. As has been intimated, landlord registration has been in place for a number of years, but it has not had the desired effect of weeding out the rogue landlords. Not only have rogue landlords not sought to register in some cases, but local authorities' ability or willingness to enforce non-registration has left something to be desired. The proposals in the bill will do a lot to improve the requirements in relation to the eligibility and fitness of a person even to be considered as a private landlord. They will ensure that certain information is included in adverts to inform potential tenants that the landlord has met an approved standard, and the fine for breaching the registration regulations will increase tenfold, as I outlined earlier.

However, the first area of concern on which I seek clarification from the minister is local authorities' ability to enforce the conditions in

relation to registered properties and to check on non-registered properties. Only if local authorities can do those things will we be able to give tenants and honest landlords confidence that the system is robust and that it provides the necessary protection.

Part 2 covers licensing of houses in multiple occupation. HMOs are most common in our university towns and cities, although Alex Johnstone outlined another perfectly good reason why they are used. I have received representations from both the National Union of Students Scotland and permanent residents who live in or near HMO buildings. Although the NUS does not want the number of HMOs to be limited or reduced, it does not want students to be limited in their areas of occupation, either. Having spoken to residents of mixed student HMO and permanent residential areas, I know that there are, at times, significant concerns from the permanent residents.

Mary Mulligan: Jim Tolson mentioned students in HMOs. Does he agree with his coalition Government at Westminster that the age for shared occupancy should be raised to 35, which will encourage not just students but young adults into that situation?

Jim Tolson: I do not recall Labour proposing an amendment in that regard. Maybe that is something that Mary Mulligan will want to consider at stage 2.

The concerns that I mentioned relate not only to noise from within the properties and parked cars outside them when the properties are occupied, but to the effect on the community and its long-term viability when the properties are not occupied, especially during the summer months. I ask the minister to clarify how he expects to reconcile those different views from permanent and student tenants in mixed areas at stage 2.

Part 3 is on overcrowding, which is often the issue that brings irresponsible landlords to the authorities' attention. The Liberal Democrats welcome the Government's proposal to widen the categories of accommodation that are classed as HMOs. Indeed, I note that Hillhead community council and the confederation of St Andrews residents associations welcome the link between planning and HMO licensing. The provisions on statutory notices and tenant information and advice are welcome, as is the requirement for better information to be set out on the conditions that landlords are required to meet, and the appeal procedures.

We believe that the bill will not only provide better quality housing for existing tenants in the private rented sector, but will help to encourage more people to become landlords. That is seen by public, private and voluntary organisations as a

key step in helping to tackle homelessness in our communities. The Liberal Democrats believe that there are some welcome proposals in the bill that will protect the rights of both tenants and landlords, but also believe that the Government has to do more work to protect the rights of permanent residents in HMO areas. With the minister's assurance that he will help to improve the bill at its later stages, the Liberal Democrats will be content to support the bill at stage 1 at decision time this evening.

15:39

John Wilson (Central Scotland) (SNP): In speaking in this debate at stage 1 of the Private Rented Housing (Scotland) Bill, I should say first of all that I have examined the issue not only as a member of the Local Government and Communities Committee but as a member of the Public Petitions Committee, which considered a petition on a range of housing issues, particularly private rented housing sector problems in the Govanhill area of Glasgow. I should also at this point put on record that I would have preferred the various pieces of housing legislation to be covered in one comprehensive housing bill but, as a mere back bencher, my suggestion fell on deaf ears.

The main policy thrust behind the bill is to amend the private landlord registration scheme and to improve tenancy rights for private rented tenancies. The bill contains important provisions, particularly on addressing problems of overcrowding. On a Public Petitions Committee visit, I, along with the then convener and constituency member, Frank McAveety, and my committee colleague, Anne McLaughlin, saw at first hand the intolerable and frankly inhumane conditions that some families are having to endure in the private rented sector in Govanhill.

That said, the Local Government and Communities Committee's report sets out concerns about whether local authorities have sufficient financial powers to make the legislation work in practice. The current maximum £5,000 fine for letting, or attempting to let, a property without being registered is not acting as much of a deterrent. Under the bill, however, the maximum penalty for being an unregistered landlord will increase to £50,000. In the past, local authorities have been less energetic in their approach to private landlord registration but the bill, I hope, indicates a desire to adopt a more proactive approach.

As a councillor in the past and now as an MSP, I know that many areas have been wrecked by the proliferation of buy-to-let landlords and their letting agents, who are not always concerned about legal statute and have no commitment either to other

residents in the area or, indeed, to the area in which they let properties.

The fact is that we must address the issue of unregistered landlords. Indeed, in its report "Landlord registration in Scotland: three years on", Shelter Scotland rightly highlights issues that are faced by many private sector tenants, including repairs not being carried out, problems with hidden fees, and illegal evictions. Evidence to the Local Government and Communities Committee made it clear that not all councils are properly using the fit-and-proper-person test that is set out in current legislation, and that enforcement action by local authorities is at best patchy and in some cases non-existent. The committee's report on the bill states that the committee

"remains ... concerned that there is a lack of consistency across the country"

in that respect. For example, North Lanarkshire Council has not issued any penalty notices and, as has already been mentioned, in Edinburgh only one case involving a private landlord has been successfully prosecuted.

I also point out that, each year, a significant amount of housing benefit goes into the private rented sector. In the North Lanarkshire Council area, which I represent, there are 4,620 private sector recipients of housing benefit and it appears that, based on the average award, a total of £422,000 is allocated to the private rented sector in that area alone.

The bill proposes to provide detailed assurances for all private sector tenants. In committee, I was struck by how much the need for such a provision was evidenced by those who responded to the consultation on the bill, especially in relation to the quality, safety and impact of HMOs that breach planning law.

At this point, I caution members that they should not confuse HMOs with the issue of overcrowding; they are distinctly different matters. The committee report states:

"overcrowding is a significant and serious issue",

and a number of organisations, including Shelter Scotland and the Scottish Council for Single Homeless, were concerned that the problem of homelessness might be exacerbated if local authorities do not have a duty to deal with people who are displaced through an overcrowding statutory notice. In its report, the committee seeks the Government's assurance that it will assess and review any potential impact on homelessness.

The bill also attempts to address tenants' concerns about what they can expect with regard to rent payments; the introduction of the compulsory tenant information pack will go some way towards achieving that aim.

I note from press reports on Monday that the minister announced the new Tenancy Deposit Scheme (Scotland) Regulations 2011, which aim to protect tenants in the private rented sector from having their deposits wrongly withheld by landlords and letting agents. I seek clarification from the minister about why that laudable aim is not part of the bill. I look forward to greater scrutiny of the regulations at a later date.

I welcome the stage 1 debate and the broad principles in the bill, and I look forward to its coming back to the Local Government and Communities Committee for further scrutiny. I thank all those who provided written and oral evidence on the bill, as well as the minister, the committee clerks and my colleagues on the committee.

15:45

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome the committee report, the hard work that the committee has done on this important bill and the work that the minister has done to make some progress.

I would like to work with the committee and the minister at stage 2 to ensure that the bill becomes strong legislation. We have made considerable progress in some areas but, as Mary Mulligan said, it is important that we keep pace in the housing strategy with what is happening in the housing market as it begins to change. We need firm regulation, planning and enforcement; indeed, the committee identified that we need to consider how we can ensure strong enforcement.

I want to talk mostly about HMOs, primarily because the issue dominates my casework in Glasgow Kelvin. There are very good landlords and I want to put it on the record that I support the existence of HMOs, because they are needed for a variety of tenants and are an important part of our housing strategy. What concerns me in my community is that places such as Hillhead and Woodlands are now unsustainable; in fact, there is a moratorium on licences there now, because there is a concentration of HMOs and there are too many. Next door to my office, there is a tenement block in which six of the eight properties are HMOs—35 people are living in a block that I am sure was intended for far fewer people.

I will address a couple of related issues that I know the committee has examined. One is the relocation of stacked services, which has become an issue in my constituency because, as landlords try to cram more people into accommodation, they try to create more kitchens and bathrooms. Members will understand the problems that ensue when a bathroom is above a bedroom and there are leaks. There is a case for there being grounds

for refusal by local authorities when those stacked services are relocated. I think that the committee heard some evidence about some horrible cases, including one case in which an elderly couple were forced to move out because water was leaking into their bedroom from a kitchen above. The tenements were not designed that way; they were designed, for very good reason, so that the kitchens were aligned. The issue has also impacted on students who have people above them cooking or living their lives in an ordinary way, but it means that they are unable to study or sleep. It is a genuine problem.

Related to that is the subdivision of main rooms. I have asked on many occasions—even before the creation of this Parliament—how we could address the issue. I am always told, “Oh, that’s for building control. Oh, no—it is planning,” and such like. It has to fit somewhere. Landlords are subdividing properties; they are dividing windows down the middle. That is not good for tenants; it increases noise and disturbances and it certainly discourages the return of the properties to family use. There should be grounds whereby that is deemed to be not suitable so that local authorities can refuse permission. There must be a provision in the bill to prevent subdivision or, at least, to have firmer controls.

On illegal HMOs, there must be stronger enforcement when landlords fail to comply with the law. Other members have said that stronger fines are important and I have argued for those, but they will not be enough in themselves. Part 5 of the Housing (Scotland) Act 2006 does not come into force until August. Alex Neil knows how I feel about the issue because, in 2005, when Johann Lamont was the minister responsible, I moved an amendment to the Housing (Scotland) Bill for higher fines. If I had thought that it would take until 2011 to get it enforced, I would certainly have tagged something on the end of that amendment. However, now the fine levels, which I support, will exceed the fines that we voted for in 2006. I accept that that is progress.

There is a proliferation of HMOs in some parts of Scotland, which is why there needs to be strong legislation in the bill for the 10 years ahead.

I want to be clear about what proposed new section 129A of the 2006 act will do. It is the link between planning and licensing. I understand that it is for local authorities to determine their own planning rules—in that sense, local authorities have discretion and I have no problem with that. Where there is an existing planning policy, a local authority can apply that. It can refuse to look at an application if it believes that it is in breach of planning control. Subsection (2) states:

“The local authority must, within 7 days of deciding to refuse to consider an

HMO application, serve notice of its decision on—

- (a) the applicant,
- (b) the enforcing authority, and
- (c) the chief constable.”

My understanding is that the licensing committee does not even have to look at an application if it considers that it could be in breach of planning policy. In Glasgow, there is a planning policy for a limit of 5 per cent of HMOs in any given area—it is 10 per cent in the west end of Glasgow—and the maximum may already have been reached when an application comes before the licensing committee. Therefore, an application could be refused because that limit of 5 or 10 per cent had been reached. That seems to be the way forward. I want it to be made clear, however, that the licensing committees that choose to use that provision will not be challenged in the courts and that landlords will not find themselves before sheriffs. I want to make sure that, if a licensing committee chooses to use that provision, it is absolutely foolproof.

At stage 2, we will need to clarify whether objectors can submit evidence in that regard. Who will decide whether an application is in breach of planning policy? Can objectors say that they think that it is in breach of planning policy at that point? We may need to have a look at that to see whether the bill will do what it intends to do. For that to work, the planning procedure needs to be clear for those who want to give evidence, as there is a separate planning process in that regard.

On lawful use, when a landlord has had 10 years of operating already, they will get planning permission. However, there are cases in which landlords claim lawful use but do not have an HMO licence. I do not think that we should reward them for not applying for that licence—that should not be a way round the law.

We should think about other grounds for refusal. In effect, planning policy would be a ground for refusal. Local amenities and back courts being unable to support additional tenants should be a reason for a licensing committee's being able to refuse an HMO licence, as granting such a licence would make a property unsustainable.

We are heading in the right direction. I look forward to stage 2 and welcome what the committee and the minister have done.

15:53

Anne McLaughlin (Glasgow) (SNP): I welcome to the public gallery members of Croftfoot housing action group. The bill came about in response to the growing problems that are faced by people such as them. By the time

Parliament is finished with it, it should—and I am determined that it will—ensure that the law is on the side of people such as them and not on the side of the minority of unscrupulous landlords and letting agents who are currently making people's lives a misery and being allowed to get away with it.

The bill will be better, stronger and more effective for the input of people such as those who are here today representing Croftfoot housing action group. If anybody knows the need for the bill, it is them. They are a group of individuals who have never been political in their lives, but whose experiences have forced them to become involved. They are, indeed, a force to be reckoned with.

I was invited by them to a public meeting. When I got there, not only were there around 200 local people in the audience, but they had also managed to get the local MP, two other MSPs and three councillors along. They have responded to the consultation on the bill and will submit evidence to the committee. They have visited Parliament several times and have spoken to Alex Neil, the Minister for Housing and Communities, on the telephone. They have met Government officials, they have referred many individuals to my office and they are here again today. They have become fearsome and effective campaigners in a very short space of time, and the reason is that they are highly motivated. After all, who does not want to be able to go home of an evening, shut the door and shut out the rest of the world?

I have gone into some detail about that group because they embody the strength of feeling that exists on the issue. If a person's housing needs are not being addressed—by that I mean that, through no fault of their own, they are not living in a safe, secure and clean environment—it is extremely difficult for them to establish a decent quality of life. Croftfoot housing action group is one housing group in one area of one city, but the problems that it seeks to address are replicated throughout the country.

Given the importance of housing to our wellbeing, landlords have an extremely important relationship with their tenants. It is welcome, therefore, that the fit-and-proper-person test should be expanded to include sexual and firearms offences. Given the nature of some organised crime, where there is an accumulation of capital, investment in property might seem like a good way of hiding that capital and generating additional revenue. However, this Government has a strong record of going after the proceeds of illegal activity, and it is to be welcomed that all tenants will be able to have an increased sense of confidence in their landlord once the legislation is passed.

Going hand in hand with that are new powers for local authorities to deal with unregistered landlords and the agents who assist them in their activities. I believe that the existing powers—although they needed to be strengthened—have not been used nearly enough, so I urge local authorities, which are being consulted on the bill, to use the powers more often.

The bill will address not only the problems that are faced by responsible owner-occupiers in communal properties, such as those in Croftfoot, but will address the problems that are faced by private rented sector tenants who have to suffer the poor-quality housing and conditions that are offered by some private landlords.

I am sure that many of us here have experienced many of those problems ourselves. I have had significant problems in the past with neighbours whose landlords are absent and uncontactable. I should note that I rent out my old flat to a tenant and that I am, of course, fully registered—although, perhaps now that the legislation is being tightened, it might be decided that an MSP is not a fit and proper person.

I know that there are many good landlords, not just because I am one but because of my experiences during the 16 years of my life that I estimate have been spent as a private sector tenant. Although some of those experiences were first rate, I have had some pretty dreadful experiences, too. My colleague, Aileen Campbell, and I once shared a flat where water came out of the taps only on special occasions, but black gunge came up into the bath on what seemed to be a daily basis, and the landlord was in no particular hurry to do anything about it.

The problems that this bill seeks to address are myriad, but I argue that there is nowhere that is more representative of the entire list of problems than Govanhill in Glasgow's south side. I know that my Croftfoot friends would want me to put on record the fact that Croftfoot is still a nice area in which to live and that the reason for their campaign is to ensure that they stop the growing problems before they escalate in the way that the problems in Govanhill have.

Govanhill is also a lovely area. It used to have plentiful affordable housing and lots of small retail outlets. It has many community projects and is handy for town. It has always been a vibrant place of many cultures, and people there are used to welcoming new communities from different backgrounds.

Today, however, Govanhill seems to have been taken over by unscrupulous landlords who are more than happy to let a two-bedroom flat to families of sometimes 25 people, and who allow their properties to fall well below tolerable

standard. For example, in the case of a young family whom I visited with John Wilson and Frank McAveety, the letting agent—acting as a front for the unknown landlord—seemed to think it acceptable to have bare electrical wires sticking out of the wall in the bathroom. Those unscrupulous landlords do not explain to their tenants that they have communal responsibilities to their neighbours and simply refuse to meet their own communal responsibilities until, as happened two years ago, whole tenements eventually collapse.

Govanhill has the entire gamut of problems, yet local people continue to fight for their area. They do not want to leave; they want to stay and restore Govanhill to the thriving, vibrant area that it once was. However, they cannot do that without support, which is why I was delighted when Nicola Sturgeon announced last year that an additional £1.8 million would be invested in renovating properties and funding a special hit squad to take on bad landlords in Govanhill.

That is one example of the SNP Government listening. This bill demonstrates that the whole Parliament is listening, too.

I support the general principles of the bill and look forward to assisting my constituents in contributing to its development.

15:59

Patricia Ferguson (Glasgow Maryhill) (Lab):

I, too, have a slight feeling of *déjà vu* as I rise to speak this afternoon, as we have discussed a number of the provisions of the bill on a previous occasion. I argue that issues relating to houses in multiple occupancy, private letting or overcrowding deserve the attention of this chamber and require us to put in place sensible and practical regimes that work for the people who live in such properties and for people in the wider community.

We already have a system of landlord registration, but we would all accept that it could work better. The committee heard from local authorities where the system of registration is clearly working better than it is in other areas. Some of that seemed to be down to the level of resource that individual local authorities felt able to devote to registration. However, there was evidence to suggest that some local authorities—many, in fact—felt that there was little point in pursuing unregistered landlords because of the time that it takes to get a case to court and the fact that where convictions have been secured, the fine that the court imposes is minimal.

I appreciate that although the minister had proposed an increase in the level of fine to £20,000, he has now decided that £50,000 is more appropriate. However, the fact remains that unless

the courts are willing to use the new limit, the deterrent effect will be minimal. The same is true of the fines that are proposed for offences in relation to HMOs. The justice system needs to give more weight to housing issues, including the problem of evicting convicted drug dealers. I welcome the idea of a specialist housing court or tribunal, although it is clear that that will now be for a future Administration to develop.

I welcome the expansion of the list of offences to be declared by applicants for registration. Many, although by no means all, of those who rent privately are vulnerable people. They can be young and living away from home for the first time, or new to our country with limited language skills.

The minister and I have debated, in the chamber and in committee, the need for a landlord registration number or mark to be used in publicity material. I genuinely believe that such an identifier will be very useful indeed. The minister said that we had a very robust discussion at committee, and that the provision was one of the controversial elements of the bill, but I do not think that it is controversial. It is common sense and something that we all care about, and we just need to have a bit of a discussion about how to get it right.

I and other colleagues have raised the issue of HMOs in the chamber many times. I do not have time today to detail the problems that many of the communities in my constituency suffer as a result of an overconcentration of HMOs—Pauline McNeill has already done a good job in that regard. Suffice it to say that the measures in the bill that will improve the interface between HMO licensing and planning are very welcome. The minister might want to say something about how that relates to building control, for the reasons that Pauline McNeill outlined. Rooms and individual facilities are literally cut in half, sometimes with no access to natural light or with that access divided right down the middle of a room.

I appreciate that the problem is complex: if it was easy, it would have been solved a long time ago, but it requires that competing demands be balanced. We must have a thorough investigation that considers the difficulties that are faced by communities, the needs of those who rent and the ways in which the situation can be improved. It should also consider specifically the needs of young people in the housing market. Such an investigation is now overdue, particularly given the current financial situation and the changes in benefits, which mean that many more people will be seeking other types of accommodation. I very much hope that whoever is standing in the minister's place after the forthcoming election will commission such research and take its findings seriously.

We need to ensure that our accommodation is safe, and that people are part of balanced communities in which it is pleasant to live—as Anne McLaughlin said—and safe for those who live in properties that are occupied by more than one family or individual. We must ensure that that is the case not only for the few, but for everyone.

As a Glaswegian, I am acutely aware of the problems that are experienced in the Govanhill area of the city, and I expect that my colleague Frank McAveety will address those in detail. However, I have some concerns that those issues may not be resolved by the bill, and questions remain—which I feel obliged to raise—regarding the overcrowding provisions in the bill. For example, will a legal requirement to reduce overcrowding in the private rented sector amount to much if there is no additional provision of alternative accommodation and housing for those who are living in overcrowded conditions? Will the burden fall on the social rented sector, and if so, can we be assured that it has the capacity to cope? Without answers to those questions and those assurances, a legal requirement to reduce overcrowding will—at least in my opinion—amount to very little.

I am afraid that the bill does not do much to address substandard accommodation, which also blights the Govanhill area. Anne McLaughlin rightly referred to the sums of money that Miss Sturgeon made available, but there has to be a balanced package in the area that takes account of the problems that are experienced by people living in Govanhill—newcomers and people who have lived there for longer periods—and gets things right. The problem will move into other areas, because Govanhill simply cannot cope.

The bill seeks to tackle significant problems, but I am not yet convinced that it will do that. Unfortunately, we will be able to judge that only at a later stage. However, I hope that it can, and for that reason, I am happy to support it at stage 1.

16:05

Sandra White (Glasgow) (SNP): I am pleased to speak in support of the bill at stage 1. I have long campaigned for and supported the tightening up of HMO licences, as other members have done. Like other members, I deal with a great number of cases relating to the granting of HMO licences and the problems that that causes. Pauline McNeill eloquently set that out.

Glasgow has a vast proportion of HMOs, particularly in the Hillhead area and in other parts of the west end, so we desperately need to deal with the issue. Page 11 of the Scottish Parliament information centre briefing on the bill mentions that three quarters of HMOs are concentrated in four

local authority areas—Aberdeen, Edinburgh, Dundee and Glasgow. Those are all university cities. The city that I represent, Glasgow, has three universities and numerous colleges and it has many HMOs and private lets.

I will return to that issue, but first I will mention the tenancy deposit scheme, which John Wilson talked about and which will come into effect in March this year. That is welcome, and I know that the National Union of Students welcomes it very much. I have had many representations—as have other members, I assume—from tenants who have had their deposits withheld by letting agents but have been given no good reason for that. We have challenged that head on. I hope that, in future, such tenants will get their money back. I have long campaigned for such a scheme. Away back in the 1999 election and in the election preceding that, I and other members who are present campaigned to get a tenancy deposit scheme. I thank the minister for pushing forward the scheme, which I am sure will be welcomed in various areas.

Some members have criticised the bill for not going far enough. I agree that we have to consider it at stage 2, and I am sure that amendments will be made. As members have said, the landlord registration scheme is to be welcomed. However, other members, including Mary Mulligan, representing the Labour Party, have said that the bill does not go far enough and is not good enough. Mary Mulligan will have a chance to lodge amendments at stage 2. I certainly look forward to seeing the amendments that she lodges. We should not completely rubbish the bill at stage 1.

The debate has been consensual and the speeches from members have been good. Basically, we are trying to work together with all parties, so perhaps Mary Mulligan was a wee bit out of synch with the other members who have spoken. The bill should be welcomed. After all, the current Government has not been in power for long, but her party was in government long before that and did not propose various measures. I am not being disingenuous, but the member should think carefully when we are having a consensual debate. The bill is the right move and members can lodge amendments at stage 2. I look forward to seeing those amendments—I might lodge some, too.

To return to the subject of HMOs, all members will have visited such properties. I certainly have, and I have seen good ones and bad ones. We need new legislation to tighten up the link between planning and licensing of HMOs. I have met councillors in Glasgow and officials in the council planning department. As Pauline McNeill said, we need an assurance that councils that do not grant an HMO licence will not be taken to court. Will the bill tighten up that link? Will potential HMOs need

planning permission before they become HMOs? We also need to look at how we deal with HMOs that were granted a licence previously. We need assurances on that.

Patricia Ferguson and Pauline McNeill mentioned the petition. I add that some properties cannot be partitioned viably. I have been in a property that we in Glasgow would call a room and kitchen, but which is being advertised as a two-bedroom flat simply because the main room has been partitioned down the middle to make space for two bedrooms. What I would have called, many years ago, a hole-in-the-wall bed, has been turned into a kitchen. The landlord is charging £600 or £700 a month for what is basically one room rather than a two-bedroom flat.

We have to look at situations such as that in order to protect not just the tenants who move into HMOs, but the other residents of the buildings. We have heard about numerous complaints—Jim Tolson mentioned Hillhead community council, charities and others. Sometimes people's lives are made absolute hell when an HMO is right next to them and that property's kitchen is next to their bedroom. The occupants of the HMO might be cooking, or up all night, when their neighbour is trying to sleep.

Patricia Ferguson mentioned building control, which is an important part of the picture. We need building control, planning and the licensing teams of local councils to work together to ensure that tenants have a decent home to live in and that residents can also live in peace.

As others have mentioned, we need to look at making enforcement robust. I look forward to the issues raised by members being lodged in amendments so that we can consider them at stage 2.

16:11

Mr Frank McAveety (Glasgow Shettleston (Lab)): There has been broad consensus on the subject of the bill irrespective of the political affiliations of colleagues on the Public Petitions Committee. The reason for our visit to Govanhill was to try to understand more about the situation. I have more knowledge about Govanhill than most because of the nature of the issues in my constituency, but we have built consensus. Equally, the Labour authority in Glasgow and the SNP Government share a commitment to find more resources to deal with the problem. However, those resources are not sufficient to deal with the scale of the problem. I hope that the contributions to today's debate and whoever forms the Government after the May election will help to drive forward investment in housing and address the problems effectively.

Govanhill has been an important part of my life for three decades. I often tell the story of when I was eight or nine years old and I was packed away on the train to Govanhill when there was family turmoil. I arrived at Crosshill station, a part of Govanhill that has been most obviously affected in recent years. I used to see the beautiful sandstone villas and other tenemental property in markedly better condition than much of the Springburn housing before the demolitions kicked in the early 1970s. In the mid-1980s, I taught in Govanhill and in the late 1990s, I was given the opportunity to serve the area as part of a wide parliamentary constituency.

The area has seen a lot of change and I want to focus on how the bill can address that change. No one can claim brownie points for what they have done, because none of us has done enough to address the concerns of my constituents—until after May—on the south side of Glasgow. None of us—elected members and legislators—is quick enough to intervene to question the level of effective work done by landlords. Many landlords are good, but many of them are not good at all. Those landlords spend their time avoiding legislation and enforcement powers, because they know that it is hard to catch up with them as they move about the area.

We have heard from previous speakers about the scale of the problem. The Public Petitions Committee visited the area, but I do not think that any of us here can fully comprehend the scale of the problem. Constituents regularly send me images of the issues in Govanhill that are exacerbated by the behaviour of a minority of residents. I have a host of pictures that show refuse bags piled almost 4ft high from one back door to the end of a garden, because individuals who live in overcrowded properties have been dumping their stuff out of windows. Nobody should need to live in such conditions in this century.

What can we do about that? I welcome the cross-party support—whether from the Labour council or the SNP Government—for the hub that we have set up in the past year and a half. That is about co-ordinating activity in the area, so that the area can resuscitate itself.

The economics are pretty simple. The vast majority of Govanhill is a fantastic neighbourhood. As the elected member for the area, I stress that it contains good people who work hard and bring up decent families. However, pockets of the community have been badly affected by the explosion in private landlordism in recent years. We have a catch-22 situation. People who live in the affected areas must sell at such a reduced price that more private landlords can enter the housing market and make the position much worse. A pocket of the area is badly affected.

We need to deal with three issues, the first of which is a hard ask and applies not just to the bill. Do we have the leadership in the Parliament—now or after the election, if the Government changes—to address the concerns about resources that the minister has grappled with in an area such as Govanhill?

The second issue is the enforcement strategy. The local associations' fear is that, if they have an obligation to deal with overcrowding, individuals might consequently access housing at the expense of many others. That is a complex matter on which we must pick our words carefully, but I will talk about it today, because we need to be conscious that we must deal with that pressure.

The third question is whether we can work better. From the hub that has been developed in the area, can we work better with services to make a difference?

I welcome the measures in the bill, which many other members can speak about in much more detail, because they are members of the committee that is examining the bill.

I am concerned that we have not prosecuted many individuals. When we have tried to pursue them, their response has been challenging. I have received regular calls to my office and one or two abrasive visits from landlords. I welcome and can deal with occasional abrasiveness.

We need to have the powers to deal with the area because, if what has been described can happen in Govanhill, it can happen in any built-up urban area in Scotland. Twenty-five years ago, people in the Gorbals were loving the idea of getting a house in Govanhill. In a sense, the position has been reversed because of the regeneration in the Gorbals. Now, people want to get out of elements of Govanhill.

What can we say to a woman who has brought up her family in Govanhill and who no longer feels that she can walk along the main arterial streets there because of concerns at some junctions? That is the result of the massive explosion I mentioned, which all of us have failed to deal with.

I hope that the bill will address some of those issues, but resources are also involved—that is the bigger picture that faces all members. I welcome members' speeches and I hope that the minister will take them on board.

16:18

Bob Doris (Glasgow) (SNP): I will consider landlord registration as contained in the bill. My lasting impression of landlord registration is of how committed and professional the vast majority of landlords in the sector are. The vast majority of landlords—those who contribute significantly to

addressing housing need in our country—sign up for registration. The landlords' representative body, the Scottish Association of Landlords, typifies the professional and constructive approach that registered landlords take to meeting housing need.

However, the registration scheme's strength should be its ability to tackle rogue landlords who do not bother to register and who provide accommodation for tenants that we would not consider to be safe or acceptable. I suspect that we all agree that the enforcement power against unregistered rogue landlords is a muscle that has never properly been flexed. I am well aware that barriers exist to potentially successful prosecutions by local authorities and I know that the minister has a working group that is looking at such matters. I would very much appreciate more information about progress on that.

As we heard earlier, the City of Edinburgh Council put effort, time, finance and commitment into securing the conviction of an unregistered landlord. The court imposed a derisory fine, which must have left the council thinking that there had been little point in pursuing the prosecution in the first place. Ironically, such an example is a real disincentive to local authorities to prosecute unregistered landlords. The bill will increase fines to a maximum of £50,000, which I welcome. There is now a potentially strong, financial incentive for rogue landlords to register. I say "potentially" because if convictions are difficult to achieve and rarely occur, and the fines that are imposed are tiny, raising the maximum fine to £50,000 may make little difference.

However, I take a far more positive view than that. I believe that increasing the maximum fine will send a clear message to courts about how seriously we expect them to treat cases involving rogue landlords. We must ensure that courts perceive landlords who refuse to register as being guilty of serious criminality. After all, councils indulge in prosecutions of unregistered landlords not as a first action but as a last option.

When councils are aware of a potentially unregistered landlord, they encourage the landlord to apply for registration, to register and to meet the minimum acceptable standards for private rented properties. The question that courts should ask themselves when prosecutions take place is why the landlord did not register in the first place and what a landlord who refuses to register has got to hide. What other forms of criminality might that landlord be involved in? Are some landlords trying to avoid the light that registration would shine on their business? That is why I welcome the bill's extension of the fit-and-proper-person test criteria.

Our courts and our sheriffs need to be aware of such matters. Sheriffs who do not regularly deal

with housing-related matters may not be aware of the social context and the damage that is done by rogue landlords—the misery that they can cause to tenants and the wider community, which we heard about from several members.

The fine increase should emphasise to sheriffs the importance that Parliament places upon the offence. Reform of the system of prosecution may also help. It has been suggested that we could have special housing courts involving people who are experts in the sector. Such courts could deal more appropriately and swiftly with a range of offences and disputes, including unregistered landlords. Perhaps that could be considered by the Government if it is re-elected. I seek the minister's opinion on that.

We should make it socially unacceptable to use unregistered landlords. I accept that there will always be vulnerable sections of society, such as exploited immigrants or people who, for a variety of reasons, have chaotic lifestyles, that end up renting from unregistered landlords. That is unacceptable, but the rest of us, as consumers, should never knowingly accept accommodation from an unregistered landlord. Consumers would not knowingly buy a dodgy motor or a gas boiler, so why should they rent a dodgy flat? Consumers must exert a degree of responsibility for themselves. Indeed, the example of a dodgy boiler is quite pertinent because there is every chance that that is exactly what someone might end up with if they choose an unregistered landlord. However, we can expect consumers to make an informed choice only if they are given the correct information, which means a public awareness-raising campaign and the possibility of checking whether a landlord is registered. I would appreciate information on that from the minister.

I would also appreciate the minister's views on whether newspapers should be allowed to advertise the properties of rogue landlords. Our newspapers can be great campaigning forces for social good, but they also have a social responsibility, which should extend to not advertising the properties of unregistered landlords. I am not suggesting that we require legislation on that, rather that we have a voluntary code and partnership with the newspaper industry. I have no reason to believe that the press would not sign up to that—in fact, I am sure that it would welcome such a code.

There is much more that I wanted to say but, given the limited time available, I will leave it at that. I will be delighted to support the bill at decision time.

16:24

Ross Finnie (West of Scotland) (LD): This has indeed been a largely consensual debate. The speech that brought together all members in the chamber was that which was made by John Wilson, who said how much better it would have been if we had had a single bill to deal with housing matters in a comprehensive way. Perhaps the only dissenting voice was that of the minister who harrumphed, albeit not very loudly. I think he realises that he could have done this better.

The bill is an important piece of legislation that addresses an important issue. As Frank McAveety pointed out, if we had been able to solve the problem over the years, we would not be here. It is not an easy problem. A number of conflicting interests are involved. That makes the behaviour of rogue landlords—a small but important minority—difficult to address.

As the minister correctly said, although the private rented sector represents some 8 per cent of the housing sector, there is no doubt that it could, should and ought to expand. There are a number of reasons for that, not least of which is the recent financial crisis. The crisis demonstrated that our previous housing model, which saw a rush to ensure that almost everybody owned a house, was not necessarily sustainable. We need to learn from the example of other mainland European states where the rented sector makes a much more important, and enduring and sustainable, contribution to the general housing market.

We have, of course, had landlord registration for some time and have rightly concluded that it is not working as it should do. The fit-and-proper person test is a welcome development in that regard. However, other forms of registration include the fit-and-proper person test and yet the test has not of itself resulted in things turning right. For example, there is a fit-and-proper person test as part of the registration process for those who sell alcohol. Regrettably, as members know, persistent breaches of the law have resulted in a disconnect. There seems to be a failure to understand that persistent breaches of the law give us the right to consider whether the individual licence holder has, by virtue of the breaches, rendered themselves not a fit-and-proper person to be a licence holder. Welcome though the test is as an extension to the present scheme, the important issue is how we apply it.

That takes us to the issue of raising the level of the fine. Again, the measure is welcome but it will not, of itself, necessarily produce a result. In the debate and the committee report, frequent reference was rightly made to whether the courts would apply the measure, or whether there would be more prosecutions. We should not blame the courts. Issues arise when a Parliament and a

Government and its civil service introduce a range of complex measures. One wonders what liaison there is between the Government and its civil service and the courts and the prosecution service in order that they are properly informed and aware of the content and purport of what we seek. Ultimately, it is for them to decide, on the basis of the law, whether prosecutions should be brought. Nevertheless, they need to be appraised of the background to the new legislation.

I turn to the HMO provisions. There is no question but that Pauline McNeill and Patricia Ferguson made absolutely clear what the problems are. However, I was unclear and I remain unclear on the confusion about the linkages that ought properly to be made with the planning system. I was slightly confused by what Shelter said about this being only about land use. Unless I have missed something, in the granting of planning permissions, particularly for residential occupation, planning conditions should apply that describe in clear terms the density that has been approved. Insufficient attention is paid to that when a property is altered. Indeed, properties can be altered without anyone knowing about it. The landlord is demonstrably in breach of planning conditions. That may have to be spelled out in clearer and more explicit terms. If an organisation as excellent as Shelter does not appear to understand the connection between enforcing existing law and using it to good effect, we have a communication problem regarding what the minister and the bill are trying to achieve. That is an issue.

As has been made clear, if we use existing law, we must take into account the other aspect—building control, rather than planning control—to deal with the stacking of services. That point was well made and has been made before, including in the chamber. It needs to be addressed if we are to deal with the general conditions that apply in properties that have been altered in such a way.

There is a complete distinction between HMOs and overcrowding. However, addressing the condition of properties and whether conditions of density have been breached may have the unintended consequence—this is the connection—of displacing people, if we deem a property not to be fit for the purpose for which it is being let. That creates additional demand. Unless we address that demand as part of wider housing policy, simply enforcing the law will not necessarily benefit every citizen, especially those to whom such properties are no longer available. The minister made that point in relation to overcrowding, although the point was well made in the debate that we should not confuse HMOs and overcrowding.

As my colleague Jim Tolson made clear in his opening remarks, it is clear to the Liberal Democrats that we are moving in the right direction in the three main parts of the bill. There are a number of issues—which have been well ventilated and articulated in the debate—that will need to be addressed at stage 2, but the Liberal Democrats are content to support the bill at stage 1 this evening.

16:32

David McLetchie (Edinburgh Pentlands) (Con): Many thoughtful, measured speeches have been made in this debate on the bill, especially by members representing Glasgow and Glasgow constituencies, who highlighted problems in some communities there. Graphic though those descriptions were, and horrendous as some of the problems that have arisen are, the lesson for those of us who do not represent the area is that we should not be complacent and should not think that those problems cannot come to affect communities that we represent.

As a member of the Parliament's Local Government and Communities Committee until the end of last year, I had the opportunity of participating in the evidence sessions on the bill, before moving on to the arcane pastures of fiscal autonomy and the Scotland Bill Committee. So it was that it fell to my colleague Alex Johnstone to assist with the compilation of the committee's stage 1 report to the Parliament. We have heard today that the bill is worthy, and worthy of support, but less than perfect. My experience of the evidence sessions supports that conclusion.

We might ask, for example, why we are making piecemeal changes to the landlord registration scheme in advance of the publication of the comprehensive review of the scheme that is under way and is due to be completed in a few months' time, in spring of this year. I say that because landlord registration was introduced without a full and proper consultation, as an adjunct to the Antisocial Behaviour etc (Scotland) Act 2004. Without underestimating in any way the importance of dealing with antisocial behaviour—which, as all of us know, features heavily in our surgeries with constituents—we must acknowledge that the primary focus of a landlord registration scheme should be on housing, not behaviour. The primary test of the scheme is not whether it helps us to cope with the antisocial behaviour of a tiny minority of tenants but whether it fosters good relationships between landlords and tenants, and encourages both parties to fulfil the obligations that their leases impose on them. If it does, we will be able to encourage more landlords into the marketplace to provide people

with homes that suit their financial and personal circumstances, which may vary from time to time.

I entirely agree that there is very little point in increasing the fine that is payable for a failure to register, bearing in mind the lamentable failure to police the existing legislation. There has been only one prosecution, which led to a derisory fine being imposed, as a number of members highlighted.

Although we would have preferred to await the outcome of the comprehensive review before passing new legislation, and although there is an element of tokenism in the way in which fines and other measures in the bill have been approached, there is no doubt that if we are going to have a registration scheme it must be properly administered and enforced. There needs to be joined-up government—to use that hackneyed phrase—to create an effective registration scheme that includes the sharing of information between departments. In that way, links can be established between properties that are the subject of housing benefit claims, and whether the homes concerned are owned by registered landlords can be determined. I was encouraged by the exchange between the minister and Johann Lamont on that subject, and by the fact that guidance is to be issued to councils to ensure that those things are done.

As members have highlighted, judges need to understand that serious breaches of the law in relation to failure to register are not trivial offences that arise because of naive or innocent landlords losing their way in some bureaucratic jungle. Rather, they are serious offences against the good order of society and a frustration of our attempts to improve the quality and standard of housing in Scotland. Toleration of such failures is a slap in the face for good landlords and decent, responsible tenants. As Ross Finnie hinted, the Lord Advocate should be drawing to the attention of our courts and prosecutors how seriously we view such matters in the Parliament. We need to set some examples in the courts that encourage respect for the law, rather than contempt for it, which I fear is the case at the moment.

When we consider detailed proposed legislation of this nature, it can sometimes be easy for us to lose sight of the bigger picture. In this case, the bigger picture is that the private rented sector accounts for nearly 233,000 homes in Scotland, which is approximately 8 per cent of the total, as the minister told us. The sector has expanded, with many investors attracted into it through buy-to-let schemes and by the—now distant—prospect of capital appreciation in a booming housing market.

The Brown-Balls neo-endogenous housing bubble might have burst, but one beneficial consequence of that growth is that we now have

more privately rented housing to meet important housing needs and demands. It is not simply a matter of meeting the demands of mobile groups such as students, itinerant workers or young professionals; the private rented sector has been enlisted, through partnership arrangements with councils such as the City of Edinburgh Council, to provide affordable homes for the homeless in return for guaranteed rents and the factoring and management of those homes on behalf of their landlord owners and investors.

Although they have not been perfect, such schemes illustrate what can be done through partnership working by councils and the private rented sector to tackle social housing needs. We should build on Edinburgh's experience and encourage other authorities throughout Scotland to do the same, particularly at a time when the affordable housing budget is contracting.

We need a good working relationship between the Scottish Government and Her Majesty's Government to co-ordinate policies that will encourage investment in housing for social and market rent. I very much welcome the positive comments that the minister made in that respect in his opening speech. One of the key elements of that, from the standpoint of landlords, is the reintroduction of a system whereby local housing allowances can be paid directly to them, thus avoiding the benefits system being ripped off by unscrupulous tenants—

John Wilson: Will the member give way?

The Presiding Officer (Alex Fergusson): No. The member is just about to wind up.

David McLetchie: Those are tenants who rob the taxpayer of money that was meant to be used to pay their rents but is not being used for that—and that is all at the expense of the landlords. That is being reviewed by HM Government at the moment, but reform cannot come soon enough.

We also want to examine the introduction of tax rules to incentivise investment in housing for rent, because we must face the fact that in a housing market in which people who want new mortgages are being asked for 25 per cent deposits, house purchase is currently outwith the reach of many people. For people in that situation, renting in the private sector could provide a longer-term solution that meets their needs, but if that is to happen we need to raise the status and reputation of private renting and stimulate institutional investment.

Regulation has an important part to play in confidence building in that regard, and that is the test that we apply to the bill, which takes steps in the right direction.

16:40

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to speak in the debate and I assure Sandra White that I will strive with every sinew to be as consensual as possible.

The private sector plays an important role. I hope that the minister is alive to concern about what is happening in England. If there is a squeeze on funding in the social rented sector and rents rise as a consequence, we will end up in a position in which the only people who can afford to rent in the social rented sector will be people who are in receipt of housing benefit. That is a serious issue, which must be addressed.

John Wilson: Will the member give her party's view on the United Kingdom Conservative and Liberal Democrat Government's policy of starting to cut benefits by 10 per cent for people who have been unemployed for a year or more?

Johann Lamont: We have been explicit in saying that we find the policy incomprehensible and deeply worrying. Another concern to do with housing benefit relates to the transfer of Government spend. Cutting capital spending and allowing housing associations to raise rents will mean that any improvements will be made on the back of people who are on housing benefit.

A large number of private landlords are excellent at what they do, but at the heart of the issue are people who think that renting out a property is an investment opportunity and not a business, so they take no responsibility for their tenants or the communities in which their tenants live. In some cases at the extreme end of the spectrum, the sector provides opportunities for organised crime to settle into a community for the purposes of money laundering and extending control over the community. Those are serious issues.

Landlord registration is therefore not just about the relationship between landlord and tenant; it is about what is happening in our communities. We should remember that the private landlord registration scheme came out of concerns about antisocial behaviour, and for good reason. Nothing stands still in our communities, and if problems are not addressed people give up and move out, property values go down and people with dodgy reputations and dark backgrounds buy up properties and put tenants in them. The issue is not just the tenants' antisocial behaviour but the collusion between landlord and tenant in doing nothing about the behaviour. In my experience, even if a way is found to remove the tenant, the tenant who replaces them is not managed or challenged. If the focus is only on the tenant, the community still has the same problem.

It is critical that we understand the problem in the context of ordinary people's experiences. I welcome the people from the Croftfoot housing action group who are in the gallery. Mary Mulligan and I are Labour's representatives on housing issues and I assure our visitors that Charlie Gordon keeps us well informed about their concerns, which are reflected in other parts of Glasgow, too. It is possible for people to earn money from a community while damaging and destroying it.

It might be for individual tenants to be aware that they should ensure that their landlord is registered, but that is a small issue in comparison with the way in which the public purse often funds the problem.

The bill builds on previous legislation, and if ever a lesson can be learned about the limits of legislation, one can be learned from the experience of the private landlord registration scheme. I welcome the extension of the scheme through the fit-and-proper person test, but if people do not feel the need to apply for registration it will not matter what we put in the test. The test will be irrelevant. I am concerned that good landlords are asking why they should register, if we are not addressing the problem. I support any measure that will strengthen the private landlord registration scheme. When he was Minister for Communities and Sport, Stewart Maxwell was assiduous in pressing local authorities on what they were doing, and I hope that that pressure has been sustained.

My concern is that local authorities are saying that the resources necessary to enforce registration do not exist at a local level. There was dedicated funding in the early days. What has happened to that money? Have we sustained that level of investment in enforcement? If not, we need to think about how investment can be sustained.

I welcomed and was interested in what the minister had to say about information sharing. I understand that he was talking about pilot projects. We need to do more to ensure that that approach is rolled out.

I am interested to hear what more the minister has to say about his discussions with the UK Government on information sharing. When I was a minister, I was involved in such discussions but, sadly, I was not sufficiently persuasive. For me, this is the bottom line: if it is an offence for a landlord to receive rent on a property that they have not registered, why is the public purse paying out money on such properties? That is completely ludicrous. I welcome the pilots and the voluntary approach, but the housing benefit review provides a great opportunity to say that a landlord must

have a registration number to show that they have registered.

We will stop many of those problems if we stop people trading outwith the system. We create the incentive for landlords to trade outwith the system and we need to deal with that.

It is important for the culture that renters—particularly young people and students who are becoming renters for the first time—should expect registration. There should be evidence of that and it should become the norm. We should not be having a discussion with the Scottish Association of Landlords about the number of figures in the registration number. As the minister said, we can find a system of making the registration numbers shorter. The point is that people need to be able to ask for the number before they rent at all.

On HMOs, we all wrestle with the conflict between the need of students to have accommodation at a rent that they can afford and the rights of communities to be mixed and stable. We can build a consensus to work our way through that conflict, too.

On planning, it is possible to establish a quota, but it would be essential for prospective landlords to know ahead of investing in an HMO that there was no point in applying if the quota had already been reached. There are important issues in that regard.

Our Lib Dem and Tory colleagues will have to reflect on the consequences of the housing benefit changes, which will increase the number of people who live in HMOs.

In some parts of our cities, particularly in Glasgow—I reflect on the authority that Frank McAveety brings to the question—it is not possible to address overcrowding through housing policy, because the issue is closely tied up with employment. Migrant workers come in and are exploited in relation to the quality of the accommodation that they get. We need to ensure that we use more than one policy to address that. There are big challenges that may be linked to the gangmaster legislation and on which we need to reflect.

I welcome the interesting suggestions of a housing tribunal or court. As with antisocial behaviour legislation more generally—we can also think of other circumstances—it is hugely frustrating that the justice system seems simply not to understand what problem is being addressed.

The courts think that it is an issue of a tenant being evicted because the landlord has suggested something simple, which they think is unreasonable. They say that fines of a certain level are unreasonable, because they have no

comprehension of the scale of the problem or the scale of the damage that is inflicted on communities. It would be useful to inform them of what we are talking about and to have people with a degree of expertise. Certainly, in my area, there is an active disincentive for housing associations and other landlords—I am sure that it applies to the local authority as well—to spend money that they can ill afford only to find that the court clearly does not understand the problem.

The measures in the bill build on what we did before, but the lesson is that, without enforcement, legislation is just words on a page. Our colleagues in the public gallery and in our communities remain frustrated. We must do what is in the bill, but we must also take it beyond that. There are critical, hard enforcement issues that we need to address.

We look forward to working with the minister and others to ensure that we strengthen the legislation across that range of issues and raise the necessary questions about enforcement.

16:50

Alex Neil: Like other members, I think that the debate has been very good. It has been fairly consensual, and several constructive suggestions have come out of it.

It is obvious that there are time constraints on us, but in moving from stage 1 to stage 2 after the vote, I will be happy to work with all the parties, if they want to lodge amendments. I will put the Scottish Government's resources at their disposal and will be happy to see whether we can reach agreements on stage 2 amendments not just between two parties, but ideally between three or four parties, particularly to deal with the higher-priority issues that have been identified during the debate. The bill provides a good example of a subject that is close to the hearts of all of us and on which we can work together as a Parliament.

I want to deal with a number of the more important issues that have been raised in the debate and how we can take them forward. It is clear that enforcement is a major concern for all members. I want to make three particular points about that. First, there are in some local authorities resource issues that need to be addressed. I pick the example of Govanhill. Glasgow City Council, with additional funding from the Scottish Government, has identified that the level of resources is not the only issue; the way in which resources are organised is, too. In particular, it identified the need for a more integrated approach by its teams that deal with landlord registration, its environmental health teams and its planning and building control teams. Through the hub in Govanhill, it is creating a

unified team to deal with the whole gamut of issues that arise there. I hope that that model will be repeated throughout the rest of Glasgow and elsewhere. The early indications are that a more unified and comprehensive approach is arising from the integrated approach that we have worked on developing with Glasgow City Council and with the help of Frank McAveety and others.

The second point is not a matter for the Private Rented Housing (Scotland) Bill. If the Chancellor of the Exchequer agreed to allow the revenue from fines to be recycled to the local authorities to incentivise them, that would at least send a clear message to them.

Bob Doris: I have championed the campaign for that for some time, and have written to Michael Moore about the issue, but the response that I received was not positive. Perhaps I can give Alex Neil that response, and he could redouble our efforts to persuade the Government on the matter.

Alex Neil: I have written to the Government more than once about the matter. I am not relying on the proposal and am not saying that it is a magic bullet, but it would send a clear message to the local authorities.

Thirdly, the failure of the justice system to follow through adequately where there has been a clear breach of the law has been raised several times in the debate. That issue has to be tackled, and there are two ways of doing so. First, it can be done through amendments at stage 2 to strengthen the bill's enforcement aspects. We will be happy to discuss that and are open to practical and sensible suggestions.

Secondly, I undertake to write to the Lord Advocate as a matter of urgency after the debate to draw to her attention the number of members throughout the chamber who have expressed concern about the judiciary's failure to follow through and impose fines that match the scale of breaches and the importance and seriousness of offences, where clear breaches have been proven. That will be important. I will be happy to report back at an appropriate time on the discussions about that with the Lord Advocate. I accept that enforcement is the key issue and that, no matter what legislation we pass, if it is not adequately, properly and enthusiastically enforced we are clearly presented with a problem.

If the bill is passed at stage 3, we will have powers to deal with any recommendations that are likely to arise from the landlord registration review, and we will, through secondary legislation—the bill will allow us to do so—introduce additional measures that are recommended by that review.

I am also of the view that we need a dedicated housing court or tribunal. Lord Gill made that one of his recommendations in the review of the court

system last year. My view is that the tribunal method would be better than a court system because it would be much less expensive and could deal with cases much more effectively. All disputes on matters relating to housing could be channelled through it. That is a debate for after the election, but I hope that whoever wins the election will look seriously at introducing legislation to create a much more robust system along those lines.

Another major issue about which concerns have been expressed today and in evidence to the committee is the consequences of implementation of the bill's provisions on overcrowding. In particular, there is a fear that if a local authority issues an overcrowding order without thinking through the consequences, one of the unintended consequences could be a sudden and, in some cases, significant increase in the number of people who present themselves as homeless under homelessness legislation, and who are therefore entitled to a new house from the council, or to a housing association.

We have had discussions on the matter, particularly with Glasgow City Council and COSLA, and neither we nor they envisage that implementation of the legislation will operate in that way. Where there is clearly overcrowding, the intention is to manage it down to the point at which there is no longer overcrowding, and while that is happening no additional people will be allowed to reside at the address. The idea is that the relevant housing support services will work with the landlord registration team and the implementation and enforcement team to manage down the number of people in the property so that they can be properly accommodated—in many cases, I suspect, that will be elsewhere in the private rented sector. That will be the approach so that we do not, as an indirect and unintended consequence, end up creating a whole new category of homeless people.

It will be important for local authorities to manage overcrowding in that way because, if it looked as though imposed overcrowding orders were going to make a lot of people homeless, there is a danger that that would become a scam. People might deliberately overcrowd as a fast way to get onto the homelessness register, thereby also abusing the homelessness legislation. In detailed discussions with Glasgow City Council and COSLA, we have been clear that the provision should be managed in the way that I have described.

Patricia Ferguson: Will the minister clarify that he will ensure that no anomaly will be created, given that section 5 referrals under the homelessness legislation, where overcrowding exists, already result in people who are in that

situation being considered to be homeless? Will the bill dovetail with that rather than create an additional problem?

Alex Neil: Absolutely. I gave in my evidence to the committee a commitment that that would be the case, and I am happy to reinforce that commitment today. We will work with our local authority partners to ensure that legislation dovetails and that there are no unintended consequences between the homelessness legislation and the private rented sector legislation.

I do not have time to cover all the points that were raised in the debate, but I want to mention one point, and I will do so in a consensual tone. I draw members' attention to the potential unintended consequences of a number of the housing benefit reforms that the UK Government has announced, some of which will come into effect fairly soon and some of which will not come into effect until 2013. We have already done a great deal of work on the matter and we published detailed information today on the potential adverse impact of the reforms. Other organisations, including the Scottish Council for Single Homeless, whose chief executive Robert Aldridge is a councillor in Edinburgh, have also done a lot of detailed work on the potential consequences of some of the changes. Some of them seriously need to be reconsidered because they could have an extremely disadvantageous impact on the private rented sector and the individuals concerned. I make that point in a consensual, rather than accusatory, tone.

On that note, I look forward to a unanimous vote this evening to back the Private Rented Housing (Scotland) Bill at stage 1 and I emphasise that, in moving towards and during stage 2, I will work with all the other parties and seriously take on board any new ideas or suggestions for amendments, particularly with regard to how we might further reinforce enforcement.

Presiding Officer's Ruling

17:00

The Presiding Officer (Alex Fergusson): Just before we come to decision time, I draw members' attention to what seems to me to be a growing tendency for members not to be present in the chamber to ask their questions at question time. I consider that to be a gross discourtesy to other members. In particular, it is discourteous to those members who want to ask a supplementary, and it is even more discourteous to ministers who are present to answer those questions. I do not think that it is good enough for members to attempt to anticipate when their question might be called and arrive in the chamber accordingly. I expect all members who are due to ask a question to be in the chamber from the start of the relevant question time. We have only six more of them—let us try to get it right.

Decision Time

17:01

The Presiding Officer (Alex Fergusson): There are five questions to be put as a result of today's business. The first question is, that motion S3M-7769, in the name of Richard Lochhead, on the Reservoirs (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Reservoirs (Scotland) Bill.

The Presiding Officer: The second question is, that motion S3M-7704, in the name of John Swinney, on the financial resolution for the Reservoirs (Scotland) Bill, be agreed to.

Motion agreed to,

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

The Presiding Officer: The third question is, that amendment S3M-7793.1, in the name of Dr Richard Simpson, which seeks to amend motion S3M-7793, in the name of Shona Robison, on the dementia strategy, be agreed to.

Amendment agreed to.

The Presiding Officer: The fourth question is, that motion S3M-7793, in the name of Shona Robison, on the dementia strategy, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament welcomes the progress being made by the NHS, local government, scrutiny bodies and partners in the voluntary and private sectors, including Alzheimer Scotland and the Scottish Dementia Working Group, in delivering the commitments set out in Scotland's first dementia strategy, building on the Scottish Government's establishment of dementia as a national priority and on the Parliament's Cross-Party Group on Alzheimer's *Charter of Rights for People with Dementia and their Carers in Scotland*; recognises the crucial role played by carers both paid and unpaid; notes also the challenge of ensuring good quality palliative care for people with dementia, and further welcomes the Big Lottery Fund's investment in support for people with dementia and their carers after their diagnosis.

The Presiding Officer: The final question is, that motion S3M-7770, in the name of Alex Neil, on the Private Rented Housing (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Private Rented Housing (Scotland) Bill.

Coastguard Centre Cuts

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S3M-7619, in the name of Alasdair Allan, on coastguard centre cuts. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern the public consultation document launched by the Maritime and Coastguard Agency that envisages what are believed to be drastic reductions in the number of maritime operations centres in the United Kingdom; notes that the proposed reductions would leave only two 24-hour centres operating, based in Aberdeen and in Southampton/Portsmouth; further notes that these would be supported by seven sub-centres and only one would be in Scotland at either Shetland or Stornoway; notes that this would result in the five operations centres in Scotland being reduced to two; believes that this raises serious questions about the future operation of the coastguard given that centres will now be covering what it considers to be such huge areas and that this has clear implications for many members of staff, and believes that these proposals require to be rethought.

17:03

Alasdair Allan (Western Isles) (SNP): The United Kingdom Maritime and Coastguard Agency has proposed a series of cuts to the coastguard service that can only be marvelled at for its sheer lack of logic. It is clear that in Scotland the consequences of the plans would be felt particularly acutely. By that, I mean not only that the cuts would be felt by the people who would lose their jobs—although they certainly would be—but that they would be felt by everyone who cares about safety at sea.

The proposal is to cut the five current coastguard centres around Scotland to just a single full-time station, probably based in Aberdeen, with a further additional station, based in either Shetland or Stornoway, that would operate in daylight hours only. I believe that the great strength of the campaign that has been mounted against the cuts is that it has not taken the bait offered by the MCA in the proposals—the premise that one coastguard station should be pitted against another. In that spirit, I thank all members who have signed my motion or who intend to take part in this debate, particularly those, such as Tavish Scott from Shetland, who have interests in specific coastguard stations. The point of the campaign is not that Stornoway is a more necessary centre than Shetland or vice versa—both are needed.

Under the MCA proposals, in hours of darkness, a call from any vessel in distress anywhere around the UK coastline and far out in the north Atlantic would be directed either to Aberdeen or to the new

station at Southampton or Portsmouth. All connections between coastguards and a specific area of the coast would be lost. That might make sense to an accountant somewhere, but consider the following real incident. Some time ago, an indistinct call came in to the Stornoway coastguards. Perhaps bizarrely, it said simply, "I'm on the Chicken." Anyone with local knowledge will understand that the call was from a vessel that had gone aground on the Chicken rock, near Stornoway. I can tell anyone who is interested afterwards about the series of mistranslations by which the rock, which has claimed lives in the past, got its unusual name. However, the material point is that, with the best will in the world, I find it difficult to believe that a centre on the other side of Scotland or on the south coast of England would readily have been able to decipher that message.

Countless other such confused situations can be envisaged. Which Tarbert? Which Scalpay? Which Berneray? If we bring Orkney and Shetland into the equation, which Mainland? Come to think of it, there is a Chicken rock off the Isle of Man, too.

Local knowledge is required of coastguards for a reason. That is why the MCA's own rules for staff specifically make local knowledge subject to continuous examination. I find it difficult to see how that aim can possibly be reconciled with centralisation of staff on the drastic scale that is proposed or, indeed, with the reduction in the overall number of staff who man coastguard centres in the UK from 491 to 248.

I can understand the need for economy, but I also understand what a false economy is. At its most dramatic, a false economy is trying to mop up the mammoth financial, environmental and potentially human costs of an oil tanker going aground. In case that sounds like a dramatic example, let me say that the MCA acknowledges that many of the risks of such a scenario occurring are increasing: weather patterns are more unpredictable, vessels are larger, the seas are busier and an increasing number of incidents are being reported.

In my own area, in 2008, 2,095 vessels transited the Minch. By 2010, the figure had risen to 2,442. During 2010, the emergency towing vessel that is based in Stornoway was tasked with escorting shipping through the Minch 115 times—not to mention the recent occasion when she had to shove a nuclear submarine off the end of the Isle of Skye. My mention of the towing vessel is topical, because in the last few minutes I have learned that today a Tornado with two of the cabinet secretary's constituents on board crashed into the Minch. Mercifully, the cabinet secretary's two constituents ejected and survived, but the point is that the emergency towing vessel is

currently on the scene gathering wreckage from the incident.

However, at the same time as all that has happened, and at the same time as dramatic reductions to coastguard centres are proposed, we learn that the UK Government is also proposing that those self-same tugs be disposed of, which would mean that, in the future, the nearest suitable tugs for the Minch would be in the Clyde or the North Sea. I know that other parts of the country have similar concerns.

There is yet another factor in all of this: the role of the volunteer coastguard rescue service, which does everything from cliff rescue to searching for missing persons. The existence of a staffed coastguard centre acts as a major factor in attracting and maintaining the large pool of volunteers who are needed for such tasks. Areas that lose coastguard centres stand in danger, over time, of losing many of their volunteers, too.

In conclusion, I will not argue for the coastguard service based on the needs of the staff and families who would be most affected or on the impact that job losses might have in rural areas, because Whitehall is clearly not interested in listening to them, important though they are. Instead, I hope that I have made—and that other members will make—a case that is based on solid arguments of public safety and on what I believe is the compelling idea that the coastguard service should be comprised of staff who have local knowledge.

One question that I have been asked again and again, by many of those who would be most affected, is why the coastguard service is still run by the UK Government when so many other aspects of marine policy in Scotland are Scottish run. That is a good question. For the moment, however, even if it does not run the MCA, I welcome the strong support that the Scottish Government is giving to the campaign and the representations that I hope it will now make to the UK Government. I call on Parliament as a whole to implore the MCA and the UK Government to abandon these flawed and dangerous proposals.

17:10

Rob Gibson (Highlands and Islands) (SNP):

As I am a member who represents the whole of the Highlands and Islands, I am acutely aware of the need for a full package of services to protect all uses of our seas and coastlines. The package of cuts that Alasdair Allan mentioned in his excellent speech includes tugs, the Nimrod aircraft and now the coastguards—the coastguards being the people who have local knowledge about how to approach and co-ordinate issues regarding the sea area. The potential dangers of those cuts are

considerable. The package of maritime cuts in the north and west that is being brokered by the UK Government is completely unacceptable and may put lives at risk.

We have already heard about the results of the decision to remove the tugs. Many leading members of the military have complained about the virtual closure of RAF Kinloss. As is noted in a letter from leading members of the military in *The Daily Telegraph* today, the Nimrod maritime patrol aircraft that co-ordinate air-sea rescue from up on top are based at RAF Kinloss. They are a part of the package that is being scrapped to save money, we are told. The decision could affect many facets of life in the north and west of Scotland—and beyond. Tourism, trade, the environment and the way of life are in real danger if the cuts in coastguard provision are carried out.

In the future, with the opening up of the north-west and north-east passages, with oilfields opening in the Atlantic and the offshore renewables revolution, the seas around the north and west coasts of Scotland will likely see a vast increase in shipping. There is therefore a strong case for expanding the existing coastguard bases in Stornoway and Lerwick, not cutting them.

The idea of part-time stations that work in daylight hours is interesting. At the winter solstice there are around six hours of daylight in Shetland and Lewis, but during the summer solstice that figure rises to over 18 hours in both places. It is incredible that there is no explanation in any of the papers that I could find of what is meant by daylight hours. It has just not been thought through.

There have been high-profile maritime disasters in the area. The Braer disaster off Shetland was a horrendous event that led to tugs such as the Anglian Prince, as was, and the Jambo, off Wester Ross, being stationed where they are. The effects of such disasters have been greatly mitigated by having on-the-spot coastguard control.

Ports across the north of Scotland are seeing an expansion of liner traffic, for example, and there is the possibility of more ship-to-ship transfers because of the opening up of the north-east and north-west passages round the Arctic. I suggest that the whole story of the economic potential and the life of the area has not been taken into account in the decision to close the coastguard stations.

I suggest that the Parliament thank Alasdair Allan for securing the debate and ensure that we make it clear, with a united voice, that everything about the economy and life of the north-west of Scotland will be severely affected by the move to close the coastguard stations.

17:14

Duncan McNeil (Greenock and Inverclyde)

(Lab): I thank Alasdair Allan for giving us this opportunity to debate this serious issue this evening. He has ably covered the issues that affect the Scottish coastline. Obviously, I will focus on the Greenock coastguard station, which is better known in the area as the navy buildings because it houses the coastguard, navy personnel and MCA examiners—a wealth of experts who are able to assist in times of difficulty. It is rare in these times to find under the one roof such an establishment of advice on stability, technical matters and safety, combined with expert, detailed local knowledge—and it should not be given up easily. Some would say that that type of facility and capability should be the norm, particularly on the Clyde, which is one of the busiest gateways to Scotland and the UK. The Clyde coastguard manages Ministry of Defence traffic, including nuclear submarines, and deals with significant cargo traffic at Clydeport container terminal. It also manages more than 30 cruise liners that arrive in Scotland every year, carrying in excess of 1,500 passengers. We must also remember, of course, that the Clyde coastguard covers ferry routes south as far as Arran and north as far as Mull, with estimated annual passenger numbers of 4 million to 5 million. The potential for human, environmental and, indeed, political disaster is obvious.

As has been said, given the influence that we have over the consultation, there is something ironic about calling it a consultation; the proposal to close the base was made when the start of the consultation was announced. The First Minister confirmed that there has been an absence of consultation when he confirmed in this chamber that the Scottish Government had not been consulted on the issue. We do not know how far the consultation has gone.

If the proposals go ahead, the service that is currently provided by the Clyde coastguard would be provided by Belfast, Stornoway or Liverpool. We should not be excitable in these times, but during an exchange with the First Minister during a recent question time I described the decisions as daft and dangerous. I welcome the cross-party support that the First Minister confirmed exists on this issue—its existence has been confirmed again during this debate. I hope that the minister will update us this evening on the progress that he has made with regard to his representations to ministers to ensure that we have some sort of influence on this so-called consultation.

In addition, we should bring the hapless Mr Penning, the minister who is responsible for these daft and dangerous proposals, to the committees of this Parliament. The least he should do is attend

a meeting of the Transport, Infrastructure and Climate Change Committee—or whatever committee is deemed appropriate. We should all come together to assist the efforts of the minister and the First Minister to ensure that there is some form of consultation on this matter, to give Mr Penning an opportunity to justify his daft and dangerous proposals, to enable us to question him on his proposals and, I hope, to inject some reality and common sense into the situation so that we can reverse the proposals in the interests of the coastal communities of Scotland.

17:18

Dave Thompson (Highlands and Islands)

(SNP): I congratulate Alasdair Allan on securing this debate on the UK Government's devastating plans to cut the number of coastguard stations in Scotland, which come on top of its plans to axe the tugs at Lerwick and Stornoway and its scrapping of air cover from the Nimrods at Kinloss. One could be forgiven for thinking that the lunatics are running the asylum in Westminster. The decisions starkly highlight why decisions that affect our lives in Scotland must be made in Scotland for the benefit of the Scottish people and not be driven by distant civil servants and politicians who have little understanding of our country.

The consultation contains little detail and no evidential back-up. It is obvious that the statistics that are being used to justify the case for closures have not been analysed properly and that the case is flawed. For example, the number of incidents has been quoted, but the type or length of incident has not been taken into account. No account has been taken of the differences between north and south. I understand that in the south there are greater summer peaks but that incidents in the north are more evenly spread throughout the year, and that incidents in the north are more evenly spread throughout the day and night and that there are more daylight incidents in the south.

There is also confusion over the length of our coastline, as Tavish Scott highlighted in *The Shetland Times* a few weeks ago. The shipping minister, Mike Penning, claims in the consultation document that the UK has a coastline of more than 10,500 miles. He is right. In fact, according to Tavish Scott, it is more than 26,000 miles long, so Mr Penning is only 15,500 miles out. To be fair, Ordnance Survey puts the figure at just 17,820 miles, but he is still well out. Interestingly, according to Scottish Natural Heritage, Scotland alone has at least 11,800 miles of coastline. That could account for his error. How can we have confidence in a man who does not get his basic facts right? Perhaps he just made the mistake of

thinking that England is the UK and gave us an English figure.

Another important issue is local knowledge, which can be crucial to search planning. John Hermes, the secretary of the Mallaig and North West Fishermen's Association, has stated:

"This is one area where local empirical knowledge is of prime importance ... closure of the coastguard stations can only lead to deterioration of service and, ultimately, to loss of life."

No one denies that the configuration of the coastguard service needs to change, but it must be thought through. It should not be allowed to be driven by someone who is looking through an accountant's eye. In the words of Captain George Sutherland, the former director of Shetland Islands Council's marine operations:

"This is an example of an authority knowing the price of everything and the value of nothing."

We have a massive industry afloat off the shores of Scotland, with oil, fishing, renewables, aquaculture, ferries and merchant and leisure craft continually on the go. They need a resilient coastguard service, but the current ill-thought-out proposals do not provide it.

My final point is that we must not forget our dedicated coastguard staff, whose jobs are on the line. They do a fantastic job in very difficult circumstances and need to be valued. As one of them said to me this morning:

"They are taking humanity out of the Coastguard."

We cannot and will not let that happen.

17:22

Tavish Scott (Shetland) (LD): The Maritime and Coastguard Agency's proposals to close coastguard stations are fundamentally flawed and should be withdrawn. The Braer oil tanker disaster, numerous maritime incidents around the coast of Shetland and today's Tornado crash near Gairloch demonstrate the role that our coastguard stations play.

I am in no doubt that the proposals will make local, national and international seas more dangerous. As a constituency member I have met local staff—watch staff and volunteer team leaders, just the other week—and union representatives at home in Shetland. The most recent of those meetings was on Tuesday, which was Up Helly Aa day at home. Lerwick's guizer jarl, John Hunter, took time out of his rather busy day to sign the petition against closure, which now numbers some 5,000 signatures.

Shetland is certainly united in supporting its coastguard station, and I reiterate my support for not only Shetland, but Stornoway. The case for

both island stations to operate on a 24-hour basis is strong, and I very much support Alasdair Allan's motion and his advocacy of the main arguments tonight.

Just last Thursday, a Cunningsburgh fisherman was reported overdue. The Lerwick station was alerted that evening when the boat did not return. Local officers know local fishermen and other mariners, and if they do not know where a fisherman is likely to have gone, they will generally know who will. The Lerwick station will always be better placed than Aberdeen to know where to start searching, as they did last Thursday night, and where to send the lifeboat and the rescue helicopter. That is what happened: that search proves the overwhelming case, as other members have mentioned this evening, for a 24-hour co-ordinating local service.

Last week's search also made the case for the role played by local volunteer coastguards. Volunteers stress the importance of using their local knowledge to work with locally informed, full-time officers. That is at the heart of the current service on which so many people depend.

That search also makes the case that, in Shetland—and in other areas, as Alasdair Allan pointed out at an earlier meeting—the coastguard is equally as important an emergency service as the police, fire and ambulance services and, I would argue, the Royal National Lifeboat Institution and other essential services. The local knowledge of Shetland staff is vital. They play an essential role in co-ordinating Shetland emergency planning and ensuring that it is a reality. That is what happened when the Braer went aground. The situation was managed by an emergency planning operation in the islands.

That point is especially true, given the oil and gas developments that are happening to the west of Shetland and those that we have had in the North Sea for the whole of my life. Total, which is building a pipeline between Sullom Voe and the Laggan gas field, is so concerned that it has written to the Secretary of State for Transport, as has the Shetland fishing industry, which has expressed the same concerns.

The MCA has failed to answer basic concerns about communications. When lightning struck Orkney earlier last year, many of the communication links to and within Shetland were entirely cut. Some say that that has a number of advantages for those of us who then escape the mobile phone, but the important point was that the local station could link up with its volunteers to provide cover on the emergency frequency. Needless to say, on that occasion, there was a local emergency and that cover was needed. How could an Aberdeen co-ordinating centre cope if its links to Shetland were cut? There is nothing in the

consultation document that deals with the resilience of the communications system.

Members have mentioned the length of coastline. To an extent, that is neither here nor there, but local stations know where the coastline runs to and they know all the inlets, voes and geos. As Alasdair Allan rightly said, different pronunciations of names can cause chaos if people do not understand where the places are. Scotland has well over half the UK's coastline, and some of the most complex, so it needs full-time stations—of that there can be no doubt. The MCA has simply got the issue wrong. It should say so and withdraw these flawed proposals.

17:27

Jackson Carlaw (West of Scotland) (Con): I, too, congratulate Alasdair Allan on securing this important debate, which is on a matter that the Scottish Conservatives accept is of the greatest significance to Scotland. The point at the centre of Mr Allan's speech—that of local knowledge—was compellingly made. I pay tribute to those bold and hardy souls who provide coastguard services in the dangerous waters around Scotland. Countless lives have been saved over the years as a result of their bravery and professionalism and, for that, we are all indebted to them. I have no doubt that local members will give us their direct and first-hand experience of the risks that people in those services take and the lives that they save. If my colleague Jamie McGrigor is fortunate enough to be called to speak in the debate, he will do so.

Any organisation, no matter its function, must be prepared to adapt to circumstance if it is to remain effective. In the case of the coastguard, the Liberal Democrat-Conservative Government is exploring whether the current structure might support the premise that the service is not as well placed as it might be to respond to the challenges that are faced in modern times. The alleged lack of national co-ordination between the various coastguard centres in the UK can result in limited resilience and an uneven distribution of workload, potentially critically so during busier emergency periods.

The UK Government has said that it hopes that, by utilising the latest technologies, a more integrated and improved service can be delivered. Mike Penning MP, the UK minister who was in the Scottish Parliament recently, is overseeing the consultation exercise, which, as Alasdair Allan's motion explains, foresees two nationally networked maritime operation centres—one on the south coast of England and the other in Aberdeen. With improved information systems, those centres, so the argument runs, will be capable of managing maritime incidents wherever and whenever they occur.

Although I am in principle in favour of a review of the coastguard service, I share the concerns that have been expressed about the overall reduction in operation centres in Scotland. Regrettably, I suspect that cost will be at least one motivating factor and I have sympathy with the UK Government regarding that, as ministers grapple with spending allocations. However, cost alone would not be an appropriate justification for restructuring the service, although nor are cost concerns an invalid catalyst for a review of any service. All Scottish local authorities participating in the Scottish National Party's historic concordat have had to review their operations and make efficiencies or find new ways of doing things. In truth, that exercise should be on-going, whatever the budget settlement. So it is not unacceptable per se for a review of or consultation on any service to take place.

As members will know, the consultation, which is available on the MCA website, runs until 24 March. Therefore, no firm decisions have as yet been made. I will play my part in ensuring that the Department for Transport takes note of tonight's debate. I will certainly be in touch with Mr Penning's office regarding what has been said. In particular, I will draw to his attention Duncan McNeil's suggestion regarding a possible appropriate opportunity for MSPs to question him directly on the proposals.

I am certain that my good friends and UK coalition colleagues the Liberal Democrats will also be to the fore on the matter. The Liberal Secretary of State for Scotland, Michael Moore, will, together with Danny Alexander and other Scottish Liberal MPs, use any influence they have to achieve a positive outcome.

In conclusion, the consultation seeks to evolve and modernise Scotland's coastguard services. Nonetheless, Scottish Conservatives accept that there are legitimate concerns and understandable fears about the consequences of plans for Scottish operations. I therefore urge all parties to work together, as Alasdair Allan has suggested, to ensure that the best possible outcome for Scotland's vital coastguard provision is achieved.

17:30

Charlie Gordon (Glasgow Cathcart) (Lab): I congratulate Alasdair Allan on securing the debate on this important subject, which in some senses is a matter of life and death. I take the opportunity to thank members across the chamber for signing my motion S3M-7663 on the same subject.

The UK transport secretary Philip Hammond's statement today that there was not

"a clear and definitive business case"

to make decisions without first consulting publicly on the matter is in one sense encouraging—the campaign can step up a gear during the consultation—but it also illustrates that the proposals are based not on a risk assessment or best value approach but on crude accountancy-driven butchery. The ideas are reckless in principle, and Alasdair Allan and others have illustrated well the unique local factors, such as those requiring local knowledge, that make them a bad set of ideas in practice as well.

Alasdair Allan also made a strong and important point on the need to avoid falling into the trap of divide and conquer on the issue. We should sustain support for all the coastguard stations.

I agree, too, that the various activities on Scotland's shorelines and off our complex coastline, be they industrially, commercially or leisure based, will multiply in the years to come and become more varied. That points not just to a wrong analysis on the part of the UK Government but probably to a total lack of analysis in the first place.

In every respect, Labour is with the campaign, and we are greatly heartened by the unity on display in the Parliament tonight.

17:32

Stuart McMillan (West of Scotland) (SNP): I welcome this members' business debate, and I congratulate my SNP colleague Alasdair Allan on securing it. We have heard many strong and legitimate points from across the chamber. That can only help to send a strong and unified message from Scotland that we do not agree with the UK Government's proposals.

Like many members, I have received a lot of correspondence from members of staff who are affected by the proposals. I also met local west of Scotland coastguard staff this week to discuss the proposals further. I was impressed by their stance and the manner in which they have conducted themselves throughout the campaign. They have been extremely careful not to play one location off against another, as they know that that will only be divisive—as Charlie Gordon said, they know that the old adage of divide and conquer will only play into the hands of those who want to change the service.

The staff are not against change itself. They realise that the only constant in life is change, and they know that areas of the service can be improved. As a Greenock resident, with the River Clyde playing a major role in the local economy, I am fully aware of how important the local coastguard service is. The Clyde station is the fifth largest in the UK in terms of the number of incidents that it dealt with last year, and it has also

dealt with the highest number of incidents in Scotland. Despite that, the staff realise that how they deliver the service needs to change.

One point that a few colleagues have mentioned this evening is safety. Safety is paramount. That point was raised last night at the cross-party group on recreational boating and marine tourism. The bottom line—which is what the bean counters understand—is what price a life has. Recreational boating and sailing are increasing, particularly on the west coast. Commercial traffic is increasing, whether from the cruise liner sector or for cargo. That is not to mention the nuclear submarines and missiles on the west coast, although that is a point for another day. Given the increase in traffic on the west coast, we must consider what the proposals will deliver, not just for the west coast but for the whole of Scotland.

Whatever solution emerges from the consultation, safety must not be compromised. Alasdair Allan spoke about the understanding of local knowledge, which is vital and is one reason why I am disappointed by the plan to cut to two the number of full-time maritime operation centres in the UK. If a telecoms issue arose, how robust would the two-centre approach be? Not very, I imagine. How would someone in the Solent understand the colloquial terms that many communities in Scotland use? We have heard about some of that.

I will raise an interesting point that was made last night and which has been touched on in the debate. What modelling did the UK Government undertake in preparing the proposals? What modelling has been undertaken for potential disasters, such as another Braer? Safety should be paramount, but the proposals will not guarantee the safety of our seas and rivers in Scotland.

17:36

Iain Smith (North East Fife) (LD): I congratulate Alasdair Allan on securing the debate, which gives the Scottish Parliament the opportunity to contribute to the consultation on proposals for modernising the coastguard—although I am not sure that a document that says that the status quo is not an option and which offers only one option for change can be called a consultation. I hope that neither the Maritime and Coastguard Agency nor the Parliamentary Under-Secretary of State for Transport has a closed mind on the issue, because I agree with Tavish Scott that the proposals in the consultation document are fundamentally flawed.

The consultation highlights the problems and challenges. Our seas are becoming more congested, ships are becoming larger, our

coastline is becoming busier, and weather conditions are becoming more extreme. That is agreed, but it is hard to see how the solution to those problems is to cut the number of coastguards and close coastguard stations.

It is often an easy and flippant headline-grabbing response for a politician to say that if proposals are implemented, they will put lives at risk, but there are strong grounds for believing that the proposed coastguard reorganisation would put lives at risk. The vast majority of incidents that coastguard stations deal with relate not to large merchant ships that are far out to sea, but to inshore leisure craft, many of which do not have, or on which people do not even know how to use, the sophisticated navigation and communications equipment on which the review seems to be predicated.

For all emergency services, the speed of response can be critical. That applies even more to the coastguard. Time and tide wait for no man. For someone who is trapped by an incoming tide on the west sands at St Andrews, a minute's delay in launching the Broughty Ferry lifeboat might literally be the difference between life and death.

I particularly welcome the opportunity to speak in the debate because one station that is threatened with closure—it is called the Forth maritime rescue co-ordination centre—is situated at Fife Ness, which is on the easternmost tip of my North East Fife constituency. That centre serves the areas of other members, including my colleague Margaret Smith. The Forth centre covers some 344 miles of coastline from the Scottish Borders to Montrose, and which stretches inland up the Forth to Stirling and up the Tay to Perth. I recently visited the Fife Ness centre and spoke to the duty watch. As a result, I am more convinced than ever that the local knowledge and experience of coastguards are crucial in ensuring that the right response to an incident is actioned.

Often, a coastguard officer simply asks the person who is in trouble—if they do not know where they are—what they can see, and that allows the coastguard to identify where they are, or to identify, for example, which of the many Tarberts in the west of Scotland is involved, as has been said. Time that is lost by someone who does not know the area in working out where somebody is and in contacting the right person to deal with an incident might be fatal. The growing coast-based tourism industry—whether it involves sailing, windsurfing or even just walking our coastal paths—needs the back-up of a dedicated emergency service that can identify quickly where people have got into trouble and how to get help to them.

Last year, the Royal National Lifeboat Institution's three busiest lifeboat stations in

Scotland were Queensferry, Kinghorn and Broughty Ferry, which are in the area that the Forth coastguard station serves. One of the most unusual shouts was when the crews of the Kinghorn and Anstruther lifeboats were called out to the River Forth in September to rescue 14 people dressed as Vikings on a replica longboat. My leader assures me that he was not one of them. The 10 lifeboat stations within the Forth coastguard area were launched on 37 per cent of the total shouts made by Scottish lifeboats last year. Significantly, the Broughty Ferry lifeboat was called out 44 times in hours of darkness, which emphasises the need to retain 24-hour cover.

Another factor that the consultation has failed to take into account is the extension of the offshore wind industry, which will result in additional hazards for shipping, fishermen and leisure crews.

My main concern is the absence of any evidence that the review will improve safety at sea, which should surely be the prime driver for any change to the service. Unless the Maritime and Coastguard Agency can show that its proposals will improve safety and save lives, those proposals should be rejected.

The Deputy Presiding Officer: I am minded to accept a motion without notice to extend the debate by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Alasdair Allan.*]

Motion agreed to.

17:41

Jamie McGrigor (Highlands and Islands) (Con): I congratulate Alasdair Allan on securing this important debate. I have received hundreds of messages from constituents in the Highlands and Islands on the importance of the coastguard, and I am very aware of people's concerns. Following the debate, I will write to the United Kingdom transport secretary to express the sentiments of my constituents on the issue. Two of the remaining coastguard centres are in the Highlands and Islands—one is in Shetland and the other is in Stornoway. Those bases have undoubtedly provided an excellent service in the past.

As my colleague Jackson Carlaw said, we are all indebted for the countless lives that have been saved as a result of the bravery and professionalism of our coastguards. It is important that we do not lose the effectiveness of a system that is of huge importance to our island nation, with its archipelagos.

I asked local lifeboat volunteers from Oban for their points of view and they told me that since they lost the Oban coastguard station some years

ago, they have operated through Clyde coastguard, which is now scheduled for closure. What will be of the greatest importance to them and to coastal communities such as theirs is that there is not a cut in sector officers, because they provide the local knowledge in any search. Local knowledge saves time, which saves lives. That will be important in maintaining the confidence of maritime communities in any new arrangements, which will require a great deal of efficiency from any new service. Whatever is put in place has to be super-efficient. We all know that our coastal waters are extremely dangerous and that cold water takes no prisoners.

I stress the huge importance of the auxiliary volunteer coastguards, who keep their eyes open on our coasts all year round. Many of those are farmers and crofters who live near the sea. For many generations such volunteers have been the eyes and ears of the coast, reporting immediately any incidents that seem to be out of the ordinary. They provide the initial watch, which can then be responded to by the rescue services or the police. There must be a good centre that can collate incoming information from the volunteers and respond with the appropriate action. Lines of communication must always remain open and voluntary service must be encouraged.

Oban and Appin rescue team, for example, has 16 coastguard rescue officers—all volunteers—on standby to respond to any coastal emergency. The coastguard teams cover a distance of 70 road miles between Loch Sween in the south and Appin in the north, including many small islands. The Oban team relies heavily on its flank teams at Crinan, Appin and Inveraray for initial response. The teams have a good relationship with other emergency services, which means that they are often called to assist in searches for missing persons or at road-traffic accidents. They are called out regularly for medical evacuations at Oban hospital and at diving incidents, which are on the increase as subsurface adventure tourism grows more popular.

I cannot stress enough the importance of the volunteers. I hope that as many as possible are included in any consultation that seeks to modernise Scotland's coastguard services. I agree with Jackson Carlaw that we should all work together to ensure the best possible outcome of the consultation for Scotland's vital coastguard provision.

17:44

Alasdair Morgan (South of Scotland) (SNP): I also offer my congratulations to Alasdair Allan.

The MCA consultation raises significant points. It says that the current twin-centre system lacks

resilience. If that is true, it is a concern. It talks about the introduction of new technology and about the long-range identification and tracking system and so on. Surely the question is whether the current proposals are the best way to address the changes.

In favour of the current arrangements, it has been argued—including by members in the debate—that local working relationships and knowledge can save vital minutes and therefore save lives. In explaining its areas of operation, the MCA says on its website:

“The Wales and West of England Region extends from Devon and Cornwall to cover the coast of Wales, North West England and the Moray Firth, with the Scotland and Northern Ireland Region covering the remainder of the UK coastline”—

in which it includes the Western Isles, Orkney and Shetland, although it incorrectly spells Shetland as “Sheltand”. It has also confused the Moray Firth with the Solway Firth. Clearly, local knowledge does not exist at MCA headquarters.

I turn to how resilient the new system will be. A source at MCA said:

“on a couple of occasions Liverpool MRCC has been out of action due to ‘technical difficulties’ which has resulted in all local teams being out at strategic locations to monitor communications traffic for Liverpool—a difficult task which was aided by Holyhead, Clyde and Belfast”.

It is, of course, proposed that all three of those should go. Could the new system cope with that kind of crisis? Are we putting all our eggs into two baskets? We need an effective, efficient and safe system that commands confidence. If the MCA proposals are the answer—clearly, many people disagree—it has a selling job to do.

In Dumfries and Galloway, slightly different arrangements are in place. The Mull of Galloway to the east along the Solway is handled by Liverpool, which is twinned with Holyhead; the Mull of Galloway to the north is handled by Clyde at Greenock, which is twinned with Belfast. It is therefore difficult for me to use the local argument. Indeed, there may even be an argument in my situation for having more centres. The arrangements in my area have implications for the consultation that is meant to be going on. Sources at MCA tell me that meetings were going to be organised. If they are, they will be organised around the marine rescue co-ordinating centres. For most of Dumfries and Galloway that means that the meeting will be held in Liverpool; for people in Stranraer and Portpatrick, the meeting will be held in Greenock or Bangor. Members can imagine how many constituents will make their way to those meetings to put forward their views.

It is essential that the MCA hear the views of the people who are involved on the ground. It strikes me that in organising the consultation, the MCA—

like so many organisations—thinks that everybody lives within about five miles of its head or regional office. That is clearly not the case in Scotland; it betrays the same kind of ignorance that the MCA betrays in talking of “Sheltand”, and of the Moray Firth instead of the Solway Firth.

The existing system works well, so the onus is surely on the MCA to prove that its suggestions are better. It needs to listen to users’ arguments and to adapt its proposals considerably, where necessary. I am sure that that will be necessary, as it will find if ever it gets round to listening to its users—the people who are out at sea whose lives may be at risk and whose lives will probably be put more at risk if the proposals see the light of day. The current consultation arrangements certainly do not allow people to get their views to the people at the MCA who are drawing up the plans. My plea is that the consultation must be, at the very least, genuine. It should give people the ability to participate in it in person, and not only by e-mail.

17:48

Rhoda Grant (Highlands and Islands) (Lab):

I, too, congratulate Alasdair Allan on securing the debate. The issue is of great concern to the whole of my region, with its many island communities and mainland coastal areas.

I am very pleased that the Western Isles has set up a task force, given its history of successful task forces. I am also pleased that the task force is working closely with the Shetland islands campaign. I hope that the two communities can work closely together. This is not about who gains a coastguard station; it is about retaining all our 24-hour coastguard stations. As Duncan McNeil said, the Clyde coastguard station covers parts of the Highlands and Islands. We need therefore to work on a cross-party and cross-community basis. It is important that the campaign attracts the broadest possible support; the issue is far too important for the campaign to become partisan and parochial.

Too often we have seen communities being pitted against one another to fight for lifeline services. We cannot afford to take that bait. When I heard about the proposals, I wrote immediately to the minister, Mike Penning MP. In his response, he confirmed that there would be

“two Maritime Operations Centres supported by six sub-centres, five of which would operate only during the day”.

I am not an expert, but common sense dictates that search and rescue becomes more difficult at night, and that that is when local knowledge of tides and hazards really comes into its own. In my view, therefore, search and rescue cannot be co-ordinated from just anywhere, especially at night.

We already have concerns about environmental damage arising from ships running aground; Rob Gibson mentioned the Braer. Are memories so short? Following the Braer disaster, new tugs were situated in Lewis and the Shetlands, but they, too, are now being removed. Today’s ditching of a Tornado emphasises the danger. Closure of the stations and removal of the tugs will leave that remote part of our coastline absolutely unprotected, will cost lives and will mean that environmental disasters impact on our communities for generations to come.

The lack of joined-up thinking goes further. The replacement Nimrod was to be based in Kinloss but has been scrapped. That decision was made with little regard paid to how we support the coastguard in rescues that are beyond the reach of search and rescue helicopters. The search and rescue service is also subject to change. All those decisions are being taken in their own little silos, but practice on the ground is that the services work together to protect our shipping and fishing industries. We should add to that the development of renewable energy in the seas around the Pentland Firth to the north and to the west. Those areas are ideal for the supply of energy, but tapping that energy is dangerous.

All the decisions to which I have referred need to be halted and co-ordinated. We must take an approach that is based on how we can best serve our communities, rather than simply on bureaucrats doing the arithmetic.

I understand that a public meeting will take place in Stornoway tonight. We are with those at the meeting in spirit, if not in person. I hope that this debate, that meeting and the massive petition that has been launched in Shetland will be listened to by those who make the decisions and that they will stop and think about the impact that they are having on our communities.

17:52

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I, too, congratulate Alasdair Allan on bringing this debate to the chamber.

The MCA’s proposals are a threat to human lives and safety, especially in the treacherous waters of the Pentland Firth between Caithness and Orkney. As long ago as 1380, the historian John of Fordun described the Pentland Firth as a place

“where a fearfully dangerous whirlpool sucks in and belches back the waters every hour.”

Since then, the firth has only become more dangerous, as shipping movements have increased, oil tankers have become larger and, as other members have said, weather patterns have become more severe. Mike Penning states that

fact in the foreword to the MCA's proposals. I can attest to it personally, because my grandfather sank his ship—luckily, without loss of life—in that same firth in a storm.

Currently, there are five lifeboats around the Pentland Firth: at Wick, Thurso, Kirkwall, Stromness and Longhope. Surely the need to maintain so many lifeboats to serve a single area attests to the dangers of the firth. Putting coastguard support into one national centre, probably in Aberdeen, and taking out one of the two centres in Orkney and Shetland, would decimate the back-up service and be entirely unacceptable to my constituents and to me.

Going back in time, the successful response by the coastguard and volunteers to the Multitank Ascania incident proves my case. In the early morning of 19 March 1999, the chemical tanker Multitank Ascania caught fire with no less than 1,800 tonnes of flammable chemicals on board. The Pentland coastguard co-ordinated the response, which required the use of a tugboat, a lifeboat and a helicopter, and successfully evacuated the ship, anchored it away from shore and evacuated no fewer than 600 people from the threatened surrounding area. Without a co-ordinated effort by the local coastguard centre, the Multitank Ascania would surely have been an environmental disaster and, possibly, a disaster in human terms.

As other members have said, local coastguard operational centres provide invaluable knowledge of the coastline and of the rescue resources that are available in their regions. A central operational centre to meet the needs of all of Scotland could not possibly have the intimate details of Scotland's vast coastline or the unique characteristics of the traffic that frequently uses individual regions.

If another tanker were to repeat the performance of the Multitank Ascania today, I have no doubt that one centre in Aberdeen would find it extremely difficult to co-ordinate a swift response capable of doing what had to be done back in 1999.

The point has been made already: we as a Parliament must speak with one voice on this issue. Everything that I have heard so far in the debate greatly encourages me in that regard, and I again thank Alasdair Allan for bringing it.

17:55

Tricia Marwick (Central Fife) (SNP): I thank Alasdair Allan for securing this timely debate on the UK Government's proposals to leave Scotland with only one 24-hour coastguard centre.

I will concentrate my remarks on the coastguard centre at Fife Ness. I do so not to make a special

case for it at the expense of the other coastguard centres in Scotland, but simply because it is the centre that I know best and because it covers part of my constituency. Indeed, it covers the east coast from the Borders to Montrose, 24 hours a day, seven days a week.

The proposals from the UK Government are short-sighted and dangerous. The decision to close the centres has been reached in advance of the consultation. What is the purpose of a consultation if the decision has already been taken? It is important for us, as individuals and as MSPs, to engage in the consultation and to put forward an overwhelming case that reflects what so many members have said today and which makes it very difficult for the UK Government to continue its course of action.

I will concentrate on the Firth of Forth. The argument for closing the Fife Ness centre is a more difficult one to make now, as over the past few years the firth has become busier, not less busy, and will continue to do so. In addition to the leisure activities that have already been mentioned, such as walking, boating and wind surfing, there are some serious, big commercial operations in the Forth.

The growth of the renewable energy sector's base at the Fife energy park at Methil over the years means that large structures can be towed out to sea at any given time, which poses potential problems if those structures run up against boats and the like. I expect the Fife energy park and the wind turbine industry to expand rapidly, making the Firth of Forth and other places along the east coast far busier than they have been in the past.

Despite claims that ship-to-ship oil transfers have been ruled out, there is still the possibility they will take place in the Forth in the future—alongside all the other various other activities. They have not been ruled out. There are road and rail bridges across the Tay and the Forth, too, as well as commercial shipping and cruises.

Many members have highlighted the need for local knowledge, which is imperative. It is impossible to run such a service without having the local knowledge that coastguards bring. An understanding about local knowledge has simply not been present in the MCA's deliberations to date.

The tone of the debate was set in Alasdair Allan's opening speech. It is vital that we as a Parliament present a united front on the matter. The proposals, if enacted, will be dangerous for our commercial industries, as other members have said. There is also a real potential that lives will be lost if they go ahead.

17:59

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Like everybody else, I thank Alasdair Allan for giving us the opportunity to debate this subject in the Parliament. It is perhaps ironic or perhaps opportune that, on the very day when there is a major incident on the west coast, here we are discussing the possibility of losing the safety features that exist in the area. I am glad to say that, according to the information that I have, the two occupants of the plane have been picked up, and they are on their way to, if not already in, Raigmore hospital. That is good news.

It seems that the Westminster Government has launched a full-out assault on maritime safety, placing the value of money over human lives and safety, as we heard. The UK Government's most recent proposal, which is to slash the number of coastguard operations centres, follows a pattern of attacks on maritime safety, which concerns many people not just in the Parliament but up and down the west coast of Scotland.

The UK Government moved to remove the four MCA emergency tugs that were put in place in response to the Braer oil tanker disaster and the proposals in the Donaldson report. Many of us fought long and hard, with the support of the communities up and down the coast, to have those tugs put on station.

The UK Government's irresponsible decision on maritime safety will put lives and industry in danger. The centralisation of coastguard services sacrifices vital local knowledge of the intricate coastlines of Scotland and its northern and western isles. There is no doubt about that. Without local expertise and knowledge, time will be lost. Local expertise is necessary for successful—I repeat “successful”—maritime rescues and responses to environmental disasters. Respondents in remote operating centres will not have the knowledge or the time to ensure safety along the Scottish coastline, as many members have said.

Slashing the number of coastguard operations centres is a short-sighted strategy, which would be completely undermined in the event of a maritime incident, especially an environmental disaster such as another oil tanker spill. The devastating consequences of a maritime disaster for Scotland's tourism and fishing industries, not to mention the incalculable cost in human life and environmental health, would far outweigh any immediate monetary gains from coastguard centralisation.

How far will the UK Government go to reduce coastguard expenses? The future of RAF Lossiemouth is already uncertain and the recent attacks on coastguard personnel and tugs

heighten concern over the future of additional coastguard services. Maritime safety must not be jeopardised for the sake of cutting costs. Our coastguards must be given the resources to perform their duties and ensure the safety of Scotland's people, environment and industries.

In light of the current consideration of the Scotland Bill, perhaps it is worth considering whether some aspects of maritime safety should be transferred to Scotland. The safety of our waters and coastlines is invaluable and I am appalled by the Westminster Government's willingness to put it in jeopardy.

18:03

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I congratulate Alasdair Allan on securing this important debate and I congratulate members on their eloquent speeches. The fact that so many members spoke in the debate illustrates the strength of feeling in all parties on the proposals that we are considering. As many members said, the issue is of vital importance to all Scotland and not just to areas in which coastguard maritime rescue co-ordination centres are under threat of closure. Maritime safety in our waters must surely become compromised if the measures are implemented.

We all want to pay tribute to all our coastguard staff and volunteers the length and breadth of Scotland. Last year they responded to more than 3,500 calls and they often act in dangerous and harsh conditions to help people in peril. As we heard, two of my constituents, who are based at RAF Lossiemouth, were taken to hospital in Inverness today by the coastguard helicopter that is based in Stornoway and, as we speak, local coastguard teams are in action to look for debris in the water.

The UK Government's announcement on the future of our valuable coastguard service came as a shock to the Scottish Government, given the absence of formal discussion on the matter beforehand. Of course, this is not the first time that maritime issues of concern to Scotland have been handled in such a cavalier fashion. A similar thing happened in October last year, when the withdrawal of UK Government funding for the emergency towing vessels was announced. Following the loss of the Tornado off the west coast of Scotland today, the local emergency towing vessel is in action with the coastguard teams to look for debris.

All that takes place against the backdrop of the loss of the Nimrods and their search and rescue capabilities. That, in turn, is linked to the closure of RAF Kinloss, where the air rescue co-ordination

centre that currently tasks the coastguard helicopters is based. There is also continuing uncertainty about the future provision of the UK search and rescue helicopters.

As we are a maritime nation, all the uncertainty about maritime safety is of huge concern to all members, as John Farquhar Munro and others said. It is difficult to comprehend the justification for the scale of the proposed cutbacks.

In relation to the coastguard service, it is unacceptable that none of the devolved Administrations is even listed as a consultee, even though existing co-ordination centres in Scotland, Wales and Northern Ireland are all under threat of closure. I assure members that the First Minister intends to write to the Prime Minister to express frustration that matters with clear implications for Scotland are not being handled more sensitively. Members may be aware that I have already written to my counterpart in strong terms on those issues. The Scottish Government will also make a submission to the formal consultation in due course.

Opposition to the proposed closures is gaining momentum. The First Minister recently met Alasdair Allan and Tavish Scott to discuss their joint campaign to save the coastguard centres at Stornoway and Lerwick, but we should not forget the other centres at Fife Ness and Greenock, which are also under threat of closure, and the campaigns that they have initiated. Duncan McNeil highlighted Greenock, and Fife Ness was raised by members from Fife and elsewhere.

We are acutely aware that, as well as having implications for maritime safety, the closures would have an impact on jobs. Only Aberdeen appears to be safe from closure and, if the plans that have been set out are implemented, Scotland's coastguard co-ordination centres will be reduced from five to two, only one of which will be open 24 hours. The MCA proposes a reduction in the total number of co-ordination centres in the UK from 18 to eight.

Scotland has 60 per cent of the coastline and 60 per cent of the total sea area of Great Britain, but the proposed reduction would leave us with only 25 per cent of the co-ordination centres. In anyone's book, that spells danger. It is not a good ratio for Scotland. I repeat: only 25 per cent of the co-ordination centres would cover 60 per cent of the sea area.

We are all concerned about the risks that would arise from a greatly reduced co-ordination service. Under the proposals, watchkeeping officers might become overloaded with work. The fear must be that, if they had to respond to a major maritime incident, seemingly minor incidents in the area might not be handled as efficiently as they are at

present and, as a consequence, lives might be put at risk. As many members said, the issue is the potential for lives to be put at risk at sea or on our coasts.

It is important that coastguards acquire and maintain local knowledge. That must surely be difficult if they are located hundreds of miles away from the scene of an incident. Some people argue that centralisation could result in the better use of more sophisticated equipment and in cost savings, but that should not happen at the expense of losing valuable expertise about remote and often inaccessible coastal areas with often unfamiliar names.

Indeed, it has been suggested that the subtle differences in the sound of Gaelic place names that are in common use in the north-west of Scotland and the Western Isles are likely to cause difficulties. Alasdair Allan, Tavish Scott, Alasdair Morgan and other members paid a lot of attention to the need for local knowledge, and some of the potential problems that they described would arise.

There must surely also be an issue for the voluntary coastguard rescue service. Although we are told that the service is not under threat of being cut back, it is proposed that the existing management arrangements be altered, and no regard appears to have been paid to the impact that the centralisation of the co-ordination centres may have on local volunteers' morale.

Like all the members who spoke in the debate, the Scottish Government has real concerns about the UK Government's ability to manage the valuable public service that the coastguard co-ordination centres provide. Financial savings appear to have been placed before maritime safety. The Scottish Government will seek views on how the coastguard service can best be managed in Scotland. That includes considering the merits of devolution—as suggested by John Farquhar Munro and others—which would align the service with the other blue-light functions that operate in Scotland.

As we know, Scotland stands poised to reap the rewards of clean, sustainable energy from our seas through the installation of numerous offshore wind, tidal and wave-power developments in the future. As other members have said, that is just one reason why we will undoubtedly see an increase in marine activity, which may bring with it associated risks for other mariners. It is therefore crucial that the valuable service that our coastguards provide is not compromised in any way.

We need a coastguard service in modern-day Scotland that is capable of delivering for Scotland, and we need to keep safe those who use our seas

and coasts. The debate has shown that members stand united to achieve that aim. The Scottish Government, all political parties and the Scottish Parliament can work together to ensure that we secure the best outcome for Scotland in the weeks and months ahead.

Meeting closed at 18:10.

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