



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 17 March 2011

Session 3

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# Scottish Parliament

Thursday 17 March 2011

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

## Bus Services Regulation

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

Good morning. The first item of business this morning is a Labour Party debate on motion S3M-8177, in the name of Charlie Gordon, on transport.

09:15

**Charlie Gordon (Glasgow Cathcart) (Lab):**

Our previous full-scale debate on local bus services was way back on 12 June 2008. That is not to say that Labour has not campaigned relentlessly before and since for various improvements for bus users. Throughout this parliamentary session, we have fought for free bus travel for people who are on the lower rate of disability living allowance. We have fought for demand-responsive transport operators, such as community transport groups, to be admitted to the free bus travel scheme. Our campaign to force the Scottish Government to emulate the previous United Kingdom Labour Government's pioneering success with a green bus fund was a triumph.

On two of the aforementioned issues, and on the wider regulatory issues, I consulted on a member's bill to regulate Scotland's bus services. Of the 95 consultation responses that were published in late 2009, only four were opposed in principle, but my subsequent bill proposal fell because of a lack of cross-party support.

Historically, Labour has led the Parliament on responses to the concerns of bus users. Indeed, Sarah Boyack's Transport (Scotland) Act 2001 provides for statutory quality partnerships on individual bus routes and for statutory quality contracts, which is to say, franchise packages of routes that, for the first time since the deregulation of 1986, legally provide for the possibility of cross-subsidisation of socially necessary but unprofitable local bus services from the profits of more lucrative routes. However, no statutory quality partnerships or statutory quality contracts have been signed since 2001. It would appear that, for Scotland's bus operators, partnership with the public sector has its limits.

It is not that bus operators mind accepting public money. The minister's amendment reminds us of the figures. Approximately £255 million goes from the Scottish Government to bus operators for various purposes. That is not to mention the tens of millions of pounds more from local authorities

for subsidised bus services and for school transport. The Scottish Government's own figures point to a gross level of public financial support for Scotland's bus industry that is not all that dissimilar to the level of public financial support for Scotland's rail industry, but rail is, rightly in my view, heavily regulated. Why should local buses not be regulated as well? The Tory amendment says that it is because market forces are working well for local bus passengers. However, since 1986, many parts of Scotland, such as the Borders and the Highlands and islands, have had no commercial local bus services to speak of. The few local bus services that exist in rural Scotland are usually subsidised by the council.

So where in Scotland's bus landscape are market forces operating classically? After a five-month study of UK local bus markets outside London and Northern Ireland from August 2009 to January 2010, the Office of Fair Trading referred the industry for a full-scale market investigation by the Competition Commission. Among other things in its published reasons for the referral, the OFT said:

"We found that markets tend to concentration (monopoly or near-monopoly) at the route, local and regional level.

We found that there were a number of barriers to entry to local markets that make it difficult for new operators to get into these concentrated areas."

"We also found that operators with a strong market position charge nine per cent more than operators who are challenged by a large well resourced rival."

The Competition Commission will report by the end of this calendar year on its investigation. Many Scottish stakeholders were quick to make representations to the commission on those issues, and I make no apology for quoting their submissions extensively to help build up a picture of the bus market in Scotland today.

In its submission to the commission, Strathclyde partnership for transport complained that prices of its intermodal ticket, the ZoneCard, were being forced up by bus operators

"in comparison with operators own multi-journey tickets and this encourages own-brand loyalty".

SPT also said that it was

"aware of recent examples of tendered services being lost by the incumbent who then commercially registers the service for some of the journeys included in the tendered service ... thereby frustrating the company winning the bid."

In its submission, West Lothian Council said:

"commercial bus services are constantly changing as operators seek to improve their financial and operational performance. As well as creating constant changes to services for users this is affecting our resources, especially when commercial services are withdrawn and require contract service replacement."

Fife Council said:

"We believe geographic segregation is a significant issue in Fife. It is disappointing that competition isn't materialising, especially as we are surrounded by many potential operators."

It went on to say:

"Fife Council is concerned at the increasing costs of providing tendered services."

The well-known and well-respected Scottish Association for Public Transport, the president of which is a Scottish National Party MSP, said:

"Despite having duties to improve air quality and amenity, local authorities have limited powers over bus services ... subsidy supports competing services on many routes, but does nothing to encourage integration, good connections and smart multi-modal ticketing."

The woman with daily involvement in what limited regulation exists of Scotland's local bus services, the traffic commissioner for Scotland, Joan Aitken, said:

"Scotland is similar to the rest of the UK in that the major cities have a near monopoly bus provider with the immediate surrounding hinterland having a near monopoly bus provider—a city and county pattern."

**Robert Brown (Glasgow) (LD):** I am intrigued by Charlie Gordon's direction of travel. He complains about market failure, but he seems to be suggesting that he is looking for market monopoly on a regulated basis. Am I wrong about that?

**Charlie Gordon:** Not for the first time, Mr Brown is wrong. If he listens for a bit longer, he will learn.

The traffic commissioner continued:

"Thus, Edinburgh has Lothian Bus whereas the surrounding counties have Stagecoach; Dundee has Travel Dundee ... and the counties have Stagecoach; Aberdeen has First Aberdeen and the counties have Stagecoach. Glasgow is slightly different but the dominant provider is First Glasgow with Stagecoach dominant in Ayrshire and down to Dumfries and Galloway and Arriva having a dominant presence in Paisley though with competition from McGills."

She went on to say:

"Where it becomes difficult is when an operator registers a service to run slightly in front of an established service and the suspicion is that it is to be predatory rather than simply offering a better service to the travelling public."

The Scottish Government did not make written representations to the Competition Commission on these matters. It obtained a formal hearing with the commission on 1 July 2010, the note of which says:

"The Scottish Government had produced detailed guidance for local authorities ... The Scottish Government said that there had been a discrete bus action plan within the National Transport Strategy. Most of the 17 actions listed had been delivered. The Scottish Government's role had been mainly to produce detailed guidance ... The Scottish Government said that planning for bus services had been devolved to local authorities, which had been

given funding to address bus priorities and provide support for local services and route development."

In fairness to the Scottish Government, that is not its last word on the matter. By that, I am not referring to Keith Brown's amendment, wherein he says something that he wished that he had said in the fuel debate a fortnight ago but did not. I am talking about last September, when John Swinney stepped in. Mr Swinney told the Parliament's Transport, Infrastructure and Climate Change Committee:

"Earlier this year the Minister for Transport ... and I negotiated with the bus companies a change to the reimbursement rate for the concessionary travel scheme. That gave us protection around access to the bus network and the availability of routes".

He went on to say:

"As part of that discussion we reached an agreement on the level of the bus service operators grant".

I pressed him—

**The Minister for Transport and Infrastructure (Keith Brown):** Will the member take an intervention?

**Charlie Gordon:** I am sorry, but I do not have time: maybe later. I pressed Mr Swinney at that meeting by asking:

"Are you now saying that the deal that was done"

—that was the deal with the bus service operators—

"will ensure that substantially the same commercial bus network will be in place for the next couple of years?"

John Swinney replied, "Yes", and I said—and I say again:

"We will look at that in the light of what happens on the ground."—[*Official Report, Transport, Infrastructure and Climate Change Committee*, 21 September 2010; c 3274.]

Even as John Swinney spoke, Stagecoach Fife was cutting services and blaming it on the deal that the cabinet secretary had done. Since then, there have been more cuts in local bus services. In my constituency, a housing estate that has many elderly residents and which is atop a long steep hill had its service cut. More than 500 residents signed protest letters and the bus company and SPT are reviewing the situation.

Something similar happened in Dunfermline recently, but a bunch of pensioners—some of whom are in the public gallery, I believe—started a buses for people campaign, which forced the offending bus company, Stagecoach, to think again. However, those pensioners had no help from the local SNP-controlled council; I am sure that we will hear similar stories throughout the debate.

Here is Labour's message to Scotland's bus users, former bus users and would-be bus users.

If you want local bus services that are more responsive—buses for people, if you will—with reasonable fares, through-ticketing, co-ordination with other bus services and modes of transport, and vehicles that are cleaner, greener and more accessible, board Labour's bus: we are going your way.

I move,

That the Parliament believes that market failure in the bus industry requires legislation to regulate bus services in the best interests of the travelling public.

09:27

**The Minister for Transport and Infrastructure (Keith Brown):** Today's debate provides a timely opportunity to discuss the bus industry, assess its current status and consider what improvements can be made to ensure the delivery of bus services throughout Scotland. It is right that we do that on a regular basis.

Buses currently provide the key sustainable mass public transport, moving large numbers of people for a wide range of personal reasons at a reasonable cost. That contributes to the Government's aims of enabling economic growth, improving social inclusion and accessibility, reducing emissions and improving air quality.

The number of bus passenger journeys made in 2009-10 amounted to 467 million, compared with 61.72 million journeys made by rail. Of those bus journeys, 151 million were made using the concessionary travel scheme: it was on that point that I tried unsuccessfully to intervene on Charlie Gordon and I will come back to it.

Bus company revenue from local bus services in 2009-10 amounted to £626 million, which reflects the substantial size of the industry in Scotland. The number of vehicle kilometres that were run in the commercial sector in Scotland in 2009-10 amounted to 300 million km, which represents 74 per cent of the total mileage for local services. That means that 79 million km of local services were subsidised by local authorities using their current powers to provide socially necessary services.

The Government's role is to set the national policy framework and the strategic direction for bus services. The majority of bus services in Scotland are provided by the private sector operating in an open market. That encourages innovation, which can be difficult and at times risky, but can offer substantial rewards for the operators and the user.

I have been interested in the development of, for example, Lothian's state-of-the-art fleet of buses that serve Edinburgh airport in direct competition with other modes of transport, in particular the

private car. However, that level of service must be reflected in more areas—particularly in commuter areas—to encourage modal shift from the car.

As Charlie Gordon acknowledged, the Government has provided record levels of funding under the historic concordat with local authorities. We believe that local authorities are best placed to understand the transport needs in their areas. The development of a collaborative partnership between the public and private sectors is essential to the effective delivery of local services. That is particularly important during a period when resources become constrained, which is when creative and innovative solutions need to be devised to make the best use of more restricted resources.

Scotland is proud to have a manufacturer of high-quality innovative buses and to be the base for several world-class transport providers. The Government has made available a range of policy tools to local authorities to aid delivery of the bus services in their areas. They include punctuality improvement partnerships, statutory quality partnerships, park-and-ride schemes, traffic control orders, bus priority schemes, increased parking charges for private cars when that can lead to modal shift, increasing use of real-time information, tendering for socially necessary services, operating bus services under licence, and the provision of demand-responsive transport. That is not an exhaustive list of the policy options that we have used.

The important point is that a range of potential actions is available for local authorities to consider taking to meet the specific requirements and conditions in their areas. Many of the examples are delivered in Scotland, including travel planning that is being taken forward in Dundee as part of the smarter choices, smarter places initiative. The first statutory quality partnership in Scotland was put in place by Renfrewshire Council on 7 March, and another quality partnership is under development in Glasgow. A punctuality improvement partnership is in place in Dundee and it has resulted in changes in some bus priorities in the city.

Local authorities can operate services if appropriate via an operator's licence. They can also operate local bus services under section 46 of the Public Passenger Vehicles Act 1981, under which fare paying passengers can be carried on school bus services, or by using school bus vehicles when not in use to provide those services—I believe that Scottish Borders Council does that. The councils in Edinburgh, Aberdeen and Glasgow are considering bus lane enforcement, which was recently put out for consultation. Community transport partnerships are evident in places such as Badenoch and

Strathspey, where a vital service is provided for local people. That has demonstrated how voluntary local schemes can work successfully.

Many of the tools can be adapted to meet the diverse aims of different parts of the country and, in particular, many interventions can be made for relatively little cost. Adopting a range of interventions in partnership with operators and other local authorities can deliver a synergy or step change in service delivery. That cannot be achieved overnight, but it can be developed through effective transport planning implemented determinedly over a period of years. Individual actions can be straightforward, but the more difficult part is identifying a shared idea of success and developing plans in partnership to put in place the actions needed to deliver effective transport.

We must ask what the Scottish Government has done in particular to advance the agenda. We have worked with a range of stakeholders to develop a detailed suite of guidance to enable local authorities and operators to use the policy tools that I have mentioned. They include statutory quality partnerships, punctuality improvement partnerships, guidance on competition issues related to agreements, which Charlie Gordon mentioned—it is right that the Competition Commission looks at such matters; that is the remedy that is available—park-and-ride frameworks and bus information.

In addition to those tools—and this is crucial—the Government provides substantial funding to the bus industry. I was pleased that Charlie Gordon acknowledged that. In 2010-11, more than £240 million will be spent on bus services. That includes funding for the national concessionary bus travel scheme and the bus service operators grant.

Charlie Gordon would not take my intervention, which was to find out whether the Labour Party's position is that espoused by Richard Simpson, who said that he would cut back on concessionary travel, in particular for some groups of pensioners. It would be interesting to find out when Charlie Gordon sums up whether that is the Labour Party position. For our part, there will be £240 million spent on bus services. That also provides funding to local authorities to subsidise socially necessary services and the bus route development grant.

The Scottish Government fully supports our national concessionary bus travel scheme, which provides free local and long-distance bus travel throughout Scotland to older people and people with disabilities. That is essential to promote social inclusion and a more active lifestyle by enabling people to use the bus network to access public services, facilities and social networks. This Scottish Government has no plans to change the current eligibility for the concessionary scheme—

at least, no plans to restrict it, unlike, as we have heard, the Labour Party apparently has.

**Karen Gillon (Clydesdale) (Lab):** What?

**Keith Brown:** It is on record.

Earlier this year, we agreed changes to the reimbursement rate with the Confederation of Passenger Transport that make the scheme more sustainable. Bus subsidy is also provided as the bus service operators grant, which is paid directly to bus operators. The BSOG benefits passengers by helping operators to keep their fares down, by enabling operators to run services that are less commercially viable and by supporting the bus network. From April 2010, we removed the link to fuel duty through the BSOG and introduced incentives for operators to run low-carbon vehicles to help in achieving our climate change targets. That is something that we can further address if the fuel stabiliser that was agreed by the Scottish Parliament is eventually adopted at Westminster. In 2010-11, £66.5 million is available for mileage run, which was agreed with the CPT on the understanding that operators would seek to minimise reductions in mileage.

Charlie Gordon also mentioned the Scottish green bus fund, which was promoted by the likes of Michael Matheson long before the Labour Party jumped on to that particular bus. The Government launched the Scottish green bus fund in July 2010 to encourage the purchase of low-carbon vehicles. The scheme funds the difference in cost between a low-carbon vehicle and a diesel equivalent. The fund of £4.4 million will enable 48 vehicles to be ordered for Scottish services throughout the country. Low-carbon vehicles allow growth in patronage to be increasingly favourable due to the reduction in emissions per passenger. The fund also enables economies of scale to apply to bus manufacturing, thereby enabling increasing numbers of low-carbon vehicles to operate in Scotland.

In addition, we have sought to address the increasing problem of poor air quality in our cities by making available funding to retrofit particulate traps on buses. I am delighted to announce that, in this financial year, both Glasgow and Edinburgh will benefit from funding to the tune of £524,000. That will allow their citizens to benefit from improved air quality as the retrofitting is carried out on city centre bus services.

I have mentioned fuel costs. The steep increases that we have seen recently threaten the economy and disproportionately penalise rural areas. For that reason, the Scottish Government calls for the Westminster Government to introduce a fuel duty regulator to mitigate the effect on prices, on individuals and on the wider economy. I do not think that it is possible for Labour members



to hide their recent shameful abstention on the issue in trying to portray themselves as champions for bus passengers. A large part of the cost of running buses is fuel duty and the Parliament has voted in favour of a fuel duty stabiliser, a derogation for rural areas and the forgoing of Labour's proposed increase in fuel duty this year in order to benefit passengers.

Buses provide the sustainable mass public transport that is necessary to support economic growth while minimising the impact of transport on the environment—we must try to strike a balance. Given the suite of policy initiatives that the Government has taken, we can at least accept that we have sought to achieve that balance; however, we must always re-examine, at different stages, whether the balance that has been struck is the right one, and we should commit to doing that. Central to our policy has been the view that the bus has an important role to play in achieving modal shift, which is the major deliverable in helping to achieve our climate change targets.

As we have demonstrated, the Scottish Government provides significant funding to the industry, which, as I have outlined, will increasingly incentivise investment in developing a modern vehicle fleet and reducing its environmental impact. We have provided detailed guidance on essential policy tools for operators and local authorities. I submit that those tools are sufficient to address the needs of local authority provision of bus services and that there is no requirement for further regulation. However, there is a need for transport to be given its appropriate priority and for partnership working across local authorities and with bus operators to achieve transport aims.

Given its flexibility, efficiency and accessibility, the bus is an essential part of our community, our economy and our future. I encourage all those who are involved across the public and private sectors to work together to seize the potential of a positive future for buses.

I move amendment S3M-8177.1, to leave out from “believes” to end and insert:

“notes the Labour proposals for regulation of bus services; recognises the important role that bus services provide to communities across Scotland; welcomes the Scottish Government's investment of almost £250 million in the bus network, including funding for the national concessionary travel scheme, the Bus Service Operators Grant, which supports the bus network, investment of £4.4 million in the Scottish Green Bus Fund and over £500,000 in retrofitting particulate traps in buses that help reduce costs, and calls for more practical support for passengers and bus companies including the introduction of a fuel duty regulator, as agreed by the Parliament on 2 March 2011, which would be of genuine help to bus users, reducing costs, unlike Labour proposals on VAT, which can be reclaimed and would make no difference to bus companies or users.”

09:39

**Jackson Carlaw (West of Scotland) (Con):** I was intrigued when news filtered out that Labour was to set aside the whole of this morning's debate—the last major debate of this parliamentary session—for a debate on transport. I wondered whether, after all, something new and interesting was coming. After a fortnight of the most spectacular basket of U-turns in recent Scottish political history, what could it be? Was the U-turn and knifing of Des McNulty over a graduate contribution to fund higher education, followed by the self-immolation of Mr Gray over his own ringing calls for a council tax increase, followed by the dissection of Mr Kerr's accident and emergency hospital closure plans to be followed by a similar or even more spectacular volte face by Mr Gordon on transport? Will I never learn? Instead, we have had a replay of Charlie Gordon's greatest hits and prejudices—an end-of-session blast from an old-Labour, hard-left rock-and-roll tribute act. In front of backing singers Mary Mulligan and Karen Gillon sits Charlie Gordon, the brains and the familiar gravelly voice of the band—the Mick Jagger of the act.

Today promised so much but, sadly for old tribute acts performing many of their old tunes, fashions have changed and it all sounds hopelessly dated. Bus regulation, alleged market failure, legislation—the same old litany, repeated often enough in the hope that, eventually, repetition will make a truth out of a demonstrable nonsense.

Scotland's bus industry is far from a market failure. It is a market success and a world-class and industry-leading success at that. Mr Brown detailed examples that show that that is the case. In the most recently published industry survey, only 5 per cent of the travelling public, whose best interests Mr Gordon sets out to represent, rated their level of bus service as poor. On the contrary, more recent statistics illustrate that 73 per cent of people believe that buses are on time, 80 per cent believe them to be frequent, 75 per cent believe that they operate when they are needed and so on and so forth.

**Patrick Harvie (Glasgow) (Green):** Will the member give way?

**Jackson Carlaw:** I do not think that I will, today.

Scotland's bus industry is an important private sector contributor to our gross domestic product at a time when there is arguably an overdependence on economic activity that is generated within or by the public sector. In fact, we should be celebrating the success of a commercialised bus industry that does not generate any great burden on the public purse during these straitened times. Virtually 100 per cent of First Aberdeen's mileage, and around

98 per cent of First Glasgow's, is commercial. Further, the industry employs around 18,200 people.

Much has been achieved for Scotland since Mrs Thatcher's groundbreaking legislation in 1985, which was followed by the Transport (Scotland) Act 1989. Indeed, much has been achieved by the successful companies that have emerged and those entrepreneurs who have flourished, such as Mr Souter. Mrs Thatcher made Mr Souter what he is and Alex Salmond keeps him where he is—a compliment that Mr Souter seems happy to return. True, there is a commercial fee for that, but what a dividend! Maybe that is the market failure to which Mr Gordon alludes—a commercial organisation failing to support Labour but free to make its own mistakes.

Labour's 2001 act failed as a catalyst. Mr Gordon's bill proposal collapsed in January last year and was neatly dispensed with by my very good friend and current UK coalition colleague Alison McInnes when she said:

"Any additional legislative approach, as proposed by Mr Gordon, may be unnecessary. In addition, I do not believe that Scotland's bus services would be best served by additional regulation. Mr Gordon's proposals would have been a strain on Scotland's already overstretched local councils. It is likely they would have increased the costs involved for operators, while reducing private sector investment in the bus industry".

It was true then, and it is true now.

In its briefing for today's debate, the Confederation of Passenger Transport illustrates just how much is currently being invested by our commercial bus sector in the best interests of the public, whom Mr Gordon seeks to champion. It mentions the more than £61 million that has been invested by Stagecoach in new vehicles in the last four years, with a bus fleet average age of eight years, 66 per cent of which is achieving the low-floor accessibility targets; the introduction of some 120 hybrid electric vehicles; a 57 per cent increase in McGill's Bus Service's fleet during the current year; a £39 million investment by Lothian Buses over the past four years in new buses, with an entire fleet achieving the low-floor requirement; and a £15 million investment by First Glasgow in the shuttle service to Glasgow airport. That is all being accomplished without the regulation that Mr Gordon seeks.

Scottish Conservatives believe that further opportunities exist if we open up our motorway hard-shoulder network and are able to sweat that asset to the advantage of passengers and commuters. That is why we welcome the commitment to complete the M8 and the progress that has been made in recent years on the M74 and M80.

I express disappointment—as does Stagecoach for that matter—at Scotland being allowed to fall behind the widespread rollout of hard-shoulder running in England by the Conservative/Liberal Democrat coalition Government. The postponement of the all-too cautious M77 pilot park-and-ride hard-shoulder running scheme, which would have facilitated new fast coach access to Glasgow from park-and-ride facilities in Ayrshire—a considerable additional investment in the area—is much to be regretted, and we will campaign in the forthcoming election for a major expansion of motorway hard-shoulder running, which will be a non-regulated additional opportunity for major investment in public passenger transport by the commercial bus industry.

Mr Gordon has provided us with a timely reminder this morning that, as in so many walks of life, Margaret Thatcher lit the beacon and showed us the way. Bus regulation belongs to our prehistoric industrial and political past. The last thing that our successful commercial bus industry requires is for dinosaurs to once again rule the earth—or, more particularly, the Government of Scotland.

I move amendment S3M-8177.3, to leave out from "believes" to end and insert:

"notes that voluntary partnerships between bus operators and local authorities have proved a successful means of delivering quality bus services in many areas of Scotland; congratulates Perth-based Stagecoach and Aberdeen-based FirstGroup on their unparalleled global success; further congratulates Lothian Buses on being named the best bus company in the UK for 2007 and notes the success that this company has achieved since the Transport (Scotland) Act 1989; therefore, in light of the clear evidence, cautions against the inappropriate regulation of bus services, and urges local authorities concerned about services in their area to examine those voluntary partnerships operating outside the statutory framework that have delivered most in terms of results and to consider what lessons can be learned and applied."

09:45

**Alison McInnes (North East Scotland) (LD):**

As Jackson Carlaw said, we have been here before. It is a bit like groundhog day.

Charlie Gordon has revisited a proposal that he knows has no majority support. That is borne out by the amendments to his motion that have been lodged. In fact, he could not even garner enough support to take forward a member's bill on the subject beyond the preliminary stage. That constant harking back only distracts from the real issues. The Transport (Scotland) Act 2001 contains adequate provision for statutory quality partnerships and quality contracts. The fact that those mechanisms have not been much used suggests to me that local authorities find a collaborative approach to be much more fruitful. I

am also pretty sure that local authorities are mindful of the costs that would befall them from intervention in the market.

We can easily find examples of innovation and success in the bus industry throughout Scotland, with the possible exception of parts of Glasgow. If the Labour Party and its representatives on regional and local transport authorities in Glasgow had spent a fraction of the time and effort that they have expended in the past decade on trying to get support for reregulation on actually working with the bus industry, we would have seen a step change in bus services in Glasgow.

In Scotland, we have the benefit of world-class, home-grown bus operators in FirstBus, Stagecoach and Lothian Buses, besides many good local independent operators. The most effective and lasting improvements to the bus network have come from partnership working that has involved the industry, local authorities, regional transport partnerships and the Government. Where councils foster a supportive environment, we find evidence of the commercial market growing the network. For example, Stagecoach and National Express are partners with Dundee City Council and Angus Council in a bus punctuality improvement partnership, and Renfrewshire Council, South Ayrshire Council and Glasgow City Council are all working with operators to create statutory quality partnerships, which will see all parties committing to improving the services and bus infrastructure that are available to the travelling public. The City of Edinburgh Council and Lothian Buses recently completed a pioneering scheme that involved older vehicles being retrofitted with exhaust technology that markedly improved their emissions levels.

The provision of first-class, flexible bus services involves a package of measures, and is as much about what happens off as on the buses. The improvements that are rightly expected from the industry, such as in modern buses, value-for-money fares, consistency and reliability, must be supported by public investment in infrastructure, whether that is in measures to ensure that buses do not get caught up in congestion, park-and-ride schemes or up-to-the-minute timetabling information. Innovation and investment from bus companies must be matched by commitment and investment from local and national Government.

I am not pretending that everyone has the bus services that they would like. Bus routes have been cancelled and fares have risen. In response to local concerns, I conducted a bus survey in rural Aberdeenshire recently and found clear evidence of inadequate services. My response to that was not to call for the reregulation of the bus industry; rather, it was to meet local operators, the

local council and even local social enterprises to see what improvements could be made. The early indications are that some improvements could be brought in.

Few, if any, local authorities would relish taking on the task of the wholesale planning and funding of local bus services. We all know already of councils that are cutting back on their supported bus services because of the financial pressures that they face. The truth is that a cheque book would help, not the statute book.

Of course there are gaps in the market, but much more could be done within the existing framework to encourage the greater take-up of bus services. In a recent inquiry, the Transport, Infrastructure and Climate Change Committee considered the relationship between transport and land use planning and made a number of sensible suggestions on future developments. The Government's report on proposals and policies, which we discussed yesterday, notes that greater focus on travel planning would make a difference. Larger employers should work closely with bus operators to identify commuting and working hours patterns to help to trial new services.

Greater attention to passenger priority measures would allow operators to use their resources better to provide a greater network of services. Resources are unnecessarily tied up in dealing with the impacts of congestion in our towns and cities. In some parts of Scotland, overall journey times have increased by as much as 12.5 per cent in the past five years. That increases bus companies' operating costs without generating additional fares income. It disappoints me that, in Aberdeen, which is in my region, no new bus priority measures have been introduced for many years. That has meant longer journey times for passengers and higher operational costs for bus operators. Stagecoach reports that an extra seven buses are required to maintain service reliability because of congestion in Aberdeen city centre, at an additional cost of about £650,000 a year. Surely that money could be better spent on developing new routes or more frequent services.

The Government has been, at best, ambivalent about the bus industry. In the early years, it cut the BSOG and had lengthy wrangles over the concessionary fares reimbursement formula. It ended the rural transport fund, hindering rural communities in finding local solutions. Community transport and demand-responsive transport must be recognised as essential partners in providing a joined-up bus network. The bus route development scheme was abolished, despite having been successful at growing markets. Liberal Democrats would like that to be reinstated.

**Keith Brown:** Does Alison McInnes acknowledge that the bus route development

scheme was not abolished, but was given to local authorities and mainstreamed into their funding?

**Alison McInnes:** It has been disaggregated to the point at which it is of little value to anyone. It is not enough to roll out new services and it has not been used in that way.

I ask the Parliament to join me in recognising the importance of efficient and accessible bus services at a time of high fuel costs and changing travel patterns. There have been positive developments in the bus industry in recent years, but more progress can be made on improving access to bus services, encouraging modal shift and reducing congestion. The provision of efficient and affordable bus services must be supported with the necessary infrastructure on local and trunk roads, including expanded park-and-ride schemes, bus passenger priority measures and accurate and accessible timetable information.

I move amendment S3M-8177.2, to leave out from “believes” to end and insert:

“recognises the importance of efficient and accessible bus services at a time of high fuel costs and changing travel patterns; welcomes the positive developments in the bus industry in recent years, but believes that more progress can be made in improving access to bus services, encouraging modal shift and reducing congestion; believes that the provision of efficient and affordable bus services must be supported with the necessary infrastructure on both local and trunk roads, including expanded park-and-ride schemes, bus passenger priority measures and accurate and accessible timetable information; supports community transport and demand-responsive transport schemes in areas where public transport availability is limited, and supports the restoration of the Bus Route Development Scheme to aid the development of new and existing registered local bus services that have the potential for growth.”

09:51

**Karen Gillon (Clydesdale) (Lab):** I thank Jackson Carlaw for his comments, as I have seldom had so many compliments in one speech. However, for the record, I am more of a Cliff Richard girl than a Mick Jagger one.

When I was growing up in the rural Borders, a car was a luxury that few could afford and, as a family with only one wage, we certainly could not. For us, the bus was the only way to get from A to B. To get to the now closed Peel hospital, the Woolies at Hawick where we could buy records—yes, I remember them—down to Kelso for the rugby or, for a real adventure, to take a trip up to Edinburgh, we had to go by bus. That was 30 years ago. In the intervening period, car ownership has become affordable for many. However, with bus deregulation, in constituencies such as mine, the car has become a necessity for many and something that they have to keep even when common sense tells them to get rid of it.

Rising fuel prices impact hardest on rural communities and harder still on the poorest families. Many families are seriously considering giving up their car. They will not forget that, two weeks ago, you lot in the other parties voted not to reduce VAT on fuel. That would have been a practical measure that could have put money into those people's pockets this week and next, but there we go—a press release is far more important than practical help.

We cannot get away from the fact that many families never had a car to give up. My mother and thousands like her do not drive and, even if they did, they would not have the independent means to run a car. Their ability to have what members have and what we call a normal life—going to the shops, getting a job, going to hospital or college or just going out for a meal—is dictated by the availability of a bus. Few members know what it is like not to be able to do something simply because they do not have the ability to get there. The reality for many people in cities, towns and villages throughout Scotland is all too simple: the bus simply does not come to them or it stops too early in the evening or does not run at weekends. Those are the facts.

Take the young man living in Forth whom I met early in my time as an MSP. His ability to get a job was hampered because he could not get to work early enough in the morning and he could not take a job with a late shift because he could not get home late in the evening. That was because the buses did not run at those times. An elderly constituent of mine who has been married for 50 years and whose wife is in hospital cannot visit her because the bus does not run in the evening. That is no way of life for people.

Only in February, in the wonderful new world that the minister has created, a service that took an adult constituent of mine with learning difficulties to their supported employment was withdrawn at the stroke of a pen. That is the real world and those are real situations. Jackson Carlaw might not understand it—but then, the Tories got one out of 50-whatever-it-was in the previous election. They must do better in the next electoral test, but I doubt that they will.

Charlie Gordon pointed out that, yes, on some routes people are almost overrun with buses. One route in my area has three companies racing one another up and down the road. I welcome the inquiry by the Competition Commission, but in itself the inquiry is not good enough. The communities that I represent tell me that they want the Parliament to do more and to stop passing the buck to everyone else. When buses are removed without proper notice, it is the ordinary man and woman in the street who suffer. They are the ones

who are left without the means to get to their work, to their shops and to their colleges.

As I have said, FirstBus has already withdrawn a particular service. The SNP is always keen to jump up and down; indeed, when the service was withdrawn, Aileen Campbell said in the *Carlisle Gazette*:

"Provision of bus services should be more than just ... what's profitable."

I could not agree more. That is why I supported Charlie Gordon's member's bill. That is what it was about. If Aileen Campbell and her like on the SNP benches had supported it too, we would have been in a place to deliver the quality bus service that the people whom I represent want.

I know that the Tories do not support bus reregulation; they do not use buses, and they do not represent the kind of communities that I do. The more times that Jackson Carlaw mentions Margaret Thatcher, the more votes he racks up for the Labour Party. So bring it on. As long as he keeps reminding people of the kind of Scotland that she delivered, we will keep supporting him.

The Liberal Democrats do not believe in anything very much now, but it is the SNP that really surprises me. I was at a loss to understand why the SNP did not support Charlie Gordon's bill. Was it just another broken promise like the ones on class sizes, a referendum, a local income tax, cancelling student debt, or the home-owner loan? No, it was far more sinister. The truth is out there now. The truth is that the SNP has 500,000 reasons for not supporting bus reregulation; it has 500,000 reasons for not supporting the poorest and most isolated people in Scotland. There are clear dividing lines in this election. I will stand up for the poor and for my constituents; the SNP will stand up for the people who fund its election campaign.

09:57

**Stewart Stevenson (Banff and Buchan) (SNP):** Let me declare a personal interest in the debate: I am a bus card holder. I note that the only bus card holders who are likely to participate in the debate appear to be on the SNP benches.

Mr Gordon is clearly destined for great things in the Labour Party. He is almost unique as a front-bench spokesperson, as he is the only one who has not been kicked in a tender part of his anatomy by a forced U-turn in policy.

Of course, questions arise over the issue of reregulating the bus industry. Sarah Boyack was the transport minister when the previous legislation went through, but she is absent today so we cannot ask her about the decisions made and about why some of the constraints are what

they are. However, let us explore them. Statutory bus partnerships are likely to be at the very edge of what is legally possible under the Scotland Act 1998. The renationalisation of the bus network, via the imposition of regulation, is unlikely to come within the legal powers of this Parliament.

The Labour Party has a track record on such issues. It wishes to reduce the VAT on fuel from 20 to 17.5 per cent—entirely and blissfully unaware of European law that means that only three VAT rates may be operated within a state. The three VAT rates that already exist are 0, 5 and 20 per cent. It is simply not legal to reduce a single element of the 20 per cent VAT to 17.5 per cent. There is not the legal power to do it. However, there is the legal power to overturn the fuel duty increases that are hitting the bus industry—increases that were introduced by Labour. But of course, Labour has not joined the consensus that wants to do something about that. The Labour Party should do its research properly. It has manifestly and demonstrably failed to do that.

Let us consider the position of the bus companies. We have some regulated bus services in the United Kingdom, most notably those that are operated by Transport for London. Let me pose a question that has a rather awkward answer. We are talking about a convenient policy hitting an inconvenient fact. In a regime in which there is regulation, are the returns for bus companies higher or lower than in an unregulated regime? Curiously enough, they are higher. The bus companies would probably be quite happy with such a policy.

Furthermore, because it would in effect remove a private right from commercial interests, we would have to pay the bus companies for loss of right to operate services. What figure should be put on that? The normal rule of thumb in such circumstances is one year's turnover. To renationalise bus services in Scotland would cost—admittedly only once—£750 million. Even for the Labour Party, that is a breathtaking financial commitment, of which it has said nothing in the debate thus far. If the Transport for London model is anything to go by, Labour would find itself paying more for bus services. I am sure that Brian Souter would be giving his money to the Labour Party if it were to implement such a policy.

Let us consider the amendments. I say in all candour that they all have some merit. Alison McInnes conceded that the abolition of the bus route development scheme has perhaps not yet happened. It is a matter for local authorities, which makes that issue a problem.

In the current environment, local bus services' mileage has gone up by 3.8 per cent, in part because the BSOG has been increased. The BSOG has also been environmentalised. In

addition, the average fare has dropped by 2.5 per cent. "If you want to get on Labour's bus, we're going your way"—I do not think so, any time soon.

If we nationalise bus services, we can forget local decision making. Someone will be sitting in Edinburgh, deciding which local bus services we want. That is how it will work. At the moment, the decision making is close to the point of application.

There is support for bus services. I have used them hundreds of times. I highlight the 308 from Aberchirder to Inverurie. On the most recent occasion I used the service, on the whole route I was the only passenger. I admit that it was a Sunday afternoon. Services such as the 308 are essential services that are surviving with the support of the council in Aberdeenshire—a Liberal-led council—and of course through the Government's support for the BSOG. Yes, there is a challenge to do more in buses, but the Labour Party should not deceive the people of Scotland by imagining that what it is saying today is anything other than a £750 million commitment, no defined outcomes, 100 per cent focus on process and nothing for passengers.

10:03

**Elaine Smith (Coatbridge and Chryston) (Lab):** The issue of transport, and in particular buses, is extremely important to people in my constituency and in similar communities throughout Scotland that rely completely on public transport. Public transport is vital in Coatbridge and Chryston because we have one of the lowest levels of car ownership in the country. For people who cannot afford a car, a reliable and affordable public transport system is a necessity and a good bus service is essential. For those who can afford a car, a good bus service is probably the only way to get them to leave the car at home and travel in a much greener way. We should encourage that.

I start on a positive note. I am delighted that the new Airdrie to Bathgate rail link, which was approved under the previous, Labour-led Executive, has finally opened, although in the interests of safety and security, particularly for women, I am disappointed that there are no guards on those trains.

**Stewart Stevenson:** Will Elaine Smith take an intervention?

**Elaine Smith:** No, thank you—Stewart Stevenson had the opportunity as a minister to put guards on the trains.

In a transport debate, I cannot miss the opportunity to mention that the Parliament should examine ways of renationalising the railway when the ScotRail franchise comes up for renewal.

**The Deputy Presiding Officer (Alasdair Morgan):** Order. I hope that Elaine Smith will return to buses, which seem to me to be the subject of the motion.

**Elaine Smith:** I certainly will, but we need to consider transport in the round to see how important buses are.

The number of trains from Coatbridge to Edinburgh on the new line has just increased to two an hour. As the frequency increases, passenger numbers will increase. My constituency lacks buses, but the public transport of the trains provides access to a new job market.

The railway has opened up Coatbridge and its surrounding areas to a new population of potential visitors. I encourage people to come to Coatbridge, because we have fantastic attractions such as the Time Capsule, the Summerlee museum and Drumpellier country park. Those attractions are now more accessible by rail.

As I said, it is difficult to reach my constituency by bus. It is also difficult to go from my constituency to Edinburgh by bus, so the new rail line helps my constituents to access sporting events at Murrayfield and concerts, for example.

As today is St Patrick's day, it would be remiss of me not to mention that the St Patrick's day festival will culminate in Coatbridge this weekend. It is easy enough for people to come to that festival by rail, but—unfortunately—coming to the family fun day will be far more difficult for people from the wider Lanarkshire area and for my constituents who live in areas that do not benefit from rail links and who suffer from poor bus provision.

In this parliamentary session, I have been inundated by constituents who have contacted me about bus provision across my constituency. In the past year, I have campaigned for the reregulation of bus services. My campaign petition has received almost 2,000 signatures from people in every part of my community who call for buses to be regulated. My constituents—many of whom are pensioners—tell me that, often, buses are infrequent and inconsistent, and they are non-existent at some times. The main population centres are not easily accessible by public transport. I have been advised that many services have been cancelled or altered at short notice, which has caused terrible problems for commuters. Those problems are the direct consequence of the lack of regulation. A public service is being left to the whims of the market, which means that profits come before the service.

The minister knows that I have written to him about the problems that have arisen in Moodiesburn following the sudden opening of the new bypass, which seems to have been done

without consideration for its impact on bus passengers. I have a mailbox full of complaints from concerned constituents who, following the opening of the bypass, have turned up at their normal bus stops at their usual times only to find that their buses and many others no longer travel via Moodiesburn. Many FirstBus services that used to pass through there no longer do so. People who used to rely on the X4, X5 and X80 services along Cumbernauld Road can no longer board those buses. That is extremely infuriating for people who must travel at rush hours, because the buses that are running are crammed.

The Scottish Government did not consult my constituents before opening the bypass. My constituents were given no warning that their buses would no longer run and that they would be left stranded and cut off from work, hospitals and shops. Will the minister tell us, in summing up, how he intends to resolve that problem, which he caused?

The services in Moodiesburn highlight the wider issue of bus services in Scotland. Given the lack of regulation, bus timetables and bus routes are often changed at short notice, which leaves passengers to suffer. It is outrageous that Charlie Gordon's proposed bill was not supported. I am pleased that Scottish Labour is committed to reregulating bus services, because people in my constituency want a better deal from their buses. They tell me in their thousands that the situation is not good enough.

People know that the SNP is on the side of the big bus companies, that Brian Souter is supporting the SNP financially and that the SNP's commitment to reregulate buses disappeared from its manifesto. Only the Labour Party is prepared to stand up for ordinary people and to ensure that bus passengers get the service that they deserve. Scotland needs a Government that will do that—a Government that stands up for ordinary working-class people.

The strength of feeling in my community is clear. People are demanding better buses. They will get them with a Labour Government.

10:10

**Rob Gibson (Highlands and Islands) (SNP):**

For the avoidance of doubt, the question of bus regulation was not ever in the SNP manifesto.

In the debate, we are trying to look forward to find ways to ensure that passengers get a better service. Having been on the Transport, Infrastructure and Climate Change Committee for the past four years, I am well aware that we can probably make the best progress on better regulation and the integration of services.

If you do not mind, Presiding Officer, I will stray slightly from the subject of debate. In many places, bus, rail, ferry and air services are not often linked up. In my region, it is very important that they are. Part of the problem is the different regulatory arrangement for each of those modes of transport. In looking forward, we need to find a much better way in which to do that job. The committee has said so, but I have not heard a call for better regulation of that sort reflected in the debate and yet the issue affects many of my constituents across the Highlands and Islands, and far wider than that.

Another set of better regulation that has to be worked in relates to commercial bus transport providers and other needs in my area. As the "Our Rural Future" report that has just been published points out:

"In rural areas, Demand Responsive and Community Transport can be vital transport services, and we would encourage Local Authorities to look proactively at enhancing both the provision and the coordination of existing schemes."

As we have heard, the removal of ring fencing and the transfer of responsibility to local authorities means that they can choose not to make such transport a priority. In my area, Highland Council has seen a reduction over the past couple of years but it has chosen to spend around £50,000 on community transport. If community transport is seen as a priority for improvement, it ought to be given a higher priority than that.

Our circumstances in the Highlands require integration between commercial services, community services and ambulance services. The Scottish Ambulance Service provides both emergency response and patient transport services. I see a lot of friction between community transport needs and patient transport requirements. The health service should look to see whether patient transport services to Raigmore hospital from outlying places should carry other passengers, too. In that way it would be possible for people to get the transport that they require, which is being denied to them at the moment because of the way in which the local authority has cut its community transport budget. That should be possible, because there are collaborations between the health service and the local authority social work department to deal with adult and old age needs under the aegis of NHS Highland. However, the Ambulance Service does not articulate with Highland Council, NHS Highland or whatever. I ask the minister to start to look at that with his colleagues.

Changes to bus timetables have caused a lot of pain in the far north of the Highlands. However, Brian Souter has described those services as

marginally successful, and one can understand why. Petrol and diesel prices are very much higher in Highland where longer distances are involved and fuel is more expensive, particularly following the increase in VAT. There are real problems around the distances involved, and certain places are being cut out in order for bus services to meet any kind of timetable that matches the rail timetable.

In the village that I live in, which is only 17 miles away from Inverness, we have been threatened with a reduction in services because of time and other constraints that relate to long-distance routes from Caithness, namely the X99 and the 25X. It is ridiculous for people who live in a village about 6 miles away from Dingwall to find that, if they want to go to Dingwall on a Saturday—for example, to attend a football match at Ross County—it will take them six or seven hours to travel to the game, watch the game and return home. That is the sort of ridiculous situation that we are dealing with at present, but it is the kind of situation that the commercial bus companies must listen to.

I am delighted that, because Stagecoach is attempting to make its services more economic, as today's announcement states,

"13,800 Stagecoach drivers will start using the GreenRoad system"

and will get bonuses for driving better and using less fuel. I would like some of its competitors to commit to the same scheme, to reduce the cost of diesel and, perhaps, the price of fares. On top of that, it is vitally important, when we talk about buses, that the fuel duty regulator and the derogation for rural areas should kick in. With the rising price of diesel in peak oil times, we do not have the means to sustain community transport, ambulance services or commercial vehicles. We should widen out the debate and look at the issue in that context. The future of regulation should be better regulation, not more of it.

10:16

**Robert Brown (Glasgow) (LD):** I am grateful to Charlie Gordon for focusing on bus travel in the last party debate before the election. However, as I said in an intervention, there is a contradiction at the heart of his argument, in that he criticises market failure but seems to propose market monopoly as the solution. The Labour Party's contribution this morning has resembled nothing more than SNP economic arguments for independence—isolated from the real world, with ordinary economic rules suspended. For example, it is unclear to me how the low level of bus provision in the Borders that Charlie Gordon mentioned can be dealt with by regulation. Where would the cross-subsidy come from? How would

the lower fares that he requests be paid for? Karen Gillon gave the game away when she said that buses should not be about profit. They should not be entirely about profit, but they should be about profit because, if there is no profit, there is no money to invest in the industry.

The main bus services to different parts of Glasgow are fairly frequent. Of course, there are gaps and difficulties in some places at off-peak times, and concerns that are caused by change. As representatives, all of us take up those matters from time to time. I have done so after the recent route and fare changes, not least regarding the services—or lack of them—serving the 2,000 new houses in the Drumsagard area of Cambuslang. However, it is difficult to describe Glasgow as an area that is characterised by market failure. The challenges are rather different. They include the lack of enough real-time electronic information—working information—at bus stops; inadequately developed multimodal ticketing, to which Charlie Gordon referred; and the number of relatively empty buses crossing the city centre.

**Charlie Gordon:** I cited the transport commissioner, who described most of the bus scene in Scotland as a monopoly and near-monopoly city and county arrangement. Does the member deny her experience and knowledge?

**Robert Brown:** No, I am trying to put the issue into context and to explain the deficiency at the heart of the member's proposition.

I will say a little more about Glasgow. We lack an adequate city centre network to enable people to get around the city centre, from Argyle Street to Sauchiehall Street or to Charing Cross. There is the Queen Street-Central gap on the railways and there are not enough park-and-ride facilities and not enough easy transfer points on the railway or underground to allow people to get across the city.

Statutory quality partnerships have been a great success in many ways. They have led to more low-floor buses, buses that are more modern and more comfortable, bus priority lanes and improved emission technology. In Aberdeen, for example, many, if not most, bus stops have real-time electronic information—boards at the bus stop that say, "Number 32, 2 minutes", "Number 75, 8 minutes", and so on. The same is true of many other places. In Glasgow, there are such boards at Ingram Street and one or two other locations. However, when standing at the Ingram Street bus stop, I have seen the board display "Number 16"—the bus that goes out to my area in Burnside—"9.37", only for 9.37 to come and go and for the number 16 to vanish off the screen, like the Cheshire cat. I may be wrong, but the board looks and acts like an electronic timetable, instead of giving real-time information. How often are those indicators—and the indicators inside buses that



tell people what the next bus stop is—broken? The issue is not just one of static information. The success of such systems stands or falls by their ability to attract passengers, not least women passengers. On a cold, dark evening in winter, few women will stand at a dodgy bus stop for an indeterminate period if they can avoid doing so.

**Keith Brown:** Could Robert Brown explain how his party's policy of doing away with concessionary travel support will help more women to use the buses?

**Robert Brown:** Perhaps the minister should read the policy. We have certainly said that there is a need to consider whether people such as me are entitled—as Stewart Stevenson is—to a bus pass, and whether that is the best use of the bus pass. Nobody is suggesting the abandonment of the scheme altogether.

I will continue with the point that I was coming to. Real-time bus information, if it works, is a godsend, and it is a necessity if people are to stop taking their cars and if there is to be real modal shift. The same applies to ticketing.

I will say a few words about the set-up. Buses do not stand in isolation—they are part of the broader transport network. I had a part to play in getting the previous Government to institute the bus route development scheme, supporting bus operators in developing routes that had potential for growth but which needed investment. It was one of the SNP Government's worst decisions to cancel—sorry, disaggregate—the scheme. Public policy is very much required for such purposes, and such schemes are successful.

Scotland needs a modern transport infrastructure. The work that has been done to develop that and to promote public transport has stalled and gone into reverse under the SNP. The Labour obsession with reregulation is also a barrier to progress.

Good transport policy ensures that people and goods are conveyed effectively where they wish or need to go: for work, leisure, shopping or school. Good transport policy supports the economy. Under the SNP Government, we have gone backwards in so many ways. The Glasgow airport rail link has been cancelled; the bus route development fund has been cancelled; empty promises were made about the subway; there is no commitment to crossrail; and there is a horrendous lack of ambition on high-speed rail.

Scotland needs a Government for which public transport is a priority. There can be no doubt that the Parliament should support the excellent amendment in Alison McInnes's name.

10:22

**Des McNulty (Clydebank and Milngavie)**

**(Lab):** A fortnight ago, we had a by-election in Clydebank—in the Duntocher, Faifley and Hardgate ward. The key issue in that by-election was buses, specifically the number 118. First had proposed to withdraw that service, which runs between Duntocher and Gartnavel hospital via Bearsden. In conjunction with my Labour colleague Councillor Douglas McAllister, I went to see First and made representations to Strathclyde partnership for transport. As a result of those efforts, the Sunday service was reinstated, the evening service was reinstated and we got additional journeys at peak times.

We secured an outcome. It was not necessarily one that met the quality of the previous service—there was still a reduction—but we made a difference. In a sense, that was because we worked with the community. Hundreds of people signed a petition saying that they would no longer be able to get to Gartnavel to visit their relatives. People who worked at the hospital would not be able to get there either. Huge inconvenience would be caused by the withdrawal of service. Those signatures prompted the bus companies to respond by making it clear that there was a proper market for the service if it was properly run and organised, and that people depended on it. We listened to the people who came to speak to us and we acted on their priorities. We got an outcome.

In the by-election a fortnight ago, we were rewarded with 60 per cent of the votes. Our vote went up and the SNP's vote went down, despite the efforts of Mr Paterson late in the day to involve himself, trying to claim the credit for what he had done, which was the square root of nothing in this instance. I see that he is not present in the chamber this morning for this debate on bus regulation.

We want to ensure that people have a bus to catch. The number 118 is not the only service in my constituency that is under threat. Other services are under threat, too. There are proposals by Glasgow Citybus to withdraw the number 84, which runs from Old Kilpatrick to Gartnavel hospital. The number 11 service is to run only to Clydebank, and not on to Parkhall, so that community will not have access to a key hospital and other services. The people who live in Roman Crescent, in Old Kilpatrick, will no longer be able to get up the hill on the bus, because there will be no bus for them to get on.

The dearth of bus services in those areas is matched by a profusion of bus services in other areas. In Barns Street in Clydebank, which is a narrow residential street, hundreds of buses go down the road every day and the street has had to

be chicaned to manage the flow of buses, despite the fact that the most direct route between the Glasgow boundary and Clydebank bus station is a dual carriageway that runs parallel with Barns Street. The bus services all run down Barns Street because they are competing with one another for a relatively limited number of residential customers, although there is a perfectly good road, which would make for quicker journeys and would not lead to such disruption.

No one can say that we have a rational system, when bus operators put on and take off services willy-nilly, without reference to or proper consultation on the needs of communities. On some roads, operators impose too many bus services—more than the community or the roads can bear—because it suits their interests. On top of that, they schedule services to compete with each other. One bus arrives ahead of the next one so, frequently, three or four buses will come down the road at the same time, after which there will be a gap of 15 or 20 minutes, because the bus operators want to compete with each other, rather than meet the needs of the people.

If we are to have competition, we need competition on things that matter to people. Why not have competition on fares? As Charlie Gordon said, the reality is that the monopolies that exist in many towns and the suburban areas that surround them mean that fares increase and are higher than they would be if there were a different system.

Why not have competition on journey time? We are supposed to have that, so why are buses taking so long to get from one part of a city to another? It can take an hour and a half to go from Clydebank to East Kilbride. The journey could be made in less than an hour if the buses took the most direct routes.

Bus deregulation is not working for people. It does not deliver the services that people want in the places that they want them to be. It does not deliver services that go at the speed that people want. Moreover, people are paying over the odds for some services.

That is why we need bus reregulation. We need a system whereby local authorities or other bodies have levers that can force operators to provide services that people want and create barriers to operators taking services away for purely commercial reasons. We need a system in which public service obligations can be imposed. After all, we pay a substantial amount for services, through a variety of means. The operators get significant contributions from the public purse. However, the Government's attitude appears to be that, ultimately, the market is working, when it patently is not working.

Karen Gillon talked about the 500,000 reasons why the SNP does not support bus reregulation. Rob Gibson said that bus reregulation was not in the SNP's manifesto in 2007. However, bus reregulation was in the policy paper right up until the point at which Brian Souter's contribution was announced. In America, they have a name for such relationships between politicians and companies that seek favours and there is a history of such relationships—I am thinking about Lyndon Johnson's link with Brown and Root and George Bush's link with the oil companies and Halliburton.

When companies are calling the shots, as Brian Souter appears to be doing in this context, there is an obligation on members of other parties to point out that reregulation is what people want and what the SNP is denying them.

10:29

**Christopher Harvie (Mid Scotland and Fife) (SNP):** I declare that I am president of the Scottish Association for Public Transport, which has provided a memo for members setting out a useful range of pragmatic options for improvement.

I am also, as we say in Germany, auf dem Abstellgleis. I am a retiring MSP on a one-way bus pass, which will take me either to Germany and a well co-ordinated system of public transport or to Wales, which of course has a nationalised transport system. The fact that it is nationalised by the German Government is one of the ironies of modern British politics.

That takes me back to one issue that I want to stress: we are not in command of the policy decisions that we will have to take. We face one of the most major fuel and power crises that the world has ever faced, perhaps the greatest. I can remember Suez and the Yom Kippur war; this is bigger than both. I will come back to that point at the end.

To revert to the absurdities of Mrs Thatcher, in 1985, boasting about her great car economy, she said that anyone who still used public transport at 30 was a loser. In a working life of 45 years, I have never driven and have always found an adequate bus or train system to defend or develop. The result is a minimal carbon footprint and a small or medium-sized enterprise with 15 books so far plus conferences and that sort of thing, including, of course, "Fools Gold" from 1994, which is still the only history of North Sea oil and, along with the *Financial Times*, my bible on fuel economics and politics. My bus-pass savings, which are an appreciable amount, have all gone to the Campaign for Borders Rail to replace the X95 bus as soon as possible with a proper Borders railway.

Looking at economic efficiency, I wonder how many bus or train trips are made per individual

annually in, let us say, Edinburgh. I have heard the figure of 180 mentioned. In Zurich, it is 420 by bus, train or tram. Switzerland is an industrial and tourism success story; Scotland has problems. Of course, it is possible to work on a bus or train—I wrote this speech on the X95, which deserves an Olympic medal for computer manipulation—but it is not possible to work and drive. An automotive society is, thus, inherently less than efficient.

I sympathise naturally with the SAPT line but, as I mentioned, we have a truly gigantic crisis before us. We must think and plan further ahead. The combination of nuclear disaster and mid-east instability is sending a barrel of Brent crude above \$110. In 1969, it was \$1.25. We are heading for what may well be a shooting war between Egypt and Libya—members can make a choice of countries throughout that most unstable region—so matters will certainly get worse. A \$150 barrel is almost certain and it could get to \$250 or more—anything could be possible.

We cannot do without hydrocarbons for aviation—it is impossible to think of a plane that is powered by anything other than kerosene—sea transport and much of land freight other than electric rail. Hydrocarbons are also a crucial chemical feedstock. That role is probably even more important than their travel functions. To survive—I stress the word “survive”—we must prioritise their use, and planning should start now. One may well find that, even before the election, joint Cabinet committees are set up to determine how we can handle restricted supplies.

In landward areas, a fuel-price rebate or regulator is necessary, but we may have to link it to car sharing. We cannot rule out rationing.

**The Deputy Presiding Officer:** I wonder whether the member could throw the word “bus” into his speech occasionally.

**Christopher Harvie:** I am just about to do so. In fact, I only wish that the mass of Scottish commuters would use the bus. I have statistics from the energy efficiency action plan on the travel patterns of Stirling Council members and officials, which show that 82 per cent travelled by car; 11 per cent walked or ran, which is nice to know; and 6 per cent went by bus or train. In my part of Europe, 30 per cent go by bus or train, 30 per cent walk, run or bike and the remainder, which is about 30 per cent—this is in the heartland of Mercedes Benz—drive. That is how the situation in Scotland stands. We talk about bus services, but we are not brilliant examples of their organisation.

Since mid-February, the world’s economics have changed. I have predicted the end of the age of Henry Ford and could say with the best in Scotland, “Weel, ye ken noo,” when it happens,

but I will not. We have to get out of this, but we are not well placed to do so. Amazingly, London can. Through massive public investment—£170 as against every £116 invested in Scotland—it has a public transport-served central business district. We do not have that.

I have one final point, although I can see that it will not win me many friends. Friends of the Earth Scotland has called for the signing of the new Forth crossing contracts to be postponed until after the election. Having my own project—the Borders railway line—to see through, I am prepared to support any other project, although I wanted a tunnel with high-speed rail capacity. However, the new Forth crossing is a high-petrol project and the \$200 barrel of oil is on its way. Do we want to die slowly by garrotte, or do we want to be guillotined? Those could be the alternatives that are in front of us. I put that quite coldly in the final speech that I will make here. We are facing a totally unprecedented environmental and fuel situation. If we do not bear that in mind when we are making our investment decisions, we are in for very big trouble indeed.

10:36

**Patrick Harvie (Glasgow) (Green):** During the past four years, Christopher Harvie has made many speeches relating to peak oil, which is an issue that cannot be separated from any aspect of our transport system or any debate about how we use hydrocarbons. He has made a consistently strong case for a more planned approach to that challenge. I assure him that, if I get the chance to have anything to do with it, there will be many more speeches on the issue during the next parliamentary session.

I welcome the debate that the Labour Party has brought on the reregulation of buses, and the Labour Party’s move over the years from supporting tougher application of the existing regulatory regime to a stronger stance on reregulation.

Charlie Gordon mentioned the June 2008 debate in which Labour and the SNP backed the amendment in my name calling for a full consultation on all the options for reregulation. Although the amended motion fell, the amendment in my name passed with Labour and SNP support, so it was disappointing that, despite supporting the amendment, the SNP was not willing to act on its contents by consulting on regulation.

Ultimately, we are talking about a free-market versus a public service approach. Do we regard public transport as a public service or just as a market? I take the clear view that it is a public service. Unlike Robert Brown, I do not think that the profitability of companies in the industry is the

core issue. We do not say that any other public services, such as schools or hospitals have to be profitable. We pay for those things collectively through taxation because our society is better off when we have them.

Passengers want a high-quality, affordable, convenient and clean service. Too often, certainly in my city, they have come to expect dirty and expensive services, timetables that are a joke, and bus stops with shelters that do not deserve the name and seem to have been designed for a country that has never seen rain.

**Paul Martin (Glasgow Springburn) (Lab):** On a point of order, Presiding Officer. The Minister for Transport and Infrastructure has now been absent from the chamber for more than three minutes. Is that not unacceptable and disrespectful to the subject?

**The Deputy Presiding Officer:** That is not a point of order.

**Patrick Harvie:** Questions have been raised about whether the term “market failure” is appropriate. Honestly, I think that most of us would acknowledge that the picture is mixed. Competition has done some things well and some badly. Jackson Carlaw pointed out some of the positives in the statistics that the CPT circulated, but he was trying so hard to be a counterpoint to Charlie Gordon’s old-Labour tribute act that he became a dated Thatcher tribute act. He was, however, slightly overgenerous to the companies when he said that 75 per cent of people believe that bus services operate when they are needed. That means that one in four people disagrees. It shows a significant failure if, when asked, one in four people says that bus services do not operate when they need them, and approximately the same proportion say that fares are not good value.

Did we ask the people who are not using bus services what they think and why they do not use them? It is not enough to say that three quarters of the people who use bus services are happy with them and one quarter are not. We should look at why the great bulk of people are not happy to use bus services.

Jackson Carlaw seemed to make the bizarre and astonishing claim that we have world-class bus services—actually, looking again at my notes, I see that that is not precisely the claim that he made; he said that we have a world-class bus industry. The crucial point is that it is possible to have successful, profitable businesses in the industry and a poor-quality service. I am more interested in having a successful and attractive bus service for Scotland.

The downsides of competition include the predatory services that Charlie Gordon described and inefficiency in service design. It is not enough

just to have more efficient engines and vehicles. If we want to achieve carbon reductions, we need an efficient design of the services. Older, poor-quality vehicles still run on many of our roads.

On cuts to services, there will always be some service changes, whatever the regulatory environment, but at the moment the widespread and, I think, justified feeling is that passengers’ views carry little or no weight when decisions on service changes that affect people’s lives and their quality of life are made.

Another downside is the lack of a transparent fare structure. I will give an example from Glasgow. My four-weekly bus pass costs me £33. That is perfectly affordable for someone on a good salary or a reliable monthly income, but not everyone has the freedom to make such a choice. At that rate, it costs me about £1.20 a day to use Glasgow buses, but someone who gets on a bus today and buys a daily ticket will pay nearly £4. An individual ticket is the least affordable option, but that is the one that the worst-off in our society have to take. I compare that with the flat-rate system that operates in the Lothians.

The industry will, of course, be against significant reregulation but, frankly, many bus companies operate both in strongly regulated markets and in less regulated markets. They should worry only if they feel that they cannot compete against a public sector or not-for-profit model. Instead of listening to them, we should listen to bus passengers and to the people who do not use bus services because of the quality, the cost or the availability.

I will read out some comments that have been posted online in the past few days. One person said that, although they always got on and off at the same stop, it was a different price every time. Someone else said:

“Wait 30 mins for a bus. Squeeze on amongst 2x normal amount of people. Finally get seat. Bus leaks on your head.”

Another person posted a video clip of 3 or 4in of water sloshing about on the floor of a number 38C in Glasgow.

**The Deputy Presiding Officer:** Wind up, please.

**Patrick Harvie:** If we want to address the concerns of passengers, we must adopt the reregulation approach, reject the amendments and support the motion.

10:43

**David Whitton (Strathkelvin and Bearsden) (Lab):** I speak in support of the Labour motion. For the benefit of Mr Stevenson, who has now brought his bus pass back among us, the motion does not

say that we intend to renationalise bus services; it says that we need

"legislation to regulate bus services in the best interests of the travelling public."

It is clear that his party's major donor is not all that interested in that.

As we all know, in the current climate bus operators are struggling with rising fuel costs, increased wage costs, the dire state of our roads and traffic congestion. Scottish Association for Public Transport research shows that buses are finding it hard to attract users from the 69 per cent of households in Scotland that have at least one car. It is even more difficult for them to do so from households that have two or more cars, the proportion of which rose from 18.6 per cent in 2000 to 25.6 per cent in 2009. I have no doubt that Mr Carlaw, in his previous incarnation, would have welcomed that.

Buses often appear to be more costly, slower, less comfortable and less instantly available than the car, but local buses remain the most used form of public transport in Scotland, with an average of almost 100 trips per person being made on them each year. In the three years from 2004 to 2007, the number of passenger trips increased by 10 per cent, but in the four years since then the number has again declined. I could say that that is because of four years of SNP government, but that would be unkind.

If I take the experience of my constituency of Strathkelvin and Bearsden, it is easy to see why that has happened. Constant changes to the timetable, a focus on peak-time travel rather than off-peak travel and an all-too-quick desire to axe what are deemed to be loss-making routes have left many of my constituents without a convenient bus service, especially those who live out in the villages of Torrance, Lennoxton, Milton of Campsie and Twechar. The further reaches of Bearsden, Lenzie and Bishopbriggs have also suffered. We all know that efficiency savings are needed, but Government and local authority spending cuts could have a devastating effect on our bus services. Throughout Scotland, lifeline bus services are being axed by operators and local authorities as they try to manage damaging funding cuts.

In December last year, the bus operators were dealt another unexpected blow. At a meeting of the Transport, Infrastructure and Climate Change Committee, discussions took place with the Cabinet Secretary for Finance and Sustainable Growth, John Swinney, on issues such as concessionary travel and the bus service operators grant, which Keith Brown mentioned earlier.

When Mr Swinney was questioned by my colleague Charlie Gordon, he quoted a figure of £185 million for concessionary travel, which seemed to be £5 million above the original cap that he had told the committee about in a previous evidence session, although it seems that the £5 million might be for the youth concessionary travel scheme, the ferry scheme and administration.

The figure for the bus service operators grant appears in the budget as £60.8 million, which is a drop of £5.7 million from the figure of £66.5 million that Mr Swinney had earlier given the committee. In the *Official Report* of 18 March 2010, the cabinet secretary said that he would

"increase the funding for the BSOG to £66.5 million a year."—[*Official Report*, 18 March 2010; c 24723.]

I am not for a minute suggesting that Mr Swinney has a problem with his sums, but when he said that

"The sums on concessionary fares and the bus service operators grant that appeared in the budget are the sums that were negotiated with the bus operators as part of the Government's approach to providing the necessary financial control that we would expect over the concessionary travel scheme"—[*Official Report, Transport, Infrastructure and Climate Change Committee*, 7 December 2010; c 3498.]

he does not appear to have been reading from the same page as the Confederation of Passenger Transport, which had negotiated with him.

The CPT is adamant that that was not the case. Its members say:

"The budget figure for BSOG states £60.8m. The three year deal that CPT entered into with Scottish Government earlier this year was for a BSOG budget line of £66.5m. This is a £5.7m reduction on what the Scottish bus industry and Scottish Government agreed to."

In reply to that, Mr Swinney asserted that his figures were correct. The CPT said again that when he said that the budget contains figures that reflect what he agreed with the bus industry:

"we believe Mr Swinney failed to clarify accurately in his responses ... That is patently not the case."

They cannot both be right.

Indeed, the CPT argues that if it had known that there was to be a £5.7 million cut to the operators grant, the deal to reduce the national concessionary transport scheme from 73.6 per cent to 67 per cent would not have happened. That has taken millions out of the bus industry.

We need the bus service operators grant. Replacing the fuel duty rebate, it allows commercial and community bus operators to receive a grant based on the eligible kilometres that they operate on registered local bus services. The grant's principal aim is to benefit passengers, which it does by helping operators to keep their fares down and to run services that might not

otherwise be commercially viable, thereby contributing to the maintenance of the overall bus network.

It also contributes to the operation of community transport organisations, which allow people who cannot make use of conventional bus services to access local services such as those in the villages in my constituency. Payments to operators are calculated on the eligible kilometres that are run on local bus services, the total volume of fuel that is used and a predetermined payment rate—currently 41.2p per litre—that is set by Transport Scotland.

One other issue seems to have appeared from out of nowhere in the transport arena. Mr Swinney announced a significant increase of £7 million for the smart card programme. As Charlie Gordon inquired at the time, given that the bedding-in of the new ticketing machines for bus operators was completed by August, what was the proposed £7 million of new capital expenditure for? Mr Swinney replied that it related to software upgrades to ensure the operability of the smart concessionary travel scheme, and said that it was something that he could have done without.

We know that Mr Swinney has had problems coping with computer upgrades in the past, but the question remains: why did he not know that this one was happening? I would like to know, if Parliament agrees to that item for next year, how many years it will be before we are asked to endorse something similar.

**The Deputy Presiding Officer:** The member should wind up, please.

**David Whitton:** Scotland needs quality bus services. If we are to achieve our aims on carbon emissions, a first-class public transport network is essential, and bus travel should be at the heart of that. That is why we should support Labour's motion today.

10:49

**Shirley-Anne Somerville (Lothians) (SNP):** Let me start by saying how much I have enjoyed serving alongside Charlie Gordon on the Transport, Infrastructure and Climate Change Committee over the past couple of years. We do not see eye to eye on all the issues, but he certainly ensures that there is never a dull moment. Among my memories of my first session in Parliament, I will always have fond memories of our day trip to Dumfries to investigate active travel.

As an MSP for the Lothians, I am of course familiar with excellent bus services, particularly those provided by Lothian Buses. A great example is the airport link, which is equipped with spacious vehicles, comfortable seats, tranquil background

music and a pleasant voice-over to detail the bus route and stops. Of course, one of the major drawbacks of the trams project is that the airport link will be—or, at least, might be—thoroughly undermined by a £500 million replacement; otherwise, why are we spending so much money on a tram that replicates its route?

I mention trams not only because members would be concerned for my health if I did not speak about them somewhere in my final speech before dissolution but because the biggest threat to the award-winning bus service in this city is the MSPs who voted through the tram project in the first place.

Having put in something about the trams, I will turn to the matter in hand: regulation. There is no doubt that Charlie Gordon is particularly keen to sort out the buses before he collects his own pass soon. The debate on regulation can be traced all the way back to Labour's UK Government publication "From workhorse to thoroughbred" in 1999. I mean no disrespect to Mr Gordon in saying that he is probably more workhorse than thoroughbred. He has undoubtedly been persistent on the issue throughout the years, but the ideas are ill-conceived.

After a number of further consultations, the Labour-led Scottish Executive introduced the Transport (Scotland) Act 2001, which created the scheme of quality partnerships and quality contracts that Charlie Gordon is so unhappy with now.

Notwithstanding the lack of quality partnerships and quality contracts currently in place, it would be wrong to conclude that the partnership working between bus operators and local authorities is failing. Far from it; I am sure that most MSPs are well aware that there are good examples out there. As Alison McInnes has already said, agreements are being entered into, albeit on an informal rather than statutory basis.

There are undoubtedly problems in some areas. Previous members have alluded to them, but the question is how we address the problems. Why are things working better in some areas and not others? In particular, would further regulation help or hinder the process?

I have always tried to approach any idea from Charlie Gordon with an open mind, but in my opinion the case for reform has not been made—and certainly no argument has been made for the radical reform that the Labour Party appears to favour. The market is not perfect and action is required where there are problems in order to meet the needs of the travelling public, but that can be undertaken with bus operators and local authorities, backed by the Scottish Government.

A number of serious issues need to be addressed before we consider the revision of the current scheme along the lines that Charlie Gordon appears to be suggesting. The first issue is cost, as ably detailed by Stewart Stevenson. In this climate, do we want local authorities up and down the country to have to draw up appropriate tender documents and complete the tendering process? Do they have the resources to do that? What effect would that have on small and medium-sized operators? The Confederation of Passenger Transport has argued that widespread use of even the current statutory provisions on quality contracts would put such companies at risk.

How would any changes to the scheme be affected by UK competition rules? Those are, of course, reserved matters. Would the taxpayer end up having to pay compensation to bus operators that lose the right to run services on certain routes? Where would those hundreds of millions of pounds come from? I could not see the answer in today's motion. There have not been satisfactory answers to those questions, so it has not been shown that a change to the current regime is more likely to bring about an improvement than better use of the current powers would.

Let me turn briefly to the Government's amendment. The SNP Government has protected and extended the concessionary travel scheme while implementing changes to reimbursement rates to make it more affordable in the long term. It has invested substantially in bus services through the concessionary travel scheme, the bus service operators grant and local authority funding. Indeed, the Scottish Government has not only continued investment but overseen reform so that the operators grant encourages action from bus companies to support our climate change goals. We have also seen investment in the Scottish green bus fund, for example, and today we have the minister's welcome announcement for Glasgow and Edinburgh.

Those achievements must be built on and developed. They contrast sharply with the uncoded, unrealistic and utterly unhelpful wish list of the Labour Party. I hoped that, at least on this issue, we could have another Labour U-turn today—that seems to be Labour's speciality in the build-up to the election. Sadly, Labour still has its priorities wrong, which is why I strongly suspect that Charlie Gordon will not be in a position to address any of them on 6 May.

10:55

**Elaine Murray (Dumfries) (Lab):** Deputy Presiding Officer, it is 17 years since you and I joined Charlie Gordon on Strathclyde Regional Council. I have known him a long time and know that he is the sort of guy who speaks his mind. If

he had wanted to renationalise the bus service, he would have introduced a bill that described itself as renationalising the bus service; what he is talking about today is regulation. As he said in his opening speech, the train service is heavily regulated—for good reasons—and it is not nationalised.

**Keith Brown:** Will the member give way?

**Elaine Murray:** No, I want to get on with what I have to say.

I say to Shirley-Anne Somerville that workhorses are probably more useful and less trouble than thoroughbreds, and I am sure that Charlie Gordon would be happy to be a workhorse.

As the curmudgeonly Mr Carlaw reminded us, deregulation came into effect in October 1986, as part of Mrs Thatcher's privatisation agenda. The Transport Act 1985 allowed for two types of bus service provision: the commercial service and the subsidised service; so, it is not correct to say that there is a totally free market. However, the previous requirement for the cross-subsidy of unprofitable routes by better-paying routes was transferred from the operators to the public sector through the local authorities and the passenger transport executives.

As we all know, deregulation did not result in competition delivering better services in many parts of Scotland, especially in rural areas such as Dumfries and Galloway. Larger operators have been able to dominate the market and drive out competition by, as Charlie Gordon said, running services at the same time as their smaller competitors and undercutting them on price, thereby driving them off the routes and, in some cases, out of business altogether. With no requirement for operators to cross-subsidise unprofitable routes, services to outlying rural areas and off-peak services have been cut back, forcing people in those areas to become, as Karen Gillon described, increasingly reliant on the private car whether they can afford it or not. At the moment, the cost of that to those individuals is considerable and rising, and there is also a cost to the environment.

As has been said, the Parliament has tried to regulate—not to nationalise—bus services through the Transport (Scotland) Act 2001, which enabled councils to set up statutory quality partnerships. However, the unfortunate fact is that none of those has been set up in the past 10 years. Clearly, the time is now right to take further and stronger action to deliver a bus service that serves its passengers and helps to achieve our climate change targets.

The need for reregulation was brought home to me by the experiences of many of my

constituents. In December 2008, our local regional transport partnership, the south west of Scotland transport partnership, and the bus operator Stagecoach heralded proposed timetable changes on their websites as improvements; however, I discovered that the bus service for some of my constituents was being reduced from a half-hourly service to an hourly service and that elderly people living in some parts of Dumfries did not have any buses running near their houses and were having to struggle up the hill with their shopping as a result of the changes.

At the end of last year, private bus operators in Dumfries and Galloway warned SWESTRANS that they intended to increase their contract charges on some subsidised routes by up to 84 per cent, and SWESTRANS estimated that the overall cost of the subsidy would increase from £3.8 million to £6 million—an increase of 57 per cent. That means that SWESTRANS is now having to consider cutting the number of routes that it subsidises. I understand that it intended to undertake a consultation exercise in January, although I cannot find information about that on its website. The result of such cuts will be even poorer services across Dumfries and Galloway, especially in outlying areas, and increased reliance on private cars—hardly the right direction of travel, if members will excuse the pun.

At times when fuel prices are higher than they have ever been, public transport ought to be more attractive to travellers. However, in Dumfries, I see buses travelling around with three or four people in them, which provides hardly any advantage in terms of emissions.

One of the aspects of Charlie Gordon's bill of which I was particularly supportive was his suggestion that community transport be allowed to accept concessionary bus passes. The Annandale transport initiative in my constituency has been pressing for that for years. The initiative has been around since 1999 and has a fleet of five wheelchair-accessible minibuses and two accessible cars, based in Lockerbie, Moffat and Eastriggs.

Community transport provides services in areas where regular bus services are absent or infrequent and to people who are unable to access normal services. The free bus pass is a great initiative but it is no use to a pensioner who lives in a rural area where there is no bus or to a disabled person who is unable to use the services that are available.

The transport initiative also provides a programme of day trips to older people who otherwise might become isolated. Subsidy through inclusion in the free bus pass scheme would provide a vital source of funding for community transport at a time when its funding through local

authority grants is being withdrawn. The former Scottish Executive funding that, latterly, was provided through councils will cease at the end of this financial year, and the proposal would be a means to ensure that the vital services that are provided by community transport initiatives would continue.

I look forward to Charlie Gordon's bill being introduced and passed in the next session of Parliament—hopefully as a Government bill, and maybe even with Charlie Gordon as the minister who introduces it.

11:01

**Bob Doris (Glasgow) (SNP):** I want to talk about ways in which we can make bus services more responsive to the needs of the communities that I represent in Glasgow. By more responsive I mean not just better service provision in general, but also an integrated system that will promote modal shift from car to bus and other forms of public transport.

I will illustrate my point using the example of my commute. On my return from Parliament in Edinburgh, I get off the train at Queen Street station and have a variety of choices of ways in which to make my way back to my home in Maryhill. I can go for a 10 or 15-minute walk to the bus stop and wait in the city centre for an indeterminate period of time for a bus that will provide a debatable quality of service. Alternatively, I can jump in a taxi—in bad weather, when nights are dark and when time is short, I have done that, but for many of my constituents that is an unrealistic option, due to cost, and, further, it does not meet our desire to effect a modal shift in commuter culture. My third option is to get on the subway at Buchanan Street, disembark at St George's Cross and get a bus to Maryhill from there—indeed, when I am not pressed for time, that is my preferred option, and it represents joined-up and clever public transport provision.

That option best sums up an integrated transport network—a journey using train, subway and bus seamlessly. That is the vision that we all strive and aspire to achieve. However, the issue with that option is that the infrequency and the overcrowding of the subway service make it an undesirable option for many. However, that will all change, and I am proud that an SNP Government has committed public funding to the full modernisation of the subway system. I am proud of how the SNP has delivered for Glasgow on that front.

That financial commitment will deliver new rolling stock, refurbished stations and an integrated ticketing network across all public



modes of transport. That will drive integrated provision, with buses at new key interchanges, such as St George's Cross, and buses being taken outwith the city centre and not having to start their journey in the city centre in the first place. That is what this is all about.

I see progress already, with Glasgow City Council and SPT moving to introduce a statutory quality partnership scheme for all bus services within the city boundaries. It will consider routes, waiting areas, emissions and air quality, under the current regulatory powers that exist.

We all need that can-do attitude to public transport. When Labour MSPs were standing outside underground stations with petitions for subway modernisation, I was meeting the former transport minister, Stewart Stevenson, with that can-do attitude, and when they were putting out alarmist press releases, I was meeting the new transport minister, Keith Brown. When they were talking complete nonsense, I was meeting the Cabinet Secretary for Finance and Sustainable Growth, John Swinney, to discuss how we could secure financial funding. When they were full of bluff, bluster and alarm, we were delivering on public transport for Glasgow. The SNP has a can-do attitude, and we will deliver further using the regulatory powers that we have and by working in partnership with bus companies and representatives of other forms of transport.

I urge members to support the amendment in the name of Keith Brown.

11:05

**Ross Finnie (West of Scotland) (LD):** The debate has been interesting. A number of strands have run through it, and a number of interesting speeches have been made.

The debate started with Charlie Gordon's long-held and robust views on the reregulation of transport, although that required to be redefined as the debate progressed.

I worried for a moment that Jackson Carlaw was going to read to us passages from Margaret Thatcher's memoirs. Instead, he chose to quote Alison McInnes extensively. That was undoubtedly the best part of his speech.

Karen Gillon made an unusual and typically interesting speech. However, I say to her that people must think carefully about how value added tax works before it is claimed as a weapon that would improve a commercial organisation which balances its VAT inputs against its VAT outcomes. If it is able to trade those off, whether or not the VAT rate is changed will certainly not make any difference to its performance.

**Karen Gillon:** The point that I made was about families and their shopping habits. If the money from VAT is put back into families' pockets rather than into the Exchequer, that will help them. We do not know what the Lib Dems' measures are or how they would help families at all.

**Ross Finnie:** Karen Gillon expressly made a point about the tax on fuel for bus companies.

Stewart Stevenson declared his interest as a bus pass holder. I did not quite catch the next bit of what he said, but it is impossible for us not to believe that he will say in his memoirs that he was also a bus driver. Those of us who have listened to his extensive speeches in recent years will find it impossible not to believe that he has held that important office.

I am grateful to Rob Gibson for making an important point about the integration of passenger services. I come from the west of Scotland. There is no doubt that, in its earlier days, Strathclyde Passenger Transport made vast improvements in the co-ordination of transport but, unfortunately, that has drifted in recent years. I thought that Rob Gibson's suggestions about using alternative transport and fleets of transport—he referred to ambulances—were not daft at all.

It is interesting that the dreadful word "money" was not mentioned until Shirley-Anne Somerville spoke. I congratulate her on pointing out that much had been said by the proposer of the motion, but nobody had attempted to suggest that the proposal would cost anything. Indeed, it became necessary for David Whitton and Elaine Murray to slightly redefine what exactly was meant and to ensure that we understood that we are talking not about nationalisation but about regulation. I am bound to say that there is only one inference to be drawn from the speeches of all the principal Labour spokespeople—Karen Gillon, Elaine Smith, Des McNulty, David Whitton and Elaine Murray. They all talked about radical service improvements, routes that are apparently not profitable and better and more frequent services, but nobody told us how the proposals would be funded or how much they would cost.

The restraints that some speeches suggested should be placed on operators might be justified in an esoteric sense, but the Labour Party has come to Parliament, when we have just had our budget discussions, with proposals that it at no point said massive reserves should be put aside to fund. It is all very well for Karen Gillon and I to disagree on where VAT will come from, but the much more important point is that nobody on the Labour benches has told us how the proposals would be funded. It is not clear to me how they would be funded or if they are capable of being funded at all, but perhaps Charlie Gordon will devote the major part of his winding-up speech to detailing all

the undertakings that Labour members have given on improvements in their constituencies and to telling us how much each one would cost and what the total bill for the regulation he suggests would be.

At the heart of the debate has been the total rejection of any sense that the current regulations might be improved or made to operate better. There was recognition that the 2001 act makes a number of provisions. However, because those have not worked, Labour members argue that we need more regulation. The previous regulation did not work, so what is the new regulation that is suggested? We heard that it means that every route will be near perfect, but at no additional cost, which seems implausible.

We should concentrate on the outcome that we seek. The market is not an entirely free one, as substantial sums of public money are invested in our public transport and in subsidising bus services. Opportunities exist to make further progress on improving access to bus services, encouraging modal shift and reducing congestion. Those issues can be addressed within the current framework, as Alison McInnes eloquently set out in her opening speech. There is a line of travel that would operate within the current framework and would not commit us to the massive extra public expenditure that is not mentioned in the Labour motion. I listened closely to the arguments that were adduced in support of that motion and found that they all undermined it and made it completely implausible, given the financial commitment that the Labour Party made this morning.

11:12

**Alex Johnstone (North East Scotland) (Con):**

The debate has been interesting and it has been one of the more informative of its kind. I say “informative”, because members have talked about their experiences locally, and it seems that those experiences differ radically in different areas of the country. Another aspect of the debate is that it has been characterised by comparisons between individuals. In the previous speech, we heard what I believe was a comparison between Alison McInnes and Margaret Thatcher. It will be no surprise if that does not appear in Alison McInnes’s election leaflets during the forthcoming election. I am not exactly sure what was happening there.

Earlier, we heard comparison of Charlie Gordon to Mick Jagger. I do not know exactly where my colleague Jackson Carlaw got that from, but I take it that he believes that Charlie Gordon is one of the cheerleaders for the good old-fashioned Labour tradition in Scotland. I have great respect for Charlie Gordon, as he has been that to me for as long as I have known him and since he came to

the Parliament. I feel a certain affinity with him, because I believe that I am on the same wing of the Conservative Party, if members know what I mean. Charlie and I have common ground. I will explain that a little, because I see Charlie indicating that it has gone over his head: when we accused him of being a dinosaur, I felt a certain affinity with him in that respect.

On buses and bus regulation, it would be irresponsible not to repeat the point that Scotland’s bus industry—yes, it is an industry—is an enormous success story. Since deregulation, two of the largest transport companies in the world have taken root in Scotland. They have grown and spread internationally to become major players in their industry. We should understand that and be grateful for it. Such success stories are hard to come by, so I welcome them. However, I do not accept that deregulation has caused market failure.

Bus services are provided over large areas of Scotland in a way that statistics indicate many passengers consider acceptable. In fact, the figures that Jackson Carlaw quoted earlier make it clear that there is a high level of satisfaction across the board. I am aware, though, that there will never be 100 per cent satisfaction because a complex system like a bus system will never satisfy every individual: there will always be someone who wants a change or improvement. However, I get letters regularly from people who have experienced changes or improvements but who want things to go back to the way they were. Perhaps they reflect Labour’s policy on the issue.

Let us look at some of the detail of the debate. Stewart Stevenson made it clear that there is no free ticket or bus pass to reregulation of the buses. Reregulation would cost a considerable amount of money, but Labour has been unable to tell us from where it would source it. Rob Gibson pointed out that there are huge opportunities in the current system to create efficiencies in public transport, especially in rural areas, where ideas such as demand-responsive travel, combining of public transport with some of the ambulance service’s responsibilities and improving timetabling can make a massive difference to delivering quality public transport without necessarily increasing the cost.

Alison McInnes talked at length about how the existing system can be exploited to change bus services for the better. She explained how she, like me, has been involved with individuals who want changes, and that if we address such issues with the bus companies we can often successfully achieve our objective. In contrast, Des McNulty seems to understand the process but believes that it cannot work unless we move to reregulation.

It has been asked whether the Labour Party is talking about reregulation or nationalisation. I accept that what Labour has said today is about reregulation. However, Labour back benchers have called for renationalisation of the railways. I recognise the differing language of the Labour front benches and back benches in that regard. Someone suggested that Charlie Gordon would never call for renationalisation of the buses, but I suggest that he would if he could, but perhaps understands that the time is not right.

Of all the things that we have learned during the debate, the one that concerns me is the uneven nature of services and how the current system appears to work well in some places but not in others. The buses in places such as Aberdeen and Edinburgh are modern and clean, and the services are efficient and achieve their objectives. However, people have talked about the poor quality of bus services in Glasgow. I have no personal experience of that, because I do not travel on the buses in Glasgow. However, I worry that there seems to be a stark contrast between what happens in Aberdeen and Edinburgh under the current system and what happens in Glasgow. I suggest that the evidence of Aberdeen and Edinburgh indicates that it is not reregulation that is necessary in Glasgow.

**Patrick Harvie:** Will the member give way?

**Alex Johnstone:** No. I am sorry, but I have to close urgently.

**The Deputy Presiding Officer (Trish Godman):** You can give way if you want.

**Alex Johnstone:** If there is extra time, I will use it to finish my speech. [*Laughter.*]

There is also a problem in rural areas. I know from experience what it is like to rely on bus services in a rural area. There is a problem with many services in rural areas because the roads are of poor quality and, because there is a large number of roads, many people are not right beside the bus route. Consequently, access to bus routes is always a difficulty.

I will finish on the questions that Des McNulty asked. Why do people not use the buses? Why do bus services take so long? It is because buses stop to pick people up and set people down. Buses do not provide a service that runs from the point where a passenger gets on directly to the point where they get off. Buses provide a different type of service for the people who use them. They use the busy high street rather than the dual carriageway, because bus passengers want to be picked up on the busy high street.

11:20

**Keith Brown:** Like Jackson Carlaw, I wondered what Labour would use its last party debate of the parliamentary session to discuss. I thought that, in one sense, it would be good to hear a detailed explication of Labour's somersault on the council tax freeze, or perhaps to hear about which bus Andy Kerr was on when its destination was the closing down of Monklands hospital and it turned out to be a staunch defender of the hospital. It was with some surprise but also some pleasure that I noticed that the debate was to be on transport, and specifically on buses.

On whether Charlie Gordon is a workhorse or a cart-horse—sorry, I mean a thoroughbred—I would certainly go as far as to say that he is nobody's fool. I accept that point. However, transport is a problem for Labour when it comes to U-turns, because it is very difficult to do a U-turn on a bus, even though Labour's policies these days appear to be like the wheels on a bus—they go round and round.

Alison McInnes made some substantive points that are reflected in the Lib Dem amendment, and I agree with many of the points that she made. However, on the bus route development grant, the Lib Dems cannot one week argue for localism and the next week argue for nationalisation if they want to retain credibility. We have retained the bus route development grant. The money is still there and we believe that it is best delivered by local authorities.

During the debate I was reminded of an old programme called "On The Buses". I worked out who was Stan Butler and who was Blakey. I will not go so far as to say who was Olive Rudge—most of us will remember Olive.

There has been a surreal element to the debate because, as Ross Finnie said, at no point has any detail been given about what reregulation would mean. There was certainly a shrinking back from the idea of nationalisation, but no price tag was put on the policy, which gave the debate a surreal flavour, particularly when Labour Party members spoke.

Unfortunately for Karen Gillon, I am old enough to remember the reality of what buses were like under the Labour Government that ushered in the Thatcher era. [*Interruption.*]

**Karen Gillon:** Will the member give way on that point?

**Keith Brown:** I seem to have animated the Labour benches—that was quite good.

The quality of bus services was very variable at that time.

**Karen Gillon:** On that point—

**The Deputy Presiding Officer:** Ms Gillon, the minister is not taking your intervention.

**Keith Brown:** Under the previous Labour Government there was a good bus service in Edinburgh, but in West Lothian and some rural areas there were huge gaps in provision; it was good in some areas but not so good in others. That will probably always be the case and we have to keep an eye on how we can improve services.

Karen Gillon also said that every time the Tories mention Margaret Thatcher, votes stack up for Labour. We remember who invited Margaret Thatcher round for tea to number 10. It was Gordon Brown.

**Karen Gillon:** Will the minister give way?

**Keith Brown:** No.

Every time we mention Gordon Brown, the votes stack up for the SNP.

**Karen Gillon:** On that point—

**The Deputy Presiding Officer:** Ms Gillon, the minister is not taking your intervention.

**Keith Brown:** Charlie Gordon did not take any interventions from me.

Paul Martin's puerile and spurious point of order, when he objected to my going for a drink of water during a two and a half hour debate, will be of interest to my trade union colleagues. It was also an interesting insight into the Labour Party.

There have been some very good speeches. As was mentioned, this is the last time Christopher Harvie will have the chance to address the Parliament in such a debate. As ever, his speech was very interesting and its Germanic content was as high as ever. Based on my four years in the Parliament, I say that it is certainly the case that it will be a much less pleasant place without people such as Christopher Harvie in it.

Rob Gibson made a very good speech. He pointed out that it is possible for people to take pleasure in the fact that Stagecoach is a huge international company while also saying—as some people feel—that the company is not getting it right in a particular area. That is perfectly legitimate. It is true that in some rural areas people have objections to the service that it provides.

Bob Doris gave a very good account of how the modernisation of the subway will lead to a massive improvement in transport in Glasgow, but he also pointed out—

**Robert Brown:** Will the minister clarify the extent of the Scottish Government's financial input to the underground modernisation in Glasgow?

**Keith Brown:** We have said to SPT that we expect a cost of about £300 million and that we will support it on the project. Robert Brown knows full well that doubt still exists about the capital programme in the future. That must be sorted out. However, we—unlike previous Administrations—have said that we will in principle provide support.

Bob Doris's key point was that integration is critical. He was right to say that. We must do things to continue to improve on that.

It has been said that the Labour Party's proposal is nationalisation, but the simple fact is that we do not know whether that is the case, because the Labour Party's motion does not contain enough detail. Perhaps we will get that detail when Charlie Gordon sums up; the proposal could be nationalisation.

Ross Finnie was wrong—money was mentioned long before Shirley-Anne Somerville's speech. Stewart Stevenson mentioned a figure of £750 million, which is a conservative estimate of the cost of some forms of reregulation. We are interested in whether the Labour Party will put a figure on its proposal.

**Patrick Harvie:** Will the minister give way?

**Keith Brown:** No.

David Whitton appeared to say that we should give local authorities more money, even though we have given them a bigger share of our budget than the Labour Party did when it had the chance to allocate funds. Where would the money come from to give local authorities more money and to spend up to £1 billion or £750 million on bus reregulation? Will he explain where the cuts would be made? He will not have the chance to respond, but perhaps Charlie Gordon can give an explanation. Motions should not simply be lodged with absolutely no information about how proposals would be funded. That shows that what is being done is more gesture politics than anything else.

When substantial changes in how the bus industry works in Scotland are contemplated, we must be clear about how they would affect not just bus services but the Government's overall finances. As I said, we provide significant funding of £240 million to the Scottish bus industry under BSOG and the concessionary travel scheme. That will be maintained in 2010-11. Of course, the Labour Party voted against that £240 million, and against the concessionary travel scheme and BSOG in the budget—[*Interruption.*] Well, it has been said that we voted against not increasing VAT, but we have made it perfectly clear that we support retrenchment from that position.

In addition to monetary support to the bus industry, we have provided a suite of guidance in

consultation with local authorities, to enable them to develop and sustain local bus service provision through our on-going dialogue with the CPT. Since the time that David Whitton mentioned, I have met the CPT. The position is complex, but I am happy to give him full details in writing.

**David Whitton:** Will the minister give way?

**Keith Brown:** No—I said that I would write to David Whitton.

The CPT is happy with the position on the national concessionary travel scheme and the bus service operators grant, but it is important to try to bear down on a demand-led budget. John Swinney has done that very satisfactorily, at the same time as reaching agreement with the CPT.

On the concessionary travel scheme, it would be interesting to hear Charlie Gordon take another chance, which might be his final one, to say whether Richard Simpson's position of starting to demolish the scheme is Labour's view, or whether Charlie Gordon takes a different position. Perhaps he can outline that in summing up.

In our tenure in office, we have provided a platform from which Scottish bus operators could plan for the future free from unnecessary red tape. We accept that some regulation is required, and regulation currently exists, but we have managed to provide a platform as others have looked to tighten the public purse. We have overwhelming stats to demonstrate that Scottish bus passengers appreciate the services that they receive. Support and working with others are far better ways to provide effective bus services than is reregulation, as proposed by Labour.

11:28

**Charlie Gordon:** I always like to give transport ministers credit where it is due and I have done that since Keith Brown took over his job. I will not criticise him for not taking an intervention from Karen Gillon, because I think he is fearful of her. To be fair, so am I. However, he rather phoned in his opening speech. He said that the Government's role was to set the policy framework. He said that there is an open market in bus services, but I provided third-party evidence of market failure. He said that buses should compete with the car. They should, but they hardly ever do so.

Keith Brown mentioned quality tools, including statutory quality partnerships, but no partnership has been signed in 10 years. He mentioned third-party bus-lane enforcement, which is important in our cities. I hope that he will answer my written question on that before dissolution. He said that the Competition Commission is the available remedy, but we should sort out the situation under

devolution; transport is devolved to the Scottish Parliament.

I will clear up the point about Richard Simpson again, although I have cleared it up in correspondence with the minister. At a public debate, Richard Simpson gave the Labour line that no change should be made to the free bus travel scheme. However, like many other individuals of his age, he mused on the fact that he is a well-off man who gets to travel for nothing on the buses.

Jackson Carlaw outed me as being out of date. That is fair enough. He cannae see it from where he is sitting, but I am actually wearing flared trousers and platform soles. He then rather undermined his effect by saying that what we have to do is to get back to Maggie Thatcher. I am grateful to him for that, because Maggie Thatcher is not out of date in Scotland; she was just never supported as being relevant by the people of Scotland. I am also grateful to Jackson Carlaw for reminding the chamber of Alison McInnes's view of my bus bill. Alison has the haunted look of a prisoner of the Thatcherites. She gave me a row earlier and said that I should work with bus operators. I assure her that I have signed more voluntary bus partnerships than she has had hot dinners.

Karen Gillon outed herself as a Cliff Richard fan—clearly, that is a case of too much information—and went on to give real examples of the human cost of market failure in local bus markets. My old conscientious adversary Stewart Stevenson let his standards slip today in setting up a couple of straw men. He said that I was out to renationalise the bus industry. No, I am not, and neither am I out to recreate municipal bus operators nor to create or replicate the bureaucratic and expensive Transport for London model, which I went down to London to have a close look at some years ago. As I thought I had made it plain in the debate, I want to amend the Transport (Scotland) Act 2001 to make it easier to implement statutory quality contracts, because that will pave the way for cross-subsidisation, which I see as a key feature of the regime.

Rob Gibson made the point—to be fair, it was an aside—that bus reregulation was not in the last SNP manifesto. Here is a quotation from the SNP national conference of October 2006:

“The SNP recognises the failures of bus deregulation across Scotland and reiterates its support for re-regulation of Scottish buses.”

Who is U-turning now?

**Rob Gibson:** In calculating the costs, have you factored them into your ideas of reregulation?

**Charlie Gordon:** I have already touched on the financial effect that I want to see from the type of reregulation that I advocate.

In fairness to Rob Gibson, who is a thoughtful contributor at the Transport, Infrastructure and Climate Change Committee, he rightly made the point that integration of transport modes is not reflected in his part of rural Scotland. He made points, on which I have already advocated, on the possibility of integrating community and commercial bus provision. He described a realistic local picture.

Robert Brown said that statutory quality partnerships have been successful. As I have made plain, not one has ever been signed and implemented. Des McNulty gave a good case study. Chris Harvie was Chris Harvie; he did not say much about buses today, but I for one will buy his new book. Here is a first: Patrick Harvie was right. Enough said.

David Whitton made important and challenging points—points that were a bit too challenging for the minister—on the structure of the bus service operators grant, which is a very important system that must not be interfered with lightly. Shirley-Anne Somerville confessed that she enjoyed serving on the Transport, Infrastructure and Climate Change Committee with me. When I heard that, I thought that she would next say, “Charlie’s an oldie, but a goodie”, but it turns out that I am a workhorse, not a thoroughbred. I thank Shirley-Anne for reminding the chamber that I will be 60 in October, but 60 is just a number; there is life in this old workhorse yet. She said that I had not made the case for reform. I am not the only one who is making it; lots of third parties are making the same case.

Elaine Murray invited you, Presiding Officer, to endorse her view that you had served with this old workhorse before, when we were on Strathclyde Regional Council. I can look back on what we did on the transport scene, including on buses, with a great deal of pride and satisfaction. In many respects, it is not a bad benchmark for other parts of Scotland.

Ross Finnie misrepresented Karen Gillon on VAT. She would not have made the point that he claimed that she made on VAT in relation to buses, because VAT is reclaimable for fuel use in the bus industry.

**Stewart Stevenson:** Does the member accept that it is not legal under European regulations to introduce a fourth level of VAT?

**Charlie Gordon:** Again, Mr Stevenson makes a point that he wishes he had made a fortnight ago, during the fuel duty debate. I back Ed Balls’s judgment rather than even Stewart Stevenson’s.

Ross Finnie was on stronger ground when he praised the achievements of the former Strathclyde Passenger Transport Authority and Strathclyde Passenger Transport Executive. I am one of the SPTA’s former chairs, so I thank the member for that. He banged on about how the proposal would be paid for; I have covered that point.

Overall, it has been a good debate. For a number of years, I have felt that politicians from all parties and at most levels have been substantially disconnected from ordinary people’s concerns about the relative importance of bus services. Today’s debate has been an important opportunity to reconnect with that agenda. There is a big dividing line between Labour and the anti-reregulation parties in the chamber today. On this issue, as on so much else, it will soon be going Labour’s way.

11:37

*Meeting suspended.*

11:39

*On resuming—*

## Scottish Executive Question Time

### General Questions

#### Forests (Grant Recipients)

**1. George Foulkes (Lothians) (Lab):** To ask the Scottish Executive for what reason, in response to freedom of information requests, it has chosen not to reveal the names of recipients of grants in relation to forests. (S3O-13341)

**The Minister for the Environment and Climate Change (Roseanna Cunningham):** The European Court of Justice has made a judgment that the European Commission's regulation on the matter imposed excessive requirements on the publication of data for individual beneficiaries—that is, natural persons—which meant that all member states were in breach by publishing payment details of natural persons. It is not technically feasible for many member states, including the United Kingdom, to separate individual beneficiaries from businesses.

Following Scottish Government legal advice, the decision was taken temporarily to suspend publication of the payments of all 22,000 beneficiaries on the Government website until a solution can be found that allows us to publish payment details of those beneficiaries that are not deemed to be natural persons. The rural payments and inspections directorate of the Scottish Government will still release information in response to individual freedom of information requests where it is possible to identify that a business is not a natural person.

**George Foulkes:** With respect, that is a load of rubbish. I keep getting lectures that our freedom of information regime in Scotland is better than it is in the rest of the UK. I have the replies for England, in which everyone is named. For Wales, everyone who got money is named. For Scotland, the documents say "Name withheld", "Name withheld", "Name withheld".

It has been suggested to me by someone with a little more daring than I have that maybe the names have been withheld because there are some Scottish National Party donors among them, or some people who are endorsing Alex Salmond.

**Members:** Oh!

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** That is a disgrace.

**The Presiding Officer (Alex Fergusson):** Order. A question, please, Lord Foulkes.

**George Foulkes:** I would hesitate to suggest such a thing. Let us have the real reason, then. Why are the names being withheld?

**Roseanna Cunningham:** I thought that I gave a clear, calm explanation of the current position in respect of the legal advice that the Government received. I do not know whether Labour Party members are suggesting that we simply ignore legal advice. I have undertaken and continue to undertake to investigate why there is a disparity between what is happening south of the border and north of the border, although I gently remind Labour Party members that, the last time I looked, we still had an independent legal system in Scotland, and it may well be that the advice is different. I am very sorry that George Foulkes adopted the tone that he did.

#### Public Safety

**2. Tom McCabe (Hamilton South) (Lab):** To ask the Scottish Executive, in light of recent events such as the murder of Reamonn Gormley, what measures it will bring forward to improve safety on Scotland's streets. (S3O-13351)

**The Cabinet Secretary for Justice (Kenny MacAskill):** Every murder is a tragedy, and my deepest sympathies are with Reamonn Gormley's family and friends, as well as with the wider community. Reamonn was clearly an outstanding young man who had so much to offer. Every tragic incident and every life lost because of knife crime is one too many.

The Scottish Government is committed to making Scotland a safer place in which to live and work. Latest statistics show progress. Crime in Scotland is at its lowest level in 32 years, the number of people killed by a sharp instrument is down 39 per cent over the past year and the number of people who have been caught carrying an offensive weapon is down to its lowest level in a decade. In South Lanarkshire, violent crime is down 12 per cent, and handling offensive weapons crimes are down 27 per cent.

However, there is always more that can be done, which is why this Government will maintain 1,000 extra police officers on our streets, and it is why, last month, I announced a doubling of the funding for our no knives, better lives education campaign.

**Tom McCabe:** I appreciate the minister's answer, but within a square mile of that tragic murder there have been around eight murders over the past 18 months. My local paper can report on four murders over a six-week period, and page after page reports violent crime. The police tell us that violent crime is down and that crime in

general is down, but that is not the feeling on the streets of Hamilton and the surrounding areas. What will the minister do to further reassure people in those areas that it is not just fancy statistics but the reality of life that will eventually make them feel better?

**Kenny MacAskill:** We appreciate that some areas in Scotland face significantly greater problems than other areas face. We must get matters into perspective; equally, we must remember particular problems and instances such as Mr McCabe mentioned.

We are doing what we are doing. We are maintaining a significant police presence. More than a quarter of a million stop and searches have been carried out in Strathclyde alone, which disclosed that fewer people are carrying and more people are getting caught. The people who are caught are getting longer sentences, which is as it should be. The average sentence for a knife offence is nine months, and people who perpetrate serious offences such as murder face a mandatory life sentence, as of course they should do.

We will work with the local authority, and discussions are on-going, to see how we can roll out the no knives, better lives programme, which has delivered remarkable success in Inverclyde, in areas that are equally blighted.

**Christina McKelvie (Central Scotland) (SNP):** I thank the cabinet secretary for taking time last week to meet my constituents John Tierney, Michelle McNally and Dominic Flynn, from Blantyre, who were among the organisers of the solidarity march that followed the death of Reamonn Gormley. They were left in no doubt about the cabinet secretary's personal commitment, and that of the Government, to tackling knife crime and making our streets safer.

The cabinet secretary recently announced a doubling of funding for the no knives, better lives education campaign, and work on the roll-out of the campaign in South Lanarkshire—

**The Presiding Officer:** Come to a question, please.

**Christina McKelvie:** Does the cabinet secretary agree that training and equipping a range of organisations in communities, such as the Blantyre walk 'n' rollers group, to take the no knives, better lives message to young people will help to empower communities to tackle knife crime directly, as it affects them?

**The Presiding Officer:** Can we have a relatively brief answer, please, cabinet secretary?

**Kenny MacAskill:** The work in Inverclyde has been successful and we hope to roll it out in South Lanarkshire—it is already being rolled out in Edinburgh, Clackmannan and Glasgow. It is

appropriate that we train the trainers. Money to deal with the problems and consequences of knife offending is being provided to people who are involved in youth work in a variety of organisations.

**The Presiding Officer:** Question 3 is from Mike Pringle, who I do not think is in the chamber, which is unfortunate.

### Land Use Planning System

#### 4. Charlie Gordon (Glasgow Cathcart) (Lab):

To ask the Scottish Executive whether the recent changes to the land use planning system have helped expedite local planning decisions. (S3O-13344)

**The Minister for Transport and Infrastructure (Keith Brown):** During the first half of the current financial year, decision making within the statutory timeframes has improved by 5 per cent for local applications and 11 per cent for major applications.

**Charlie Gordon:** I have been made aware that a major established business in Edinburgh is still awaiting a decision on its master plan after some nine months, having incurred professional fees and overall opportunity costs of some £600,000. Does the minister think that such examples are acceptable as we strive to get Scotland back to full employment?

**Keith Brown:** I refer the member to my previous answer. There has been substantial improvement, particularly for major applications—11 per cent, as I said. Of course, some applications are more complex than others. When particular initiatives are pursued, for example new bus or railway stations, other consultation processes must kick in, which can make the process longer.

We have worked hard, by changing the planning legislation and by issuing guidance, to ensure that we do things faster. The overall figures demonstrate that, but I accept that there will be exceptions to the rule.

### St Patrick's Day

**5. Anne McLaughlin (Glasgow) (SNP):** To ask the Scottish Government whether Scotland can learn from the way in which Irish culture, history and achievements are promoted and celebrated world wide on St Patrick's day. (S3O-13318)

**The Minister for Culture and External Affairs (Fiona Hyslop):** I wish everyone, particularly the Irish diaspora in Scotland, happy St Patrick's day.

There are lessons that we can learn from Irish experience. For example, Ireland sends a number of ministers across the globe to promote Irish



culture, trade and industry on St Patrick's day. That is not possible to the same extent for a minority Government that requires always to be in attendance at Parliament.

**Anne McLaughlin:** The minister will be aware of the St Andrew's day campaign committee, which is calling for St Andrew's day to be a full national public holiday. Perhaps she will support the call.

Will the minister comment on recent remarks in the Parliament about Ireland's current economic situation? Members of the Irish community told me that they found the remarks "offensive", "inexcusable" and "deeply hurtful"—their words, not mine. Will she join me on St Patrick's day in confirming our unswerving solidarity with the people of Ireland and our total confidence in their ability to come out of the situation stronger than ever?

**Fiona Hyslop:** There is no legal or statutory definition of a public holiday in Scotland, but momentum is building around the importance of celebrating our national day, St Andrew's day, throughout Scotland.

On Anne McLaughlin's latter point, I congratulate Enda Kenny on his appointment as Taoiseach.

On solidarity with Ireland, it is important to reflect that the International Monetary Fund forecast in October showed that the Irish economy is expected to grow at a faster rate than the United Kingdom's. Indeed, in 2009, the gross domestic product per capita in Ireland was 12 per cent higher than that in the UK. More important, the Irish people are close neighbours of ours, and as they come through their difficulties it is better to stand shoulder to shoulder with them in solidarity than to trade insults, which some members seek to do.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Is the minister aware that the St Patrick's day festival in Coatbridge is one of the biggest festivities of the type in the world? Will she congratulate its organisers on their hard work, which enables Irish culture and history to be celebrated over the course of the two-week festival? Will she join me in urging Scots with Irish heritage to tick the Irish ethnicity box on the census form?

**Fiona Hyslop:** Indeed I will. I was pleased to attend a St Patrick's day event yesterday with the consul general from Ireland. I understand from her that she is attending the Coatbridge event and that it has been going for nine years. I am sure that the Parliament will want to congratulate the people of Coatbridge on delivering that.

The Scottish census in 2011 will contain an Irish ethnicity tick box, which I hope will provide a baseline for the number of Irish in Scotland. I encourage those with an Irish identity to reflect it in the census.

### Community Payback Orders

**6. Mr Frank McAveety (Glasgow Shettleston) (Lab):** To ask the Scottish Executive what its position is on how community payback orders are working. (S3O-13350)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The provisions for the community payback order have been in force for only a little over a month. The significant work that went into planning and preparing for implementation of community payback orders has so far enabled a smooth procedural transition from the existing system of community sentences.

Recent snow clearing involved on average 1,314 low-level offenders, who worked 33,707 hours altogether. However, the long-term success of community payback orders will lie in their effectiveness in reducing reoffending in Scotland, which short prison sentences signally failed to do. As the member knows, three quarters of offenders imprisoned for three months or less reoffend within two years, whereas two thirds of those who receive community service orders do not.

**Mr McAveety:** Can the cabinet secretary justify the £10,000 expense to the taxpayer of keeping the individual who breached the first community payback order in prison due to his refusal to conform to the expectations of the CPO? What will he do if others who are issued with community payback orders exhibit the same pattern of conduct?

**Kenny MacAskill:** I do not interfere in the independence of the judiciary, but I fully support any action that a sheriff feels it is necessary to take. If that is sending somebody who breaches a CPO to prison, so be it. Sheriffs have that right and face that obligation, so they have our full support.

Equally, I remind the member that it costs £40,000 per annum to give somebody free bed and board. It is better that low-level offenders go out and do some hard work to repay the damage that they have done in our communities than that the taxpayer has to contribute to funding them.

### Employment (Falkirk West)

**7. Michael Matheson (Falkirk West) (SNP):** To ask the Scottish Government what additional assistance it has provided to support, and help people find, employment in the Falkirk West constituency. (S3O-13316)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** I am aware of the success of places such as Falkirk in building broad-based employability partnerships with a combined focus on the needs of adults and young people. It is clear that the approach is working because, despite the difficult economic conditions, the number of people employed in Falkirk rose by 400 over the year to June 2010. In fact, at 72.5 per cent, the employment rate for Falkirk is now higher than the Scottish average, which itself is higher than the United Kingdom rate.

The Government really wants to build on that kind of progress. As we announced in December, Falkirk Council will receive more than £425,000 of European social fund money for an employability and regeneration project that will run over two years. In this year's budget, we further committed to provide no fewer than 46,500 training places across the whole of Scotland. We also announced a £10 million package of support for small businesses that recruit the long-term unemployed and a further £10 million for a community jobs fund to offer young people work opportunities in the third sector.

**Michael Matheson:** The minister will be aware that HEROtsc, which is based in Larbert in my constituency, has benefited greatly from support from the Scottish Government, creating some 200 new jobs. The same is true for Malcolm Allan Ltd, which is one of the country's leading food manufacturers. In addition, Alexander Dennis Ltd has benefited greatly from the Scottish Government's green bus fund and secured 46 of the 50 buses that will be manufactured through that scheme. Given the progress that has been made in the area, what further measures does the Scottish Government intend to take to continue to promote employment in Falkirk?

**Jim Mather:** I recognise the scenario that the member has painted. Alexander Dennis, Malcolm Allan and HEROtsc have all displayed resilience and perseverance, have invested in and developed new products and services, and have sought out markets and won new contracts. The Scottish Government is doing more: four offers of regional selective assistance in the Falkirk area have been accepted, amounting to grant support of more than £1.1 million, which is helping to secure 114 additional jobs in the area. In addition, other companies in the area, such as Caledonian Produce, are pressing ahead with plans for 450 new permanent jobs.

#### **Park-and-ride Framework**

**8. Jamie Hepburn (Central Scotland) (SNP):** To ask the Scottish Government what progress is being made in implementing the national

framework for park and ride for buses. (S3O-13313)

**The Minister for Transport and Infrastructure (Keith Brown):** Bus park-and-ride schemes are delivered by local authorities and regional transport partnerships. They have been successfully developed at many sites throughout Scotland and the Scottish Government is keen for that to continue. They can make a valuable contribution to increasing modal shift and reducing congestion, which are key outcomes for the Scottish Government.

**Jamie Hepburn:** Is the minister aware of the on-going campaign for a new bus station for Cumbernauld town centre to replace the shambles that passes for a bus station at the moment? What advice can he give to those of us who are campaigning for a new bus station for the town?

**Keith Brown:** I am aware of the on-going campaign for a new bus station in Cumbernauld town centre, and of the member's staunch support for it. My advice is that North Lanarkshire Council, local bus operators and Strathclyde partnership for transport should work together to develop practical and cost-effective proposals for a facility that will meet passengers' needs. During this morning's debate, we saw that the best environment for buses in Scotland is a mutually supportive one in which bus operators, Government and local authorities work together. That will provide the best outcome.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I am sure that the minister agrees that the park-and-ride facilities at Croy and in Cumbernauld provide safe parking for people who use the train. However, the minister will be aware of my concerns about the unfortunate proposal to introduce parking charges at those park-and-ride facilities. Will the minister advise Parliament about the progress that has been made on through-ticketing? What progress and discussions have taken place on through-journey proposals? Could those issues and the issue of the complete cost of travel, including the parking charge, be discussed and included in any future ScotRail franchise?

**Keith Brown:** I am sorry; I was trying to answer questions about the bus station and park and ride. As Cathie Craigie knows from my previous answers to her questions, although the Scottish Government funded the park and ride at Croy, it is for North Lanarkshire Council to decide whether to apply charges to it. We have to wait and see what North Lanarkshire Council does.

On through-ticketing and so on, I am happy to respond to the member in writing.

**Jamie Hepburn:** On a point of order, Presiding Officer. On what basis are members allowed to ask questions about train station park-and-ride

facilities when the substantive question was about bus station park and rides?

**The Presiding Officer:** That is a matter of judgment for the chair, Mr Hepburn.

### Crown Estate

**9. Alasdair Allan (Western Isles) (SNP):** To ask the Scottish Government whether it considers there would be any benefits to the rural economy if the Crown Estate commission was devolved. (S3O-13304)

A dh'fhaighneachd do Riaghaltas na h-Alba a bheil e a' creidsinn gun dèanadh e diofair ri eaconamaidh nan sgìrean iomallach nam biodh Oighreachd a' Chrùin fo smachd Pàrlamaid na h-Alba.

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** Yes, because the Scottish Government believes that Scottish public assets should be managed in Scotland for the benefit of Scotland's people. Devolving responsibility for the Crown estate to the Scottish Parliament would ensure that its management was aligned with Scottish Government priorities and we could use the revenues generated to benefit rural Scotland directly in delivering sustainable and vibrant rural communities.

**Alasdair Allan:** Will the cabinet secretary likewise acknowledge that, in a coastal community such as my own, where the council pays rent of £20,000 per year on piers and the port authority pays a similar figure, the benefits of the Crown estate, in its present form, are hard to discern?

**Richard Lochhead:** I certainly agree with the member's sentiments. The Crown estate is outdated and outmoded, and responsibility for it should be transferred to the Scottish Parliament. Also, it is estimated that up to £100 million of revenue has flowed south since devolution. Most members would agree that that money should have stayed here in Scotland to benefit our own communities.

Unfortunately, some of the other parties at Westminster voted this week against the Scottish National Party's attempt to have responsibility for the Crown estate passed to the Scottish Parliament, including, shamefully, the Liberal Democrats, who are campaigning north of the border for devolution of the Crown estate but voting against it at Westminster.

**The Presiding Officer:** Before we come to questions to the First Minister, I am sure that members will wish to join me in welcoming to the gallery the high commissioner of Tanzania, His Excellency Peter Kallaghe. *[Applause.]*

## 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-2962)

**The First Minister (Alex Salmond):** This afternoon, I will be speaking to Keith Anderson, the managing director of ScottishPower Renewables. As the chamber may know, this morning, as a Government, we have given the green light to the world's largest tidal power array in the Sound of Islay—a project of 10MW capacity, which is four times the installed capacity around the world at present. I know that everyone will welcome that energy and technology, on which Scotland leads the world.

**Iain Gray:** Yes, that is a great project. It was a great project when the First Minister first announced it in Oslo in August. That is the great thing about Alex Salmond's renewables announcements—they are endlessly renewable.

Yesterday, in response to new unemployment figures, the First Minister boasted that his policies were "paying off handsomely". Does it not worry him that there are 218,000 Scots out of work, which is 2,000 more than there were one month ago? They were not paid off handsomely; they were just paid off. Youth unemployment has increased for the third month in a row. Does the First Minister really think that that is something to boast about?

**The First Minister:** Let me deal first with the tidal array project. What was announced in Oslo last autumn was the co-operation agreement between Scottish Power and other companies to proceed with the project. Six months later, that project is now proceeding to construction. As well as putting Scotland in a world-leading position on that technology, it will generate jobs across the country. Barely 20 energy projects were licensed during the entire time of the last Administration. The Sound of Islay project is the 40<sup>th</sup> renewables project that has been licensed and given the go-ahead by the Scottish National Party Administration.

I am delighted that at last—for the first time this year—Iain Gray has come to the economy. His timing is impeccable because, of course, unemployment in Scotland is far too high. Youth unemployment, in particular, is far too high, but most people would welcome the fact that Scotland is now unique in these islands in having rising employment for the eighth month running and falling unemployment for the fourth month running.

Against the background of the cutbacks from the Westminster Tory-Liberal Government, that seems to me to be an achievement that should be noted and which should be marked by a joint celebration by the chamber and a determination to do more to tackle the scourge of youth unemployment, in particular.

**Iain Gray:** There are 218,000 Scots out of work, which is 2,000 more than there were a month ago. Frankly, I think that they expect more than a rousing chorus of “Always Look on the Bright Side of Life” from the First Minister.

The First Minister also told us yesterday that the construction sector was booming. When did he last speak to a construction worker? Construction workers do not believe that and we did not believe it, either, so we got the official figures. Alex Salmond inherited £1.3 billion-worth of construction-ready projects from Labour. When he leaves government, he will leave behind projects that are worth £135 million. That is one tenth of the work that we left behind.

**The Presiding Officer (Alex Fergusson):** Order—let us hear the question.

**Iain Gray:** That is the Salmond slump: tens of thousands of construction jobs gone, right there. Does the First Minister really think that that is something to boast about?

**The First Minister:** Right: the official figures—*[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** I am not talking about the Andy Kerr figures; I am talking about the Office for National Statistics. Yesterday, the BBC actually had a debate asking who is right on the unemployment figures: is it Andy Kerr, or is it the Office for National Statistics? On balance, after some thought, I suspect that the army of statisticians and economists in the Office for National Statistics might know slightly more about them than Andy Kerr—or, for that matter, Iain Gray.

On construction employment, I have the official figures here. There are three series on construction employment. At the end of quarter 3 in 2010, full jobs—workforce jobs in construction—were 180,100, which is a rise of 23,400 on the year, and 14 per cent up on the year. In contrast, across the UK there was a decline of 1.3 per cent. That rise is substantially due to the wise decision of Mr Swinney to accelerate capital projects.

Iain Gray gave us some figures and tried to pretend that they were figures for capital projects. What he gave us were the private finance initiative figures. Actual capital expenditure over the past four years by this Government has been £14

billion, which compares with £9 billion under the previous Labour and Liberal Administration.

The private finance initiative is not the whole of capital projects in Scotland. It is only that bit of it that costs the public purse an arm and a leg, and for which we will be paying for ever. *[Applause.]*

**The Presiding Officer:** Order, order. This set of questions is taking too long. I need shorter questions and shorter answers, please.

**Iain Gray:** The trouble is that those on the ground who face the reality of unemployment believe none of that—and with good reason. The First Minister’s promise was to match Labour brick for brick, but the reality is a Futures Trust that has yet to build a single school. *[Interruption.]*

**The Presiding Officer:** Order.

**Iain Gray:** The First Minister’s promise was to match Labour’s teacher numbers; the reality is that he has cut 3,000. His promise was to protect the national health service from Tory cuts; the reality is a cut of 1,500 nursing jobs.

Never mind the statisticians—can the First Minister look teachers, nurses and construction workers in the eye and tell them that everything is “paying off handsomely”?

**The First Minister:** “Never mind the statisticians”—that is interesting. Never mind the figures: listen to Andy Kerr and Iain Gray. I think that a former maths teacher will understand that a 14.3 per cent increase over a year seems to be quite a substantial increase in construction employment.

Iain Gray challenges me to match the Labour Party. I would have thought that in recent times it has been Iain Gray who has been trying to match the SNP, on things such as university tuition fees, the council tax or even, yesterday, accident and emergency units, which he says that he is going to save. We did not even know that he was going to close them again. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** Iain Gray is going to his conference this weekend. He does not need a Labour conference to change policy—all he has to do is wake up in the morning.

**The Presiding Officer:** Order.

**Iain Gray:** Here is the figure—*[Interruption.]* Look—I am happy to talk about U-turns. This is the man—*[Interruption.]* This is the man who promised Scottish students that he would pay off their student debt and did not do it: a bigger U-turn than Nick Clegg ever carried out.

Here is the figure that matters. Alex Salmond inherited a Scotland with lower unemployment

than the rest of the country, and he leaves a Scotland with higher unemployment than the rest of the country. Why is that? It is because of four SNP-Tory budgets. That is why the former Tory leader over on the Tory benches once said:

"Let us face it: the next best thing to a Tory Government is a Government that does what the Tories tell it to do".— [Official Report, 4 February 2009; c 14667.]

He was speaking about the First Minister, was he not?

**The First Minister:** Somewhere in the economic reversals that have undoubtedly been suffered over the past few years, there might be some accountability for Gordon Brown and the Labour Government.

I am fascinated by the idea that Labour's beloved PFI projects collapsed in Scotland. I have just come across the figures for England under Labour. Between 2007-08 and 2008-9, in England the value of PFI projects fell by 85 per cent, because one of the unfortunate things is that, during a credit crunch induced by Labour, we cannot even deal on the expensive PFI projects because the banks will not advance the money. That is why the £14 billion of capital projects organised by John Swinney as the finance secretary have led to eight months of rising employment in Scotland and three months of falling unemployment, and it is one reason why the Labour Party will never be trusted with the charge of the Scottish Government ever again.

### 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-2963)

**The First Minister (Alex Salmond):** I have no plans to meet the secretary of state in the near future.

**Annabel Goldie:** This week in Scotland, two men were convicted of a sickening sexual assault on a woman. Horrifically, two young boys aged 10 and six were forced to observe and participate. Those men have received a prison sentence of six years. How long will they actually serve in jail?

**The First Minister:** As Annabel Goldie well knows, that is a matter for the courts and other authorities. In this country, the determination is not made by politicians, and I hope that that would be the case under any Administration. The separation between the implementation of the justice system and the political process is highly important in any society.

I hope that we jointly welcome as a Parliament the fulfilment of our responsibilities. Our responsibilities have been to set a legislative framework that, Annabel Goldie will remember

from last autumn, significantly strengthened both the range of penalties and the ability to prosecute a range of sexual and other offences. That is the responsibility of the Parliament, and it is a responsibility that is being discharged.

**Annabel Goldie:** What is astonishing and deeply troubling is the First Minister's ignorance on an issue that is so serious. Let me tell him the answer to my question, because answer there is. The men involved might get out after three years but will definitely get out after four.

In the First Minister's 2007 manifesto, which I have here, he promised to end automatic early release. In the 12 years of this Parliament, the Conservatives have repeatedly tried to end automatic early release, and on every occasion we have been voted down by the Scottish National Party, Labour and the Liberal Democrats, so I will not take any lectures from the First Minister on protecting victims. The public is sick and tired of political parties doing cartwheels and U-turns on pledges and commitments. Will the First Minister explain why he broke his 2007 manifesto commitment and why he has nothing meaningful to say on this serious issue?

**The First Minister:** This is not a lecture, just a gentle chiding. Annabel Goldie, when she condemned the other three parties' positions on automatic early release, might have mentioned to the chamber that it was a Conservative Government that introduced automatic early release in Scotland.

The sentencing structure in Scotland has substantially improved, as have victim support and consultation with victims on future sentences. The biggest statistic on criminal justice, which I hope Annabel Goldie and I can agree about, is that we have a 32-year low in recorded crime in Scotland. I believe that that is due to the 1,000 additional police officers, which this Government, supported by others in the chamber, put on to the streets and into the communities of Scotland.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The Ballater Business Association invited the First Minister to meet it on Deeside, as its members face some of the biggest rates rises in Scotland under the SNP Government. It waited for a month for a reply from the First Minister, and his spokesman told *The Press and Journal* just six days ago that he had not ruled out a visit. However, yesterday, the First Minister changed his mind and refused to meet the association. What is he worried about?

**The First Minister:** I point out that Jim Mather, the Minister for Enterprise, Energy and Tourism, has met the Ballater Business Association. When he did so, he was able to tell its members that the range of help for businesses in Scotland is

unrivalled and unprecedented. Chief among those measures, in my view, is the small business bonus, which has benefited 80,000 small businesses throughout Scotland. Those businesses either have had the rates burden totally removed from them or have had it substantially reduced. I believe that that was the right policy and that the Liberal Democrats were wrong to vote against it. As the Government, we shall maintain the small business bonus throughout the next session of Parliament.

**Mike Rumbles:** I was at the meeting in Ballater last September to which the First Minister sent the Minister for Enterprise, Energy and Tourism. It proved to be a complete and unmitigated disaster. Ballater businesses faced increases in business rates of between 80 and 140 per cent, yet the Government did nothing to protect them. Sixteen of those businesses used to pay £27,000, but they now pay £87,000. Thousands of individual businesses throughout Scotland face the same problem and the Government has ignored them. Jim Mather told the meeting that businesses should appeal, but Grampian's independent assessor, who was also at the meeting, said that there was no point.

Bryn Wayte of the Ballater Business Association owns a small bookshop in Ballater. His rates bill went up by £5,000 last year. He is angry that the First Minister is so dismissive and has not answered the association's questions. Will the First Minister even now change his mind again and agree to meet seriously threatened businesses in Ballater?

**The First Minister:** I am rather puzzled by Mr Rumbles's description of the meeting. Mr Mather received a letter from the Ballater Business Association thanking him for the constructive nature of the meeting. I hesitate to say it, but anything untoward that happened at the meeting may have had some connection with Mr Rumbles's presence at it.

Mr Rumbles must understand that 80,000 businesses throughout Scotland are delighted that the Government, supported by others in the chamber, pushed through the small business bonus, giving unprecedented support to small businesses across the country. None of those people will understand—because he never talks about it—why Mike Rumbles led his troops in a vote against the small business bonus.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** When? This year?

**The First Minister:** I am told that Liberals did not do that this year.

**Jeremy Purvis:** Well, when?

**The Presiding Officer:** Order, Mr Purvis.

**The First Minister:** They did it when the small business bonus came before the Parliament.

**Mike Rumbles:** That is just not true.

**The First Minister:** What we are hearing from the Liberal Democrats is that all their votes against the small business bonus and against everything else that the Government has done should be swept aside because this year, in the budget debate, they finally came to their senses and supported the Government. That is why Tavish Scott, in his *Holyrood* magazine interview, complimented the Government and said what a fine job we are doing.

**Sarah Boyack (Edinburgh Central) (Lab):** Last Wednesday, Alex Neil MSP made a one-off payment of £700,000 to the City of Edinburgh Council to plug the gap in the city's employability services. At the Blindcraft demonstration on Thursday, the same minister pledged to do all that he could to save Blindcraft and suggested that the money could be used for Blindcraft workers. This week, Blindcraft staff were told that the factory will be closed at the end of the month. Will the First Minister step in at the 11<sup>th</sup> hour and save Blindcraft as he saved Glencraft in Aberdeen?

**The First Minister:** I am sure that the member was pleased with the result at Glencraft in Aberdeen. That was an excellent agreement between the council, the Government and the private sector.

As the Minister for Housing and Communities told the lobbyists, we would be extremely pleased to facilitate effort and do everything that we can to help the workers at the present moment.

We cannot assume responsibility for the City of Edinburgh Council. We regret that the proposal that was put forward did not come to fruition. The Minister for Housing and Communities will continue to be receptive to any concepts.

I remember that, during the debates around Glencraft, Labour Party members acted as they are acting at the present moment. However, I fail to remember any welcome once action was taken and the jobs were saved, which speaks volumes for how the Labour Party regards employment and jobs in Scotland—something for the politics, but nothing to welcome when achievements are made.

## Child Trafficking

**4. Christine Grahame (South of Scotland) (SNP):** To ask the First Minister what resources the Scottish Government has put in place to detect and prevent child trafficking. (S3F-2968)

**The First Minister (Alex Salmond):** We place the highest priority on eradicating that despicable crime and supporting the victims. That is why we

have given an additional £4 million to the Scottish Crime and Drug Enforcement Agency, to help it to address trafficking and other organised crime. We have strengthened the support to victims through annual funding of £50,000 and an innovative pilot scheme that will provide guardians to the victims of child trafficking. We have also put in place comprehensive new guidance to support the child trafficking and child protection units.

**Christine Grahame:** Does the First Minister agree that one of the major advances in Scotland is the pioneering multi-agency resources service—MARS—which is a child-protection hub and is the first of its kind in the United Kingdom? It allows professionals from various agencies to work together more effectively and share expertise and best practice. However, as a recent report by Scotland's Commissioner for Children and Young People highlighted, more focused preparation is needed to deal with trafficked children's specific and complex needs. How does the Scottish Government plan to take forward the key recommendations that are contained in that important report?

**The First Minister:** The multi-agency resource service is typical of the approach that is taken by this Government to strengthen the protection of and support for our most vulnerable children and young people. The Scottish Government is now providing £500,000 of funding over three years to MARS, at the University of Stirling.

That spirit of partnership and focus on practical solutions will govern how we address the recommendations by Scotland's Commissioner for Children and Young People on child trafficking. We have already taken action to address many of the recommendations and will reflect further on all the findings in the report, and will be in close consultation with our key partners in trafficking and child protection.

**Trish Godman (West Renfrewshire) (Lab):** The First Minister will be aware of a report by the Equal Opportunities Committee on prostitution and trafficking and of the fact that there have been no prosecutions for child trafficking in Scotland. I know that there is a question about numbers, but it seems to me that, if one child is trafficked into this country, that is one too many.

Given that the Government does not fund all the child trafficking voluntary organisations that work at the coal face, what action will the First Minister take to reinforce laws in order to bring forward prosecutions in child trafficking, where appropriate?

**The First Minister:** I am sure that the range of actions that I set out in response to Christine Grahame will convince the member of the Government's intent and seriousness. Incidentally,

all those measures have, rightly, received support across the chamber. That applies to the legal framework, support to the victims, the comprehensive new guidance on child trafficking and child protection and, of course, the additional funding to the Scottish Crime and Drug Enforcement Agency, to help it address this enormous problem.

I absolutely agree that one child in such circumstances is one child too many.

### End-year Flexibility

**5. David Whitton (Strathkelvin and Bearsden) (Lab):** To ask the First Minister what discussions the Scottish Government has had with the United Kingdom Government regarding end-year flexibility. (S3F-2966)

**The First Minister (Alex Salmond):** The Scottish Government has made regular representations to the United Kingdom Government over end-year flexibility, most recently when the Cabinet Secretary for Finance and Sustainable Growth wrote to the Chancellor of the Exchequer ahead of the UK budget. As the member will no doubt be aware, we also joined with the other devolved Administrations in Northern Ireland and Wales to make clear to the Treasury our position that we felt that its actions were not acceptable.

Our consistent view is that any funds that are intended for use by the Scottish Government for the benefit of the Scottish people should be used for that purpose and should not be purloined by Her Majesty's Treasury. I am sure that Mr Whitton will agree that the situation simply underlines the shortcomings of the present financial arrangement and the Treasury rules in the UK, and the need for Scotland to assume full responsibility for its financial affairs.

**David Whitton:** I thank the First Minister for his answer, but do not think that he will expect me to agree with the last part of it.

In November last year, the Chief Secretary to the Treasury, Danny Alexander, told the Finance Committee that devolved Administrations were not "just another Whitehall department", and that they would be treated differently in dealing with end-year flexibility. He said:

"I certainly do not intend that we would take away underspends at the end of any given year."—[*Official Report, Finance Committee*, 25 November 2010; c 2806.]

However, in true Liberal style, he has now done an amazing U-turn. In a letter to John Swinney on 28 February, he said:

"I have decided to abolish the EYF scheme and cancel all existing stocks. This decision applies equally to UK departments and devolved administrations."

That will cost Scotland around £23 million. Will the First Minister join me in condemning that flagrant act of grand larceny? What will the Scottish Government do to prevent that £23 million from simply disappearing into Treasury coffers?

**The First Minister:** I refer David Whitton to my answer to his first question. It is exactly because we do not have the power to prevent that that we want the financial powers that will mean that we are not beholden in any sense to Her Majesty's Treasury. I hope that he can make the connection between the thing that he condemns and the thing that he refuses to support.

The issue was a major topic of conversation at the joint ministerial meeting with the devolved Administrations. In terms of justice, we drew the Deputy Prime Minister's attention to the Danny Alexander quotations put forward by David Whitton on the reversal of the UK Government's position. I quite agree that the Chief Secretary to the Treasury has a lot of explaining to do to reconcile those quotations. We argued as strongly as the other devolved Administrations, which we supported in our joint declaration, but I suppose that the one small consolation is that the penalties for Northern Ireland and Wales are much greater. That is why we gave them such vigorous support.

Incidentally, if we had followed Andy Kerr, if Mr Swinney had paid attention to him and if we had left the EYF balances unused in the Scottish account, the Government and the people would not have lost £23 million; we would have lost £1,500 million to Her Majesty's Treasury. *[Interruption.]*

**The Presiding Officer:** Order.

### Scottish Fuel Poverty Forum

**6. Liam McArthur (Orkney) (LD):** To ask the First Minister what the Scottish Government's position is on how it has engaged with the Scottish fuel poverty forum on energy policy since the forum was re-established. (S3F-2974)

**The First Minister (Alex Salmond):** The Scottish fuel poverty forum was re-established by the Administration to provide advice to ministers on how to tackle fuel poverty and to meet the 2016 commitment. I thank the Rev Graham Blount for his work as chair of the forum.

Officials regularly meet the forum, and its advice has informed the energy assistance package and its development, such as the extension of help to families, the terminally ill and people with severe disability. Under this Administration, heating measures, complete systems and boilers have been delivered to more than 48,000 households. We announced a further £12.5 million of funding last week, which local councils will use to help a

further 200,000 households to make their homes warmer through improved insulation.

**Liam McArthur:** In 2008, members supported a motion that I lodged that called for the re-establishment of an independent fuel poverty forum. As the First Minister has said, the Government was right to act on that, and Graham Blount's appointment as the forum's first chair was excellent.

However, for the forum to be effective, trust and the sharing of information are vital. In his resignation letter to the minister on 10 March, Mr Blount made it clear that

"neither the Forum nor I as its independent Chair enjoy enough of your confidence to fulfil our agreed terms of reference".

Why was the forum kept in the dark at its meeting on 3 March about imminent budget and other changes that affect the energy assistance package? Does the First Minister find it acceptable that the forum has consistently been denied information that would allow it to assess and evaluate the effectiveness of the money that is being spent on various fuel poverty schemes? Does he recognise the anger that his Government's treatment of the forum and its outgoing chair has generated among those who are involved in the fight against fuel poverty in this country, and the potential damage that that could do to the success of that fight?

**The First Minister:** Liam McArthur is wrong on a number of fronts.

It is quite clear from the Rev Graham Blount's letter that he doubts the effectiveness of the schemes that relate to the £12.5 million for local councils. I point out that that sum is a successor to the £10 million for the universal home insulation scheme that was launched last year and voted on by the Parliament. The argument about targeting rather than having a widespread scheme is a perfectly legitimate one to debate, but the Parliament decided last year to implement that scheme. Most people would welcome the fact that the scheme has been extended in the coming year.

The second piece of misinformation from Liam McArthur is the idea that there was an impact on the central programme. That is not true. It was an announcement of additional money for local government for the universal home insulation scheme.

It is true that many people in the field are deeply worried about the budgetary situation. Given the £1,300 million cutback in the Scottish budget, they could hardly be anything other than that. However, some people will conclude that the sustaining of the energy efficiency package and various other schemes in Scotland is a world away from the 69



per cent reduction in the equivalent scheme that has been carried through by the Liberal Democrats in office south of the border.

**Bob Doris (Glasgow) (SNP):** I, too, thank Graham Blount for his work in conjunction with the Scottish Government to alleviate fuel poverty. We remain at the mercy of rising energy prices and a United Kingdom Government that seems determined to punish the poorest through welfare changes. Does the First Minister agree that, if the Liberal Democrats are seriously committed to reducing fuel poverty, they must persuade their UK colleagues to take action on those fronts or to give the Parliament the powers to act for the poorest in society?

**The First Minister:** I agree with that. *[Interruption.]* Given that there are limited and isolated discordant notes in the chamber, I point out that the reduction in the scheme in England is from £350 million to £110 million, which is a 69 per cent reduction. That is why, despite the requirement and wish that we all have to do more, people are encouraged that we have sustained action in Scotland, even against the cutbacks that are being inflicted on this nation from Westminster. I suppose that the only dividing line relates to those of us in the Parliament—and a majority in the country—who will soon take the opportunity to do something about that.

## Chronic Pain Services

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a members' business debate on motion S3M-7853, in the name of Mary Scanlon, on chronic pain services in Scotland. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament is concerned that some Scottish patients with chronic pain are being forced to travel to England for treatment, with eight of Scotland's NHS boards sending patients with chronic pain for treatment at the Royal National Hospital for Rheumatic Diseases in Bath at a cost of £206,685 in the first six months of 2010-11; understands that since 2008-09 it has cost the NHS over £620,000 to send patients to one hospital in Bath for treatment for chronic pain; understands the difficulties that this extra travel will cause for patients in terms of their own pain through travelling long distances, particularly from the north of Scotland, and also being separated from friends and families, and acknowledges the plight of people with chronic pain in Scotland, where the service across NHS boards is very patchy.

12:33

**Mary Scanlon (Highlands and Islands) (Con):** The previous debate on chronic pain in the Parliament was secured by Dorothy-Grace Elder in February 2002. Nine years on, now is a good time to take stock of what is a serious issue in our national health service. I welcome Dorothy-Grace Elder to the public gallery. In her inimitable style as an excellent campaigner, she asked that chronic pain be moved up the political agenda. In 2002, she stated:

“‘The Highlands and Islands are a disgrace to the NHS’ for lack of specialised services.”—*[Official Report, 27 February 2002; c 6746.]*

In the motion for that debate, she highlighted

“the wreckage of many lives through lost jobs, and the loss of millions of pounds to the economy”.

It is estimated that 770,800 people in Scotland are affected by chronic pain. Now, nine years later, it is only right to mark the progress that has been made and to highlight how much more can be done.

Chronic pain is now acknowledged as a condition in its own right, and not just as a symptom of other problems. In 2009, the first lead clinician in chronic pain, Pete MacKenzie, was appointed. The GRIPS report—“Getting to GRIPS with Chronic Pain in Scotland: Getting Relevant Information on Pain Services”—was published, and a managed clinical network was established in Glasgow. The Royal College of General Practitioners has now appointed Dr Martin Johnson as the clinical lead for chronic pain, starting from 1 April this year. The Scottish pain

research community will be launched on 31 March in Dundee, led by Professor Blair Smith, and I understand that more than 100 delegates have already registered for the launch. A chronic pain community website, led by NHS Quality Improvement Scotland, will be an information resource both for health professionals and for the public. Finally, there has been a submission for a guideline from the Scottish intercollegiate guidelines network this year.

People might therefore ask why we need this debate to highlight issues relating to chronic pain, and might ask why, if there has been so much progress, so many people, including adolescents, are being sent to Bath for residential treatment. Why is pain treatment in the national health service still such an issue?

The briefing paper provided by the Royal College of General Practitioners for the debate confirms that chronic pain affects around 20 per cent of the population, with about 7 per cent having chronic pain that is severe and disabling. People with chronic pain consult their general practitioner around five times more frequently than those without chronic pain, and chronic pain is a presenting condition in around 22 per cent of GP consultations. A total of 50 per cent of GP visits are for either pain or mental health issues.

A study in 2006 found that 25 per cent of people with chronic pain had to give up their jobs, 34 per cent had to change their jobs, and 24 per cent suffered from depression as a result of their pain. A total of 68 per cent of those people said that there were times when their medicines were not adequate to control their pain.

Tracking studies in Grampian have shown that the prevalence of chronic pain is increasing year on year, while 78 per cent of patients continued to report pain after four years.

I was surprised to learn that, in the United Kingdom, more than twice as many people are affected by chronic pain as are affected by heart disease. That leads to long-term absence from work, costing the UK economy nearly £4 billion and accounting for 180 million lost working days. A rough calculation shows that the cost for Scotland is £370 million, with 18 million lost working days. There can be no better case for a spend-to-save policy than the case for investing in services for chronic pain—with early diagnosis and early intervention.

The chronic pain managed clinical network in Glasgow is undoubtedly the best that we have; what we now need is a similar service throughout Scotland—with clear referral pathways from primary care to secondary care pain services, and with access to tertiary services such as spinal-cord stimulators, where those are considered

appropriate. I understand that health board funding for referral to secondary and tertiary care is available only in two or three areas.

Last week, the cross-party group on chronic pain, of which I am convener, heard from Fiona Townsley—I have permission to use her name—who had an accident in 1997, which was followed by several orthopaedic operations. She was told that nothing else could be done and that she should go home and get on with her life. She could not use her arm; she lived on benefits and she lived on painkillers. In her words, she was

“trying to get through life but wishing it was all over.”

She eventually got referred to Dr Pete MacKenzie, who changed her life. The spinal-cord stimulator was used in 2007, and Fiona is now not only back in full-time employment but in a management position.

I accept that spinal-cord stimulators may not be the answer for everyone, but I am concerned that the number of those procedures available is limited both at Ninewells in Dundee and in Glasgow. How can patients across Scotland be referred for this procedure and other procedures when we do not have a clear referral pathway and we have a capped service?

If economic growth is our number 1 priority, surely we need to ensure that patients suffering pain are treated appropriately and given the opportunity to stay in work or return to work. Scotland has a reputation for parking people on methadone, antidepressants and, now, painkillers when other options could be tried if patients only got the chance.

We need equity of provision. Given the cost of sending people for residential treatment in Bath, my question to the Minister for Public Health and Sport or the equivalent minister who is appointed in May is whether an audit can be done across Scotland to identify how many people could benefit from residential treatment, to determine whether it would be appropriate to have such a service in Scotland.

Although I have only skimmed the surface of this important issue, I hope that others will recognise that progress has been made but we still have a patchy, postcode lottery service across Scotland.

12:41

**Christine Grahame (South of Scotland) (SNP):** I acknowledge the commitment to the issue of both Dorothy-Grace Elder and my colleague Mary Scanlon. As a pre-emptive strike, I beg a little flexibility from the Presiding Officer, because I may digress a little. He is indicating to me no, but I shall try.

My speech concerns a 53-year-old constituent of mine who has recently been in touch with me and who has been a bricklayer most of his life. He was hospitalised for abdominal pain about 18 months ago and has recently been diagnosed with type 1 diabetes, for which he has at least four injections a day. His abdominal pain has increased and is now chronic. His medication comprises Pregabalin, Merbentyl, Tramadol, paracetamol and Omeprazole, which are to deal with nausea and constant pain. At least the medication will be free from 1 April.

My constituent has been unable to work since the first week in December and his doctor has signed him off from 3 March to 3 April, deeming him unfit for work. His consultant has said that he is unfit for work. However, the Department for Work and Pensions claims that he is fit for work. He completed the employment and support allowance questionnaire and then was sent, as people are, for an assessment with a private company called Atos Healthcare.

The test that is given is not only for people with chronic pain but for everybody. The information about it states:

"The assessment is likely to be different from what you would expect from your own doctor. The approved healthcare professional's assessment is not to diagnose or discuss treatment of your illness or disability; it is to assess how it affects you and your ability to work. To find this out, the approved healthcare professional may not need to carry out a physical examination."

In the case of my constituent, there was no physical examination. The problem for people with chronic pain and, indeed, other illnesses is that how they feel can vary from day to day. However, the questionnaire asks:

"Can you go up or down two steps without help from another person, if there is a rail to hold on to? ... Can you move from one seat to another right next to it without help from someone else? ... Can you stay in one place, either standing or sitting, for at least an hour without help from another person?"

My constituent tells me that, on a good day, the pain is similar to a bad stitch in his side but that, on a bad day, he simply does not get out of bed. He states that there are more bad days than good and that they occur randomly, and that he sleeps only a little through the night. None of that kind of information is exposed in the test for the DWP. To compound the problem, even the assessor told my constituent that the system is unfair. He also said that his claim would be rejected—it was and he was awarded no points—but that his appeal would be successful. I wait to see whether it will be.

In the meantime, my constituent is worn out and disgusted and upset that, after all his years of working and now having pain that gives him little respite, he is being rubber-stamped as—I think

that the term is apposite today—a benefit scrounger, when he is anything but.

I thought that it was important to bring that issue to the chamber because, although it is adjacent to the issue of the treatment of chronic pain, it is another unfairness for people who have chronic pain.

12:44

**Cathie Craigie (Cumbernauld and Kilsyth)**  
**(Lab):** I am grateful for the opportunity to speak in the debate. I thank Mary Scanlon for bringing the subject to the chamber and I acknowledge her long involvement in the issue, which dates back to the first parliamentary session. I am grateful to her for reminding us of Dorothy-Grace Elder's work on chronic pain. I thank both of them for their work.

A great many people in Scotland suffer from chronic pain. It is worrying that some patients are being forced to cross the border to receive care that should be available here in Scotland. Sending patients to England for care not only puts pressure on the public purse but can be painful and inconvenient for patients, for whom travelling such a great distance is stressful.

In the first six months of 2010-11—the motion contains some of this information—21 Scots were treated in the centre near Bristol. Eight of the 14 Scottish health boards referred patients to the royal national hospital for rheumatic diseases, which cost almost £207,000. That is a lot of money. There is no doubt that the facility in Bath is highly specialised, but the Scottish Government and we as a Parliament should do all that we can to invest in services in Scotland, so that our constituents do not have to travel such a great distance.

In its briefing for the debate, the Long Term Conditions Alliance Scotland reminds us that chronic pain is a long-term condition. As well as suffering chronic pain, people suffer the effects of other long-term conditions. It is a concern that patients are not treated nearer home.

I know that I need not tell members about the debilitating effects that people who live with chronic pain suffer. It affects families as a whole. Christine Grahame mentioned her constituent who has sleepless nights. If someone who has sleepless nights lives as part of a family, it is not only that person who suffers from walking the floorboards, because the rest of the family will be up, too. As Mary Scanlon said, people lose their jobs and cannot work because of chronic pain, which means that they lose the confidence and self-respect that work can provide.

Chronic pain is a serious matter. As Mary Scanlon said, 20 per cent—one in five—of the

population suffer from chronic pain. The number of people who go to their GP for support and advice is eye opening.

Various projects across Scotland offer patients support but, when we take account of the figures, more needs to be done. Mary Scanlon's point about spending to save is important. If we invest in local community pain-management services and support groups closer to patients' homes, that will pay dividends not only for individuals but for taxpayers in the future.

I very much support the work that is being done and which Mary Scanlon and the cross-party group on chronic pain have done to highlight this serious issue. We should improve the services in Scotland and deliver them here, where patients want them.

12:48

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** It is a pleasure to join the debate. I congratulate Mary Scanlon on her motion and I salute the work that she has done with her cross-party group on chronic pain. It is great that Dorothy-Grace Elder is in the gallery today. I remember well that, when I was a much younger and less grey MSP, she tackled me about chronic pain. Being tackled by her is an experience that is not forgotten for a very long time. I thank her for making me aware of the issue and making me think about it.

It will come as no surprise to members that, when I hear Mary Scanlon speak of the trips to Bath and their cost, I cannot help but reflect on what such trips would mean for my constituents and those of Mary Scanlon. They are faced with trips that are bad enough as it is from the north coast of Sutherland or Caithness to Raigmore hospital or, for some treatments, Aberdeen royal infirmary at Foresterhill. The thought of chronic pain sufferers having to endure a four-hour or seven-hour vehicle journey each way is almost unthinkable. The journey itself and the discomfort of sitting in a vehicle for that length of time can only make the condition worse. On long journeys, young children ask repeatedly, "Are we there yet?" and we all get uncomfortable if we have to sit in the same position.

My plea is this: let us support absolutely Mary Scanlon by looking to see what more we can do locally. As the minister has heard me say on previous occasions, the potential of telemedicine is important. I think that the minister agrees that telemedicine enables us to do things differently and more cleverly. It could get rid of the necessity for people to travel to Inverness, never mind the dreadful prospect of having to go as far as Bath. I have pushed for us to use our existing NHS

infrastructure to deliver telemedicine as and where we can, and I make no apology for raising again the issue of the Dunbar hospital in Thurso, whose future is, alas, somewhat uncertain. We do not quite know what NHS Highland is saying on the matter. Mary Scanlon, Rhoda Grant and I have raised the issue repeatedly, as has the Thurso and Wick Trades Council. The name John Deighan will not be unknown to any of the three of us. The trades council is voicing a very real concern.

By delivering advice and treatment for chronic pain at least partly via telemedicine, we could kill two birds with one stone, to use my surname. We could do something locally and we could help people. There is a great opportunity in using telemedicine to do that.

**Mary Scanlon:** I should bring some balance to the debate. Having quoted Dorothy-Grace Elder saying that NHS Highland was a disgrace in 2002, I should also say that we now have a pain service, albeit that it is not as good as it should be. Dr John Macleod, who is based at Caithness general hospital, is showing excellent leadership in developing the service.

**Jamie Stone:** The intervention is fair and I accept the point entirely. I do not wish to denigrate NHS Highland; I simply wish to question its policy decision on the future of the Dunbar. I want to know how we can support Dr Macleod and do similar things to his work all over the Highlands via our existing infrastructure. There is an opportunity in all of this, which we should seize with both hands. There will, of course, be cost implications, but there will also be tremendous savings on the cost of sending people all the way to Bath and back.

I congratulate the member on bringing the motion before the chamber.

12:53

**Nanette Milne (North East Scotland) (Con):** I apologise to you, Presiding Officer, and to colleagues for not being able to stay for the whole debate. I have commitments elsewhere in the building.

Mary Scanlon has brought a very important issue to the chamber, and I congratulate her on securing the debate. I realise that a number of people in my age group and above suffer significant aches and pains from wear and tear and that arthritis of various kinds affects many people of all ages in Scotland. Before I started on my preparations for the debate, I confess that I was unaware of just how many people's lives are adversely affected by chronic pain and how many are severely disabled by it. Any condition that affects nearly 20 per cent of the population must be taken seriously. It came as something of a

surprise that, even today, chronic pain remains poorly recognized and often poorly managed and that progress is only now beginning to be made in developing chronic pain services in Scotland.

The recognition of chronic pain as a long-term condition in its own right and not just a symptom of other problems has been a major step forward. The development of a national policy to cope with it puts us ahead of England, but it is clear that the policy is not yet implemented consistently across Scotland. Chronic pain is yet another condition where adequacy of care is a postcode lottery.

There are, however, encouraging developments and there is a growing momentum to recognise chronic pain as worthy of clinical and academic investment. The acceptance by the Royal College of General Practitioners that it has a major role to play and its decision to make chronic pain one of its clinical priorities for the next two years is very encouraging. The appointment of the first lead clinician in chronic pain will, I hope, add to the momentum to develop good practice across the country.

I was heartened to read the aspirations of the RCGP, notably to develop enhanced chronic pain education and training for professional staff and to work with the third sector on developing public awareness of the condition, tapping into the rich pool of patient information and resources that is already in existence.

The drive to achieve an audit of the pain services that are currently available in the United Kingdom, to review existing models of good practice and assess existing evidence-based data, plus the intention to press for a National Institute for Health and Clinical Excellence guideline on a quality standard for treating chronic pain, are important developments that should bring together the important work that is already being done in a piecemeal fashion by many organisations, mostly in the voluntary and charitable sectors.

It makes sense that every health board should have a pain group or managed clinical network to develop specialist pain services, but that is not yet the case. It also makes sense to increase GPs' understanding of pain and its management. Surely it does not make sense to spend more than £600,000 in two years to send patients with chronic pain to the south of England to access pain management programmes, yet that is happening to patients in more than half of Scotland's health board areas. Surely proper investment in local services would be far more cost effective.

Progress is undoubtedly being made, but it is evident that much more needs to be done. The cross-party group is to be congratulated on putting chronic pain on the political agenda, as is Mary

Scanlon for highlighting the issue today. I hope that, next time such a debate takes place in the chamber, we will hear that good practice in the management of chronic pain has been replicated across Scotland and that sufferers have access to appropriate services regardless of where they live. Now that the will is there, I hope that more rapid progress towards that goal will be made.

12:56

**Ian McKee (Lothians) (SNP):** I congratulate Mary Scanlon on obtaining this members' business debate. It is, perhaps, the last time that I will be able to contribute to parliamentary proceedings. It is no secret that I have sometimes disagreed with Mary Scanlon's views, but no one can doubt her record as a doughty campaigner for the causes that are dear to her heart. The treatment—often, alas, lack of treatment—of chronic pain ranks high in that category, and rightly so. Along with other members, I acknowledge the contribution that Dorothy-Grace Elder has made to the cause.

We are becoming familiar with statistics that highlight how many people in our population have their lives affected by chronic pain. As Mary Scanlon and others have said, 20 per cent of people are affected and 7 per cent need intensive treatment, as their condition is so disabling. In the past, the condition received little attention, but I am glad to say that there are signs that that is changing. For example, the Royal College of General Practitioners has made chronic pain one of its priorities for 2011 to 2013. As just about everyone who is affected presents first in primary care, that is a great step forward.

One lesson that we have learned from the past is that there is much more chance of a successful outcome with early and appropriately targeted intervention than if the condition is left until it has become almost embedded as a permanent feature of someone's life, affecting every aspect of what they do and feel and how they relate to others. Pain is disabling, both physically and mentally. It follows that chronic pain is not an easy condition to treat, and those affected usually need a combined approach, involving not just medication but many other interventions.

Mary Scanlon's motion highlights the fact that some Scottish patients experiencing chronic pain have to travel to England—even as far afield as Bath—for the treatment that they need, and implies that that is automatically a bad thing. I quite understand that sentiment, but I advise a degree of caution. Although it is easy to see the adverse consequences—some of which are listed in the motion—of having to travel far for medical treatment of any kind, it is now accepted that, for some conditions, travelling to a centre of expertise

is preferable to accepting what may be a lower standard of service nearer home. The treatment of certain types of cancer is a case in point.

**Mary Scanlon:** I asked for an audit to be carried out across Scotland to see whether we could justify having here in Scotland a specialised service similar to that which exists in Bath.

**Ian McKee:** Knowledge of the problem that faces us can never be ignored. Therefore, an audit of chronic pain and other conditions is desirable.

Although I do not know offhand the number of Scottish patients involved, the figures in the motion regarding costs and so on imply that they constitute a tiny percentage of the 20 per cent who experience severe chronic pain in Scotland. If that is so, the establishment in Scotland of a similar centre to the one in Bath would be a very expensive way to deal with the problem—an argument that holds little water with people who are in severe pain, as I can perfectly understand—and, which is much more important, it almost certainly would not deal with enough referrals a year for its staff to maintain the expertise that is needed for such a centre to be successful.

Cross-border traffic goes two ways: English patients come to Glasgow for paediatric extracorporeal membrane oxygenation—ECMO treatment. I would have hoped that a good unionist such as Mary Scanlon would see the benefits of that sort of co-operation.

Once more, Presiding Officer, I congratulate Mary Scanlon on obtaining this important debate, and I give you, your officials and others in the chamber my very best wishes for the future. Thank you for helping me to make my short parliamentary career so enjoyable. *[Applause.]*

**The Deputy Presiding Officer:** Thank you, Dr McKee.

13:00

**Rhoda Grant (Highlands and Islands) (Lab):** I congratulate Mary Scanlon on securing the debate. She was right to pay tribute to Dorothy-Grace Elder, but Mary has taken up the role of being an advocate for chronic pain services and has kept the subject very much within the view of the whole Parliament and the Health and Sport Committee. I am sure that the Minister for Public Health and Sport will agree with that—she probably does not get much peace from Mary Scanlon on this subject.

Mary Scanlon's motion mentions the centre of excellence in Bath. Those who access that centre will testify to the good work that is done there. It makes a huge difference to people's lives if they get the right treatment, not just for chronic pain but

for hugely painful conditions such as rheumatic diseases and ME.

The figure of £620,000 of costs since 2008-09 shows that only a very small number of people get to access that service. I have a fair amount of sympathy with what Mary Scanlon said about looking at the numbers and determining whether or not we need our own centre of excellence in Scotland. Given the changes that are taking place with the health service in England, it may be that the costs of using the centre of excellence in Bath will rise. This could be the time to carry out an audit to ascertain whether we can provide our own centre of excellence in Scotland.

In a way, however, that does not deal with the problem of the distances that people must travel. Even if there were a centre of excellence in the central belt, it would be difficult for people in the Highlands and Islands, which I cover, to access it. It would be a good thing to build a centre of excellence, with specialists in the community who are much closer to patients and who could give them the help that they require.

I note that referral rates are low. I have some sympathy with GPs who are not referring and who might instead be handing out painkillers. If the required services are not there and if there are long waiting times, GPs must feel frustrated in trying to deal with that. We need a good pathway, but the services need to be in place to help people. The costs of keeping people out of the workforce are huge and we need to factor them in, too.

Jamie Stone mentioned telemedicine and Dunbar hospital. The issue is close to our hearts. Jamie, Mary Scanlon, David Thompson and I fought to keep open the rheumatology unit in Dingwall and we had a successful cross-party campaign. People saw the good of that service and the difference that it made to people's lives. Luckily, that unit has been saved.

The hospice service provides good advice and assistance to people who suffer chronic pain. It deals more with people with cancer, but there are times when hospice staff have gone out and helped people suffering from chronic pain for other reasons. That has been a huge boost for the people who have needed its services. Perhaps we should get those services to work together so that people in that situation can go to their GP and find a solution that allows them to live their lives and to be productive members of society in the long term.

13:04

**The Minister for Public Health and Sport (Shona Robison):** I congratulate Mary Scanlon on securing a debate on such an important topic as chronic pain. The issue has interested her since

the establishment of the Parliament. Like other members, I acknowledge Dorothy-Grace Elder's role in putting chronic pain on the map.

Ian McKee's final speech in the Parliament was worth listening to. He always has something intelligent and useful to add to a debate, whatever the subject, and I thank him.

Mary Scanlon was right to start by acknowledging the progress that has been made. Of course, there is always more to be done. Christine Grahame mentioned important issues to do with DWP assessments and tests not recognising chronic pain as an issue.

The motion focuses on Scottish patients with chronic pain who travel to Bath for treatment. The crux of the matter is that Scottish clinicians who are responsible for pain management take the view that a small number of patients, mainly adolescents, can benefit from the service at Bath. In some cases, the whole family needs help in understanding how to manage the young person's pain.

Referrals to Bath are managed by the national services division of NHS National Services Scotland, which has put in place robust processes to govern referrals but is not in a position to countermand a clear decision by a consultant that a patient needs the treatment that is offered in Bath.

It might be worth noting that referrals reached a peak of 34 in 2005-06 and that there were only 18 referrals in 2009-10. Overall, fewer patients are being referred to Bath than used to be the case. I wonder whether that is a reflection of the ability of chronic pain services in Scotland to manage patients. I hope that as services in Scotland improve, fewer referrals to Bath will be required. Ultimately, however, if a clinician thinks that Bath is the most appropriate place for treatment, we must accept that judgment.

**Mary Scanlon:** The royal college and others have said that there is no clear referral pathway in Scotland, apart from through the managed clinical network in Glasgow. Consultants are not likely to know all the patients outwith Glasgow who need secondary or tertiary specialised treatment.

**Shona Robison:** Mary Scanlon's point about the patient pathway is important. The solution is a managed clinical network. Good evidence is emerging from Glasgow on the benefits of the approach, which I want to be taken forward.

There is no doubt that pain management services in Scotland remain patchy, as the GRIPS report made clear. Our response to the recommendations in the report has been concentrated on the development of a Scottish

service model for chronic pain, about which I will say a little.

First, the model is based on the provision of pain education for the Scottish population, which includes promoting people's ability to self-manage and promoting the information that is available from the NHS inform website about lower-back pain, to help people to return to work. If a person had experienced pain for more than 12 weeks, they would be encouraged to refer themselves to a voluntary sector organisation-run self-management course or to their primary care team. They would then be referred to what the model calls a level 1, or outpatient, pain-management service. If necessary, they could be referred on to a level 2, or more specialist, in-patient, service. The model includes level 3, highly-specialised interventions, such as spinal-cord stimulation and residential pain-management programmes.

Mary Scanlon made an important point about spinal-cord stimulation. Access to what can be a life-transforming treatment, as she acknowledged, is provided for in the chronic pain service model that is under development. The chronic pain steering group will oversee implementation, to ensure equity of access for everyone who might benefit from the treatment. Spinal-cord stimulation is very much on the group's radar screen.

The model also underlines the importance of early access to emotional and psychological support. Its aims are, in summary, to improve the prevention and management of chronic pain, to improve services at all levels and to ensure that people get the earliest and most appropriate treatment, locally where possible, but with ready access to the more specialist tiers of the service.

Taking the model forward will be the top priority for our next lead clinician for chronic pain and the steering group that the previous lead set up to support him. Interviews for the post were held yesterday, so we will know the result very soon. The chronic pain steering group will then carry out a scoping exercise with NHS boards to assess the level of service that is available in each area and how it relates to the service model. That will allow for a comprehensive examination of the pain management services throughout Scotland and what Scotland needs, including the level of demand for a residential facility of the kind that Bath offers.

The experience of people living with chronic pain highlights the importance of good communication between primary and secondary care, as well as the need for a multidisciplinary approach. People also stress the crying need for good information and the healing effect that proper peer support can have. All those factors underline the importance of a managed clinical network approach to pain services.

I thank all those who have put so much work into the development of the chronic pain MCN in NHS Greater Glasgow and Clyde. It has promoted equity of access to services by making sure that the Clyde area is included in the network's scope. It is also producing really helpful information for patients and for staff who work in primary care. I urge all other boards in Scotland to learn from that MCN's achievements.

The chronic pain steering group has also focused on an analysis of the need for education on chronic pain for those who work in primary care. It recently considered the findings of a report, which was commissioned by NHS Education for Scotland, that helps us with the way ahead.

Other valuable work includes NHS Quality Improvement Scotland's decision to support the development of a clinical guideline on non-malignant chronic pain. There is an opportunity for people to have their say about the key questions on which the guideline should focus. That will also be a topic at the launch of the Scottish pain research community at the end of this month.

The steering group has also been developing a community website to act as the basis of a chronic pain information resource. It is intended primarily for NHS Scotland, but it will also be accessible to the public. Each board will have its own page on which it will be able to describe the pain management services that it provides. I consider that to be a real driver for equity of service, as boards and the public will be able to compare the range of services that are available in each part of the country.

I do not for a moment deny that there is still a journey to travel, but it has been helpful to set out during the debate some of the progress that has been made. The debate was constructive, and I thank every member for their contribution to it.

13:12

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Scottish Executive Question Time

### Health and Wellbeing

#### Housing Associations and Co-operatives (Meetings)

**1. Johann Lamont (Glasgow Pollok) (Lab):** To ask the Scottish Executive when the Minister for Housing and Communities last met representatives of housing associations and co-operatives and what issues were discussed. (S3O-13348)

**The Minister for Housing and Communities (Alex Neil):** I met a range of housing stakeholders, including the Scottish Federation of Housing Associations, at the housing policy advisory group on 10 March to discuss the Scottish Government's recent policy document, "Homes Fit for the 21<sup>st</sup> Century: The Scottish Government's Strategy and Action Plan for Housing in the Next Decade: 2011-2020".

**Johann Lamont:** I understand that the minister has announced that in his innovation fund, housing association grant will be cut drastically to £40,000 a unit. What consultation has he had with housing associations and co-operatives on that? How will he take into account their concerns about the impact of that decision on the capacity of housing associations and co-operatives to do what they do best, which is building affordable homes and maintaining them long term in sustainable communities? Does the minister recognise that that short-term decision goes against his Government's stated policy of preventive spending?

**Alex Neil:** If it had been left up to Johann Lamont, housing associations would have been getting nothing per house, because she and her party voted against the budget.

It is not true to say that there is a maximum of £40,000 per unit: it is a benchmark, and we will build more than 6,000 houses every year for each of the next three years. That is substantially more than the number that were built during the period in which Johann Lamont was the housing minister. During her time in office, we had the worst housing record in 12 years of the Parliament.

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Pentland Housing Association, which is based in Thurso, acquired a site some years ago in Pennyland Drive in Thurso. It has spent some £200,000 on developing the



site, but for the past almost four years it has been unable to progress the project for affordable housing—which we badly need in Thurso—owing to the current climate and the rules that exist. Is the minister willing to undertake to have his officials speak with Pentland Housing Association so that we can identify a way to take forward that much-needed project?

**Alex Neil:** I think that we are in regular touch with Pentland Housing Association anyway, but I certainly give an undertaking that we are happy to talk to it to explore every avenue, because I recognise the importance of rural areas and the particular housing problems that prevail in some remoter rural areas in the north of Scotland.

**Mary Mulligan (Linlithgow) (Lab):** The minister will be aware that the SFHA has given a figure of £249 million for front-funded housing projects. Does the minister agree with that figure? Can he confirm that the money will need to be repaid in this year's budget for 2011-12?

**Alex Neil:** We are in detailed discussions with the SFHA, particularly on the transitional arrangements over the next few months. When those discussions are finalised, we will be in a position to give detailed replies on the exact number of houses and the exact figure for transitional funding.

### NHS Forth Valley (Meetings)

**2. Cathy Peattie (Falkirk East) (Lab):** To ask the Scottish Executive when the Cabinet Secretary for Health and Wellbeing last met representatives of NHS Forth Valley. (S3O-13361)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** Ministers and officials meet representatives of all national health service boards, including those from NHS Forth Valley, on a regular basis. I last met the chair of NHS Forth Valley on 28 February.

**Cathy Peattie:** The cabinet secretary will be aware that I am very proud of the new Forth Valley royal hospital for which I, my constituents and wider Falkirk campaigned. I am equally proud that Malcolm Chisholm agreed with us and gave the go-ahead to build the hospital.

Forth Valley NHS Board carried out a very good consultation process. In my constituency, one of the major issues that came up was public transport. Although the health board listened and associated with the council to put on a bus, that bus does not serve my constituents. The villages in Falkirk East are left behind, and there is no public transport.

**The Deputy Presiding Officer (Trish Godman):** A question, Ms Peattie, please.

**Cathy Peattie:** Can the minister ask Forth Valley NHS Board to review the service to ensure that my constituents who live in villages have a bus service?

**Nicola Sturgeon:** I agree with the member's comments about the new hospital and, more important, those who work in it. I also agree that good transport links to and from the hospital are, as with any hospital, important. She is right to raise such issues on behalf of her constituents.

As the member will be aware, Forth Valley NHS Board produced a travel plan as part of the planning permission that was granted by Falkirk Council for the Forth Valley royal hospital and the associated section 75 agreement. As part of that plan, the health board has invested in a range of new bus services that provide links from a wide area. It would have to discuss any changes to the plan with the councils involved. Without their agreement, the health board could find itself in breach of the section 75 agreement. Should an agreement to reroute services be reached, the health board would have to look at cost and so on, but I am sure that it would be willing to discuss the matter with the member, and I will be happy to pass on her concerns to it.

### Change Fund

**3. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what progress there has been in implementing the change fund. (S3O-13362)

**The Minister for Public Health and Sport (Shona Robison):** Local change plans have been considered by the ministerial strategic group, and partnerships will be notified about their allocations in due course. The joint improvement team is supporting partnerships in implementing change plans.

**Dr Simpson:** Tonight, more than 700 mainly elderly and mostly vulnerable patients will be declared fit for discharge by health professionals, but will face the prospect of an average wait of 26 days for the community package that will herald their release from hospital. That figure does not include what are defined as delayed discharges, for which the wait must be for more than six weeks. More patients will be readmitted while they wait for that package and some will die waiting for it. Does the minister now have the data on that? What outcomes on tackling the issue has the minister established for looking at and approving projects under the change fund? Will she publish the outcome data against which those projects must be held accountable?

**Shona Robison:** The member has raised a number of points. Those data will be collected

from 1 April, so we will be able to track the issue very closely from that date.

Richard Simpson should acknowledge that the six-week measurement has been in place for quite some time. Delayed discharge has always been an issue, particularly under the previous Administration, when the numbers were significant. Delayed discharge is a concern, but this Government has reached a figure of zero delayed discharges on the six-week measurement for three years in a row. That was never achieved when the member's party was in government.

As I have said time and again, more progress needs to be made. The change fund is designed to do just that because it is about changing fundamentally the patient journey in order to avoid people turning up at the front door of a hospital in the first place and ensuring that when they do, they are in for the minimum time, and it is about allowing us to tackle delayed discharges once and for all. I hope that Richard Simpson will support us in that work.

**Anne McLaughlin (Glasgow) (SNP):** The change fund is extremely welcome and will help us to develop our health and care provision. I know that the minister is well aware of the importance of carers and small-scale carer organisations to the provision of many of our care services, but when it comes to ensuring that feedback is gathered for design of the change plans, many carers will not have the time or even the confidence to feed into the bureaucracy of the design process. How will the Government ensure that carers and carer groups are involved and valued in the design and implementation of change plans, particularly in my constituency of Glasgow?

**Shona Robison:** Anne McLaughlin has made a very important point. From the start, we have made it clear that third sector interests and carers' interests, in particular, should be represented in the development and signing off of the change plans. That process has been difficult because of the time constraints on the development of the present set of change plans, but it has taken place, probably to a greater degree in some partnership areas than in others. We expect partnerships across Scotland to build on that over the next 12 months so that the next set of change plans have far greater input from the third sector right from the start, and we will certainly push partnerships to ensure that that happens.

#### **NHS Lanarkshire (Meetings)**

**4. Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** To ask the Scottish Executive when it last met representatives of NHS Lanarkshire. (S30-13338)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** I meet all health board chairs regularly. The most recent meeting with NHS Lanarkshire representatives was on 28 February.

**Cathie Craigie:** At a public meeting in Kilsyth 10 days ago, I met representatives of NHS Lanarkshire, who were there because of the serious concerns that people have about lack of provision and withdrawal of local services. At the meeting, we were advised that NHS Lanarkshire has not had from the Government confirmation of its budget for the coming year. Has the Government advised the board what that allocation will be?

**Nicola Sturgeon:** I am sure that the member will be aware that health board allocations were advised in response to a parliamentary question a couple of weeks ago. That information is publicly available.

**Jamie Hepburn (Central Scotland) (SNP):** In any of her recent meetings with NHS Lanarkshire, has the cabinet secretary been able to discuss the U-turn on the future of Monklands accident and emergency unit by the Labour Party? If so, was it met with as much incredulity by NHS Lanarkshire as it was by us? Is it not the case that the future of Monklands A and E is safe only with the Scottish National Party?

**Nicola Sturgeon:** I have to confess to Jamie Hepburn that it is an interesting election strategy for Labour to make a point of reminding the voters of perhaps its most unpopular policy position in the previous election. I am thankful that I do not speak for the Labour Party. Most people will draw their own conclusions on whether Labour is to be trusted with the future of Monklands hospital or, indeed, of any hospital. We have demonstrated over the past few years that Monklands A and E, just like Ayr hospital A and E and local services throughout the country, is certainly safe with the SNP.

**Cathie Craigie:** On a point of order, Presiding Officer. I am sure that you would not want to preside over a meeting at which people were giving wrong information to this Parliament. Is it in order for a political party to confirm its position when a minister of this Government is spreading lies about an issue?

**The Deputy Presiding Officer:** I am sorry, Ms Craigie, but I am not happy with your accusing the minister of telling lies. In the first instance, I ask you to withdraw that particular comment.

**Cathie Craigie:** I apologise, Presiding Officer and I withdraw the word "lies". I will rephrase my point of order. Is it in order for a minister of this Government to mislead local people and put out information that is clearly wrong?

**The Deputy Presiding Officer:** The minister is responsible for what she says to Parliament; I am not responsible for that. You can take the matter up with the minister later.

### **Hospital Consultants Pay Structure**

**5. Ian McKee (Lothians) (SNP):** To ask the Scottish Government what progress is being made in reforming the pay structure of national health service hospital consultants. (S3O-13319)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** The new consultant contract was introduced in 2004. The pay structure contained within the contract has not been significantly reformed since that time. The Doctors and Dentists Review Body makes annual recommendations on the pay uplift for consultants. This year, 2010-2011, the DDRB accepted that it was difficult to justify pay increases for highly paid individuals in the current economic circumstances and recommended that there be no increase to the national salary scales. Next year, as with all public sector workers earning above £21,000 a year, there will be no uplift in their salary. Ian McKee will also be aware of my proposal to freeze the value of distinction awards and discretionary points in 2011-12, on which I shall make a final decision shortly.

**Ian McKee:** I know that the cabinet secretary is aware of the general public disquiet at the principle and scale of distinction awards for NHS hospital consultants. Is she prepared to comment on the fact that, over the past five years, a retiring Lothians, Grampian or Glasgow consultant was up to five times more likely than a colleague retiring in Lanarkshire and seven times more likely than one from NHS Forth Valley to be in receipt of such an award? Does she agree that although, doubtless, some of that difference can be accounted for by the presence or absence of a teaching hospital in the health board area, the overall disparity is a potential cause of resentment and needs to be addressed urgently, whatever the results of the DDRB inquiry?

**Nicola Sturgeon:** Given that this will be the last health question time to which Ian McKee contributes, I thank him for his interest and the significant contribution that he has made to furthering health policy in this Parliament. *[Applause.]*

I want first to put on record the high value and appreciation that I have for the work of all consultants in Scotland, but it is a matter of public record that I believe that the time has come to review the system of distinction awards. There are many reasons for that—Ian McKee has cited some today.

I gave evidence to the DDRB earlier this week as part of its review, and I look forward to receiving its recommendations later this year. It is not fair to pre-empt those recommendations, but I look forward to our having in place a fair system that recognises that many different groups of staff in the health service do excellent work.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I echo the cabinet secretary's remarks about Dr Ian McKee, as he approaches retirement.

The cabinet secretary will know that distinction awards for consultants contribute not just to their salaries but to the pensions that they draw, which are paid on a final salary basis. Following publication of the Hutton review, does the cabinet secretary have a view on how pensions for top earners in the public sector, such as consultants, might be reformed?

**Nicola Sturgeon:** First, I hear the views of members across the chamber about distinction awards and I point out for the record that I am, I think, the first health secretary to say publicly that it is time to reform distinction awards. We have taken action already in this financial year to freeze the budget and, as I said, proposals are currently being consulted on for the next financial year.

On pensions for consultants and the relationship between pensions and distinction awards, one of the expressed elements of our submission to the DDRB has been on the fact that distinction awards are consolidated and pensionable. That is one of the most difficult to justify elements of the current scheme. Again, I will wait to see what the DDRB has to say on that. I look forward to hearing its views in due course.

**Jackie Baillie (Dumbarton) (Lab):** It is not often that I agree with the cabinet secretary, but let me do so in relation to her comments on Dr Ian McKee, who has made a considerable contribution to the Parliament. We will miss him.

The cabinet secretary is right to point out that final salary pensions including distinction awards are inappropriate in the current financial climate. However, the previous Administration initiated a review that she signed off a couple of years ago, and we now have another review. What does she intend to do to take the issue forward beyond asking the UK coalition Government, which is busy dismantling the national health service as we know it, to do so?

**Nicola Sturgeon:** Not for the first time, Jackie Baillie takes people's breath away in expecting them to forget history. Apart from initiate a review in 2006 that tinkered at the edges and did not question the fundamental underlying basis of distinction awards, the previous Labour Administrations here did nothing to reform distinction awards; in fact, the budget increased by

just under 50 per cent, even when we factor in inflation.

We have taken action to freeze the budget, and we are proposing further action. I certainly look forward to hearing the views of the DDRB and continuing in the position of the past couple of years in which the SNP Government is at the forefront of pressing for change to the system.

### **Stroke Patients (NHS Fife)**

**6. Marilyn Livingstone (Kirkcaldy) (Lab):** To ask the Scottish Executive what support it is giving NHS Fife to meet its target of putting stroke patients into a designated stroke ward within one day of being admitted to Victoria hospital. (S3O-13349)

**The Minister for Public Health and Sport (Shona Robison):** There is strong evidence of the benefits to people who have had a stroke of their being admitted to a stroke unit within a day of the event. We monitor, on an annual basis, NHS boards' performance against that element of the NHS Quality Improvement Scotland clinical standards for stroke.

To deliver further improvements consistently across the country, we are introducing a new health improvement, efficiency, access and treatment—HEAT—target from April. By March 2013, boards should ensure that 90 per cent of all patients admitted to hospital with a diagnosis of stroke get into a stroke unit on the day of admission or the following day. We have been working directly with all boards, including NHS Fife, to support them in developing that aspect of their local delivery plans.

**Marilyn Livingstone:** On a recent visit to the Victoria hospital stroke unit, I was very impressed by and cannot praise highly enough the dedicated and highly trained nursing staff, who make such a difference to the recovery and quality of life of stroke victims in Fife. However, I was informed during my visit that, of the 23 beds in the unit, six were occupied by patients who no longer required an acute bed. What steps is the Scottish Government taking to support the NHS in ensuring that those who require such specialist care are not being denied access because of delayed discharges?

Patients in my constituency and throughout Fife deserve the best treatment that is available in an environment that is fit for purpose, and that gives stroke sufferers the best chance of recovery and allows the nursing staff to do their jobs.

**Shona Robison:** I agree with Marilyn Livingstone that it is important that we avoid beds being taken up by people who are ready for discharge. That is why we have taken a strong national position on delayed discharge and why

we have established the £70 million change fund to make the necessary fundamental changes. It is also why, in the past six weeks, I have twice met the leader of Fife Council and the chair of the health board to ensure that progress is made in Fife. They have been meeting weekly to monitor the improvements that have brought the number down to single figures.

I acknowledge Marilyn Livingstone's interest in the subject. She came to a meeting with me to hear more about the work that needed to be done and I am happy to keep her informed of the progress that is being made in Fife. It is important that people have access to the beds that they need.

### **New Royal Hospital for Sick Children (Edinburgh)**

**7. David McLetchie (Edinburgh Pentlands) (Con):** To ask the Scottish Executive whether it remains committed to funding the new Royal hospital for sick children in Edinburgh proposed by NHS Lothian and, if so, when it expects building work to commence. (S3O-13295)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** The Scottish Government remains fully committed to the delivery of the Royal hospital for sick children as quickly as possible. As I indicated to Malcolm Chisholm on 13 January 2011, details of the funding support that is available for revenue-financed projects are currently being finalised. Since 13 January, positive work has been undertaken to develop a procurement strategy for the project, which also seeks to maximise clinical benefits through the incorporation of the department of clinical neurosciences as part of the procurement. Both Scottish Government officials and the Scottish Futures Trust continue to support NHS Lothian in taking forward this extremely important development.

**David McLetchie:** Does the cabinet secretary agree that it is regrettable that we have not progressed further with the project? Does she accept that that is due, in part, to the Government's failure to approve a proposal for a joint Royal hospital for sick children and neurosciences project that was presented to it by NHS Lothian back in December 2009 and the Government's subsequent decision, in November 2010, to involve the Scottish Futures Trust in a different funding model? Are we not nearly two years behind where we should have been with the project?

**Nicola Sturgeon:** No, I do not agree with that. I find it deeply regrettable that, as the country seeks to recover from the recession, the United Kingdom Government, of which David McLetchie is a keen

supporter, is slashing the Scottish Government's capital budget by more than a quarter next year. That is deeply regrettable, as it is having an impact on capital projects. The Scottish Government is determined to see vital projects, such as the sick kids hospital in Edinburgh, proceed, which is why we have taken the action that we have. I do not think that I could have been clearer than I have been today about our support for the project and our determination to see it proceed. I hope that David McLetchie will welcome that.

**Margaret Smith (Edinburgh West) (LD):** I share the concerns about the delay in the project. Given that the Scottish Government is continuing to give £850 million in capital to NHS Greater Glasgow and Clyde for the Southern general hospital, will the cabinet secretary give an assurance that, if the SNP is in power after May, the Government will provide NHS Lothian with the £25 million in revenue that it will require for the new sick kids hospital and the department of clinical neurosciences? What tangible benefits does the involvement of the SFT bring to the project?

**Nicola Sturgeon:** Just as David McLetchie should direct his concerns about capital funding to his Tory colleagues in London, Margaret Smith should direct her concerns to her Liberal colleagues in London. It is the Tory and Liberal coalition Government that has slashed our capital budgets. We are determined to see the project proceed. If Margaret Smith had listened to my original answer—as, I am sure, she did—she would have heard me say that the financial support that is available for revenue-financed projects is currently being finalised. Equally, she will have heard me give a strong indication of our support for the project to proceed. I hope that all members, in Edinburgh and throughout Scotland, will welcome the Government's support for a project that is extremely important to the future of the NHS in Scotland.

**Sarah Boyack (Edinburgh Central) (Lab):** I ask the question again: what tangible benefit is being brought to the project by the Scottish Futures Trust? My colleague George Foulkes made a freedom of information inquiry to find out what advice was being given to NHS Lothian and the entire answer was redacted—not one piece of information was given out.

None of us can find out what is happening with the project. Will the minister give us a guarantee that she will be able to sign off the project before the end of this parliamentary session? Everyone across the Lothians is worried about the impact of the delays to the project. We are told that the combination of the sick kids and the neuroscience unit has delayed the project and that the Scottish

Futures Trust has sent the project into a labyrinthine process.

**Nicola Sturgeon:** The Scottish Futures Trust is providing vital support to NHS Lothian to develop the procurement strategy that will deliver the project. I hope that members will welcome that.

I find astonishing the position of not only the Tory and Liberal Democrat members, but Labour members, as the capital cuts that I have just laid at the door of the Tory-Liberal Democrat coalition were, of course, 100 per cent planned by the former Labour Government. The hard reality, which the Opposition parties might not like, is that if it were not for the work of the Scottish Government, assisted by the Scottish Futures Trust, this project would not be happening at all. That is the implication of the budgetary decisions that were proposed by Labour and implemented by the Tories and the Liberal Democrats.

This Government is determined that this project should proceed. Even if others cannot find it within themselves to welcome that, I am sure that people in the Lothians will.

### Scottish Housing Regulator

**8. John Wilson (Central Scotland) (SNP):** To ask the Scottish Government how the Scottish Housing Regulator assesses common housing registration as part of the inspection process for registered social landlords. (S3O-13302)

**The Minister for Housing and Communities (Alex Neil):** I asked Michael Cameron, the acting chief executive of the Scottish Housing Regulator to respond. His response is as follows:

"The Scottish Housing Regulator expects all social landlords to maximise and simplify routes into housing. Common housing registers are a way of helping landlords to achieve this. The Regulator collects information from registered social landlords on an annual basis around the use of common housing registers, and may include further scrutiny in an RSL's Regulation Plan."

**John Wilson:** As the minister is aware, people are finding it more difficult to assess a house under current allocation policies and due to the current economic climate and subsequent lack of mortgage finance availability. Housing lists are becoming more and more overcrowded. In some cases, people who are presenting as homeless to a local authority are being denied the right to register as homeless and be put on the housing waiting list. Is the situation being adequately monitored? Are there any proposals to review the monitoring regime process?

**Alex Neil:** I will shortly announce the appointment of the new regulatory board, which will be independent of Government. However, I am absolutely confident that there is a robust process in place. If John Wilson or any other member has

examples of situations in which a homeless person is not being properly registered as homeless, they should bring that to the attention of the regulator as, clearly, that is not an acceptable situation.

### **Tobacco Products Display Ban**

**9. Stewart Stevenson (Banff and Buchan) (SNP):** To ask the Scottish Executive when it plans to implement a ban on the display of tobacco products by retailers. (S3O-13324)

**The Minister for Public Health and Sport (Shona Robison):** I confirm that the Scottish Government remains committed to the introduction of the display ban. Subject to the satisfactory conclusion of the on-going legal challenge, we will be working towards implementation of the display ban from April 2012 for large retailers and from April 2015 for small retailers. The change to the original implementation dates will also give retailers more time to prepare for the changes.

**Stewart Stevenson:** Does the minister recall that, 400 years ago, James VI wrote of people being enslaved bit by bit by tobacco? Does she share my utter contempt for a company that kills thousands of people every year and which is delaying the implementation of the ban? Does she agree that it is important that no new addicts are signed up and that young people are protected from the evils of tobacco?

**Shona Robison:** I agree with the member. That is why the recent legislation is focused on reducing the attractiveness and availability of tobacco products and preventing access to them by young people. That is also why increasing the penalties for breaching that legislation is so important. I remain hopeful that we can continue to build on Scotland's journey towards becoming smoke free. We have come a long way from where we were on the acceptability of smoking in Scotland even 20 to 30 years ago, never mind hundreds of years ago, and we should all welcome that.

### **Olympic Pool (Aberdeen)**

**10. Nicol Stephen (Aberdeen South) (LD):** To ask the Scottish Executive when it expects Aberdeen's 10-lane Olympic-sized pool to be completed. (S3O-13378)

**The Minister for Public Health and Sport (Shona Robison):** I am delighted to be able to inform members that, at sportscotland's recent board meeting, an award of £5 million to Aberdeen Sports Village Ltd for that project was approved. It is now for the council and its partners to take the necessary steps to ensure that the pool is delivered for the people of Aberdeen and the north-east. Work on the site is scheduled to begin

in late summer and its completion is due in autumn 2013.

**Nicol Stephen:** I thank the minister for her positive answer.

Does the minister agree that all the indications are that the tenders for the pool were very competitive, that the costs of the two additional lanes are substantially lower than was originally estimated and that, with the positive support of sportscotland and the Scottish Government, as well as that of Aberdeen City Council, the University of Aberdeen and some major private donors, a full 10-lane, Olympic-sized 50m pool for Aberdeen now looks to be both affordable and deliverable? For me, given that these are likely to be my final words in the chamber, there could not be more positive news on which to end my time in the Parliament.

**Shona Robison:** I wish Nicol Stephen all the best. It was fitting for him to ask that question, as he has pursued the issue with rigour. It is my pleasure to be able to give him positive news about the confirmation of the money, and I am sure that he will want to join many of us in 2013 to see the magnificent facility open.

**Lewis Macdonald (Aberdeen Central) (Lab):** I echo the minister's warm words. Can she confirm that the funding package that she has described is now wholly in place to allow the work to commence on schedule?

**Shona Robison:** Yes, I can. As I said in my original answer, £5 million was awarded to Aberdeen Sports Village Ltd at sportscotland's recent board meeting. As Nicol Stephen said, that came about because of the positive support from all partners and from private donations. The role of the University of Aberdeen has been very important, of course. I am sure that it is felt on a cross-party basis that what has happened is a cause for celebration.

### **St Margaret of Scotland Hospice**

**11. Des McNulty (Clydebank and Milngavie) (Lab):** To ask the Scottish Executive what recent discussions it has had with NHS Greater Glasgow and Clyde regarding future funding and co-operation with the St Margaret of Scotland Hospice. (S3O-13357)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** The chair of NHS Greater Glasgow and Clyde is to meet the chair of St Margaret of Scotland Hospice tomorrow. I have asked the board to provide me with a report immediately following that meeting and I hope for a positive outcome.

**Des McNulty:** Has the cabinet secretary given any indications to the chair of Greater Glasgow and Clyde NHS Board about what she would like to come out of tomorrow's meeting? We have waited a long time to get that meeting up and running. Does she want to give a sense to the chair of that board of the sort of outcome that she is looking for on how the board should conduct itself and take the discussions forward?

**Nicola Sturgeon:** It would not be right or appropriate for me to pre-empt a two-way discussion between the health board and the hospice board tomorrow but, as I said when I last spoke about the issue in the chamber, the situation has changed fundamentally. The developments—or the lack of developments—at Blawarthill open the way for a very open discussion between the parties. The health board must do what is right for the people whom it serves and what is right to give certainty about the situation to patients, older people, their families, staff and the providers of care. I hope that we will get a positive outcome from tomorrow's meeting. As I said, I have asked for a report on it tomorrow and I look forward to receiving that.

**The Deputy Presiding Officer:** Question 12 was not lodged.

### Dementia Strategy

**13. John Farquhar Munro (Ross, Skye and Inverness West) (LD):** To ask the Scottish Executive whether it will provide an update on the implementation of the dementia strategy. (S3O-13371)

**The Minister for Public Health and Sport (Shona Robison):** Implementation of the strategy is progressing well. For example, care standards and a national skills and competencies framework for health and social care staff are on track to be published this year. A formal report on year 1 of the strategy's implementation will be published in June, as per the commitment in the strategy.

**John Farquhar Munro:** I thank the minister for her positive response. Like my colleague Nicol Stephen, this is probably the last time that I will speak in the Parliament, but I think and hope that many of the people on the front benches will return to carry on the good work that is going on. I will be delighted if the dementia strategy is foremost in their thoughts as the Scottish Government implements new policies.

**Shona Robison:** I thank John Farquhar Munro for his kind and supportive words and I wish him well in the future. I know of his interest in the dementia strategy. The issue has been important to the Government and to me, because it has the potential to touch so many people's lives, so it is appropriate that John Farquhar Munro has ended

his parliamentary career with a question on the issue. I wish him all the best.

**Irene Oldfather (Cunninghame South) (Lab):** I draw the minister's attention to the most recent meeting of the cross-party group on Alzheimer's, at which we heard from research experts in the field. Is she aware that the Scottish dementia clinical research network's funding is guaranteed only until March 2012? Does she agree that if we are to achieve the world-class status to which the dementia strategy refers, a commitment to long-term, secure funding is vital, to enable the network to undertake much-needed long-term planning?

**Shona Robison:** I acknowledge the member's long-term interest in the issue and the good work of the cross-party group, which was very much involved in the development of the dementia strategy. The research network's funding is secure until March 2012, as she said. Funding for research into dementia is important and I am sure that that will help to inform discussions on future funding of the network.

**The Deputy Presiding Officer:** Question 14 was not lodged. Question 15 was withdrawn.

### Affordable Housing

**16. Mary Mulligan (Linlithgow) (Lab):** To ask the Scottish Executive what progress there has been in providing affordable housing in 2010-11. (S3O-13358)

**The Minister for Housing and Communities (Alex Neil):** Published statistics from 1 April 2010 to 31 December 2010 show that excellent progress has been made in providing affordable housing in 2010-11. Up to 31 December, 4,663 homes had been completed and a further 4,772 homes approved, which included 1,872 new council house approvals.

**Mary Mulligan:** Among the statistics that have been released recently are figures that show that the number of houses that have been built for sale through the shared equity programme fell from 1,979 in 2009-10 to 657 in the nine months from April to December. Why does it appear that there will be a 50 per cent decrease in supply and what does the minister intend to do about that?

**Alex Neil:** We have to look at the overall figure, which is extremely encouraging. In preparing my reply to the question I have been looking back at the total figures for the affordable housing investment programme, which show that in the first three years of this Administration we gave approval to 7,500 new units per year on average, compared with fewer than 6,000 new units per year under the Labour Party's Administration.

It ill behoves Mary Mulligan to complain about any of that, given that she voted against the

budget, including the money for housing, and given that at no time during the budget negotiations did the Labour Party put forward proposals for additional spending on housing. The only party other than the Scottish National Party to do that was the Conservative party.

**The Deputy Presiding Officer:** Elizabeth Smith is not here for question 17.

#### **Health Care Acquired Infections**

**18. Willie Coffey (Kilmarnock and Loudoun) (SNP):** To ask the Scottish Government what progress has been made in reducing the level of health care acquired infections in hospitals in NHS Ayrshire and Arran. (S3O-13305)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** NHS Ayrshire and Arran has made significant progress in reducing health care associated infections over the past two years. The number of *Clostridium difficile* infections for the quarter October to December 2010 fell by 24 per cent compared with the previous quarter and is at its lowest quarterly rate since surveillance began. We have seen similar falls in other infections.

**Willie Coffey:** Will the cabinet secretary join me in congratulating the staff of NHS Ayrshire and Arran on achieving historically low rates of infection for *Staphylococcus aureus* and *Clostridium difficile*? Does she agree that Labour's failure to protect the national health service budget threatens to undermine the progress that has been made under this Government?

**Nicola Sturgeon:** I will certainly take great pleasure in congratulating staff in NHS Ayrshire and Arran and, indeed, staff across the health service in Scotland. I am proud of many things that have been achieved in the health service over the past few years, but there is probably nothing that I am prouder of than the considerable drop that we have seen in hospital-acquired infections. That would not have been possible without the hard work of the staff. The commitment of this Government to protect the health budget over the lifetime of the next parliamentary session will certainly enable us to continue that magnificent progress.

**Jackie Baillie (Dumbarton) (Lab):** On a point of order, Presiding Officer. As you would not let me in to ask a supplementary question, I am forced to raise this point of order.

A number of retiring members have been mentioned in the chamber today. I pay tribute to the Presiding Officer, as this is the last time that she will preside over themed questions. She has made a significant difference to her constituents and to this Parliament. [*Applause.*]

**The Deputy Presiding Officer:** She always was a sook. [*Laughter.*]



## Business Motion

14:56

**The Deputy Presiding Officer (Trish Godman):** The next item of business is consideration of business motion S3M-8175, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the Private Rented Housing (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during Stage 3 of the Private Rented Housing (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3: 20 minutes

Groups 4 and 5: 45 minutes.—[*Bruce Crawford.*]

*Motion agreed to.*

## Private Rented Housing (Scotland) Bill: Stage 3

14:57

**The Deputy Presiding Officer (Trish Godman):** The next item of business is stage 3 proceedings on the Private Rented Housing (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2, the marshalled list—that is, SP Bill 54A-ML—and the groupings, which the Presiding Officer has agreed. As usual, the division bell will sound and proceedings will be suspended for five minutes for the first division. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. All other divisions will be 30 seconds.

### Section 5—Access to register: additional information

**The Deputy Presiding Officer:** Group 1 is on minor and technical amendments. Amendment 3, in the name of the minister, is grouped with amendments 4 to 6 and 11 to 14.

**The Minister for Housing and Communities (Alex Neil):** The amendments in this group are minor drafting amendments that make slight changes to the wording of a few sections in order to clarify some expressions, remove ambiguity and make the drafting consistent.

Only amendment 4 needs specific comment. It relates to new section 93A of the Antisocial Behaviour etc (Scotland) Act 2004, which is inserted by section 8 of the bill. New section 93A gives the court the power, when a person is convicted of offences relating to operating as an unregistered landlord, to disqualify that person from registering as a landlord for up to five years.

A landlord may not be an individual; it could be a body such as a company or a partnership. As currently drafted, the section allows the court in such a case to disqualify a director, partner or other person involved in the management of the house. However, such a person may not be directly involved in the management of the house. Amendment 4 therefore replaces the word “house” with the word “person” so that, where the landlord is a company or other body, anyone involved in the management of the company or other body concerned could be subject to disqualification.

I invite Parliament to support amendment 3 and the other amendments in the group.

I move amendment 3.

15:00

**The Deputy Presiding Officer:** I call Ted Brocklebank.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** I am sorry, but I did not ask to speak on this group.

**The Deputy Presiding Officer:** I am sorry about that. Your name came up on the screen.

*Amendment 3 agreed to.*

### **Section 8—Disqualification orders for unregistered landlords**

*Amendment 4 moved—[Alex Neil]—and agreed to.*

### **Section 9—Power to obtain information**

*Amendments 5 and 6 moved—[Alex Neil]—and agreed to.*

### **Section 13—Amendment of HMO licensing regime**

**The Deputy Presiding Officer:** Group 2 is on refusal to consider an application for a licence to operate a house in multiple occupation. Amendment 7, in the name of the minister, is grouped with amendments 8 to 10.

**Alex Neil:** The amendments relate to the proposed power for a local authority to refuse to consider an application for an HMO licence when it considers that use of the property as an HMO would be a breach of planning control.

It has always been the policy position that a local authority would be able to refuse to consider a licence application if it thought that the owner of the property had failed to obtain requisite planning permission or to comply with conditions or limitations that were contained in planning permission that had been obtained. However, the current wording of proposed new section 129A that section 13 of the bill would insert into the Housing (Scotland) Act 2006 would allow consideration to be refused where there had been any breach of planning control as defined by the Town and Country Planning (Scotland) Act 1997, including minor breaches due to failure to give or display notices. Amendment 7 will correct that position by restricting the local authority's power to refuse consideration of an application to cases where there has been a failure to obtain, or comply with conditions of, planning permission.

It has always been the Government's intention that a refusal to consider an HMO licence application would occur before full consideration of the application, and therefore would not be the same as refusal of the application. When a local authority considered that planning permission was

required, the HMO licence application would not be considered until the planning situation had been rectified. We wish to ensure that that important point is beyond doubt. Therefore, amendment 8 makes it explicit that a local authority's refusal to consider an HMO licence application because it considers that there are planning issues is not to be regarded as a refusal to grant the licence.

**Pauline McNeill (Glasgow Kelvin) (Lab):** It is important to draw that distinction and clarify that a refusal to consider a licence application is not a refusal of the licence. Will the minister confirm that that means that the landlord would not be entitled to operate an HMO even though the licence had not actually been refused? I am just a little bit worried about why the Government thinks at this late stage that it is important to make the distinction. I had read the provision as amounting to a refusal—in fact, I think that I said so at stage 2—which is why I thought that it was a good provision. I want to be clear that landlords will be unable to operate if the local authority refuses to consider their application. That should amount to the same thing, surely.

**Alex Neil:** I confirm that landlords cannot operate an HMO until they receive a licence to do so.

Amendments 9 and 10 are consequential and remove provisions that amendment 8 renders unnecessary.

I invite Parliament to support amendment 7 and the other amendments in the group.

I move amendment 7.

*Amendment 7 agreed to.*

*Amendment 8 moved—[Alex Neil]—and agreed to.*

**The Deputy Presiding Officer:** Group 3 is on the suitability of living accommodation for an HMO licence. Amendment 1, in the name of Pauline McNeill, is the only amendment in the group.

**Pauline McNeill:** Amendment 1 deals with a continuing issue about which the Local Government and Communities Committee heard evidence. It relates to HMOs in which rooms have been subdivided and toilets, bathrooms and kitchens—otherwise known as stacked services—have been moved to accommodate more tenants. I felt that the committee was minded—as I felt that the minister was in my discussions with him—to recognise that that is a serious problem for all tenants who live in conditions that are too cramped because of subdivision or who live below a room that was previously a bathroom or kitchen.

That situation is causing many tenants untold misery and is becoming much more of an issue.

Many of my constituents have written to me to say that they have had to move out of their homes as a result or that the noise from rooms that have been changed round is becoming unbearable. Defective bathrooms that have been installed to allow the number of tenants to be increased are leaking sewage and water, and insurance companies will no longer insure tenants when such leaks have happened two or three times.

I hope that the minister and I are not at odds on what I am trying to achieve. He and his officials drew my attention to section 131 of the 2006 act, which amendment 1 would amend. Section 131 says:

“In determining whether any living accommodation is, or can be made to be, suitable for occupation as an HMO the local authority must consider—

- (a) its location,
- (b) its condition,
- (c) any amenities it contains,
- (d) the type and number of persons likely to occupy it,
- (e) the safety and security of persons ... and
- (f) the possibility of undue public nuisance.”

After discussion, I have not really been persuaded that those provisions are clear cut or that it is clear that local authorities could consider refusing an application because a room was subdivided or because it was concerned that stacked services would cause the problems that I have talked about. In some cases, sheriffs have refused to uphold a local authority's refusal under section 131 because the section does not make it clear that a licence can be refused on such grounds.

Members might hear this afternoon of another way to achieve the objective. I have looked at the issue in relation to all the legislation on HMOs that the Parliament has considered. I was told that it could be dealt with through planning, then through building control. I have approached all those departments, but I can see no solution. Building control departments say that they are required only to consider the standards and perhaps the dimensions in guidance; they cannot consider the use of a property. My proposal is the only and best way to ensure that local authorities that want to avoid the problems that I have described can do so without challenge in the courts.

I plead with the Parliament: this is our last chance to resolve some of the issues, which affect not just families but students and a range of people who live in such properties. Some landlords who manage HMOs and do not live in the properties pay no attention to the complaints that they receive from tenants who live in the conditions that I have talked about. At this late stage, I plead with members who think that what I have described is a problem: for clarity, please

include the proposed provisions in section 131 of the 2006 act.

I am delighted that the 2006 act will—at last—be implemented in August, and I give the Government credit for the provisions that it will put in that act. However, to ensure that it is the best act that it can be, we should give local authorities the additional grounds for refusal, so that, when a landlord challenges a local authority in court for refusing an application for such reasons, the local authority is on safe ground.

I move amendment 1.

**Sandra White (Glasgow) (SNP):** On amendment 1, I sympathise with Pauline McNeill's views, as I did at stage 1. I also recognise the public nuisance provision in the 2006 act.

I thank the minister for making himself available to all members to talk through the bill and the amendments. Will he provide clarification about section 17 of the bill, to which I think Pauline McNeill referred? That section will give local authorities the power to serve a statutory notice on the landlord of an overcrowded house when that overcrowding is having

“an adverse effect on the health or wellbeing of any person”  
or on any

“amenity of the house or its locality.”

That will allow enforcement action to be taken to deal with adverse effects on occupants, neighbours and others in the locality.

I ask the minister for clarification of whether section 17 covers what Pauline McNeill's amendment 1 would cover. I am not too clear about that. Like her, I have read the bill. I spoke to her about the issue just after lunch time. I have sympathy with her, but I feel that her proposal—and I would like to hear from the minister about it—is covered by section 17 and by the 2006 act, which will come into force in August. I would like clarification before I make up my mind on whether I fully support Pauline McNeill's amendment 1.

**Robert Brown (Glasgow) (LD):** I very strongly support Pauline McNeill's amendment 1. I understand the point about section 17, but I do not feel that it deals with the issue in a satisfactory way. There is no great dispute about the fact that the problem is significant and affects a number of tenemental properties, perhaps particularly in Glasgow, although I believe that the situation is similar in other parts of Scotland.

I will put amendment 1 in context. It seems to me that amendment 1 would not require the refusal of an HMO licence. Instead, it would give local authorities discretion to look at the matter, establish whether particular aspects are satisfactory and deal with it in consequence. It

may be—as I believe that the minister will suggest—that the matter is already covered by the more general provisions in section 131(1) of the 2006 act. However, amendment 1 would put a particular onus on local authorities, specifically mention the issue and ensure that it is higher up in councils' thinking. Also, it is appropriate, as a matter of policy, to deal with the issue in the context of HMOs, because there is a particular problem, and although it can exist in other circumstances, it comes to the fore in HMO situations.

We have heard the argument about the linkage between HMO licences and planning. Similarly, it is useful to join together the issues that are addressed in amendment 1. They could be joined together through other arrangements, but amendment 1 is a neat, effective and satisfactory way of doing it, and makes it much more likely that the local authority—which will look at the legislation that it must comply with—will deal with the matter more effectively and address the problem.

Like other members, I have had a number of representations on various aspects of HMO legislation. Amendment 1 is a small but important amendment on one such aspect, and I hope that the minister will look on it favourably.

**Patrick Harvie (Glasgow) (Green):** I would like to support Pauline McNeill's amendment 1, but I wonder whether she could address one or two issues in her closing speech. We all know that her constituency contains good and bad landlords, but some of the biggest and most profitable in the industry are extremely exploitative, and we all want to reduce the harm that they do.

Two organisations that have briefed MSPs share that concern but have argued against amendment 1. The National Union of Students Scotland states that it understands the reasoning behind the amendment, but it is concerned that it could force the HMO system away from ensuring the safety of occupants, which was the original intention when the system was introduced. It suggests that changes to guidance to local authorities could make reference to subdivisions, to moving water and waste pipes and to other issues.

Shelter raised a similar concern. It is concerned about adding specific examples to a general power, which it suggests could undermine the generality of the existing power. It also referred to the possibility of using guidance to local authorities. I would like to be persuaded of the merits of voting for amendment 1, so I invite Pauline McNeill to address those points in her closing speech.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** I, too, have been lobbied by many organisations, both within and outside my constituency. For the avoidance of doubt, I put my mind to the point that Patrick Harvie raised. In my view, in addition to the points that Pauline McNeill made and which Robert Brown amplified, amendment 1 would ensure that my constituents—many of whom are students—are no longer required to live in rooms in which there is no natural light because of subdivision and would ensure that they have sanitary facilities that work and that do not cause environmental and social problems for their neighbours.

Amendment 1 is about more than convenience or inconvenience; it is about the safety and wellbeing of those who live in HMOs and those who live in the wider environment round about. I therefore support amendment 1.

15:15

**Alex Neil:** We are all trying to achieve the same objective. The issue is the best way to achieve it. As Pauline McNeill stated, her amendment 1 would introduce subdivision of rooms and alteration of water or drainage pipes as issues that a local authority would have to take into account when considering an HMO application.

Pauline McNeill suggested a similar amendment at stage 2. As I highlighted then, local authorities are already required to consider the suitability of the accommodation when deciding whether to grant or renew an HMO licence. Section 131 of the 2006 act places a duty on local authorities to consider the property's location and condition, any amenities it contains, the type and number of persons who are likely to occupy it, the safety and security of likely occupants and the possibility of public nuisance. That is not an exhaustive list, and local authorities should consider other relevant matters that might make accommodation unsuitable to be used as an HMO, such as the subdivision and adaptation of rooms. The statutory guidance on part 5 of the 2006 act, to which local authorities are required to have regard, will set out further recommended standards and licensing conditions. Therefore, I consider that Pauline McNeill's amendment 1 is unnecessary, because the same objective will be obtained on a statutory basis as a result of the guidance on part 5.

In granting or renewing HMO licences, local authorities already apply space standards to ensure that rooms are of a sufficient size. Our guidance encourages local authorities to work with colleagues in building standards to ensure compliance. There have been issues when bathrooms and kitchens have been relocated in flats, causing nuisance. However, that applies not only to HMOs, but to adaptations of owner-

occupied housing. It is for building standards to deal with such matters.

I hope that my comments provide Pauline McNeill and others with the reassurance that they need that the matters that she is rightly concerned about are already addressed and that no further amendment is required. I ask Pauline McNeill to seek to withdraw her amendment, as the matter will be dealt with by guidance under part 5 of the 2006 act.

**Pauline McNeill:** I recognise the work that Alex Neil has done to make the bill better, but if I had been given a penny every time I heard a minister say at the last minute at stage 3 that there was a better way to achieve something, I would be a rich woman. There is not a better way to achieve what amendment 1 seeks, and I will briefly say why.

I am afraid that Sandra White has misread section 17, which relates to statutory notices. Local authorities will not use that section to deal with the issue, for a simple reason. Robert Brown made the important point that when a licensing committee considers whether to grant an HMO licence, it needs to know what it is looking for. It is crucial that we place the issues of subdivision and adaptations higher up in licensing committees' thinking when they are applying section 131 of the 2006 act. I know that Sandra White is sympathetic to amendment 1, but she is wrong, in that the issue needs to be dealt with before a landlord is granted a licence in the first place.

Let me address the issues that Patrick Harvie raised. Good landlords—I put it on record that there are many of them—do not tend to cram tenants into subdivided rooms with no light. The University of Glasgow students representative council came to me this week and gave its support for amendment 1. Members might have received an e-mail from the SRC on the issue. The reason for that is that students across Glasgow have been crammed into such rooms for one reason or another. That tells me that local authorities do not use their discretion.

The issue is nothing to do with granting a power; instead, it is to do with giving local authorities reasons, if they so wish, to reject a licence application when the subdivision of rooms would mean that tenants would get a poor deal or the property would be a poor HMO. If Alex Neil supports the general intention, I do not see what is wrong with adding to section 131. He says that the local authority can take into account the location, the condition, any amenities and the possibility of undue public nuisance, but that is not clear enough.

All I am asking is for the Government to add two things to that list, so that if local authorities want to reject licences because of stacked services and

subdivisions, they can do so. There have been cases in which the sheriff refused to uphold the decision of the local authority because the decision was made on those grounds. We are making law here, so I ask members to make the law clear. We will not have another chance to do this. I plead with members: they have nothing to lose if they support amendment 1, and I ask them to do so.

**The Deputy Presiding Officer:** I take it that you wish to press amendment 1.

**Pauline McNeill:** Yes, I am happy to press it.

**The Deputy Presiding Officer:** The question is, that amendment 1 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a five-minute suspension followed by the division.

15:20

*Meeting suspended.*

15:25

*On resuming—*

**The Deputy Presiding Officer:** We come to the division on amendment 1.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)

Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)

Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 119, Against 0, Abstentions 0.

*Amendment 1 agreed to.*

**The Deputy Presiding Officer:** Group 4 is on refusal to grant an HMO licence: overprovision. Amendment 15, in the name of Ted Brocklebank, is the only amendment in the group.

**Ted Brocklebank:** In speaking to amendment 15, I pay tribute to Suscoms—Sustainable Communities (Scotland)—which first alerted the Public Petitions Committee to a variety of problems regarding houses in multiple occupation in parts of our towns and cities. In supporting the original petition, Pauline McNeill and Sandra White raised HMO problems—which we have now resolved—in Glasgow; Margo MacDonald, Mike Pringle and Robin Harper spoke about similar problems in Edinburgh; and I drew the committee's attention to the overconcentration of HMOs in the town centre of St Andrews, where I make my home.

Initially I believed that the problems might be resolved by requiring all HMO applications to be subject to planning approval by the local authority. However, our pragmatic and ever-resourceful Minister for Housing and Communities persuaded me that the problem would be best tackled by amending the licensing provisions for HMOs as set out in the Housing (Scotland) Act 2006, to be introduced in August.

Amendment 15 proposes an entirely new section 131A in the part of the original act that relates to the licensing of HMOs. To those who might say that it is a fairly weighty hammer to crack a relatively small nut, I say that the daily lives of people—let us call them the local indigenous populations—in certain areas of our cities and towns are being blighted by the very high density of HMOs in their neighbourhoods.

Some might argue, as the minister originally did, that local authorities already have powers in the 2006 act to address that growing problem: indeed, different local authorities have attempted to tackle the problem in different ways. However, evidence suggested that many local authorities did not believe that the existing licensing provisions were

specific enough to allow them to turn down applications solely on the grounds that there were already too many HMOs in that locality.

**Margo MacDonald (Lothians) (Ind):** I want to say how much I appreciate amendment 15; I congratulate Ted Brocklebank on lodging it. We will sorely miss him, but the amendment will be a good testimony.

**Ted Brocklebank:** I am very grateful to Margo MacDonald for her kind words.

I draw members' attention to the situation in St Andrews, which I may have mentioned before. The core of the town, which is arguably the most complete medieval town centre in Scotland, is now given over virtually entirely to students living in HMOs. Some local streets have as few as eight permanent residents and as many as 35 HMO flats, which means that there could be as many as 140 HMO bed spaces in one thoroughfare. Many of the houses in the historic quarter are listed, but a large proportion are owned by absentee landlords and there is growing concern about the lack of maintenance of buildings and gardens in one of the most important tourist venues in Scotland.

Of course, students and other tenants in HMOs have an absolute right to safe and secure accommodation, but HMOs do not exist in isolation. How can we have socially cohesive neighbourhoods when, as in St Andrews town centre, 85 per cent of the residents impose their lifestyles on the remaining 15 per cent?

Amendment 15 does not seek to reduce the number of HMOs, or to support some residents at the expense of landlords, students or other tenants, but it gives licensing authorities the absolute right to refuse HMO applications in areas in which they believe that there are already too many HMOs. The proposed provision is not retrospective but seeks, over time, to achieve a position whereby we will have more balanced communities in which tenants in HMOs can live in closer harmony with existing tenants.

I move amendment 15.

15:30

**Iain Smith (North East Fife) (LD):** I have some concerns about amendment 15, on which I seek clarification from the minister and from Ted Brocklebank. They relate, in particular, to subsection (4)(b) of proposed new section 131A of the 2006 act.

Ted Brocklebank has rightly highlighted the concerns that the indigenous population in places such as St Andrews has about the number of town centre HMOs, but it is equally important to recognise that students and others have a right to

somewhere to live. We must ensure that amendment 15 has no unintended consequences. For example, it might result in someone letting a property as it stands and having just two residents rather than subdividing it and letting it as an HMO to three or four residents. That would increase the demand for accommodation rather than reduce the number of students who lived in the area. We must ensure that amendment 15 does not have such unintended consequences.

I seek an assurance that subsection (4)(b)—

“the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need”—

will be an important aspect when any limitation on the number of HMOs in an area is considered, and that local authorities will have an absolute duty to ensure that housing need is being met in that area. I seek an assurance that if there is a need for HMOs, regardless of whether there is already a large concentration of them, housing need will be the main priority when a licence application is considered.

It is very important that we have such an assurance on record, because otherwise, in places such as St Andrews, we might end up forcing people out of perfectly adequate accommodation simply to meet the requirements of the provision. In doing so, we might leave students homeless or facing unaffordable rents because of a reduction in the number of residents who would be living in accommodation that at present is being used as HMO accommodation.

**Patrick Harvie:** I have more serious concerns about amendment 15 than I had about amendment 1. Perhaps it would be unfortunate to interpret what Ted Brocklebank said in this way, but there will be those who will interpret him as having said that there are some properties that just should not have students living in them and that there are some neighbourhoods that just should not have too many students because other people do not like living in student areas. I am sure that that was not Ted Brocklebank's intention, but there will be those who will draw that inference and there are certainly those who make that case.

My concern is that if we agree to amendment 15, some of the people who just do not like studenty areas and who think that there are just too many HMOs—not necessarily too many, given the level of need, but just too many for their taste—would have an excuse to take or to threaten action against their local authority.

Other unintended consequences could arise if a limitation on the number of HMOs were to be put in place by a local authority. That could prevent good, higher-quality landlords from coming in to provide accommodation. If an area has bad

landlords who have bad practices and who charge exploitative rents, we would obviously rather see good landlords coming into that area and offering students—or any other HMO tenants—a better deal. I worry that if we agree to amendment 15, we might prevent such improvements.

Amendment 15 does not seem to establish a relationship between the different factors to which a local authority must have regard under subsection (4) of proposed new section 131A of the 2006 act. It mentions

“the number and capacity of licensed HMOs in the locality”,

the level of need for HMO accommodation, and “other matters” that may be specified, but it does not say whether a higher priority should be attached to the first factor than to the second. I worry that some local authorities would be tempted, or would be put under significant pressure from residents, to attach a higher priority to the first factor—the number of HMOs and their capacity—and a lower priority to the level of need that existed and the extent to which HMO accommodation could meet that need. Therefore, I am not sympathetic to amendment 15.

**Alex Neil:** Having listened to Ted Brocklebank’s concerns about the issues that concentrations of HMOs are creating in St Andrews, I welcome his amendment 15. Given that Ted Brocklebank is also retiring on Tuesday, I thank him, on behalf of the whole chamber, for his enormous contribution to the Parliament and wish him well in his retirement. *[Applause.]* If amendment 15 is agreed to, it should be forever known as the Brocklebank amendment.

It is only right and proper that local authorities should have the powers to weigh up the needs for HMOs against their impacts on neighbours and communities in deciding whether to grant HMO licences. Making that a discretionary power—I emphasise the word “discretionary”—will allow local authorities flexibility to deal with issues in problem areas where necessary without unnecessarily overburdening those that have no need for it. To provide protection for vulnerable tenants and minimise the risk of homelessness, in using the powers local authorities will have to consider tenants’ and applicants’ views and the need for HMOs in the locality; I believe that that deals with the points made by Iain Smith and Patrick Harvie. That is especially important, given the potential impact of the welfare reform agenda.

Amendment 15 includes the power for ministers to specify through secondary legislation other matters for consideration in deciding whether to refuse a licence on the ground of overprovision or assessing whether there is overprovision. That is helpful, as it will enable the Scottish Government to make provision to ensure that full consideration

is given to relevant matters before an authority decides to refuse a licence on that ground. Before making any such secondary legislation, ministers would be required to consult local authorities as well as landlord and occupier representatives.

I therefore welcome amendment 15 and invite the Parliament to support it.

**Ted Brocklebank:** I am very gratified by the minister’s kind words and his acceptance of my amendment. I might have more to say in a valedictory sense in my final contribution, which will be in the main debate.

I believe that the amendment will provide a small but extremely effective weapon in local authorities’ armoury when they come to deal with HMO applications in future, especially in areas where there is already overprovision.

As the minister said, the powers will still remain directly with the local authority; they are not retrospective and any decisions will be entirely at the discretion of the local authority.

**Iain Smith:** Will the member take an intervention?

**Ted Brocklebank:** I want to make one or two other points.

I pay a personal tribute to Alex Neil, who has been more than generous in the time that he has given to help solve an undoubtedly difficult problem. I am delighted that our joint efforts in this respect have borne fruit today and I wish him well in whatever future capacity he finds himself after 5 May.

I am also grateful to those from other parties who gave their support. Once again, I congratulate Suscoms on its detailed submissions and tenacity in seeing this important piece of legislation all the way from the Public Petitions Committee to—hopefully—the statute book.

**The Deputy Presiding Officer (Alasdair Morgan):** The question is, that amendment 15 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)



Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)

Stewart, David (Highlands and Islands) (Lab)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, John (Central Scotland) (SNP)

#### Against

Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)

**The Deputy Presiding Officer:** The result of the division is: For 92, Against 2, Abstentions 0.

*Amendment 15 agreed to.*

*Amendments 9 and 10 moved—[Alex Neil]—and agreed to.*

#### Section 24—Revocation

*Amendments 11 and 12 moved—[Alex Neil]—and agreed to.*

#### After section 26A

**The Deputy Presiding Officer:** Group 5 is on overcrowding statutory notices: reports. Amendment 2, in the name of Mary Mulligan, is the only amendment in the group.

**Mary Mulligan (Linlithgow) (Lab):** At stage 2, I sought to introduce an amendment that would give some reassurance to those, including Local Government and Communities Committee members, who had concerns about the measures being introduced by the section on overcrowding. We all want overcrowding to be tackled and ended, but there were concerns about unintended consequences, including homelessness.

My amendment at stage 2 sought to introduce a review of the measures after three years. However, it was pointed out to me that my amendment as worded may also have had unintended consequences and, having had the principle accepted by the committee, I was happy to withdraw my amendment.

I am grateful to the minister and his officials for meeting me and assisting in the drafting of amendment 2. I am also grateful to Shelter and NUS Scotland for supporting it. I think that the Convention of Scottish Local Authorities has raised fears about unnecessary burdens that are grossly overexaggerated, and I hope that it will reconsider its position on the amendment.

I am supportive of measures to tackle overcrowding, and amendment 2 seeks merely a review by the Scottish Government after three years to ensure that those measures are working as intended.

I move amendment 2.

**The Deputy Presiding Officer:** At this stage, I should say that I am extending the time limit for this group so as not to curtail debate unreasonably.

**Alex Neil:** I thank Mary Mulligan for moving amendment 2, which I support. I have previously told the Local Government and Communities Committee that the Scottish Government would monitor the number of overcrowding statutory notices issued and review their effectiveness in dealing with overcrowding and their impact on homelessness.

As I made clear at stage 2, I consider it to be sensible to reassure those who have concerns about overcrowding statutory notices by going further and placing a statutory requirement on ministers to publish a three-yearly report on the number of notices served and their effects. The power for ministers to obtain the necessary information from local authorities will be useful in enabling the completion of the report. I therefore welcome amendment 2 and invite the Parliament to support it.

*Amendment 2 agreed to.*

#### **Section 28—Premiums**

*Amendment 13 moved—[Alex Neil]—and agreed to.*

#### **Section 29—Tenant information packs**

*Amendment 14 moved—[Alex Neil]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

## **Private Rented Housing (Scotland) Bill**

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-8128, in the name of Alex Neil, on the Private Rented Housing (Scotland) Bill.

15:45

**The Minister for Housing and Communities (Alex Neil):** I am pleased to open the debate and to move the motion in my name.

I thank the Local Government and Communities Committee for its detailed consideration of the bill, which was informed by evidence from a wide range of stakeholders. I appreciate the time that was taken by the committee to seek the views of key stakeholders. The bill has benefited from the debate in committee and the chamber, and from on-going dialogue with stakeholders.

I thank the clerks to the committee for their help and co-operation throughout the passage of the bill. I also particularly thank the bill team in the Scottish Government, who have been extremely helpful to me in progressing a fairly complex and complicated bill.

The Scottish Government sees a modern, thriving, high-quality Scottish private rented sector as an essential part of housing provision in Scotland. In our document, "Housing: Fresh Thinking, New Ideas", we outlined our wish to strengthen the private rented sector. We also want to do what we can, within our limited power and resources, to make that happen. We have made submissions both to the previous Chancellor of the Exchequer, Alistair Darling, and to the current chancellor, George Osborne, asking them to extend the tax advantages that exist for investment in commercial property to investment in the housing sector. If the chancellor were prepared to do so in his budget, on 23 March, that would act as a major spur to investment in housing—in particular, in the private housing sector.

It is incumbent on us to recognise that the vast majority of landlords are good landlords. That was shown in the PRS survey that was conducted two years ago by the Scottish Government. The people whom we have to tackle are the small minority, who are often geographically concentrated, who give landlordism a bad name. Those are the people at whom the bill is targeted. At the same time, we want to ensure that the regulation that is being put in place is proportionate while protecting the rights of tenants and landlords. We also want to develop a longer-term strategy for the sector's growth. I believe that

the Private Rented Housing (Scotland) Bill will play its part in that by giving local authorities greater powers to tackle bad practice and penalise unlawful operators, as well as by improving tenants' and landlords' awareness of their rights and responsibilities.

The bill is the result of a collaborative process in which evidence was taken over many months prior to the bill's introduction and during the committee stages.

**Tricia Marwick (Central Fife) (SNP):** Will the minister assure the chamber that the powers that the bill establishes will force local authorities to act when private landlords do not live up to the expectations of the rest of us and that local authorities will have sufficient powers to deal with those private landlords, so that we will have an end of local authorities telling members of the Scottish Parliament that there is nothing they can do?

**Alex Neil:** I agree with Tricia Marwick that enforcement is crucial. The powers are now well in place and I believe that the local authorities have the tools to do the job. As Tricia Marwick and others know, we are currently undertaking a review of enforcement practice throughout the country, which will report fairly soon. We will seek to make practical proposals and implement further practical, non-legislative proposals to ensure that there is more effective implementation of both the existing legislation and the additional legislation in the bill.

The bill process has involved the local authorities, as well as representatives of the private rented sector. I pay tribute to the work of the private rented sector strategy group, which advised me on these matters and will continue to do so. Members of the group are the expert stakeholders, including tenant and landlord representatives and local authorities, and their recommendations formed the basis of the public consultation leading up to the bill. As part of the process, I established a sounding board that brought together all those with an interest in the bill so that the Government could benefit from their views on how the bill could be enhanced and developed as it moved through its parliamentary stages. Members of all parties will recognise that we have taken on board their concerns and, I hope, accommodated them at least partially in some of the amendments that have been agreed to this afternoon.

The bill strengthens the system of landlord registration, including by expanding the fit-and-proper person test and by making it clear to local authorities that issues such as antisocial behaviour must be taken into account. It gives local authorities new powers to obtain information to crack down on unregistered landlords, including

an ability to require managing agents to provide a list of properties that they manage. It improves and enhances the system of the licensing of houses in multiple occupation that comes into force this autumn by giving local authorities powers to consider whether requisite planning permission has been obtained. That will help local authorities to strike the right balance between providing safe, decent accommodation for students and other tenants and considering the impacts on communities of concentrations of HMOs.

The bill gets tough on the worst offenders by increasing the maximum fines for HMO-licensing and landlord-registration offences to £50,000. That sends a clear message that we recognise the seriousness of such offences and that they will not be tolerated.

The bill will not only help local authorities to crack down on poor landlord practice, but help to protect tenants by improving their understanding of their and their landlords' rights and responsibilities through the mandatory tenant information pack, and by strengthening local authorities' powers to deal with overcrowding. By clarifying the position and enabling the Government to specify what reasonable fees can be charged, it will prevent unscrupulous agents from charging unreasonable premiums. Further, it will help landlords to meet their responsibilities with regard to the repairing standard by enabling them to access the private rented housing panel for assistance.

Amendments at stage 2 strengthened the bill's provisions on overcrowding, taking account of concerns that were raised by the committee about the impact on vulnerable tenants and potential homelessness. As a result, the bill now requires local authorities to perform a range of additional checks and balances; that includes considering the impacts of serving the notice on the people living in the house, particularly with regard to homelessness. It also places on local authorities a duty to provide information and advice to occupants of the house when serving a notice.

David McLetchie's amendment to the 20-year rules will assist our overall approach to helping the PRS grow by unblocking barriers to new innovative funding approaches—it is a pity that Mr McLetchie is not here to hear my praise. That follows on from the powers for the social rented sector that were introduced in the Housing (Scotland) Act 2010.

I look forward to a final constructive debate on the bill, which I am confident will make an impact in areas where it is needed most.

With great pleasure, I move,

That the Parliament agrees that the Private Rented Housing (Scotland) Bill be passed.

15:53

**Mary Mulligan (Linlithgow) (Lab):** I am sure that I am not the only one who feels a sense of achievement when we reach stage 3 of a bill, and that is especially true when one has been particularly involved through all stages of the bill. Therefore, I am extremely pleased to have reached stage 3 of the Private Rented Housing (Scotland) Bill.

Although I welcome the measures in the bill, it is also right to point out areas in which we might have gone further and work that still needs to be done—not necessarily through legislation but perhaps, as the minister said earlier, through guidance.

The bill will strengthen landlord registration by expanding the fit-and-proper person test and increasing the level of fine for non-registration. In the stage 1 debate, I asked the minister how those measures would make it more likely that local authorities would actively pursue unregistered landlords. Unfortunately, the minister did not actually answer the question. However, he went on to ask me whether I would be willing to place a duty on councils to make them more active. I hope that whoever is the housing minister after the election will sit down with councils' housing conveners and stress to them the importance of landlord registration. If that does not improve regulation, the Parliament will need to consider whether it needs to further strengthen the legislation.

Similar action will be required in relation to the judiciary, to ensure that it completely understands the importance of the legislation around issues such as landlord registration. If the new Government after May is a Labour Government, such discussions might be part of discussions on establishing a housing court or tribunal.

I recognise what Ted Brocklebank was trying to do with his amendment 15, which was on HMOs, and I am pleased that members supported it. I heard the witnesses who raised concerns in the committee about the overprovision of HMOs in their locality and I have frequently heard my colleagues Pauline McNeill and Patricia Ferguson raising similar concerns on behalf of their constituents. I have doubts about whether amendment 15 will deliver but, on balance, I was happy to support the intention. However, the minister must respond to the concerns of Shelter and the National Union of Students Scotland, which Patrick Harvie raised. They have pointed out that there is likely to be increased demand for HMOs, due to changes in the housing benefit rules—perhaps up to 7,500 more properties will be needed. How will we respond to that demand?

As I did in the stage 1 debate, I support NUS Scotland's call for a strategy to address young people's housing needs. Whether they are students or young adults, all young people face barriers to accessing appropriate housing at this time and we owe it to them to give the issue serious consideration.

The bill will give councils powers to issue overcrowding statutory notices. I welcome that but think that fellow committee members would agree that, during the passage of the bill, we were all made aware that overcrowding is a complicated issue. I accept that parts of the legislation that we have introduced go some way towards addressing the matter, but I suspect that we cannot think that we have resolved the issue yet. I am pleased that members agreed to my amendment 2 so that there will be a review of the overcrowding measures after three years. That will allow members to be reassured that the measures in the bill are having the correct effect.

Other issues in the bill have perhaps not received quite as much attention as the issues that I have mentioned. The minister referred to one of them in his opening statement: reasonable charges. Reasonable charges are important if we are to have a responsive private rented sector that delivers housing at rates that can be afforded.

The other issue that we did not spend a lot of time considering, partly because there was a lot of agreement about it, was the provision of the tenant information pack. Again, that will benefit people. At stage 2, I moved an amendment on carbon monoxide testers, and other issues relating to gas and electricity have been raised. I look forward to the future committee working with the minister on developing the guidance that will go with the tenant information pack.

I am happy to support the bill, but there is more to do in private rented housing. Some elements will need to be legislated on and others will not, but members should be reassured that Labour will be happy to support the future housing minister in his or her efforts.

15:58

**Alex Johnstone (North East Scotland) (Con):** The Conservatives support and will vote for the bill.

Going through the process has been interesting and certain aspects of today's procedures have been particularly interesting. We have before us legislation that has been arrived at through a particular route. Of course, the Conservatives opposed the last-minute introduction of landlord registration schemes in the Antisocial Behaviour etc (Scotland) Bill in 2004, because we believed that there had been no proper consultation at that

time, and the provisions focused on creating good tenants rather than on improving the landlord-tenant relationship. However, we believe that progress has been made by the means that have been used. We need to ensure that the landlord registration scheme does not simply become a tax on landlords who provide good accommodation and service, but eliminates bad practice from the sector. Again, we have made significant progress on that today.

As the minister said, at stage 2 David McLetchie took the opportunity to lodge amendments that amended the Land Tenure Reform (Scotland) Act 1974 in relation to the 20-year rule—that is, the restriction on residential leases of more than 20 years and the right to redeem heritable securities after 20 years. The approach will allow ministers, by order, to prescribe bodies for whom the rules are relaxed, which is a vital step forward in the provision of effective housing.

HMO licensing became central to our consideration at stage 2, as it was at stage 3. I apologise for frightening a few horses at stage 2. In a discussion with Ted Brocklebank, I had agreed to ensure that HMO density was properly discussed at stage 2, so I lodged an amendment that was designed to ensure that the matter was discussed. My objective was not to require planning permission for all HMOs but to get the issue on the agenda. I apologise to anyone whom I frightened—I replied to their e-mails.

The objective was achieved. I withdrew the amendment that I had lodged at stage 2 and, after negotiation, Ted Brocklebank was able to lodge amendment 15 at stage 3. The amendment's being agreed to has resulted in a change to the bill that I hope will deal with the problem that Ted Brocklebank identified in St Andrews, which I know exists and requires to be addressed in other areas of Scotland.

Today's proceedings have been particularly interesting. During the past few days, the Parliament has considered a number of bills at stage 3 and very few amendments have come to a vote. We voted on an amendment today only to discover that it had been agreed to with 119 votes for and none against. I congratulate Pauline McNeill, who moved the unopposed amendment 1, and Ted Brocklebank, on their clever and astute political activity in recent days. The outcome demonstrates that if a person has experience of parliamentary procedure and works the system to their advantage, they can get their way—even if many members were surprised at just how close to the wire the voting went.

I pay tribute to Ted Brocklebank and hope that amendment 15 will serve as a memorial to his time in the Parliament. It will not be the only one; he has contributed a great deal during his time here,

particularly on fisheries, his knowledge of which was valuable to us.

I say to all members who, like me, have dragged themselves around various housing organisations in recent weeks to do pre-election hustings, that many people out there think that we spend all our time fighting and arguing. My experience in the Local Government and Communities Committee, my experience during the passage of several bills in recent months and my experience of working with the minister indicate to me that, although we might have different ideas, we have the same objective. I hope that that will continue in the next session of the Parliament.

16:03

**Jim Tolson (Dunfermline West) (LD):** I thank my colleagues on the Local Government and Communities Committee, the committee clerks, the bill team and the minister for their hard work and dedication in bringing forward this important housing bill, which the Liberal Democrats will support at decision time.

The bill will prove to be an important piece of housing legislation, which will protect many vulnerable people while ensuring that private landlords can function in a profitable and good-quality market. The amendments to which we agreed today, the vast majority of which were uncontentious and technical in nature, tidy things up, but given the problems that can arise from subdivision of HMOs and the friction that sometimes exists between permanent residents and students in HMO areas, it was never going to be plain sailing.

Liberal Democrats had sympathy with Ted Brocklebank's amendment 15, on overprovision of HMOs, although we were concerned that it could restrict the availability and raise the price of student accommodation in our university towns and cities. The amendment seems to block further HMOs, but in fact it gives local authorities an option to restrict the number of HMOs, to suit local needs. As Ted Brocklebank said, the provision is not retrospective, which is important.

The Liberal Democrats hope that amendment 15 will not be used to restrict student accommodation unnecessarily and to drive up costs for those least able to afford it. We have some concerns about the possible adverse effect on our student populations, but that must be balanced against the needs of permanent residents in our towns and cities. On balance, we agreed with amendment 15, and we hope that it will be used wisely by our local authority colleagues to ensure a good balance of accommodation needs for all residents.

Pauline McNeill's amendment 1 proved just as controversial—and Alex Johnstone has just referred to the oddness of the vote. On first reading, amendment 1 seemed to be a bit all over the place. It seemed to provide more questions than answers. However, we examined it more closely and again, on balance, we felt that it provided important protection not just to the residents of subdivided accommodation but to other residents outwith subdivided properties. A lot of this bill's aim is about discouraging landlords from practices such as subdivision and ensuring that they are able to operate in a fair and profitable market.

There has also been some disagreement over Mary Mulligan's amendment 2. Mary, never one to court controversy—much—has upset the Convention of Scottish Local Authorities over her subsections (2)(c) and (2)(d), which COSLA claims will

“place unrealistic expectations on local government.”

In the Local Government and Communities Committee, through a number of bills and Scottish statutory instruments, I have highlighted similar concerns on a number of occasions. However, with a number of possible uses of parts of this bill, we feel that a reporting mechanism is essential to ensure that the bill is used wisely once enacted.

This bill has been one of the more difficult to work through for a whole host of reasons. Amendments at both stage 2 and stage 3 have been controversial but, on balance, we feel that it will lead to a very worthwhile piece of legislation. The Liberal Democrats will be happy to support the bill at decision time.

**The Deputy Presiding Officer:** We now move to the open debate.

16:07

**Anne McLaughlin (Glasgow) (SNP):** Sometimes it might seem to people as if we in this Parliament are navel gazing or talking only to ourselves, but nothing could be further from the truth. This bill is an example of that. We have consulted widely and have received a tremendous response from tenants and landlords—and even from groups of people who are neither. We might wonder why those latter groups would have an interest, but in a moment I will give members the example of the Croftfoot housing action group, none of whom is a tenant and none of whom is a landlord. Despite that, the action group has played its part in the development of the bill.

Far from navel gazing, we are today considering the final stage of a bill that will make a significant difference to the lives of real people. Let me give members just two examples. I will start with the

Croftfoot housing action group—a force to be reckoned with in the south-east of Glasgow. It was formed because local people were fed up with rogue landlords who were not taking responsibility for the minority of antisocial tenants, for communal property or for the community from which they profit. When this bill is passed, Marilyn and Anne Marie from the action group, who are in the public gallery today, will be able to go back to Croftfoot and tell their community that things are changing—and changing for the better. Now when they come across landlords who refuse to take responsibility, who refuse to play their part in maintaining the property and who refuse to acknowledge their social responsibilities, they will know that action will be taken—action that can include the imposition of fines of up to £50,000 for registration offences. They will also finally be able to track those landlords down.

I welcome the fact that part of the fit-and-proper person test will be a consideration of how landlords deal with antisocial behaviour by their tenants. That represents the practical support that Croftfoot housing action group has been looking for. I am pleased that it will be delivered under an SNP Government with consensus across the Parliament.

The new legislation will protect some of the families I met in Govanhill who are new to Scotland—many of whom have been trafficked, which, of course, is a wider issue. Sometimes, 20 people are living in a two-bedroom flat. Their exploitation will be curtailed because the bill will make it easier for the authorities to find and stop rogue landlords whose only interest—whose *raison d'être*—is to make a profit at all costs.

Shared information is the way forward. For example, if a property is not registered, no housing benefit will be paid. Some local authorities already apply that rule. However, now that I feel reassured that we are doing what we can to protect tenants and local communities, I want to say something about the good landlords on the other side of the housing benefit argument—and I know that the minister has acknowledged that there are good landlords. I am talking about the landlords who register, who provide decent, safe and warm homes at a reasonable price, but who do not get their rent because housing benefit has been paid directly to the tenant who has not passed it on. I spoke to someone just last night to whom that had happened, and she was told by people at housing benefit that it was not their problem.

We must remember that not every landlord is a millionaire property developer. Often, someone rents out their home because they have had to move away for work, although they hope to return one day. It should be the housing benefit department's problem. I realise that that will be

another bill for another day, but it is worth mentioning. It is also worth saying again that we are talking about a minority of landlords.

I was approached recently by a woman who rents out a number of flats and seems to be fulfilling the functions of a social landlord in many ways. She has a real interest in mental health and, working with other agencies, has offered tenancies to people who are recovering from mental illness and addiction issues. Incidentally, she told me that she had only once had a problem with a tenant and she has dozens of properties. Of course, letting is a commercial transaction, but many landlords are also motivated by providing decent homes.

We all say it in passing, but I will say it again: most landlords will have no difficulty with the bill because they are decent people who provide a decent service and, indeed, have been significant in the bill's development. To those landlords who are not decent, the bill says that everyone has the right to live in peace, comfort and safety and that, if they are putting that at risk, we are on to them. The powers that be will come to get them and no longer will they be able to stick up two fingers safe in the knowledge that nothing will happen, because it will.

The bill will make sure of that, as will people such as the fearsome—some would say scary—campaigners from Croftfoot housing action group. Given the amount of time that those campaigners have spent on the bill, they must know it inside out by now. They care about their community and I say to unscrupulous landlords that if they do not care about it too, they should steer clear.

Wherever such landlords go, they will find that tenants and communities throughout the country are protected by the bill. We must now ensure that those people know about it so that they can safeguard their homes and communities.

I commend the bill and look forward to its implementation.

16:11

**Patricia Ferguson (Glasgow Maryhill) (Lab):**

Although the bill is one of the last that we shall consider in this session of the Parliament, its gestation has been fairly long. Most of its provisions were originally contained within the most recent Housing (Scotland) Bill and, therefore, have perhaps received more than their fair share of scrutiny.

Nevertheless, the bill that we will pass today contains provisions that will help to strengthen existing legislation on landlord registration and houses in multiple occupation. It also attempts to offer some protection to people who may live in

overcrowded conditions in the private rented sector.

I do not have time to discuss all the bill's provisions, so I will concentrate on the two that are of most interest to my constituents: landlord registration and the licensing of houses in multiple occupation.

We all recognise the need to protect people from unscrupulous landlords, but it is also necessary to do that without putting undue pressure on the decent landlords who provide good-quality accommodation, register their properties as required and fulfil their obligations.

The bill broadly delivers on that aim, which is welcome. However, I am not sure that an increase in the level of fine that can be given for offences under the legislation will have the deterrent effect for which the minister hopes. I and others made that point during the passage of the bill and I would be grateful if the minister would indicate whether he has had an opportunity to discuss with the law officers how the courts could be persuaded to take breaches of the legislation seriously, to impose fines that we think are proper on those who are convicted and, thereby, to provide a real deterrent.

The Parliament passed HMO legislation in an earlier session because it recognised that young people and vulnerable people needed protection from unscrupulous landlords who exposed them to unsafe and sometimes downright dangerous situations. The issue came to a head when two young students died tragically in a fire in my constituency because they could not escape through the barred windows of the basement flat that they were renting.

HMO legislation has helped to make conditions safer for people who rent, but the time has come for us to look at the bigger picture and consider the effect that multiple occupation has on the fabric of properties and on the communities where those properties are located.

It is in no one's interest for entire areas of our towns and cities to be swamped by properties that are rented out in this way. We must surely all desire vibrant, diverse communities that people want to live in. I hope that a strategy for young people's housing will be developed and that those issues will be considered when that is done.

For those reasons, I very much welcome the amendments in the names of Pauline McNeill and Ted Brocklebank. I congratulate the minister on his Damascene conversion. It reminded me that, many years ago, a former colleague of mine said that Alex Neil could cause a fight in an empty house. I am happy that Mr Neil did not live up to that description this afternoon and that he showed

that he has many qualities that are perhaps more desirable to the rest of us.

The amendments that Pauline McNeill and Ted Brocklebank lodged are important, because they address the central issue of inappropriate conversions that damage the fabric of buildings, cause nuisance—and, often, inconvenience—to neighbours and often mean that young people and vulnerable people live in properties whose standards would in all other circumstances be deemed intolerable. My only worry about Ted Brocklebank's amendment 15 is that it leaves much of the responsibility with local authorities. However, on balance, it is probably best to allow local authorities that flexibility, so I accept the rationale that is at play.

Questions still remain in my mind about the bill's efficacy. Will it deliver the deterrent effect that it promises? Does it put in place the right measures to deal with overcrowding, without imposing a greater burden on social landlords? Does it go far enough in controlling HMOs appropriately? I suppose that time will tell. In the meantime, I thank all those who have been involved in the bill's passage—particularly the witnesses, whose evidence genuinely helped to shape the bill.

16:16

**John Wilson (Central Scotland) (SNP):** It was a privilege to be a member of the committee that examined the bill. It was clear that not all local authorities have taken a vigorous approach to landlord registration. I know that discussions have taken place with legal authorities about prioritising prosecutions in relation to registration, where the law has been flouted.

Members are only too aware of their own experiences of private rented housing and of their constituents' experiences. The Local Government and Communities Committee generally agreed on the principles in the bill, but that was not achieved without clarification of the proposals as outlined.

The bill's fundamental aim is to provide detailed regulation of the private rented housing sector, which will secure tenants' rights in that increasingly important sector of the housing market. As I said in the stage 1 debate, the committee recognised that

"overcrowding is a significant and serious issue".

In practical terms, concerns have been raised about the implications of how the bill tackles overcrowding and about the obligations on local authorities. In its stage 1 report, the committee detailed the concern about whether local authorities will have the financial resources to make the bill work in practice.

At stage 2, the bulk of the examination of the bill related to overcrowding statutory notices. The Government allayed the concerns that were noted at stage 1, and two non-Government amendments were agreed to.

In considering the mechanics of a bill's progress, it is always necessary to remember the hard-fought campaigns that people and organisations have undertaken to shine a light on the problems that they deal with daily. As part of the Public Petitions Committee's work, I—along with Frank McAveety and Anne McLaughlin—made a visit to Govanhill that showed us that people and communities still face landlord blight and that communities are prepared to call time on shameful and, to be frank, unpleasant landlord practices.

The Local Government and Communities Committee was presented with clear evidence of the scale of disputes between landlords and tenants in the private sector. Illegal evictions and repairs that had not been undertaken were only a few of the problems that were highlighted in evidence sessions.

Part 4 of the bill enables a private landlord to apply to the private rented housing panel for assistance in accessing property to comply with the repairing standard. That is welcome. Part 4 also requires private landlords to provide tenants with a tenant information pack, which is a welcome measure and will help tenants to understand their rights and landlords' obligations under tenancies.

Mary Mulligan referred to private landlords and obligations in relation to carbon monoxide testers, as well as monitors for gas and electrical equipment. I, too, make a plea for any future Government that comes in to look at the installation of hard-wired fire alarms. A Strathclyde Fire and Rescue report states that the majority of fatal fires in 2009-10 occurred in flats and that there were a total of 23 preventable deaths in house fires in the local authority areas that constitute the Strathclyde area. That is an obligation that should be put on private landlords and other landlords.

In terms of making communities safer, I hope that the bill will make landlords aware of their responsibilities.

Although the bill will address some of the concerns that have been identified about what can be described, at best, as a level of consumer dissatisfaction with private sector landlords, extra diligence by local authorities is required.

I welcome the stage 3 debate and the bill's key principles. I look forward to the bill coming into force, as I believe that it will have a positive effect in reducing the number of rogue landlords. It is important to understand that the bill is aimed at



rogue landlords; it is not aimed at the vast majority of landlords who carry out their duties, work with tenants in a meaningful way and provide a useful service to Scotland.

I thank all those who provided both written and oral evidence during the various stages of the bill. I also thank the committee clerks, the Scottish Parliament information centre, the minister and his civil servants, and my colleagues on the Local Government and Communities Committee, who have made this a worthwhile bill. I hope that it will be passed at decision time.

16:21

**Charlie Gordon (Glasgow Cathcart) (Lab):** I welcome the opportunity to make a brief contribution. In the stage 1 debate I spoke exclusively on the rogue landlord aspects of the bill, given the antisocial behaviour of the tenants of rogue landlords in my constituency. I make no apology for reiterating my concerns, because the problems are on-going.

A new case that landed on my desk the other day made me reconsider my previous definition of a rogue landlord. Hitherto, all my casework involved complaints about the antisocial behaviour of the tenants of landlords who are unregistered under current legislation and who are therefore, by definition, rogue landlords. In this new case, the landlord is registered, but he has told the exasperated neighbours of his antisocial tenants that he is just an investor and that they should talk to his managing agent.

I have written to the landlord in question at his home in a leafy suburb outside Glasgow, to ask him not to act like a rogue landlord and to restore my constituents' quality of life.

I would have hoped for more effective enforcement of the existing legislation in such cases, but the enforcement authorities in Glasgow have been adamant that the legislation needed strengthening. As the minister says, after today they will have the full set of tools for the job and I, for one, intend to ensure that they do their job with those tools.

When the bill is enacted, it should spell the beginning of the end for rogue landlords. It should also be a big setback for unregulated, irresponsible letting agents. That is a good thing, as they currently do little or nothing to vet the suitability of potential tenants.

When some aspects of the bill were removed from the recent Housing (Scotland) Bill, I expressed fears in the chamber that we would run out of parliamentary time to deal with those important matters. I am delighted to have been proven wrong, but it was a close-run thing.

16:24

**Bob Doris (Glasgow) (SNP):** I start by saying something that I think that we all agree on: the private rented sector must become increasingly important in the provision of good-quality, affordable housing. Given the significant cuts of £800 million that have been made to Scotland's capital budget in the coming financial year alone by the United Kingdom Government, it will be ever more difficult to meet housing need within the public sector alone.

We do not want it to be that way, but we have to acknowledge that it is. Therefore, we need the private sector and we have to work in partnership with it. As has been pointed out, most private sector landlords are excellent. Our discussions with the Scottish Association of Landlords show that those at the top of their game in the private sector can be a power for good in meeting housing need. That is why the bill must ensure that we regulate effectively to achieve the highest standards. Regulation under the bill will allow us to move a significant way towards doing that.

The lack of prosecution of unregistered landlords has concerned us all for a while. The only prosecution that we have had of an unregistered landlord resulted in a derisory fine being handed out. The issue has been mentioned, but it is important to reinforce the point that there is a need for better and more effective prosecution and more significant fines. I therefore welcome the increase in the maximum fine for unregistered landlords to £50,000, which I hope will drive change, although time will tell on that. I look forward to seeing the guidelines that the minister has talked about on best practice in securing prosecutions and engaging in enforcement.

Fines that are given to unregistered landlords should be retained in Scotland and used to pay for enforcement and the regulation of the private rented sector. The money should not simply flow to the London Exchequer, as currently happens. To put it bluntly, why should Scotland's local authorities have to pay to enforce regulation while any profit—if I can use that terminology—from court fines travels south? Perhaps that is an argument for another day, but if prosecutions become increasingly successful, as we all hope that they will, that situation would surely stick in the craw of Scottish councils. Regulating the sector is hardly inexpensive, but local authorities get no cash benefit to reinvest in that area. I draw the distinction that the cash benefit would not cross-subsidise anything else; the money would come back to pay for effective regulation of the sector.

I welcome the introduction of landlord registration numbers, which should be a driver for consumer change, as I have said previously. I

would hope that no one would buy a car that was not MOT'd, so why do people move into houses that are unregistered and do not have all the safety features that they should? We must drive that consumer change and ensure that there is consumer responsibility.

I would like to know more about how the tenancy deposit scheme, which would secure deposits for tenants should they leave a landlord, will work. I am interested in whether registered landlords will be the only people who will be able to opt into that scheme. I would also like to know how the benefits system will interact with landlord registration. The minister has spoken about considering greater tenancy security for social tenants in the private sector to meet affordable housing need. There is a lot of work to do as we move forward. I cannot say whether the housing minister in the next Scottish Government will be male or female, but I am content with the one that we have. Of course, I suspect that appointing the next housing minister will be Alex Salmond's job as First Minister.

16:28

**Jim Tolson:** One principal element of the bill is the measures on the registration of private landlords. Alex Neil said that the bill is targeted at a minority of landlords who give the industry a bad name. The bill targets the worst offenders, which was the point that I made during the stage 1 debate when I suggested that good landlords have “nothing whatever to fear” from the bill. Let us hope and pray that that means the majority of landlords. Other landlords will have to either shape up or ship out. There will be no room for poor landlords in the future.

The danger to residents cannot have been set out more starkly than in the example that Patricia Ferguson gave, which was a welcome reminder to us all. Charlie Gordon said that the bill is

“the beginning of the end for rogue landlords.”

As is often the case, he hit the nail on the head quite well.

Mary Mulligan sought to expand the fit-and-proper person test that is in the bill and I welcome that. She also talked about impressing the proposed changes on local authorities and the judiciary, which is also key. There is no point in our raising the level of fines or making sure that local authorities do the checks if there is no enforcement. The carrot and the stick are often required in legislation, and that is no less true than for the bill we are discussing today.

Overcrowding was another key area for me while I worked through the stages of the bill in committee and in the Parliament. Mary Mulligan

said that it is a complicated issue. I certainly found some of the amendments—including those on overcrowding in particular—very complicated, because of their potential outcomes. We had to make sure that we got things as right as possible, which is why, at the end of the day, the Liberal Democrats were happy to support the amendments on overcrowding.

Alex Johnstone mentioned the stage 2 amendment that he lodged so that HMO density would be discussed. Although that discussion was certainly welcome, I have also discussed the issue with permanent residents in St Andrews, who, like people in other places in the country, have deep and long-held concerns that must be listened to. In agreeing to Ted Brocklebank's amendment today, the Liberal Democrats feel that the bill now strikes a reasonable balance between the needs of all residents in areas where there are HMOs.

The bill has meant a significant amount of work for the committee, and I paid tribute earlier to all those who were involved. We had extensive and sometimes testing committee sessions on the bill. We had concerns about some of the stage 2 amendments, although the evidence from and on behalf of students and permanent residents was clear for all to see. We have agreed to amendments today that should, in time, provide solutions for both sides and help them to live in harmony in their communities.

I am glad that John Wilson mentioned hard-wired smoke alarms. I promoted them as part of the Scottish housing quality standards while I was on Fife Council. As a homeowner who once had a fire—fortunately, I was not at home at the time—I know that the smoke alarm allowed the fire service to take quicker action. I personally welcome any action that ensures that hard-wired smoke alarms are provided.

The Liberal Democrats believe that private rented accommodation plays an essential part in meeting our housing needs and we support the benefits and improvements that the bill will bring.

16:32

**Ted Brocklebank (Mid Scotland and Fife) (Con):** In winding up for the Conservatives today, I begin what will possibly be my final contribution in this place by saying how grateful I am for the kind words of my friend and colleague Alex Johnstone, the minister, Margo MacDonald and others who referred to my impending departure.

Enoch Powell said:

“All political lives ... end in failure.”

Although I do not place myself on quite the same pedestal as the sainted Enoch, today's events at least give the lie to his gloomy prognosis of the

careers of folk who devote themselves to the dark art of politics. Here I am, in my final contribution in this chamber, with a genuine achievement to boast about. Okay, it has taken me nearly eight years, but better late than never.

To those who have some fears about the amendment that I lodged, I should say that, as a landlord, I know that there are excellent and responsible landlords. I know that there are also splendid tenants, and I have had few problems with my tenants over the years.

**Alex Neil:** Can the member confirm that he is registered? [*Laughter.*]

**Ted Brocklebank:** Absolutely, as the minister will discover if he checks the register of landlords.

However, there have been problems. Pauline McNeill and Patricia Ferguson alluded to some of them, and I mentioned particular problems in relation to the overconcentration of HMOs in some areas and the apparent lack of courage of certain local authorities to use existing legislation to resolve those problems. At least as a result of today's business—and we leave it very much up to the local authorities—there will be no excuse that they didnae ken: it is there in the text of the bill.

Following the housing minister's personal endorsement, I firmly believe that new section 131A of the Housing (Scotland) Act 2006, which comes into effect in August and will give local authorities the power to end ghettos of HMOs in our towns and cities, will be referred to by future generations as the Brocklebank amendment, much as John Sewel gave his name to Sewel motions and Joel Barnett gave his to his famous formula, with its consequentials et al. For once, if only in my home town, I may at last be regarded as not a total waste of space.

I crave your indulgence, Presiding Officer, and wonder if I might make a few valedictory remarks. I offer genuine thanks to colleagues from all parties who supported my amendment today, and who have made my time in this place such a genuinely pleasurable experience.

Dammit, I've enjoyed learning about public transport in Lower Westphalia from Chris Harvie; Stewart Stevenson has enthralled me with the load of learned lumber contained in that remarkable head of his; and when it comes to plucking on the heartstrings, nobody does it better than the coal miner's daughter, Helen Eadie. But there are also some fairly impressive performers in this place—mostly, I have to say, on the benches around me, as members would imagine, but also from other parties. They know who they are, and I am going to miss them.

As a born poacher rather than a gamekeeper, it will be good to shake off the shackles and the

whips and speak my mind again, not least on such subjects as the common fisheries policy, on which my views have changed not one iota in eight years, the future of the media in Scotland and—particularly close to my heart these days—that warmest of sub-Saharan African countries, Malawi.

Since he believes that I never give him the credit that he is due, I pay a final and public tribute to my loyal chief of staff—that is his chosen job title—Dominic Heslop. His name will appear in the *Official Report* at long last.

In what is likely to be my final utterance in this place, I venture the hope—to paraphrase Fu Manchu—that the wider world of Scottish politics may not yet have heard the last of me. But that is for another day. In whatever capacity I find myself after next Tuesday, I will continue to take a very close and personal interest in this place.

Thanks for the memories—it's been a ball. [*Applause.*]

16:37

**Mary Mulligan:** I offer my best wishes to Ted Brocklebank for all that he has done, particularly today. He said that his closing speech will probably be his last contribution; we should all remember that this could be our last contribution. I am glad to hear that he is a registered landlord.

The debate has been very consensual—or at least that is what I was going to say until I heard Bob Doris. His speech was probably fairly light for him, but I realised when he got to his final sentence that he was not serious after all, so I will not comment further.

I must say how grateful I am to fellow committee members for the way in which we have been able to progress not only this piece of legislation but others that have gone before. I thank the committee clerks, who have been ever helpful, and the minister and his officials for the way in which they have supported us through the bill process. We have had two gos at getting to this stage, as other members have mentioned, but I hope that what we have finally arrived at will deliver on our intentions. Finally, I thank those who provided oral and written evidence to the committee, as it was thorough and clearly guided us as to how we should act.

The minister and others, such as Anne McLaughlin and Patricia Ferguson, referred to the very many good landlords who operate throughout Scotland, and I associate myself with those remarks. It is true that the majority of landlords act responsibly but, unfortunately, as we know from our casework and from the examples that we

heard about in evidence, there are others who do not. That is why the bill was necessary.

The minister's establishment of the private rented sector strategy group was welcome, and I think that it was the right thing to do to ensure that we got a broad range of opinions on how we could further improve the private rented sector. I notice that he said that he intended to continue with the group, and I approve of that, but I wonder whether he might also want to support some of the suggestions that Shelter made in its briefing. It suggested that there should be a review of the short assured tenancy regime, and I have some sympathy with that; I wonder whether the minister and others do, too. It is important that we have a scheme that delivers for tenants and for landlords, and it may be that there is a need for an assessment of short assured tenancies.

I support Shelter's proposal for the development of a new approach to providing tenants with information and advice. Earlier, I mentioned the information pack that will be available. It is important that tenants and landlords are fully informed of their roles, and the rights and responsibilities that they have in playing those roles. More work could be done on that.

Alex Johnstone was in repentant mood. He willingly confessed that the Conservatives had opposed landlord registration in the Antisocial Behaviour etc (Scotland) Bill, but he can rest assured that there is much rejoicing in heaven for every repentant sinner who sees the error of their ways. I am pleased that he thinks that the bill before us provides a better way of ensuring that registration for landlords is enacted appropriately.

Alex Johnstone also confessed that he thought that he might have scared us with his amendments at stage 2, but it takes much more than that to scare Labour members. I think that those amendments led to today's amendment 15, in the name of Mr Brocklebank, which the Parliament agreed to unanimously, so Mr Johnstone was headed in the right direction.

Patricia Ferguson reminded us that it has taken us a while to get here. The Housing (Scotland) Bill originally contained an attempt to tackle the private rented sector. At the time, I was quite critical of the minister for withdrawing the relevant provisions from that bill, because I was concerned that we would not get to the stage that we have reached today. I shared Charlie Gordon's concerns, so I am pleased that we have got to this stage.

John Wilson mentioned the campaigns that led to the Parliament considering some of the difficulties that people have to live with. We should all recognise the benefits of the Public Petitions Committee, which introduced us to issues such as

overcrowding, in particular, and I hope that the measures that will be agreed to at decision time will make a difference. It is to the Parliament's credit that we have responded to the petition on that. John Wilson suggested that there needs to be guidance on hard-wired fire alarms, and I support that suggestion.

Charlie Gordon mentioned the issue of letting agents, which we may need to come back to in the future. I hope that the minister agrees that further work needs to be done on that. I heard recently about work that is being done on letting agents south of the border and, as someone who is always willing to learn a lesson, wherever it comes from, I think that we should consider the measures that are proposed there.

I believe that the bill will move us on and that the measures that it proposes are good. I suspect that further measures may still need to be taken, but I am sure that the Parliament will return to those in good time. My final request to the minister is to ensure that the measures that the bill contains are implemented quickly. We referred today to measures from the Housing (Scotland) Act 2006, which are not due to come into effect until August of this year—five years later, which is an awfully long time. People within the private rented sector deserve to have the bits of legislation that we are agreeing to today enacted more quickly.

I am pleased that we accepted all today's amendments, particularly those in the name of Pauline McNeill. I was accused yesterday of doing U-turns. I say to the minister that his was the fastest U-turn that I have seen in a long time, but it is much appreciated. On that consensual note, I welcome the bill.

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

Given Patricia Ferguson's earlier warning about what Alex Neil is capable of doing in an empty house, I am a little bit loth to let him loose on a fairly empty chamber. Nonetheless, as Mary Mulligan has just said, we are on fairly consensual ground, so I am happy to call the minister to wind up the debate.

16:45

**Alex Neil:** I am delighted that Mary Mulligan is confident that I am going to be the minister moving the commencement order after the election.

Earlier, when we were discussing the amendments, I rightly paid tribute to Ted Brocklebank. I say to him that, given his on-going interest in fishing and the policy position that he has taken, with which we agree but his party leader does not, there is a membership card awaiting him at any time. *[Interruption.]* I hear that Mr Russell disagrees with that.

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Indeed.

**Alex Neil:** This has been a consensual debate, with good contributions from throughout the chamber. It is appropriate that it has been consensual, because the issue that we are tackling should not be one on which there is major ideological difference between the parties; it is about what we do for tenants who find themselves in a position where their landlord is not delivering the services that they should be providing and what we do about the fact that, in too many of our communities, groups of landlords give the industry a bad name. One of those areas, but certainly not the only one, is Govanhill in Glasgow. We have made substantial progress there, in which we were helped—again—by the work of the Public Petitions Committee and others.

It is not just Govanhill where there is a problem. Because the problem has been allowed to fester for so long, it has started to spread out geographically. That is why the people of Croftfoot in Glasgow are now, as Anne McLaughlin rightly said, facing similar problems, which we have a duty to try to address. On Monday, I was in Clune Park in Inverclyde, which is another area where there is a major landlord problem. The bill is part—only part—of the answer there, too.

As members from all parties have said, it is important to get a strong message out to every local authority in Scotland that we have equipped them with the tools to do the job and that we expect them to deliver and robustly enforce both the existing legislation and the new legislation.

Over the past three or four months, we have had three housing bills: the Housing (Scotland) Act 2010 was signed by the Queen just before Christmas; we had the Property Factors (Scotland) Bill; and we now have the Private Rented Housing (Scotland) Bill, which I hope will become an act after tonight. Taken together, those three pieces of legislation represent a major advance in all those sectors of housing. The Housing (Scotland) Act 2010 reforms the right to buy, on which there is some disagreement. The Property Factors (Scotland) Bill brings more control into the property factors industry. The Private Rented Housing (Scotland) Bill will, I hope, bring more sanity and common sense into the private rented sector.

**Bob Doris:** I just want to add to the list the Home Owner and Debtor Protection (Scotland) Act 2010, under which all evictions for mortgage arrears must call in court, which is another powerful success.

**Alex Neil:** That is a good point from Mr Doris. I am always one to undersell our achievements. *[Laughter.]*

The legislation is extremely important, but it is also important that we move forward on other fronts, particularly on investment. Whether we are talking about Govanhill and Clune Park or the wider housing sector—both the social and private housing sectors—investment and development are essential. I have charged the private rented sector strategy group with preparing, in consultation, a long-term development plan for the private rented sector in Scotland.

Bob Doris was right: given the challenges that we face in the housing sector—the waiting lists, the difficulty that first-time buyers have in putting together a deposit to get a mortgage, an ageing population and a rising population—the demand for housing will rise exponentially in the years ahead. We require a major contribution from every sector—the owner-occupied sector, the social housing sector, the intermediate market sector, the private rented sector, the shared equity sector and every variation of those different sectors—to meet the demands and need for housing that will be placed on us in the years ahead.

I want to update members on some of the specific issues that were raised during the debate and which require some answer. Patricia Ferguson rightly raised the role of the courts and in particular their taking a more robust approach to the issues that are referred to them, not only in relation to the private rented sector but more widely in housing issues. Mary Mulligan and others also mentioned that.

There is no doubt in my mind that there is a need for a more robust approach. As I promised I would, I have written to the Lord Advocate about how judgments in sheriff courts are not as robust as many believe that they should be. I will continue the dialogue with both this Lord Advocate and the new one to ensure that the issue is properly addressed without interfering in any way with the right of a sheriff to make an appropriate decision.

Like Mary Mulligan and others, I think that whoever wins the election on 5 May will have to take up the issue of the future jurisdiction of housing issues in the courts. At the moment, matters are settled in a range of different ways. For example, evictions for antisocial behaviour and disputes in relation to private landlords often end up in the sheriff court, while other matters are decided by the housing panel or referred to ombudsmen of different types. I believe, particularly in the light of Lord Gill's report last year, that, whoever forms the new Government, it will be a matter of priority attention to get a more streamlined approach to the jurisdiction of housing disputes across the sector.

**Patricia Ferguson:** Does the minister accept that the issue is not just the location of the

judgment but the courts having an understanding of the effects that behaviour can have on a wider community? I cite the example that I have raised before of people who have been convicted of drug dealing—it may be impossible to secure an eviction even though there has been a conviction. Does the minister agree with that summary?

**Alex Neil:** Absolutely. My view is that some kind of tribunal system may be more appropriate, certainly in some circumstances, than a case immediately going to the sheriff court. Obviously, that is a matter for wide discussion and, I believe, for action in the new session of Parliament. As Patricia Ferguson will know, Lord Gill recommended a dedicated housing court. The Government's position—and mine personally—is that going that far is not necessarily the right way to approach the situation, but we are open to suggestions. It is important to get agreement on the issue, and we all agree that reform is required.

Bob Doris raised the issue of the recycling of revenue from fines back into Scotland. As he and others know, I have taken that issue up with the Treasury on more than one occasion. The most recent response that I received was from Justine Greening MP, deputy to Mr Shapps, the minister with responsibility for housing, who did not agree to review the position or to recycle the fine money into Scotland, so I am afraid that that will have to wait for another day.

Some other important points were made in the course of the debate. Many points were made about enforcement. I can tell the chamber—as I have informed the Local Government and Communities Committee—that there are, at present, three areas in which there is close physical joint working between the land registration teams in local authorities and the Department for Work and Pensions teams, especially those dealing with housing benefit. We have found that, through sharing data, working together and taking a joint approach in those areas, our effectiveness in catching those who are engaged in housing benefit scams and in identifying unregistered landlords has been greatly enhanced. Indeed, there is a correlation between those two groups. I would like to see that joint working between the landlord registration teams and the Department for Work and Pensions being rolled out across all local authority areas in Scotland, as it is achieving an effective implementation of landlord registration as well as dealing with those who are engaged—sometimes on a large scale—in benefit fraud. That would be a welcome development.

Mary Mulligan asked specifically about Shelter's proposals on the short assured tenancy and on the provision of information and advice. In relation to the provision of information and advice, we are

all agreed that the provision on a statutory basis of a tenants information pack containing basic information about a range of issues including fire and safety will be a major step forward both for tenants and for landlords. It is right that, once that is up and running, we should consider whether further developments are required in the provision of information and advice both in the private rented sector and more generally. We would certainly approach Shelter's ideas with an open mind.

I will make two points on short assured tenancies. As Shelter has proposed, there is a need to consider the situation and review it. However, I emphasise that the Scottish Government will not go down the same road as the UK Government by imposing rules under which tenancies will have a possible maximum life of two years before people have to move out of their homes. We believe that that is a recipe for disaster and for social unrest and that it would be extremely damaging to family life. Therefore, although there is a need to consider reform, that must be kept within the clear parameter that the Scottish secure tenancy is safe with all of us in the Parliament.

I have enjoyed the past 15 minutes—the longest that I have ever spoken in the Scottish Parliament. I hope that I have enlightened proceedings. I thank everybody for their help in this consensual debate and look forward to passing, in the next few minutes, the fourth piece of housing legislation in the past five or six months—an achievement of which not only the Government but the Parliament can be proud. We look forward to continuing our programme of reform after the election.

## Education Bill

16:59

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of motion S3M-8145, in the name of Michael Russell, on a legislative consent motion on the Education Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Education Bill, introduced in the House of Commons on 26 January 2011, in consequence of the abolition of the Young People's Learning Agency, so far as these matters fall within the legislative competence of the Scottish Parliament or the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—  
[*Michael Russell.*]

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

## Public Bodies Bill

16:59

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of motion S3M-8125, in the name of John Swinney, on a legislative consent motion on the Public Bodies Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Public Bodies Bill, introduced in the House of Lords on 28 October 2010, that relate to certain public bodies and offices, to the extent that these bodies and office holders exercise functions in Scotland that would be within the legislative competence of the Scottish Parliament or in respect of which the Scottish Ministers exercise executive powers, and the power of consent for the Scottish Parliament, should be considered by the UK Parliament.—  
[*John Swinney.*]

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

## Business Motion

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-8196, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

16:59

**The Minister for Parliamentary Business (Bruce Crawford):** Before I move the motion, I should explain why it is before us. Decision time was originally scheduled for 1.25 pm next Tuesday, but it is being moved forward to 1 o'clock as a result of there being fewer amendments than we thought.

Given that this is probably the last time that I will be moving a motion, I should say that it has been a delight to move so many motions in this Parliament.

I move,

That the Parliament agrees to the following revision to the programme of business for Tuesday 22 March 2011—

delete

12.20 pm	General Question Time
12.40 pm	First Minister's Question Time
1.10 pm	Motion of Thanks to the Presiding Officer
1.25 pm	Decision Time
and insert	
11.55 am	General Question Time
12.15 pm	First Minister's Question Time
12.45 pm	Motion of Thanks to the Presiding Officer
1.00 pm	Decision Time

*Motion agreed to.*

## Decision Time

17:00

**The Presiding Officer (Alex Fergusson):** There are seven questions to be put as a result of today's business. I remind members that, in relation to the debate on transport, if the amendment in the name of Keith Brown is agreed, the amendments in the name of Jackson Carlaw and Alison McInnes will fall. Similarly, if the amendment in the name of Jackson Carlaw is agreed, the amendment in the name of Alison McInnes will fall.

The first question is, that amendment S3M-8177.1, in the name of Keith Brown, which seeks to amend motion S3M-8177, in the name of Charlie Gordon, on transport, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)



Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

### Against

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hume, Jim (South of Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 47, Against 73, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that amendment S3M-8177.3, in the name of Jackson Carlaw, which seeks to amend motion S3M-8177, in the name of Charlie Gordon, on transport, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

### Against

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)

Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)

Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 16, Against 104, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The third question is, that amendment S3M-8177.2, in the name of Alison McInnes, which seeks to amend motion S3M-8177, in the name of Charlie Gordon, on transport, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

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

**Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)

Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 14, Against 106, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The fourth question is, that motion S3M-8177, in the name of Charlie Gordon, on transport, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### Against

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)

Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Paterson, Gil (West of Scotland) (SNP)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 40, Against 80, Abstentions 0.

*Motion disagreed to.*

**The Presiding Officer:** The fifth question is, that motion S3M-8128, in the name of Alex Neil, on the Private Rented Housing (Scotland) Bill be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Private Rented Housing (Scotland) Bill be passed.

**The Presiding Officer:** The sixth question is, that motion S3M-8145, in the name of Michael Russell, on the Education Bill, United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Education Bill, introduced in the House of Commons on 26 January 2011, in consequence of the abolition of the Young People's Learning Agency, so far as these matters fall within the legislative competence of the Scottish Parliament or the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** The seventh question is, that motion S3M-8125, in the name of John Swinney, on the Public Bodies Bill, United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Public Bodies Bill, introduced in the House of Lords on 28 October 2010, that relate to certain public bodies and offices, to the extent that these bodies and office holders exercise functions in Scotland that would be within the legislative competence of the Scottish Parliament or in respect of which the Scottish Ministers exercise executive powers, and the power of consent for the Scottish Parliament, should be considered by the UK Parliament.

## Clydebank Blitz 70th Anniversary

**The Deputy Presiding Officer (Trish Godman):** The final item of business today is a members' business debate on motion S3M-7738, in the name of Des McNulty, on the 70<sup>th</sup> anniversary of the Clydebank blitz. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes that this year marks the 70th anniversary of the Clydebank Blitz; recognises that the destruction inflicted by aerial bombardment on 13 and 14 March 1941 in Clydebank was proportionately the worst suffered in any part of the United Kingdom, leaving only seven houses undamaged in the town and over 48,000 people homeless; mourns the hundreds of people who lost their lives, along with those who were seriously injured; praises the heroism of service personnel, health and local authority workers and volunteers in Clydebank at the time of the Blitz; welcomes the efforts of West Dunbartonshire Council, local church congregations and other local groups to ensure that the anniversary is recognised in an appropriate fashion; acknowledges the terrible price paid by Clydebank, and considers there to be a need to invest in the regeneration of the town that was affected not only by the Blitz but also by the collapse of the shipbuilding and engineering industries on which the economy of the town was so dependent.

17:06

**Des McNulty (Clydebank and Milngavie) (Lab):** In the past couple of weeks, we have seen some horrendous images of death and devastation from Japan on our television screens. There is no doubt that the scale of the natural disaster in Japan has been truly ferocious. We would not in any sense want to make a comparison between the Clydebank blitz and the scale of that destruction, but it is notable that such images of what happened in Clydebank are not available. There was substantial destruction and devastation in Clydebank—only seven houses remained undamaged after the events of 13 and 14 March 1941. The estimates of the number of people who were killed vary, but we certainly know that 500 or more people were identified as having died in the bombing and, of course, many thousands of people lost their homes and were obliged either to move elsewhere or to stay in the rubble of Clydebank for a period until a temporary shelter could be found.

The fact that all that happened in one town at one time makes it the biggest catastrophe of the second world war in Scotland. The second world war led to many millions of people being killed, of course, but that incident was the single most significant incident in Scotland and, arguably, the most significant incident in one place in the whole UK. In respect of the proportions of destruction and the numbers of people who were killed, what happened in Clydebank was every bit the equal of

what happened in Coventry, London, Liverpool and other places, but the stories of those places were much better known at the time. The reason for that was that a lot of what happened in Clydebank was suppressed; it simply was not made known to people. Therefore, people from Clydebank have always, in a sense, felt that the story of the Clydebank blitz has been untold. It was something that happened to their town that they know about and that their friends and relatives were involved in, but it never got the publicity that it deserved at the time.

That sense of the story being untold or hidden continued after the war, to some extent. What happened in Clydebank was neglected a bit. I do not know the reason for that, as I was not around at the time, but it is only in recent years that what happened there has begun to be fully recognised. That has been the result of the stories of the people being told in books such as "Untold Stories: Remembering Clydebank in Wartime", the book by John Hood, and the book by John Macleod that was published last year and tells the story of what happened there.

### **Margaret Curran (Glasgow Baillieston) (Lab):**

I absolutely accept the point that Des McNulty is making, but on behalf of people in the east end of Glasgow, I ask him to convey to the people of Clydebank that their suffering is well noted in Glasgow and is very much respected. In my very last intervention in the Scottish Parliament, I say to him that the people of Clydebank are still held in great respect for their suffering by the people of the east end of Glasgow.

**Des McNulty:** I thank Margaret Curran very much for her intervention. I think that other Glasgow members are well aware that the Luftwaffe lightened its load as it escaped home and was under orders to wait until it was over a heavily populated area before it dropped its spare bombs, which destroyed Glasgow tenements in various places, from the west end of the city to the east. It was not just Clydebank that was affected. However, Clydebank was the target, and Clydebank went up in flames, not just from the bombing but from the incendiary devices that lit up the town so that the bombs could subsequently fall. As well as the death and destruction that the bombs caused, there were horrendous fires, in Singer's wood yard for example.

For many people in Clydebank, the memory of the blitz and the evacuations and what happened to them and their relatives is present. At the 70<sup>th</sup> anniversary service in Kilbowie St Andrew's church at the weekend, I talked to people who, as young children, experienced being bombed or their relatives being injured and, in a couple of cases, being killed in the bombing. This is probably the last big anniversary at which we will

have people alive who lived through the blitz, so it is important that their memories and records are not lost.

I pay tribute to West Dunbartonshire Council, which has done a terrific job over the years, particularly on the 60<sup>th</sup> and 70<sup>th</sup> anniversaries, to ensure that appropriate and dignified ceremonies have been held to commemorate what happened in the blitz and, to some extent, to ensure that the events were not just for Clydebank but for Scotland.

The moderator of the Church of Scotland gave the sermon at the service. His sermon was excellent. He said that he had spoken to a person in Edinburgh who had lived in Clydebank at the time of the blitz and had helped to rescue people. That person had met a man who had lost his young daughter and had said to him, "I hope we're not going to do this to other people's weans."

The sense in Clydebank of a lack of rancour towards the German people, as well as solidarity with the Polish people who were in Clydebank at the time and helped not just to minimise the effect of the bombing on naval targets but to rescue people from houses, has continued. At the service, I sat next to the German consul and behind the Polish consul, and there were representatives from the Polish navy in the audience. After the ceremony we went to the monument that is a memorial to the crew of the ship, Piorun, which was berthed in Clydebank at the time. The sailors helped greatly to deal with the consequences of the bombing.

The survival of Clydebank after the blitz is a story of a long, slow process of regeneration. Clydebank was picked as a target because it was such an industrial centre. Singer's was there, the shipyards were there and engineering factories were there. It was an important centre of munitions production for the war effort. That is why it was a target. The destruction of factories and workplaces had a profound and long-term effect on the town's economy and the destruction of the houses had a profound effect on its social fabric.

It probably took 20 years for Clydebank to recover and to be physically rebuilt, and after that it was affected by the Thatcher recession of the 1980s. Probably only in the past 10 years has Clydebank been in a position to begin to recover from the economic destruction that it has suffered. That is why Clydebank wants not only to remember what happened in the blitz but to look forward to a positive future. Scotland should help Clydebank to achieve that.

17:15

**Gil Paterson (West of Scotland) (SNP):** I pay tribute to Des McNulty for bringing this debate to

the chamber and I congratulate him on a fine speech. I associate myself with every word in his excellent and heartfelt speech.

I attended the funeral in Clydebank a few weeks ago of my uncle, Gilbert Martin. Someone spoke to me at the funeral about my grandfather, who was also called Gilbert Martin. I am named after him. However, I did not know that my grandfather, who lived in Byron Street in Partick, had travelled to Clydebank for a week—on foot most of the time—to help during and after the blitz. I did not know anything about that and I now know that none of my family knew about it either. I suppose that if my uncle had not died I would still know nothing about it.

My grandfather was really intelligent and was the kind of person someone would go to if they had a problem or wanted to know something, because he was well read, highly intellectual and knew almost everything. He was one of the folk it was good to go and speak to. However, he never spoke about that incident in his life. Apparently, the scenes were too horrific and he wanted to forget about it.

I attended the commemorative events in Clydebank that Des McNulty spoke about. There were many moving contributions; for example, the moderator of the Church of Scotland delivered an excellent and touching sermon that gave us an insight into some of the things that happened in Clydebank. Another thing that got to me was when four schoolchildren read a poem that illustrated that they understood not only what was happening but what actually did happen.

I cannot remember where, from that weekend of different events, I picked up the story of the Germans knocking Clydebank down but never knocking the stuffing out of the people of Clydebank, as was shown by how they conducted themselves. For example, one of the first towns in the United Kingdom to twin with a German city was—believe it or not—Clydebank. Although the Germans knocked the houses down, they left the community of Clydebank standing.

One of the strongest points that Des McNulty made was that the community in Clydebank feels that the blitz is still an untold story and that their message has not been properly told. In that context, I pay tribute to the events that have taken place and the magnificent way in which all in West Dunbartonshire Council have shed light on Clydebank.

My grandfather had justifiable and good reasons not to talk about the Clydebank blitz. I support that type of sentiment, which was of its time. However, I take a different view from my grandfather because the circumstances are different. I have a good reason to speak in this debate, because I

want to celebrate the spirit in the great town and community that is Clydebank. By doing that, and through Des McNulty bringing the subject to Parliament for debate, we will help to shed light on an event that should be highlighted and brought to the attention of not only Scotland but the whole world, to show the type of community that Clydebank is. I do not come from Clydebank; I come from Springburn, but Clydebank has the same sense of community and is the kind of background in which I was shaped.

This is a wonderful opportunity to do more to bring the Clydebank blitz to wider attention. The Parliament will help in doing that and will tell the Clydebank story.

17:20

**Bill Aitken (Glasgow) (Con):** I congratulate Des McNulty on bringing the matter before the Parliament.

I speak as a member of a fairly blessed generation. Born post-war, I did not have to go and fight. My father had to, as did his father, who lost an arm in the process. Nor did I, as a child, live under the threat of being bombed. The second world war was the first war that the United Kingdom experienced in which the civilian population, in some cases, was targeted and, in many cases, suffered as a result of the bombing of strategic targets such as the shipyards in the Clydebank and upper Clyde area.

The memories of childhood are such that I recall the way in which the Luftwaffe planes had deposited the residue of their bombs over Glasgow as they went. Des McNulty referred to that. Indeed, for many years, there was a site near where he now lives, at the corner of Queen Margaret Drive and Doune Gardens, where bombs had fallen and demolished a building with significant loss of life.

The situation in Clydebank was, of course, very much worse. A carpet-bombing approach had been employed in order that the effectiveness of the shipyards could be nullified. It was inevitable that there would be significant collateral damage to private property and commercial properties, accompanied by very significant loss of life.

One of the most disturbing aspects of the event was the difficulty in identifying the precise number of people who were killed. That was partly because in wartime the population was much more transient than it was in peacetime: nobody knew who was staying where. Many people were killed and simply not accounted for. Many others were injured to the extent that it affected them for the rest of their lives. Other people were mentally scarred—there could be no more terrifying experience, particularly for a child, than

undergoing direct bombing. Indeed, I saw one gentleman on the television last week who, aged four at the time of the blitz, said that he recalled it to this day and would take the memory to the grave with him.

Man's inhumanity to man has made countless people mourn; many mourned in Clydebank following the events about which we are talking. They will never happen again, I hope. It is all changed now. War is different but nonetheless threatening.

The way in which the Clydebank community built on a resilience that had, perhaps, arisen out of hard times was remarkable. From going as a child in the 1960s to play football in the areas that I have mentioned, I recall seeing the gap sites and dereliction that were caused by the terrible events of that night. It is correct that the local authority should remember those events. It is also correct that we in Parliament pay tribute to those who died and, at the same time, express the fervent prayer that such events never occur again.

17:24

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Like other members, I congratulate my colleague Des McNulty on securing the debate. As his motion makes clear, it is 70 years since Clydebank was bombed. As time wears on, the number who experienced that first hand diminishes, and it falls to our generation to ensure that those horrific events are not forgotten and that the memories of them are passed on to the next generation.

As Des McNulty said, Clydebank was the target because of its industrial strength and its position on the Clyde. As often happens in war, not all the Luftwaffe's bombs fell on target. The suburb of Knightswood took a direct hit and 40 people were killed when Bankhead school, which was being used as a civil defence station, was hit.

Of course, I want to speak of the effect on my constituency. Several landmines—because landmines they were—fell in what is now Maryhill constituency. Bill Aitken mentioned one. Another fell in Crosbie Street, close to where I live, and demolished a tenement building. Another fell in what were then open fields west of Duncruin Street. Another hit a tenement building at 32 to 36 Kilmun Street and demolished it. One blast wrecked St Mary's primary school. Properties in neighbouring streets sustained heavy damage.

Seven people from two families—the Scotts and the Simpsons—died in Kilmun Street on 14 March 1941. They included boys of six, seven and nine years old. It is thought that the death toll would have been even higher if it had not been for the practice of creating strutted closes. Props were put into the mouths of closes for people to shelter

under when air-raid warnings went off. Many buildings in the area had that additional support, which for many made a difference to whether they collapsed.

It is fortunate that Glasgow City Council's archive for the events of the evening of 14 March and the evening before it is extensive. The records show that more than 1,000 telephone calls were made to the Air Raid Precautions station on the night of 14 March, and every one of those records has been preserved, as has been the warden's report of that night. Like many wartime records, it is surprisingly matter of fact about actions that were anything but. I will quote a short section that demonstrates that. The warden said:

"On reaching post F11 at Lennox Street and Maryhill Road, I found the people rushing from the scene. These were put into shelters in the Tramway Depot at Celtic Street. The wardens at this point were splendid attending to injured and taking the lead in the matter of rescue.

I noticed that the 'homeless' would be in the way to any work being done. So I 'borrowed' one of the trams and with one of my wardens we drove the homeless to the rest centre at Eastpark School ... We had five carloads before we put the car back to its 'stable'. It was quite an interesting journey from Maryhill to Bilsland Drive. At some points I had to get out and remove shrapnel that clogged the rails. Our job over."

Several years ago, as the Minister for Tourism, Culture and Sport, I was asked to unveil a painting by the artist Ian Fleming that the Scottish national portrait gallery had recently acquired. The painting shows Kilmun Street after the bomb hit, when the rescue and recovery work was taking place. Ian Fleming had been stationed as a police war reserve sergeant in Maryhill at the time. What struck me most was that his painting could have been of any one of hundreds of streets in Glasgow, in Clydebank of course, in London or in Coventry at that time.

Des McNulty has done us all a service in helping us to understand events that few of us experienced. It is right that we record in the chamber the great suffering and the enormous human endeavour that took place 70 years ago.

17:29

**The Minister for Housing and Communities (Alex Neil):** I, too, congratulate Des McNulty on securing the debate and on his gracious and informative speech.

Before addressing the issue, I pay tribute to Bill Aitken, who stands down on Tuesday. In his 12 years as an MSP, he has been an exemplary example of someone who can make an enormous contribution not just in the chamber but in committee, which includes being a convener. He will be sorely missed in the Parliament.

There is not a great deal to add to what, in particular, Des McNulty and Gil Paterson have said about Clydebank. However, as always, the civil service brief on the matter is very informative and it provides additional information, much of which I did not know.

Having not been born until 10 years after the Clydebank blitz, obviously I was not around at the time, but I remember my grandmother, who lived in a high mining village in Ayrshire, saying that she would never forget the night that Clydebank was bombed, because from that village in Ayrshire they could see the German aircraft—the Luftwaffe—heading for Clydebank and, even from that distance, they could see the burning, because it was so ferocious. I will never forget how she described it.

Some of the figures are devastating. As Des McNulty said, Clydebank suffered the worst destruction and civilian loss of life in all of Scotland. The figures are mind boggling. As Des McNulty said, of approximately 12,000 houses, only seven remained undamaged. That means that over the two nights, 11,993 houses were damaged or destroyed—4,000 houses were completely destroyed and another 4,500 were severely damaged. In total, 8,500 houses in Clydebank were destroyed or severely damaged.

As has been said, the munitions factories were attacked and the Singer factory was hit as well. Of course, the munitions factories and the shipyards were the primary targets. There were 260 bombers on 13 March, with waves of high-explosive bombs, incendiary bombs and landmines dropped over a nine-hour period. As has been said, streets were devastated, fires raged and people were trapped in collapsed buildings.

On the second night, 14 March, while rescue work continued from the first night, 200 bombers returned and their bombing raid lasted for over seven and a half hours. Over the two days, 528 civilians were killed, more than 617 people were seriously injured and several housing schemes were completely wiped out. Moreover, 48,000 civilians—many of them shipyard workers and their families, who were packed into Clydebank tenements—lost their homes.

The production of ships and munitions for the allies was obviously the target, and a total of 460 bombers dropped more than 1,000 bombs. Royal Air Force fighters managed to shoot down two aircraft during the raid, but none was brought down by anti-aircraft fire.

The Polish destroyer ORP Piorun under Commander Pławski was at John Brown's shipyard undergoing repairs. She joined the defence of Clydebank, firing a tremendous



barrage at the Luftwaffe. A memorial to the ship's crew can be seen in Solidarity Plaza in Clydebank.

*The Glasgow Herald* of 18 March 1941 stated:

"The cool, unwavering courage of the people is evident, and when the full story of their heroism in the face of the Luftwaffe is told, they will take their place alongside the citizens of London and Coventry."

On 14 March 2009, a monument commemorating the 528 Scots civilians who were killed during the Clydebank blitz was unveiled by the provost of West Dunbartonshire Council, Denis Agnew, at Old Dalnottar cemetery in West Dunbartonshire. The names of those who died are inscribed in a bronze plaque. My colleague Jim Mather MSP, the Minister for Enterprise, Energy and Tourism, recently represented the Scottish Government at a memorial service and delivered a reading.

I do not think that we can truly understand or imagine the ferocity of what happened on those two nights and the impact that it had for years thereafter on the people of Clydebank. As Des McNulty said, the devastation was such that probably only in the past 10 years or so has Clydebank truly started to recover from the impact of the blitz on those two nights in 1941.

Although we have had discussions and debates about issues such as the budget for Clydebank Re-built, we are all united in believing that we owe a duty and debt and have a moral responsibility to the generations of people in Clydebank who have suffered so much as a result of what happened on the two nights of the blitz. Irrespective of which party or part of Scotland we are from, we all need to dedicate and commit ourselves to doing everything that we can in the future—especially for the children and young people of Clydebank—not only to remember and commemorate what happened but to ensure that the future of Clydebank is secure industrially and commercially. We must do everything possible to ensure that the town has a prosperous future and, as Bill Aitken said, never again has to suffer the plight that it suffered on those two nights.

*Meeting closed at 17:36.*



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