



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 8 September 2011

Session 4

---

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.scottish.parliament.uk](http://www.scottish.parliament.uk) or by contacting Public Information on 0131 348 5000

---

**Thursday 8 September 2011**

**CONTENTS**

	<b>Col.</b>
<b>SCOTTISH GOVERNMENT'S LEGISLATIVE PROGRAMME</b> .....	1467
The Minister for Learning and Skills (Dr Alasdair Allan) .....	1467
Elaine Murray (Dumfriesshire) (Lab) .....	1469
Alex Johnstone (North East Scotland) (Con) .....	1471
Marco Biagi (Edinburgh Central) (SNP) .....	1473
Dennis Robertson (Aberdeenshire West) (SNP) .....	1475
Jackie Baillie (Dumbarton) (Lab) .....	1477
Chic Brodie (South Scotland) (SNP) .....	1479
Jackson Carlaw (West Scotland) (Con) .....	1481
Rob Gibson (Caithness, Sutherland and Ross) (SNP) .....	1484
Kevin Stewart (Aberdeen Central) (SNP) .....	1486
Liam McArthur (Orkney Islands) (LD) .....	1488
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP) .....	1491
Derek Mackay (Renfrewshire North and West) (SNP) .....	1492
Neil Findlay (Lothian) (Lab) .....	1494
Bob Doris (Glasgow) (SNP) .....	1497
Alison McInnes (North East Scotland) (LD) .....	1499
Gavin Brown (Lothian) (Con) .....	1502
Johann Lamont (Glasgow Pollok) (Lab) .....	1506
The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon) .....	1511
<b>SCOTTISH EXECUTIVE QUESTION TIME</b> .....	1519
<b>GENERAL QUESTIONS</b> .....	1519
Dairy Sector (International Investment) .....	1519
Social Care (Advice and Guidance) .....	1520
Cashback from Crime (Sport) .....	1521
Economic Growth (Kilmarnock and Irvine Valley) .....	1522
Wind Farms (Aviation Interests) .....	1523
RAF Leuchars Closure (Discussions) .....	1524
Fire Brigades Union Scotland (Discussions) .....	1525
Insulin Pump Therapy (NHS Greater Glasgow and Clyde) .....	1526
Problem Alcohol Consumption .....	1527
<b>FIRST MINISTER'S QUESTION TIME</b> .....	1528
Engagements .....	1528
Secretary of State for Scotland (Meetings) .....	1531
Cabinet (Meetings) .....	1533
Lockerbie (Access to Documents) .....	1534
Universities (Access) .....	1536
Economic Growth .....	1537
<b>SCOTTISH EXECUTIVE QUESTION TIME</b> .....	1540
<b>INFRASTRUCTURE AND CAPITAL INVESTMENT</b> .....	1540
Transport Scotland (Capital Infrastructure Projects) .....	1540
Clyde Maritime Rescue Co-ordination Centre (Closure) .....	1541
New Social Housing (Subsidies) .....	1542
Private Rented Housing (Support) .....	1543
Housing Benefit Reforms (Access to Social Rented Housing) .....	1545
Strathclyde Partnership for Transport (Meetings) .....	1546
Forth Replacement Crossing .....	1547
<b>CULTURE AND EXTERNAL AFFAIRS</b> .....	1547
European Commission Officials (Meetings) .....	1547
European Council (Discussions with United Kingdom Ministers) .....	1548
Museums and Galleries Strategy .....	1549
Malawi (Aid Funding) .....	1550
Visual Arts Promotion (Aberdeen) .....	1551

Edinburgh Festivals (Support) .....	1552
Edinburgh International Film Festival .....	1553
Joint Ministerial Committee (Meeting) .....	1553
European Union (Scotland's Representation) .....	1554
Digital Arts (Support) .....	1555
<b>POLICE AND FIRE REFORM</b> .....	1557
<i>Statement—[Kenny MacAskill].</i>	
The Cabinet Secretary for Justice (Kenny MacAskill) .....	1557
<b>EUROPEAN UNION INVOLVEMENT</b> .....	1569
<i>Motion moved—[Fiona Hyslop].</i>	
<i>Amendment moved—[Patricia Ferguson].</i>	
<i>Amendment moved—[Jamie McGrigor].</i>	
The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop) .....	1569
Patricia Ferguson (Glasgow Maryhill and Springburn) .....	1574
Jamie McGrigor (Highlands and Islands) (Con) .....	1577
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP) .....	1580
James Kelly (Rutherglen) (Lab) .....	1582
Maureen Watt (Aberdeen South and North Kincardine) (SNP) .....	1583
Hugh Henry (Renfrewshire South) (Lab) .....	1585
Aileen McLeod (South Scotland) (SNP) .....	1587
Liam McArthur (Orkney Islands) (LD) .....	1589
Joan McAlpine (South Scotland) (SNP) .....	1591
Margo MacDonald (Lothian) (Ind) .....	1593
David McLetchie (Lothian) (Con) .....	1594
Patricia Ferguson .....	1596
Fiona Hyslop .....	1599
<b>PARLIAMENTARY BUREAU MOTION</b> .....	1603
<i>Motion moved—[Bruce Crawford].</i>	
<b>DECISION TIME</b> .....	1604
<b>FLAVOUR FORTNIGHT 2011</b> .....	1611
<i>Motion debated—[Aileen McLeod].</i>	
Aileen McLeod (South Scotland) (SNP) .....	1611
Alex Fergusson (Galloway and West Dumfries) (Con) .....	1614
Rob Gibson (Caithness, Sutherland and Ross) (SNP) .....	1615
Elaine Murray (Dumfriesshire) (Lab) .....	1617
Chic Brodie (South Scotland) (SNP) .....	1618
The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead) .....	1619

---

## Scottish Parliament

*Thursday 8 September 2011*

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

### Scottish Government's Legislative Programme

*Resumed debate.*

**The Presiding Officer (Tricia Marwick):** Good morning. The first item of business is a continuation of the debate on the Scottish Government's legislative programme.

09:15

**The Minister for Learning and Skills (Dr Alasdair Allan):** In opening today, I first offer my apologies to members for not being able to stay for the whole debate due to ministerial engagements in the course of the day.

After the First Minister's statement yesterday, few could be left in any doubt that Scotland's economic recovery is at the heart of our programme for government. That is as it must be. Recovery is self-evidently critical to Scotland's success and is the route to improving the lives of millions of our people.

The measures that the First Minister set out have a very practical edge. They are about economic success through jobs for the people of Scotland. Capital investment, improving access to finance and restoring business and consumer confidence are all central to attracting new businesses to Scotland and supporting the businesses that are already here—particularly small and medium-sized enterprises.

I want to talk about a particular group of Scots. As we look forward to the next five years, we must pay particular attention to our young people. That is why we are committed to opportunities for all—a place in education and training for all 16 to 19-year-olds who are not in a job, an apprenticeship or education. The economic downturn has meant that we cannot but take the issue seriously and do something about it. Despite the constraints placed on us by decisions taken outside Scotland, we will act decisively to provide our youngsters with an opportunity to overcome the barriers that they face. We must offer a range of high-quality provision that is underpinned by the personal and financial support that young people need to succeed. That is why we have maintained our position on higher education tuition fees, despite the scale of that undertaking, and why we are committed to delivering 25,000 modern

apprenticeship opportunities a year during the parliamentary session.

The Government understands the value to Scotland both culturally and economically of a new generation of Scots who feel confident about their own culture and its value to the wider world. For that reason, I would prefer not to embarrass the Opposition parties' education spokespeople—unless they want to raise the issue themselves—by reminding members of the hysterical response with which they recently greeted my announcement on Scottish studies in schools. I am actively working to ensure that a strand of Scottish studies is embedded in the educational experience of all our young people. I am prepared to assume that Ken Macintosh does not now regard it as corrupting the young for them to be taught about Keir Hardie, and at least Murdo Fraser seems to be fully signed up to the idea of introducing a module on the Scottish Conservatives into higher history. Therefore, I trust that cross-party support will now abound.

Yesterday, the First Minister spoke about our goal of ensuring that there is an inclusive education system that improves life chances for all. That is why our commitment to delivering free higher education is more than just a policy position for this Government: it is an example of how we have connected with the values of the people of Scotland and prioritised their ambition. Our belief in the people of Scotland means that we will continue to put decision making into their hands. That is exemplified by our approach to reform and the reorganisation of many other areas of public life, not least health services. The focus in the programme for government on early detection and patient-centred care places the individual at the centre of their own health service. Putting the individual at the centre of the design and implementation of the services on which they rely in all spheres is critical to the successful delivery of public services in modern Scotland.

It must be said that, at a time when another Government is cutting Scotland's resources by £1.3 billion, it is essential that we focus on delivering better outcomes from the resources that we have. That is why we will take forward significant programmes of reform in critical parts of Scotland's public services, such as police and fire services and post-16 education.

Members should be in no doubt that we believe that Scotland could do much more if the levers of economic power in Scotland had handles in Scotland. That is why other parties may rest assured that this Government will ensure that the people of Scotland decide their own constitutional future. For now, however, we will make sure that the economic argument for independence is put to the people of Scotland. We will make it firmly and

we already make it with increasingly good reason for confidence. We understand that delivering on our current programme will be critical in making that case—a case that we offer today to the chamber and to the people of Scotland.

**The Presiding Officer:** I call Elaine Murray, to be followed by Alex Johnstone.

09:21

**Elaine Murray (Dumfriesshire) (Lab):** Thank you, Presiding Officer. Excuse me, I have a mint in my mouth—I did not realise that I was about to be called. [*Laughter.*]

In the area of rural affairs, climate change and the environment—which is covered by the committee on which I sit—a couple of bills were mentioned in the First Minister's statement yesterday. It is no surprise that an agricultural holdings bill is imminent, as it will complete business to do with succession by grandchildren and issues around rent reviews and appeals to the Scottish Land Court that could not be dealt with by regulation in the previous session of Parliament. However, tenant farmers may be disappointed that there is no commitment to consolidation of the legislation on agricultural holdings.

The First Minister also mentioned an aquaculture and fisheries bill to deal with aquaculture, wild fish and sea fisheries. We know that there are significant areas of conflict between those sectors. Indeed, it is extremely unlikely that fin-fish aquaculture can continue to expand in rivers that are important for wild stock, at least not with the current containment methods. Fin-fish aquaculture needs to be controlled in those areas in order to protect wild fisheries, which are also important to Scotland's economy. There are rumours—I do not know how substantiated they are—that, although much of the aquaculture industry in Scotland is Norwegian owned, the protection for wild fish in Scotland is not the same as it is in Norway. I hope that that issue may be looked at in discussing the bill.

However, despite the First Minister's mention of a bill in his speech yesterday, the document that supports the statement, "Renewing Scotland: The Government's Programme for Scotland 2011-2012", speaks of

"developing consultation proposals with a view to legislation"

rather than the introduction of a bill. Maybe that could be clarified.

A water bill, which was promised last year but not introduced, has also resurfaced with a commitment to making Scotland a "Hydro-Nation"—although I am not quite sure what that actually means. Of course it is vital that Scottish

Water plays a full role in economic growth, and that is not only about the potential for hydro or other renewable forms of power generation: there are other possibilities for Scottish Water to become involved as an economic tool. However, Scottish Water is a public agency and has a biodiversity duty. Its role as a tool of economic growth should not be at the expense of its role as a major environmental asset.

On renewables, let me say that I am little concerned about the rush for offshore wind. It rather reminds me of the dash for onshore wind, which we all indulged in but which has had consequences that have been deleterious to other parts of the economy. We do not need to put all our faith in silver bullets such as offshore wind or carbon capture and storage and assume that they will meet all our economic and climate obligations. Offshore renewables have impacts on our communities, on other industries such as fishing and on wildlife and habitats. Let us not make some of the mistakes that we have made with onshore wind. Other methods of climate mitigation such as energy efficiency, reduction in consumption, alternative forms of transport and improved communications are essential to achieving our climate change targets, and they must not be secondary to the shibboleth that is offshore wind.

Some bills, such as the referendum bill, are conspicuous by their absence. There is no mention, for example, of a sustainable procurement bill—despite the SNP's manifesto promise of a clear legislative programme for procurement decisions to support the greater use of social and environmental benefits. Prior to the election, the First Minister claimed that that could deliver savings of more than £400 million over three years. If the current framework is not sufficiently clear to enable that, should not the bill have been a priority? Many stakeholders with interests in environmental and social benefits to communities are disappointed that nothing is planned this year. I am not suggesting that everything in the manifesto should be done in the first year, but I would have thought that that bill would be a priority.

The SNP also made promises on allotments. As we know, waiting lists for allotments are increasing, and there was a commitment to bring allotments legislation up to date to allow for the sale of surplus produce and to extend the availability of land for allotment use. This may seem a fairly minor point, but there is significant interest in allotments and in people growing their own food. That can contribute considerably to people's understanding of healthy eating, and it can be very useful in educating children about where their food comes from. I also believe that it can play a significant role in tackling obesity.

Of course the legislative programme includes secondary as well as primary legislation, and I would like to comment on the zero waste regulations. I support the principles behind some of the suggestions. Secondary legislation is likely to be introduced to require source segregation and separate collection of specified waste materials, to prohibit recombining separately collected waste and to ban using recyclable materials in energy-from-waste facilities. In principle, all of that is great, but there will be a tremendous headache for some local authorities such as Dumfries and Galloway Council. The council is five years into a 25-year contract with Shanks, which sorts waste mechanically at an Ecodeco plant and recycles materials. It also uses combustible materials, such as paper and plastics, to produce solid recovered fuel. The private finance initiative agreement was signed off by Mr Lochhead's predecessor and was an acceptable method of reducing waste going to landfill at that time.

**The Presiding Officer:** You must wind up now, Ms Murray.

**Elaine Murray:** A number of local authorities may have problems with the regulations—which they undertook in good faith. When—

**The Presiding Officer:** Ms Murray, you really need to wind up.

**Elaine Murray:** Can we look at—

**The Presiding Officer:** I call Alex Johnstone.

09:27

**Alex Johnstone (North East Scotland) (Con):** In the First Minister's statement, there was at least a commitment to growing the economy of Scotland. I welcome that. As we all know, some people in this chamber do not believe that economic growth is a worthy aim. We must continue to pursue economic growth, but we are missing opportunities here in Scotland today.

In the north-east of Scotland, there is a labour shortage and the potential for growth. However opportunities are being held back. For example, our local authorities are underfunded. The SNP manifesto pledges to introduce a new funding floor to ensure that no local authority receives less than 85 per cent of the Scottish average for revenue support. That is a welcome step forward. However, I believe that the figure of 85 per cent will, in effect, cost nothing to implement, as no local authority falls below that level. Meanwhile, Aberdeen City Council and Aberdeenshire Council will not receive enough to sustain the level of investment that they require. Conservatives believe that the funding formula should be reviewed and that adequate resources should be made available across Scotland.

**Derek Mackay (Renfrewshire North and West) (SNP):** Will the member take an intervention?

**Alex Johnstone:** Indeed. As long as it is quick.

**Derek Mackay:** It will be very quick—and I thank the member for taking the intervention.

Is the member aware that the Convention of Scottish Local Authorities discussed the distribution of local government finance and that all parties agreed that stability was required more than radical change? That included the Conservative group.

**Alex Johnstone:** I am aware that turkeys will never vote for Christmas. When a minority is at a disadvantage, those who continue to benefit from the current arrangements will be happy to continue with them. However, the greatest opportunities for economic growth in Scotland exist in the north-east, and those opportunities are being undermined by a number of elements—including inadequate funding for local government.

However, let me move on to another issue in the north-east. It is an issue on which I agree once more with the position taken by the Government and it concerns the infrastructural developments that are required in the north-east, in particular the Aberdeen western peripheral route. That project is an essential part of the economic development of the north-east and the whole of Scotland. It will help to create the additional jobs that will be available as part of the region's economic expansion. However, the project is being held back at the moment by a group that is—I believe—maliciously pursuing legal action to the last possible degree in order to prevent a development that is universally popular outwith the tiny minority who believe, largely for environmental reasons, that the project should be stopped. We need to do all that we can to ensure that the road is built as soon as possible, thereby cutting the cost to the public purse, locally and nationally. I encourage the Government to take any action that it can to ensure that the process is shortened.

Another thing that appeared in the First Minister's statement yesterday was a commitment to a bill on agricultural holdings to

"encourage landlords to increase the availability of farming tenancies and support new blood to enter farming."—*[Official Report, 7 September 2011; c 1373.]*

Unfortunately, that is a road that we have trod many times. Parliament has tried to sort out that problem but has failed to do so. The most recent occasion was a long process, including extremely long negotiations through the NFU Scotland. The process resulted in an agreement about what we wanted to achieve, but by the time it emerged at the end of the parliamentary process, we had

legislation that did not do what it set out to achieve.

In order to get more land available for new tenancies in farming, we must strike a balance between giving confidence to the farming industry to invest in tenanted farming arrangements and giving confidence to landowners to make land available. Every attempt that we have had so far has failed to strike that balance. On this occasion, the Government must take the opportunity to provide landowners with the necessary guarantees that will give them the confidence to make land available in years to come. That will be the test of the success of the legislation. If the Government makes the same compromises as its predecessor, the outcome will not provide new land for new entrants to the farming industry.

Housing had a remarkably short mention in the First Minister's statement; so short, in fact, that it is hardly worth mentioning. Although £400 million has been allocated to housing, I take the view that that is little in the way of new money; it is just a rehash of previous announcements and money that had already been committed. The Government's record on housing is a disgrace. Private sector house building is less than half of what it was in 2007-08 and private sector starts are at their lowest level for more than 30 years. Given the SNP Government's failure to finance housing association construction adequately, it is little wonder that that area has had a significant cut.

The flagship policy of having a national housing trust is faltering, having failed to win the confidence of the vast majority of local authorities and of the private sector. That leaves the housing minister pinning his hopes on councils removing empty home discounts on council tax. However, the devil is in the detail. If we look at the sums, we see that if all local authorities scrap all discounts, £30 million could be raised. It seems that the Government is now resorting to counting other people's chickens before they are hatched.

**The Presiding Officer:** I remind members that speeches are to be kept to a strict six minutes, unless interventions are taken, in which case the Presiding Officers will try to compensate members for their time.

09:34

**Marco Biagi (Edinburgh Central) (SNP):** I thought that I had heard everything in the debate, but then I heard a Conservative lecturing the SNP on social house building. That really is everything.

I want to talk about the education content of the programme for government. Education is a personal interest of mine, and there is a lot in here that is extremely bold, including the language

teaching programme. In curriculum for excellence, there is a recognition that some of the greatest changes can be undertaken without the use of legislation.

As the minister commented, a great deal of hot air has been expended over Scottish studies. Yesterday I was a guest at the launch of a course on Scottish education, culture and literature, which was held at a south Asian women's charity in my constituency. As I introduced the programme, I made the point that in many ways the course provided a better introduction to Scotland than many Scots had had through their education system for many years. The people at Nari Kallyan Shangho had realised that if they were to know more about Scotland they would need a course to be taught. They got funding from the Heritage Lottery Fund—they navigated that difficult path—and now they are celebrating Scottish music, literature and singing, all of which we were treated to yesterday.

On the way to the launch, my staff and I compared notes on our qualifications and managed to put together quite a good background in German studies, finding that in history, English and geography we had managed to learn about Bismarck, Brecht and Bonn. However, we had no such experience of Scottish studies in the education system. I am glad that the issue is at last being addressed, because we cannot learn more about the world and place our country in context unless we know more about our country in the first place.

**Neil Findlay (Lothian) (Lab):** Until a few months ago, I taught in schools in Scotland. The member should visit some schools in Scotland so that he can learn about the vast array of Scottish topics that are covered at primary and secondary level. He needs to get out more.

**Marco Biagi:** I am looking forward to making several visits to schools in my constituency, which are teaching various things. I note in particular that higher history now includes a compulsory Scottish element for the first time, courtesy of a decision of my party's Administration.

There are a few issues to do with education. The maintenance of the education maintenance allowance makes us the envy of the United Kingdom, as does the retention of free education.

I want to take issue with points that were made in yesterday's debate. It is rare that I say this, but I have a great deal of sympathy with what Annabel Goldie said about parenting skills. In a spirit of co-operation, I say that I am glad that she raised the issue. However, the only reason that she gave for the problem was the lack of parenting skills, which is a bit of a circular argument.



There is a major problem with early-years parenting in this country, which needs to be addressed. I hope that it will be dealt with quite well by the proposed children's services bill. We have to look deep into the reasons behind the parenting crisis. For most people, there is no deeper instinct than the instinct to care for one's offspring. When that breaks down, it is the result of economic pressures or wider pressures to do with a lack of hope and a lack of opportunity—and in most of the worst cases, the presence of no shortage of alcohol.

I take issue with Ken Macintosh, who said yesterday that education is entirely devolved. He is right if we are talking about how the money is divided up and how the budgets and systems are administered. However, he delivered what, in essence, was a wish list—a series of “I wants”—which was based on an unlimited budget and financial powers that the Scottish Parliament does not have. I share many of his aspirations, but unless there is realism from the Labour Party about the Parliament's ability to fund such aspirations, there will be no constructive discussion on the topic.

On the proposals on children's rights, as of 2009 194 of the 196 members of the United Nations had signed up to the United Nations Convention on the Rights of the Child—of course, incorporating the convention into a country's law means going a lot further. It is interesting that the two UN members that had not signed up to the convention, of their own volition, were Somalia and the United States. The rights in the convention are widely recognised. That is important, because we live in a society in which, according to the Scottish Youth Parliament, 64 per cent of young people feel that they are viewed negatively or very negatively—the proportion rises to 80 per cent in relation to the portrayal of young people in the media. The United Nations Children's Fund—UNICEF—reported in 2007 that child wellbeing in the UK is the lowest in the developed world.

The Government's proposals in that regard and the opportunities for all guarantee for 16 to 19-year-olds show that the Government puts young people at the heart of its programme and its aspirations. I am grateful for and I welcome that. I look forward to the debates on the issues that relate to young people.

09:40

**Dennis Robertson (Aberdeenshire West) (SNP):** I want to take a few seconds to congratulate the communications and media team on the new sound system in the chamber. I certainly feel the benefit of its improved quality, and I think that we should acknowledge the work

that the communications and media team has done over the recess.

I also want to take the unusual step of congratulating Alex Johnstone. I might not do it too often, but in this instance I will congratulate him on bringing the issue of the AWPR to the attention of the chamber. It is an essential part of economic recovery in Scotland and will benefit the whole of Scotland, once it goes ahead. However, I take issue with Alex Johnstone on housing. Perhaps he has forgotten that £1.7 billion was invested in the housing programme, which led to just over 27,000 houses being built over the past parliamentary period. In this session, there is a commitment to continue the housing build, with 6,000 affordable houses being built every year for the next five years, and 5,000 council houses being built. That is to be welcomed rather than scorned. It is one way of trying to tackle the homelessness problem that we face. Figures that were released in August showed that we have more than 23,000 empty homes. That is one of the reasons why the minister is introducing a bill that will give councils the ability to levy a charge on those empty homes. I look forward to councils taking advantage of that. It will certainly generate some income—a sum of £30 million is being projected.

I welcome the fact that councils have stepped up to the mark with regard to identifying homelessness in their areas. At the moment, on average, 88 per cent of those who are homeless are given priority listing. In my area, Aberdeenshire, that figure is slightly above the average, at 89.5 per cent. We must achieve something beyond that, however, and that will involve the provision of housing for homeless people, which is something that I think this Government will take seriously. I hope that the chamber will endorse that and the progress that we make.

The issue of economic recovery is essential to the legislative programme. The north-east of Scotland is leading the way in that regard. I congratulate Alex Johnstone—after saying that I would not do it too often, I have just done it again—on raising the issue. The other day, I was at the Offshore Europe conference in Aberdeen. I spoke to representatives of the oil industry there and it was evident that they are aware that there is a skills shortage in Scotland at the moment. They are doing everything that they can to plug the gap: there are internships; there is the graduate programme; there are apprenticeships and so on. The north-east of Scotland is leading the way. I congratulate the oil sector, and Oil and Gas UK in particular, on moving ahead with that.

I welcome the fact that the renewable energy industry in the north-east of Scotland is leading the way. Offshore wind is certainly one of the ways in

which we can move forward. I welcome the fact that Westhill in Aberdeen has become the renewables capital of Europe.

This morning, I heard Chief Constable Colin McKerracher referring to the proposal for a single police force, something that he does not advocate at all. I was surprised that the chief constable feels that the proposal would impact on local policing in the community. In my short term as an MSP, my contact with the police has been through the local constable, the local sergeant and the local inspector, all of whom, I believe, are at the heart of community policing—I do not think that the political and strategic role of the chief constable is. Perhaps Chief Constable McKerracher does not have his finger on the pulse with regard to what is going on politically. I received a letter from him just last month—addressed to the MSP for Aberdeenshire West, Mike Rumbles.

I congratulate the Government on taking forward initiatives for our young people. That is at the heart of where we are going, and it is the future for Scotland. Addressing the need for an education and skills training programme for young people is the way forward for the country.

We all look forward to a better, brighter, fairer Scotland, and I believe that the legislative programme that the First Minister set out yesterday is the way forward, especially given the economic constraints that we face. I put my full trust in John Swinney to ensure that the programme goes through on budget.

**The Presiding Officer:** I thank Dennis Robertson for his remarks about the sound system. I will ensure that those who were responsible for its installation know what he said about it.

09:46

**Jackie Baillie (Dumbarton) (Lab):** We live in interesting times. For the first time in our history, we have a majority Parliament with the power to reshape our country, to create change and to be bold and radical for the Scottish people.

Although I will touch briefly on the two health and social care bills, I will spend some time on the opportunities that have been lost in the legislative programme—opportunities to be bold and radical for the Scottish people.

I turn first to alcohol pricing. I recognise that it is entirely legitimate for the SNP to return to the issue and, given the majority in the chamber, it is clear that the measure will be passed. We will engage with the process and will continue to question, as you would expect us to do, the effectiveness of minimum unit pricing as a single measure to tackle the problem of alcohol abuse.

We want to engage positively on a range of other measures that we believe will contribute to tackling alcohol abuse in our country. I am clear, as I am sure that all members in the chamber are, that minimum unit pricing is not a silver bullet. I am keen that what comes before the chamber is an alcohol bill and not a minimum unit pricing bill that will be drawn so tightly and so narrowly defined that it does not allow a range of other measures to be included. I hope that the Cabinet Secretary for Health, Wellbeing and Cities Strategy will listen to the call.

On self-directed support, I welcome that extension of direct payments. Enabling individuals requiring care to be in control of their budgets and in control and empowered about how their care is delivered is the right thing to do. I encourage the Government and the cabinet secretary to look beyond the bill being about social care budgets controlled by local authorities, to extend it to the interface between social care and healthcare and to look at how much wider the bill could be drawn in the interests of those receiving the care.

Although I welcome the opportunity to debate these matters—and we will scrutinise them closely—opportunities have been missed. What about the bold measures that could have been brought forward to deliver the better integration of health and social care? There is agreement around the chamber on these issues that require our pressing concern. No one can have missed the problems with care of the elderly that came before this chamber and were debated before the summer recess. At the Elsie Inglis care home—not a stone's throw from this Parliament—two residents died, six were hospitalised and the home was subsequently closed. Southern Cross, with 96 care homes across Scotland and thousands of residents, went to the wall. Over the summer, we found that the quality of care was questioned, there was uncertainty for families, charges for older people's services and for care services more generally went up, and wider concerns were expressed about whether the current system of care is as good as it can be, as well as concerns about inspection.

In that context I wanted to see legislation to better integrate health and social care. I also wanted to see measures to improve the standards of care with statutory underpinning, to give the care regulator enhanced powers so that requirements placed on homes that are failing in some regard are quickly enforced and that where closure of homes is necessary, it is quicker than the current process of requiring a sheriff's ruling. I wanted to see measures to enhance financial scrutiny of care providers, so that we do not drift into a Southern Cross situation again, and measures to enable the regulator to inspect the commissioning process.

Quality lies behind all that. Quality is not gained by a race to the bottom in tendering for social care; the Quarriers staff strike demonstrates that. I am disappointed that the Scottish Government is not taking action on quality. Quality means investing in staff and their training. I ask the cabinet secretary why residential childcare workers were required to register by 2009 and need as a minimum to be qualified to Scottish vocational qualification level 3, whereas equivalent support workers who deal with older people in adult care homes require to be qualified only to SVQ level 2 and do not require to register until 2015. I implore her to correct that anomaly and make lifting those standards a hallmark of the Parliament.

We need changes to the inspection system. I understand that risk-based assessment is considered to be more proportionate, but it is insufficient. The first complaint about the Elsie Inglis home was made in November 2010. A complaint was made to the City of Edinburgh Council on 25 March, and it took from then until 20 April for somebody from the care regulator to inspect the home. It then took until 15 May to close the home. If we had acted more quickly, could any of the deaths have been avoided?

In the ministerial statement next week, which I am looking forward to, the cabinet secretary should make a stand. If we believe in improving standards and the quality of care, she should reverse the cuts to the care regulator's staffing and budget. A year before the new care regulator was born, the predecessor organisations had 360 posts. Now, that number is 289, which means a loss of some 70 posts. If anybody is in any doubt about the nature of those posts, I say that seven or eight were administrators and that the rest were front-line inspectors.

Let us not be in denial about the budget.

**The Presiding Officer:** You must start winding up, Ms Baillie.

**Jackie Baillie:** From 2011-12 to 2014-15, the budget will decrease by 27 per cent. If the cabinet secretary is serious about the care of older people in Scotland, she must restore the staffing and budget so that we have a robust system of regulation.

09:52

**Chic Brodie (South Scotland) (SNP):** As would be expected, I welcome the Government's programme for our nation for 2011-12, which is against a backdrop—a canvas—of savage cuts in public spending and capital investment that is not of our making. That is not so much our own water as our own oil being thrown in our face.

The programme demonstrates competency, realism and the intent to make Scotland better, even when we are confronted by such circumstances. It gives us the opportunity to be leaner, fitter, even more efficient and ready to grasp the opportunities that will be our nation's—and our nation's alone—to decide on without interference in the near future.

I am not normally given to quoting or agreeing with Tory leaders, but Disraeli said:

"There can be no economy where there is no efficiency."

In Edinburgh 140 years ago—almost to the day—he said:

"Change is inevitable in a progressive country. Change is constant."

We now have an opportunity to continue to embrace, secure and reinforce our social contract with the people of Scotland. That will inevitably mean a change in structures as we know them. We will continue the reform and better use of our public services and provide a more targeted focus to our revenue spending yet still protect our elderly, develop and train our young, succour the sick, fast-track our small businesses and social enterprises and create the energy-driven and environmentally friendly society that we all seek. Opportunity, change and efficiency will all be achieved in the development of our capital base and the optimum use of our existing and proposed working assets.

Despite Mr Johnstone's protestations, that is why it has been right to invest in a new housing programme, which will create 15,000 jobs across the country. That is why it is right to introduce legislation to ensure that our housing stock is used more effectively and is fully employed. That is why it is right to consult rigorously on the proposal to enable councils to apply an additional council tax levy on long-term empty properties, as Dennis Robertson said. That is why it is right to strengthen the system of land registration in Scotland to support the objective of underpinning the economy and the economic determination of our most significant asset. I hope that that will also lead to more openness from the large retail and commercial companies that bank land. If the land does not yet belong to the people, at least we will know to whom it does belong.

As I have mentioned the need for structural change and targeted revenue spend, it would be remiss of me to finish without briefly addressing the need to restructure our home security services—the police service and the fire brigade, but particularly the former. Only the unwitting would suggest that the current police structure and its governance, which was conceived 40 or so years ago, is now fit for purpose. The current distribution of police personnel, in which there are

8,417 officers in Strathclyde, 875 in central Scotland and only 508 in Dumfries and Galloway, is redolent of a bygone age. We have eight police boards, which are largely unaccountable and probably undemocratic, with eight chief constables, eight administration departments, eight human resources departments and eight payroll departments, plus many other departments. That does not reflect the spending need in this age of technology, nor does it provide the efficiency that is required for today's crime management.

We need a single police force that is consistent in its national practice, but which is commanded locally and is democratically accountable, and in which front-line services are protected. I point out to the Lib Dems that nobody in their right mind would prejudice the recent remarkable reduction in crime statistics. We want a force that has greater backroom efficiency and optimum flexibility for officer disposition. We can mobilise 250 officers to assist in sorting out England's riots, so there is no reason why we cannot build into the structure the efficiency or flexibility to allow local officers to be moved around Scotland to support major events and to deal with particular crime issues—that can be done now.

I have talked about opportunity, change and efficiency. As Jackie Baillie said, now is the time to be bold. Let us grasp the opportunity, change and efficiency that the programme introduces.

09:57

**Jackson Carlaw (West Scotland) (Con):** I speak as a proud member of the Scottish Conservative and Unionist party. Despite what Mr Macmillan might have termed “a little local difficulty”, I hope that I and others after me will continue to do so for many years to come. Being just a few years younger than the First Minister, I have grown up in the full glare of his career and a witness to hyperbole's greatest hits, such as his 1990s refrain of “Free in '93”. However, in all the years, I have never doubted his belief in his desire to deliver separation from the United Kingdom.

I listened with care to the First Minister yesterday, just as I did in the hours and days after the remarkable achievement of his party's Scottish election result. I did so with trepidation, for in 40 years of constitutional debate, the position of all the unionist parties has been consistent: we have said in response to SNP demands for independence that, were the SNP to secure a majority of the seats in a national election, it would have the right to negotiate with Westminster for an independent Scotland.

Yesterday, the First Minister said that, in the election, voters understood the SNP belief in

separation and did not fear it. So on 6 May and in the wake of the majority that was secured, I was astonished that there was no demand for independence. Instead, with the cheers of his supporters echoing at his back, the First Minister marched to London not to demand independence, but with a list of demands not one of which was independence. As Iain Gray and others said yesterday, the First Minister has the majority to secure the referendum that, only a year ago, he was still promising was imminent. History might well record that he missed his moment. We can only conclude that the First Minister prefers the certainty of his present office to the fear of an early rejection in a separatist referendum.

How can delay be in Scotland's interests? With the Scotland Bill about to become an act, why spend years debating demands that, if the First Minister is correct in his belief, will prove irrelevant anyway? It would be far better for him to fulfil the commitments that he made to Scotland on entering Government four years ago and to ask the big question: do Scots wish to renew the 300-year-old union with the United Kingdom or do they wish to separate from it? There is no excuse for further delay.

**Derek Mackay:** Will the member give way?

**Jackson Carlaw:** Well, there are 25 SNP members and only six of us speaking. I do not know whether interventions follow the same ratio, but please go ahead.

**Derek Mackay:** Was the member not paying attention to the First Minister when, during the election campaign, he said that he would bring the referendum on independence forward in the second half of the term?

**Jackson Carlaw:** I was paying attention to the First Minister when, after being elected the first time, he said that the independence referendum was imminent. How can one have faith in anything he says from one election to the next on this subject? The fact of the matter is that he has the ability but he is not taking the opportunity.

Yesterday the Infrastructure and Capital Investment Committee heard from the project director for the new Forth crossing, David Climie, who confirmed to us that, perversely, the general economic downturn has underpinned the significant reduction in the anticipated cost of delivering this new crossing over the original working estimates. Indeed the situation may improve further. With the project set to commence as inflation is set to fall, there may be a further dividend to come. With the release of several hundreds of millions of pounds that were to be committed to transport, even in the wake of overall capital expenditure reductions, it is unacceptable that the Government intends to divert that capital

funding away from transport and into flashy populist expenditure elsewhere.

Given that the justification for abandoning or delaying some projects in the strategic transport projects review was the anticipated expenditure on the Forth crossing, that is inexcusable. With Glaswegians and those in central Scotland—and perhaps even Mr Harvie—marvelling at the immediate and obvious benefits that have been brought by the completion of the new M74 and the M80, how much more could have been achieved by the sensible reinvestment of the anticipated Forth crossing savings in other transport capital projects? For example, there is the M77 hard shoulder running project between junctions 1 and 4, which together with the Monkton joint venture park-and-ride—previously postponed for the want of just £5 million—would offer an express bus transport corridor. If we were prepared to invest £2.1 billion in one transport project on the Forth, we should also be prepared to invest the dividend that has been realised from the tendering process to improve our transport infrastructure throughout the rest of Scotland. The government must explain to the rest of Scotland why it has not done that.

Finally, I want to say something personal about the subject that I shadowed for much of the last parliamentary session: public health. From the first, I welcomed the Government's intention to focus on alcohol when Kenny MacAskill initially led for the Administration on the issue. Like others, I believed that we were right to be sceptical about the minimum pricing of alcohol. Regrettably, as the passage of the Alcohol (Scotland) Bill reached its conclusion, the debate seemed to lose sight of the issues involved and became more strident and partisan on all sides.

However, since the minimum pricing proposals fell, I—like others, I imagine—have spoken to accident and emergency consultants and staff, nurses, the police, those who have suffered from alcohol abuse in all its manifestations, and voters. It is certainly true that there is no compelling evidence that such a policy will make the crucial difference required. My colleagues are right to continue to make this point and to call for further evidence and, in that respect, I agree with the line that Mary Scanlon and Murdo Fraser took with the cabinet secretary yesterday. On reflection, though, it is also true that sceptics once argued that there was no evidence that council house tenants would wish to take advantage of Conservative right-to-buy legislation in the 1980s—and the cabinet secretary will acknowledge how wrong those sceptics were.

So although I am instinctively against regulation, I find myself now reluctantly agreeing with Iain Duncan Smith, who has publicly backed alcohol minimum pricing. I believe that we should respect

the united and clear view of the health community, the police and the wider Scottish public and back the government's policy—with two clear conditions. First, the bill must contain the sunset clause that Nicola Sturgeon previously offered and, secondly, the Government must work with the alcohol retailers to ensure that the windfall profits that arise are not exclusively absorbed but that we take the opportunity to secure vital new voluntary funding—and I emphasise the need for voluntary agreement—for abstinence programmes.

I will be interested to learn in due course how the cabinet secretary intends to proceed and whether she will exercise the Government's majority regardless or seek to secure broader co-operation.

10:04

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** A bold and positive vision for the year ahead has been presented to us. It focuses on jobs in our urban and rural economies, it is rooted in innovation and it is based on the competent governance that Alex Salmond and our SNP team have delivered over the past four years. I am looking forward to the next five.

The programme for government demonstrates an understanding of the valuable contribution made by our marine and rural industries, which are of great interest to my constituents and the committee that I have the honour of convening.

Our food and drink industry alone is worth £10 billion and our marine industry contributes more than £3.5 billion—that is excluding oil and gas.

There are industries that we need to grow in Scotland—industries that can secure our economic recovery and promote jobs. Yes, Scotland reaps a rich reward from our seas and there are those in my constituency who want to expand operations on our sea bed to generate even more revenue from our marine sector and make the most of our renewables revolution. Indeed, offshore wind is but the next stage.

Organisations such as the Scrabster Harbour Trust in my constituency have the sustainable development of our marine industry at their heart. Those are the kind of enterprises that we need in Scotland, but they are repeatedly stopped by the stealth tax collectors in that feudal relic called the Crown Estate Commissioners.

I am pleased to see that the Scottish Government is to develop a national marine plan to protect marine areas that need protecting and will help to develop and expand marine businesses where we can. Until we can shake off the unnecessary burdens from the CEC, the

Scottish Government must do what it can to support our marine industries.

I also welcome the announcement of the Scottish Government's agricultural holdings bill. As convener of the Rural Affairs, Climate Change and Environment Committee, I will work to make sure that the legislation provides the best possible deal for tenant farmers, widens access to farmland and streamlines inheritance guidelines. There is a clear case for investigating the calls by many parties for an absolute right to buy for tenant farmers, because they are the bedrock of our farming industry and it is our responsibility to ensure that they receive a fair deal and fair access to land.

**Alex Johnstone:** Will the member give way?

**Rob Gibson:** I say to Mr Johnstone that the loss of tenanted land in the past 10 years has damaged the industry's potential and we need to attract new blood to farming and agriculture, but we cannot do that unless there are substantially more acres available.

**Alex Johnstone:** Does the member accept that the only way that private landowners will make new land available for new tenancies is if they believe that they will get a fair deal in that tenancy arrangement? Any additional rights given to tenants in that arrangement will simply make it impossible for landowners to make land available.

**Rob Gibson:** I am very interested in those arguments, which will be played out in the committee. I note that Scottish Land & Estates opposed the Forestry Commission Scotland's making starter units available. I wonder why it wants to restrict access to tenanted farming.

I see in this majority Government a Government that is focused on jobs and access to opportunity for all. There is a golden opportunity to implement real and impacting land reform, which many members of our committee want to look at in detail before we proceed. I look forward to working with Richard Lochhead and my MSP colleagues from all parties to make sure that the agricultural holdings bill is as strong as it possibly can be.

This Government, more than any other in history, is committed to tackling climate change. Scotland has a strong record of delivering on climate change and I am pleased to see further measures to help us meet our climate change targets. Our zero waste targets are ambitious but wholly achievable. By 2025 we aim to recycle 70 per cent of our waste, but we are only just beginning to catch up with the rest of Europe. Community-run organisations, such as Golspie Recycling and Environmental Action Network in my constituency, are leading the way by showing a better record of delivery than the local council, which is adopting policies of mixed waste, which

can blight the example that has been set. There must be a proper relationship between local councils and the voluntary sector in order that such organisations' excellence is not lost. Sustainability and waste management go together.

In the opening part of my speech, I talked about the innovation element of the Government's programme. The development of a junior climate challenge fund is one such innovative proposal. Young people in their teens see the environment as one of the most important parts of how they focus on the world. The bigger politics comes later, but the immediate effect that the environment has on young people's lives means that they can take part in the junior climate challenge fund. In the past few years, the major climate challenge fund has supported 130 projects all over the country.

The reform of the emergency services has been hotly debated in my constituency. The blue light services have to serve huge areas. I welcome the First Minister's announcement that we will make savings, but we know that policing is always something that is delivered on the ground, locally, to protect small communities and I believe that the proposals will do just that.

The SNP's positive vision for Scotland makes me proud to stand with this Government and support the proposals that it has made this week. We must be bold in facing up to our problems and exploring our many opportunities. I look forward to bold Government under the SNP.

10:10

**Kevin Stewart (Aberdeen Central) (SNP):** I share my colleague Rob Gibson's positive vision of Scotland's future, although it is clear that others in the chamber do not.

Mr Carlaw was trying to stamp his authority on the Tory leadership campaign today—more than anything else he is a proud Scottish Conservative and Unionist—but I share Murdo Fraser's view. The Scottish Conservative Party should think about changing its name. He has called for action and a new centre-right party in Scotland. I therefore suggest that the party should call itself the "Centre Right Action Party". That acronym is already often used to describe the Government in Westminster. That is a good option and I hope that the Conservatives will consider it.

I agree with some of what Alex Johnstone said, much of which was reiterated by Dennis Robertson, but I will make one correction to Mr Johnstone's speech. He said that no local authority fell below the 85 per cent average in respect of funding, but two local authorities do so: Aberdeen City Council and the City of Edinburgh Council. The 85 per cent funding level that was

guaranteed in the SNP manifesto would have seen Aberdeen get an extra £4.1 million this year. I look forward to that being introduced in the next financial year.

**Alex Johnstone:** When will that begin? Will it be in the next budget? Will it start at the beginning of the next financial year?

**Kevin Stewart:** If Mr Johnstone had paid attention to the *Press and Journal* after the Minister for Local Government and Planning's recent visit to Aberdeen, he would have known that she said that it will begin in the next financial year. That will be very welcome in the city of Aberdeen.

**Jackie Baillie:** I am curious about where the money will come from. I am not questioning Aberdeen's case for it, but would his colleague Derek Mackay in Renfrewshire perhaps contribute from Renfrewshire Council's budget?

**Kevin Stewart:** The Minister for Local Government and Planning also said that there would be no effect on any other local authorities. That is welcome throughout the country.

Economic growth has featured in many speeches. We need to move Scotland forward and I agree with Alex Johnstone about the contribution of north-east Scotland in driving our economy forward. There have been many welcome announcements this week on the back of the Offshore Europe conference. Energetica has moved forward, with some £350 million already committed, and there has been a new development of economic land at Dyce Drive in the past few weeks. Those developments are vital.

As Mr Johnstone and Dennis Robertson stated, the Aberdeen western peripheral route is also vital. I am glad that the Minister for Housing and Transport is in his seat in the chamber now, because I know that he shares my frustration at the situation that we find ourselves in, whereby a small minority of people are blocking north-east Scotland's economic future. I believe that we require the holy trinity—as Callum McCaig, the leader of Aberdeen City Council called it—of the Aberdeen western peripheral route, improvements to the Haudagain roundabout and the third Don crossing to ensure that we can retain our vibrancy. It seems, however, that that small minority may win through. I hope that the minister will do everything within his power to ensure that we are able to move those projects forward.

Beyond that, we need to examine the law as a whole. I have no problem with people objecting to projects—it is their democratic right to do so—but it is disgraceful when a small minority blocks what the majority wants. Certain parties who are involved in the blockage have become, in my opinion, professional nimbys who will do

everything possible to stop every project. That is not good enough.

With £1.2 trillion-worth of reserves left in the North Sea, we need to ensure that Aberdeen continues to drive the economy of not only the north-east of Scotland or Scotland as a whole, but the United Kingdom. That is where Alex Johnstone and I disagree, because I believe that that £1.2 trillion should be invested to secure a better future for the nation of Scotland and that is why I cannot wait for the independence referendum.

10:16

**Liam McArthur (Orkney Islands) (LD):** As others have done, I am tempted to dwell on some of the measures that were glaringly absent from the programme for government that the First Minister announced yesterday. The lack of a late call-up for the cherished referendum on separating Scotland from the rest of the UK must surely have caused a dull sense of anticlimax to wash over at least some of the former idealists and firebrands on the SNP back benches, including Mr Stewart.

However, the wanton discarding of the rash promise to deliver a bill on high hedges seemed to arouse most excitement in the chamber late yesterday. Members will not be surprised that, as I am the MSP for Orkney, that issue does not cause my mailbag to overflow. Indeed, any hedge in my constituency that does not have the sense to keep its head below the garden wall deserves everything that is coming to it.

I could not help but notice that Fergus Ewing was happy to promise members that his successor as minister with responsibility for community safety, Roseanna Cunningham, would be delighted to honour his earlier commitment to legislate on the issue. Crofting, anti-sectarianism and now high hedges—one is left wondering what Ms Cunningham did to offend the leadership of her party.

As Marco Biagi did, I will to focus my remarks on some aspects of the Government's programme that relate to education and which will affect our children and young people.

As I said back in June during a debate that I thought was genuinely useful, the challenges that the Government—indeed, the Parliament—faces in education are considerable. However, if we are to restore excellence to our education system, provide the skills that our economy needs and secure the wider social benefits that education delivers, those challenges must be addressed. I accept that a number of the measures that the First Minister set out yesterday offer hope that we are moving in the right direction.

I applaud the Government's commitment to a futures fund to invest in early intervention measures, which mirrors a similar commitment in the Liberal Democrat manifesto. If it is properly resourced and targeted, the proposed early years change fund will be able to make a real difference, although it will also require effective co-ordination and even integration of services.

I look forward to seeing the details of that in due course, as well as those on improving the speed and quality of decision making for looked-after children. The Cabinet Secretary for Education and Lifelong Learning can be assured of my support in seeking to ensure that those initiatives are as effective as possible.

I was interested to note the proposal to establish a task force to ensure that the whole public sector prioritises spending on early years. I am sure that my colleagues on the Education and Culture Committee will be keen to explore that measure further with ministers in the months ahead.

Likewise, the Government will have my support, and that of my party, in taking forward proposals for a rights of children and young people bill. It is an opportunity to deliver real and meaningful improvements in the lives of children and young people in Scotland, as well as to send a strong signal about their importance to the society that we want to create. Again, I look forward to seeing the detail of what is envisaged and to working constructively with ministers to achieve objectives that, I think, command unanimous support in the Parliament.

In their attempts to develop a better learner journey to equip people with the right skills to enter and stay in work, ministers can count on the Liberal Democrats' support. I welcome the commitment to publish a pre-legislative paper on post-16 education as a necessary first step towards getting that right.

However, the Government's programme goes on to state that ministers

"will guarantee all 16-19 year olds a place in post-16 learning".

It is hard to find fault with the sentiment, but it is also hard not to feel that it is the sort of guarantee that has got the Government and, indeed, the Cabinet Secretary for Education and Lifelong Learning into difficulties in the past.

Alongside that particular guarantee in the programme for government appears a restatement of the commitment to free higher education. Leaving aside the fact that in recent days that promise will have rung a little bit hollow, particularly for any students at the University of Edinburgh, we still await more detail on how ministers will achieve the objective. As the

Government does, we believe that the quality and international competitiveness of our universities can be enhanced while we also improve access, without the need to go down the route of charging tuition fees. However, there is a debate to be had about the level of funding that that will require, and it is not a debate without real and tangible consequences—as we see from the news of cuts to staff and courses across our universities.

In the consultation that was held earlier this year, we were promised in May a Scottish solution with implementation due for the academic year 2012-13. Although I appreciate that there are still a number of variables and unknowns, if the timetable has now shifted, it would be helpful to know when we might expect that solution to emerge.

On the Government's approach to schools, we will continue to support the roll-out of curriculum for excellence, but ministers must acknowledge that genuine concerns remain. There is uncertainty about what is to happen and by when, which is prompting fears that many of those who are going through the secondary system at the moment might suffer as a consequence. That cannot be allowed to happen. The education secretary will be aware of that possibility and he needs to address it. It is also an area in which the Education and Culture Committee is likely to maintain a keen interest.

On the question of teacher employment, I note the bold statement in the Government's document that it claims to have

"delivered record low class sizes across Scotland".

Having inherited falling school rolls and record numbers of teachers, ministers still managed to lose around 3,000 teachers during their previous term of office. I suggest that that is nothing to shout about. Indeed, Mr Russell even confessed to having sleepless nights over that particular failure. The latest General Teaching Council for Scotland figures show that a mere one in five probationer teachers has secured reliable full-time employment, but the education secretary has promised that young teachers who are coming through will be guaranteed not just probation but a job. That is a characteristically bold pledge, to which he will be held to account, not least in terms of the impact on others within the teaching profession.

As I said during the debate in June, there is considerable scope for the Government to work constructively with the other parties to deliver the improvements in our education system that we all want, and in the way in which we meet the demands of our children and young people. At the same time, during the past four years, we saw too many promises being either discarded or



redefined. There can be no excuse for similar failures this time round.

10:22

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** Yesterday and today we have heard a comprehensive debate on a wide-ranging programme of legislation and Government action, the impact of which will be felt in many areas of Scottish society. First, however, I commend my colleague Fiona McLeod for a thoughtful and insightful look into how self-directed support could and should work. I especially welcome the proposed bill that will enshrine that right in law.

Colleagues will not be surprised that I am going to focus my remarks on the proposed rights of children and young people bill. I have been banging on about this subject for many years—I confess that before someone else does it for me. For a long time, I have pursued the enshrining of the United Nations Convention on the Rights of the Child in Scots law. That measure was adopted as official SNP policy in 2008 in a motion that was proposed by me and supported by our conference, and I am delighted that the Scottish Government has now made it part of its legislative programme for the coming years.

Enshrining in law a duty for ministers to consider children's rights when they make decisions will be a historic step. It will place children and young people at the heart of everything that the Government does and it will solemnise our commitment to securing and protecting the wellbeing of every child in Scotland. As Angela Constance, the Minister for Children and Young People, has recently been quoted as saying, happy and well-adjusted bairns are a good thing for Scotland.

My initial motivation for wishing the UNCRC into Scots law was the detention of asylum-seeking families and children at Dungavel. That practice seemed to me to be a clear breach of several articles of the UNCRC, not least article 22, which states that a refugee has the right to special protection and help. I cannot let it go unmentioned that that issue is still entirely relevant. Although children are no longer being detained at Dungavel, families and children are still being detained and moved to detention centres in England, and we hear that a new family detention centre is planned. That is a flagrant abandonment of the UK coalition parties' promise when they took power. Maybe Liam McArthur will join me in seeking that his friends in Westminster keep that promise.

Of course, the UNCRC applies not only to refugee children but to every child and young person, regardless of their circumstances. The

vast majority of the world's nations have ratified the UNCRC, but by enshrining it in our domestic law the Scottish Government will go a step further and is demonstrating international leadership in protecting the rights of children in all areas of their lives.

The rights of children and young people bill will legislate for our moral obligation to take every action that we can to ensure that every Scottish child is happy and healthy and that they are able to fulfil their full potential and make their voices heard. All of us in the chamber know well that there are far too many children in Scotland for whom those rights are all but absent from their day-to-day life experience. The bill, along with the great work that our Commissioner for Children and Young People does, will give us and them a legal basis for pursuing and protecting those rights. That is not just an airy-fairy aspiration, but the concrete foundation for the better Scotland that we want to achieve.

If failures in care, understanding or respect with regard to a child are left unaddressed, they can lead to the problems in adulthood that are the source of so many of the social ills that we are trying to tackle in Scotland today. A rights-based approach is an excellent basis for understanding how to shape Government actions and public services to support children in having the best start in life.

The rights of children and young people bill will not stand on its own, so I look forward to finding out more about the children's services bill that will follow later. Those two pieces of legislation together could help to bring about a revolution in the way in which Scotland's public services are shaped around, and respond to, the needs of children and families.

Jenny Marra stated yesterday that we need action on early years. I could not agree with her more. The early years change fund, the national parenting strategy and the opportunities for all initiative—to name just a few—are real actions by the Scottish Government. They form a child and young person centred philosophy that will not only help to insulate young Scots from the impact of Westminster's ill-conceived public cuts agenda—and, in some cases, Westminster's ill-conceived language when they describe children—but build a better Scotland, a proud Scotland and a visionary nation for them to inherit.

10:27

**Derek Mackay (Renfrewshire North and West) (SNP):** I am very excited by the Government's programme for Scotland and I am excited to know that I am in a Parliament that will bring forward the referendum on independence.

When the bill on that is introduced, I look forward to all the unionists voting for it to give the people of Scotland their chance, given what I have heard over the past two days. The programme for Government is positive and ambitious for Scotland, but I have heard a great deal of contradictory comment about it over the past two days. However, the programme will deliver a fairer, greener, safer and stronger Scotland.

The Government will introduce 16 bills. I have heard the Opposition's contradictory comments about that. They say that there are too many bills, then they say that there are too few. They said that they were the wrong bills, then Iain Gray apologised for saying that they were the wrong bills. We heard that we talk too much about independence, then that we talk too little about independence. The Opposition must make up its mind.

The Labour Party's slogan is "Just do more"; whatever the subject is, just do more. It was most eloquently put by Richard Baker, who said that we should do more for 16 to 19-year-olds. So, a guarantee that 100 per cent of 16 to 19-year-olds will have an opportunity to learn is apparently not good enough.

However, what was the big omission according to the unionist parties? There was a grand coalition, as Liam McArthur said, between the Labour Party and the Conservative Party that it was the omission of legislation on high hedges, because hedges are growing too high. Incidentally, the hedges were growing under the Labour Party as well as under this Administration.

**Mark McDonald (North East Scotland) (SNP):** I am happy to advise the member and, indeed, all members in the chamber that, following discussions with the Government and the clerks, I will introduce a member's bill on high hedges.

**Derek Mackay:** There we go: another manifesto commitment being delivered by this Administration. So, now we have cross-party consensus that the Government's programme is going in the right direction.

How we behave with a majority in the Parliament is important. I listened closely to Iain Gray, who said that we should not be unfettered and that we are no longer constrained by being in a minority. The way in which this Administration is behaving is completely different from how I have seen the Labour Party behave when it has had a majority in chambers throughout Scotland. Our behaviour will reflect positive ambition for the country.

I have heard Michael McMahon and Jackie Baillie say that we need more legislation—rafts of new local government legislation. Surely at this time, with the tough spending commitments that

we have, we should focus our energies on working together on outcomes. In many respects, new local government legislation is not necessary. Our energies should be focused on outcomes, working together, sharing services and integration. New legislation is not necessarily required to progress that agenda.

**Jackie Baillie:** Is the member denying that he wishes to avoid an opportunity to raise standards for older people and to seek legislative underpinning that would give that force?

**Derek Mackay:** I am sure that that matter will be considered through the parliamentary process. My point is that, with the regulations, budgets and spending commitments in place, quality can be improved. New legislation is not necessarily required. If the member thinks that there is legislation that is not required in the Government's programme, she should address that.

We will do what is right and necessary, and I am enthused by the attention and focus on preventative spend and the work on early years. It was Lord George Foulkes who said that the SNP Government was doing popular things, and he was probably right. It turns out that the Administration was very popular, but the Administration also has a track record of doing what is right. Young people do not have a vote, and those in the earliest years will not have a vote for some time to come, but the focus on early intervention and the early years is necessary and right. As I said, I am enthused by what the Government has proposed in that area.

We have a First Minister who is talking up Scotland and building the nation's confidence. What do we have from the UK Government? Our Lib Dem ministers Moore and Alexander—Scotland's answer to the Chuckle Brothers—whom we are supposed to take seriously on the economic strategy for Scotland.

I am excited and enthused because we have a programme that will deliver jobs and capital investment, opportunities for all, new housing, free education and minimum pricing. It will tackle bigotry and that will deliver public sector reform, self-directed support, rights for children and young people, freedom of information and a renewed police service and fire service. That is, indeed, ambitious and exciting.

10:32

**Neil Findlay (Lothian) (Lab):** I welcome some of the legislative programme that was announced yesterday, and agree that we desperately need to create real job opportunities for our young people. I will watch with interest to see how the Government intends to protect higher education and develop apprenticeships and training. As a

teacher, I support the continuation of the EMA and I support the bill on the rights of children and young people. I am also thrilled to bits that we have an emerging grand coalition on hedges. However, I have concerns about much of the supporting document that outlines the programme for 2011-12. I have read it, and it seems to be vague and full of ambiguity.

The First Minister, some of his council leaders and his health secretary keep claiming that there will be no compulsory redundancies in the public sector. His education secretary tried that approach in the college sector only to be forced to admit soon after the election that he could not deliver it. We all know people who are being or have been made redundant. If a person's job as a nurse, housing officer or classroom assistant, say, is deemed by their employer to be surplus to requirements, but they do not want to leave and the only option for them is be ushered out of the door with a severance package with no option of remaining in the job, that is a compulsory redundancy situation in anybody's book.

Hundreds of jobs have already gone in my local authority in West Lothian. Some 400 nurses are to go in NHS Lothian, and jobs are going in police support, the fire service and, indeed, throughout the public sector. If the First Minister is genuine about a no compulsory redundancies policy across the public sector, let this Parliament legislate for it. While he is at it, he could introduce legislation on a living wage for the public sector. Let it be written into contracts given to the private sector, too. We should start in this very building. It is a disgrace that some of the contracted staff who work here every day, such as contract cleaning staff, are being paid below the living wage and do not get any more than statutory sick pay when they are off ill. We do not need new powers to do that; we just need to make the right political choice.

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford):** I am intrigued. I understand the direction that the member wants to go in, but will he tell me where in the Scotland Act 1998 it states that it is possible to introduce legislation on compulsory redundancy and wage levels?

**Neil Findlay:** I am sure that we will debate that when the Scotland Bill comes before us.

Poverty is mentioned of course, but reading the programme I do not get any sense of how the Scottish Government intends to tackle what is without doubt Scotland's greatest shame.

On capital investment, only two of 23 major transport projects are to be taken forward, with most of the money being blown on the Forth crossing. I have not seen any proposals to detail how the much-demanded additional borrowing

powers might be used. Where is the commitment to developing progressive local taxation? If the council tax is to be frozen, let us freeze it for those on the lowest incomes but introduce a progressive element with those at the top paying more. That would give councils such as Edinburgh's SNP-Lib Dem coalition no excuse—

**Mark McDonald:** Will the member take an intervention?

**Neil Findlay:** Sit down.

It would give it no excuse for its billion-pound privatisation sell-off.

I hear repeated time and again that renewables will "reindustrialise Scotland"—a soundbite if ever I have heard one. Who is to benefit from the renewables schemes that are being developed? A national renewables fund soliciting private sector investment in renewables might be laudable, but I think that we are missing a trick. There may be environmental benefit, but what is the social benefit? We need profits to be retained and reinvested in our country, not repatriated to boardrooms in Madrid, Paris and Bonn.

The First Minister wants increased borrowing powers for this Parliament. I support that wish, but he also wants to use those powers to cut corporation tax. Yesterday, he spoke of voodoo economics. I am not sure whether they practise voodoo in Ireland, but I personally prefer Germanic common sense, where corporation tax levels allow investment in jobs and the economy rather than allow the catastrophe that has befallen our brothers and sisters across the Irish Sea.

If the finance secretary was beating a path to the Treasury to demand powers to tackle tax evasion and to collect the billions that go uncollected, I would cheer him to the echo, but no—he wants powers that will suck hundreds of millions out of the economy while he crosses his fingers behind his back and gambles with our future.

What about the proposals for Scottish Water? Apparently, legislative proposals for water will ensure that

"Scottish Water is structured to enable it to deliver its full potential."

I really hope that the Government does not mean by that that a change of ownership will result. A public interest company is just another form of privatisation, and Scottish people will see that.

We hear that the programme comes against a background of savage Tory cuts. I agree, but it is not good enough to replicate some of the Tories' policies and then blame them for all that is bad while trying to take credit for anything that is deemed to be good. The Scottish Government

already has many powers at its disposal. If it is genuine about consensus, let us build a social democratic consensus against the decline of our public services and in favour of strong, thriving communities.

10:39

**Bob Doris (Glasgow) (SNP):** I remind Neil Findlay that the savage Tory cuts that he referred to are simply savage Labour cuts rebranded with a Tory rosette on them after the last election. Political amnesia will not wash with the Scottish people. It is all right to be sanctimonious, but members have to know their facts in this chamber.

**Neil Findlay:** Will the member give way?

**Bob Doris:** Perhaps we could have a fact now.

**Neil Findlay:** If that logic were to be continued, the cuts that are being imposed here are savage SNP cuts.

**Bob Doris:** Only one of the two of us is working out logic just now, and Mr Findlay is certainly not him. We get a block grant—that is what we want to change and that is what he stands in the way of. I am delighted that the First Minister in his statement on our programme for government saw that big picture, even if Mr Findlay did not.

It was important that the First Minister made a unified case across the chamber for more powers for this Parliament while keeping central the bigger picture of our preferred option of independence—more powers to grow our economy and to reinvest that wealth for the betterment of all Scottish people. I caution people who would go only part of the way towards more powers for Scotland—the Calman generation, if you will—that having the financial powers to grow our economy, even in a very limited way, without the ability to collect the wealth that would flow in the face of a shrinking block grant would lead to financial ruin. There is no point in our having the powers to grow the economy unless we can collect the wealth that we generate. All that we would have would be a shrinking block grant and debt to pay off as a result. So, let us be careful when we consider the powers that Scotland should have and let us ensure that we get them right.

The big picture is important to our day-to-day lives—we have only to look at housing to see that, as we heard earlier. As a member of the Government, of course I want to talk about our successes in housing. I want to mention the £1.7 billion that was spent on affordable housing between 2008 and 2011. I want to talk about the right-to-buy restrictions that have helped, about the national housing trust and about the £100 million that has been spent on the more than 3,000 council houses that have been built under

this SNP Administration compared to the six that were built under the previous Labour-Lib Dem Administration.

I also want to talk about progress. I want to talk about the council tax levy on empty homes and the potential £30 million that that could raise for local authorities besides having the benefit of bringing more homes into use for affordable housing. I want to talk about independence and more powers for Scotland. If we had the borrowing powers, we would not be just tinkering at the edges of affordable housing but would deal with our social housing problem fully. We cannot do that without those full powers.

Let us look at what borrowing powers can do. When we saw the front loading of capital investment for housing in this country, we also saw an 11 per cent fall in construction unemployment at a time when the level of unemployment was rising in England. That kind of investment works, but it is sustainable only with the real powers of an independent Parliament. People who tell me that independence does not matter to the people of Scotland should tell that to the plumbers, the sparkies, the brickies, the joiners and the labourers whom we put into work using the powers that we have. They should tell that to the people who are currently on the dole queue whom we could put back to work if we had independence for this country. That is what the big picture is all about. Our day-to-day programme is important, although we are delivering with one hand tied behind our back.

Another aspect of the programme before us is care for the elderly and other vulnerable groups. Jackie Baillie talked about regulation of care homes. None of us would ever make light of the tragedy that happened at the Elsie Inglis care home or, indeed, of the financial meltdown that happened at Southern Cross Healthcare. We should try to find a consensual way in which to pursue those issues. There is a strong need to analyse the financial assumptions that underpin private sector nursing homes. There is also a strong need for a presumption that care homes will continue to operate irrespective of those financial assumptions, whereby the state or the voluntary sector steps in to ensure that the care is still delivered.

However, there is a real danger that, if we try to regulate on that, we will impinge on reserved issues relating to trading and other matters. When a business goes belly-up, the banks will have the first call on its assets unless we can change that. We must consider the overlapping reserved issues and we cannot act with one hand tied behind our back: even if Jackie Baillie is nodding to say that we could, we could not.

Fiona McLeod spoke yesterday about the proposed bill on self-directed support, which I very much welcome. There will be challenges in it and some local authorities will have to consider how to disaggregate some provision—certainly, the ones that have been more reluctant to deliver self-directed support. If a local authority provides a service in someone's home for three hours a week but that person tells the local authority that they want to opt out of that service and the local authority has hundreds of care workers who are the default providers of that care, self-directed support can be seen as being threatening to local authorities that do not go in the right direction. However, they should see it as an opportunity to deliver for the people who most need that care. I heard Fiona McLeod's speech yesterday and I know that she has direct experience of that. I hope that we can come together as a Parliament on that proposed bill on self-directed support.

I also hope that we will continue to come together as a Parliament to tackle the scourge of sectarianism. Politicians cannot legislate to end sectarianism, but neither can we stick our heads in the sand. I do not know whether the bill that is going through Parliament will transform Scotland by tackling the scourge of sectarianism. What I do know, though, is that it is not enough not to try. For too long, Parliament has buried its head in the sand. I hope that we come together to sort that. The recent jury judgment for a high-profile case points to the way in which we have to change cultural attitudes—and not just west of Scotland cultural attitudes. I thank you for your patience, Presiding Officer.

**The Deputy Presiding Officer (Elaine Smith):**

I turn to the winding up speeches. At this stage of the debate, I am in the happy position of having a couple of minutes in hand, so if members feel inclined to take interventions we can give a little bit extra for that.

10:45

**Alison McInnes (North East Scotland) (LD):** It has been a long and worthwhile debate. As many have commented, it has also been a rather momentous debate in the history of the Scottish Parliament—a first legislative programme from a majority governing party. Scotland has gained an interesting insight into the type of Government that it can expect to endure for the next five years.

Given the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill and the proposals for a single police force, if this debate is anything to go by, Scotland can expect a Government that will carry on regardless, that will bash ahead with its plans, with scant regard for other people's views, and that will simply bulldoze its way through reasoned opposition. We can

expect a Government that, as Annabel Goldie pointed out yesterday, is relentlessly hostile to anyone who dares to speak out against it.

SNP members would do well to pay heed to Christine Grahame's contribution yesterday, when she urged members of committees to

“get into the mindset that they are their own masters and that they require to demonstrate robust independence ... in the interests of good government”—[*Official Report*, 7 September 2011; c 1405.]

and, particularly, “good law”.

Two years ago, Tavish Scott warned of the SNP's creeping centralisation and its ever-increasing habit of nationalising the policy while localising the blame. At the time, the SNP denied that it had a centralising agenda and said that the idea that it wanted to create a single national police force was “complete fiction”. Even today, in its programme for government, it claims that it

“will reform our public services with a decisive shift towards ... greater collaboration, partnership working, transparency”.

Really? What we are actually seeing is a power grab from local government—a divorce that will sever the existing strong partnership working. By pressing ahead with plans for a single national police force and a single national fire service in contradiction to its claims, in spite of a lack of evidence, in the face of concerted, sustained and detailed opposition at a local and national level, the Government is showing just how little it cares to listen to anyone but itself.

I find it amazing—almost incomprehensible in fact—that the First Minister can stand up with a straight face and state:

“After detailed consideration of all the evidence, we are persuaded”.—[*Official Report*, 7 September 2011; c 1375.]

All the evidence? The Government has not even produced a credible business case. The outline business case for police reform, on which the SNP seems to be hanging its hat, is described by COSLA quite succinctly as

“frankly incompetent, misleading and undeserving of the title outline business case.”

The Government suggests that it has given “detailed consideration” to the evidence. If that is the kind of evidence that the SNP relies on, perhaps it would not be too far from the mark to suggest that it is incompetent.

The SNP continues to claim that it has to make decisions such as those because of the cuts from Westminster. The Scottish Government's budget this year was almost £35 billion. A devolved Government is elected to make choices. This Government is choosing to dismantle a good, responsive, local police and fire service. It is choosing to do that against the combined wisdom

of police chiefs, fire officers, local authorities, and pretty much everyone else whom it has asked.

**Kevin Stewart:** Will the member give way?

**Alison McInnes:** Not at the moment.

It is choosing to do that on the basis of unsubstantiated savings. It is all very well listening to the SNP's "bobbies not boundaries" soundbites, but the facts are as follows. A single national police force will put police jobs at risk. It will mean more political interference and less local responsiveness. A single national fire service could result in up to 1,500 firefighters losing their jobs. It will put our vital rural fire stations and retained firefighters under serious threat.

**Mark McDonald:** Will the member take an intervention?

**Alison McInnes:** Not at the moment.

The Government is still determined to push through its ill-judged and unworkable bill on offensive behaviour at football. While I applaud the First Minister for relenting—just a little bit—and giving the Justice Committee more time to consider the bill in detail, I still fear that we are rushing through a law to tackle a problem that we have not fully scoped out. The more evidence that we hear, the more I am convinced that bill's approach is not the solution. The Liberal Democrats want to work with the Government and all parties to find a solution. However, I cannot help but feel that we would be more successful if we were able to start at the beginning, rather than two stops from the end.

I do not want to give the impression that we are objecting to some of the Government's plans for opposition's sake. Where we agree with the Government, we will be glad to support its legislation. Of course, where we disagree, we will do our best to work constructively to make it better.

Jenny Marra did well to remind the Government of its climate change responsibilities, and we will take a keen interest in progress. We will support the Government's bill to introduce minimum pricing on alcohol, and we were pleased to hear the Government's proposals to provide more opportunities for our young people when they leave school. We will be happy to work with the Government to ensure that Scotland does not have a lost generation.

We want greater investment in science. Scotland has a proud reputation in science and research and we want the funding to be in place to ensure that that reputation continues to grow.

I agree with Lewis Macdonald, who highlighted the Government's poor stewardship of infrastructure projects for the north-east. The

Government must redouble its efforts to ensure that we get the transport projects that we need in the north-east.

**Kevin Stewart:** I am glad that infrastructure in the north-east has been mentioned again. Do all members of Alison McInnes's party support the Aberdeen western peripheral route, changes at Haudagain and, of course, the third Don crossing? There are mixed messages and I believe that some members of her party are members of Road Sense, which is the organisation that is holding up the WPR.

**Alison McInnes:** The member knows that my party has been supportive of, and that I as a former chair of the north east of Scotland transport partnership have championed the case for, the AWPR and the north-east. The intervention was a piece of nonsense, really.

Alex Salmond began the debate with a claim that people who oppose independence can be characterised as dependent, negative, cautious, pessimistic and of limited ambition. He could not be more wrong. I, for one, find it distasteful that the First Minister questions my commitment to Scotland. We believe that Scotland can be great, has much to be proud of and has a bright future. We think that Scotland offers unique investment opportunities and possesses resources that will enable us to take a leading role as a green energy producer. We think that we are blessed with responsive local emergency services and bright and ambitious young people who are keen to play their part in making Scotland a brighter, better place. I just happen to be certain that we can best achieve our aims and maximise our potential as part of the United Kingdom.

10:52

**Gavin Brown (Lothian) (Con):** It is fair to say that what we heard from the First Minister yesterday was a speech by a leader of a party, not a speech by a leader of a Government. It would have been a pretty good speech if it had been delivered at SNP party conference, but as a programme for government it was highly partisan and, ultimately, poor. I am happy to say that all the Opposition leaders had more to contribute and spoke better than the First Minister did. We heard opinion being presented as fact, and we heard the First Minister accuse highly respected organisations and individuals who happen to disagree with him and his Government of practising "voodoo economics". That set the tone for the quality of the debate. Let us not have a debate in which people who do not agree with Alex Salmond on the economic programme are accused of practising voodoo economics.

More than half the First Minister's speech was taken up with economic issues and I want to focus on the points that he made. First, we heard the bold statement that we have to

"create the conditions that encourage growth"—[*Official Report*, 7 September 2011; c 1369.]

across the country. That is a bit rich, coming from a First Minister who wanted to introduce a large retailers levy. His political party wanted to introduce a tax only on retailers in Scotland. Will the party admit that that was a big mistake and that the policy would have been damaging and would have prevented economic growth?

**Liam McArthur:** The member might also want to ask how much consultation there was before the tax was proposed, given that that is a theme that the First Minister has been all too quick to pounce on this week.

**Gavin Brown:** I am happy to answer the question on behalf of the First Minister. The answer is none. There was absolutely no consultation whatever.

What about the local income tax, for which SNP members argued so passionately throughout the previous session of the Parliament? The SNP said that it could not introduce the local income tax because it did not have the numbers—the other parties had ganged up to prevent it from introducing the tax. Then, it was critical that such a tax be introduced, but now the position is that the Government will wait until the end of the parliamentary session before it thinks about doing anything about it. To be absolutely clear, I am against a local income tax; I merely point out that, now, the party that was desperate for it and blamed other parties for not allowing it does not want to go anywhere near it.

Yesterday, we heard once again complaints from the Scottish Government about what it calls the UK Government's obsession with early deficit reduction. The position is this: the UK Government wants to abolish the deficit by the end of the parliamentary term. Anyone who says that that is too fast or too quick must have their own view on the year, after 2016, by which they think that we ought to reduce the deficit. Is the end of a parliamentary term really that early? We heard from various SNP members that there is no evidence to suggest that, if we were to slow down our efforts to reduce the deficit, the markets would respond badly or anyone would actually notice. For the record, I inform the chamber that the highly respected global rating agency, Moody's, said on that issue:

"The stable outlook on the UK's AAA rating is largely driven by the Government's commitment to stabilise and eventually reverse the deterioration in its financial strength."

We heard member after member arguing against the cut to capital investment and saying that the UK Government is forcing the Scottish Government to cut capital investment by 40 per cent. For the record, I inform members that there is no legal limit to the amount of money that the Scottish Government can transfer from revenue to capital if it wishes to do so. Governments of all stripes have not done that in recessions because it is politically more difficult to do so then. However, the SNP Government is no different in that regard: it could easily switch money from revenue to capital if it wished to do so.

**Mark McDonald:** Is the member seriously contending that, at a time when revenue budgets across the country are strained, we should take money from the revenue budget to fund capital rather than accessing proper borrowing powers for this Parliament?

**Gavin Brown:** I am pointing out the flaw in the SNP's position. It is difficult to take money out of revenue and put it into capital, but the cut to capital investment, to which SNP members continue to emphasise their resistance, is not being pushed on the Government by the UK Government. The money is given to the Scottish Government, and the Scottish Government can decide the balance between revenue and capital. It cannot switch from capital into revenue, but I challenge any SNP member to say what the legal limit is on transferring money from revenue to capital, because there is no such limit.

It is a bit rich to hear those points about capital investment being made by a party that slowed down capital investment in Scotland long before the downturn. When the SNP took office, its ideologically driven objection to public-private partnerships and private finance initiatives slowed down capital investment remarkably.

**Bruce Crawford:** I accept that there is no legal limit on transferring money from revenue to capital, but Gavin Brown must accept that, in terms of the fiscal sustainability of the revenue budget, we cannot just transfer, *holus-bolus*, huge amounts of money from revenue to capital. It might be possible to do some of that, but it is impossible to do it to a great extent, or we would end up in an unsustainable situation with regard to our revenue budget.

**Gavin Brown:** That is absolutely correct, so why does the SNP make such a big issue about the fact that the cut is to the capital budget as opposed to the revenue budget? The SNP has made a political decision to keep the ratio between the two budgets exactly the same as that which is used by the UK Government. Mr Crawford accepted that there is no legal limit to the amount that can be transferred.

Yesterday, following up on Alex Neil's press release, we heard the disappointment of the SNP over broadband funding. We were told that the Government was disappointed that it did not get even more money from the UK Government to fund broadband in rural areas. However, contained in that one announcement from the UK Government was more money for broadband than was spent on broadband by the SNP Government during its entire four years in office so far. To be fair to the previous Labour and Liberal Democrat Executive, digital broadband was a priority for it. At that point, Scotland was at least on—some would argue that it was slightly ahead of—the curve.

For four years, however, nothing happened under the SNP on digital broadband. Even when money is given by the UK Government, the SNP—which has, I repeat, done nothing, not a jot, on broadband in four years—does nothing but complain, instead of saying that the money is quite helpful and beneficial, if not as much as it would like.

Yesterday, once again, we heard boasts about how great the Scottish Investment Bank is and complaints about how slow the UK Government is in making things happen. I remind members about the Scottish Investment Bank, which was loudly heralded in April 2009, when the First Minister stood up at the Scottish Trades Union Congress conference and told us that the Government was setting up a Scottish investment bank to the tune of £150 million. A year later, at the STUC conference in April 2010, he stood up and said that the Government was setting up a Scottish investment bank to the tune of £50 million. Finally, a year later—after complaining about the slowness of other parties and Governments—the Government got the Scottish Investment Bank going.

Yesterday, we heard that the bank will apparently be all things to all people. It will fund small and medium-sized enterprises, where there is a shortfall from general banking, and make them a priority. It will make funding technology start-ups, growth companies and exporting companies all priorities—it appears to be making absolutely everything a priority, despite having extremely limited funds. Everything is a priority, therefore nothing is a priority.

We heard the usual “too fast, too deep” refrain from SNP members in the chamber yesterday. Anybody who wants to argue that must answer one simple question. If we want to increase public spending, we must either increase taxation or borrow more—there are only two ways of doing it. Anyone who argues “too fast, too deep” must explain which taxes they would raise or how many more billions—over the £120 billion we are borrowing this year—we ought to borrow.

**The Deputy Presiding Officer (John Scott):** I call Johann Lamont to wind up for the Labour Party.

11:02

**Johann Lamont (Glasgow Pollok) (Lab):** I was going to ask how long I had, but I worry that people might say “Too long” so I will not encourage that refrain.

**The Deputy Presiding Officer:** You have a generous 14 minutes.

**Johann Lamont:** I can see people sitting up in their seats in anticipation at the very thought of it. I am referring not only to colleagues opposite, but to those behind, who have heard me speak and will be rather concerned about the Presiding Officer's generosity. However, I shall begin.

It is not the job of the Government to build up the self-esteem of Opposition members, but I want to say to Annabelle Ewing, who accused the Opposition of negativity, that there is a difference between being negative and disagreeing. We recognise that the SNP won the election, but it did not win the right to silence us when we do not agree with what its members say. I am all for positivity—it is the very air that I breathe. Kevin Stewart said that some people do not share his positive vision for Scotland, the implication being that we do not have a positive vision. I have a positive vision for Scotland within the United Kingdom, which my colleagues share; it is simply different from Kevin Stewart's vision and that, in itself, does not make it wrong.

Regarding the legislative programme, I agree that one does not test the quality of a Government by the number of bills that it produces. I agree that we do not have to be always exceptionally busy with legislation, but the bills that are laid out in the legislative programme reflect the Government's priorities. We know that it is a priority of this Government to create an independent and separate Scotland, so it is inexplicable that the referendum bill, which is prepped, consulted on, discussed and ready to go, is not part of the programme.

We were going to have the bill in January 2010 and we were going to vote on it in November 2010. The Government has been given a majority that it could not have dreamed of when it drew up its manifesto, which cautiously said that the referendum bill would be introduced in the second half of the Government's term, so the Government can—if it wishes—bring it on. I am disturbed not by the Government separating off and not dealing with the bill, but by the fact that, while the bill is not introduced, the Government's every action will be informed by its need to prove the value of independence. I would be concerned if the



Government was not introducing the bill because it feared the Scottish people's verdict.

I urge the need for post-legislative scrutiny, if the absence of too many bills provides the opportunity to consider the legislation that is in place. I will highlight housing. There is evidence that some housing legislation on which we agreed across the Parliament has had unintended consequences, including people having to make themselves homeless inappropriately because of a lack of supply and local authorities and housing providers being told that they cannot define sensitive lets to protect housing for older people or being prevented from addressing issues with private landlords and antisocial behaviour. I hope that the Government will consider that.

It is difficult to capture the essence and joy of the range of speeches that we have heard in the past day and a half. The cabinet secretary and I probably do not have many views in common, but we both deserve a good attendance award for being in the chamber from the beginning to the end of the debate. I urge individual ministers to reflect on and respond to the range of points that has been made to them, as it is impossible for us to reflect all those points in the remaining time.

The First Minister was right to start with the economy, and so shall I. We share his concern about the UK Government's approach, which is to cut too fast and too deep. However, I urge the SNP to resist the temptation to blame the previous Labour Government for everything that happened in relation to the global recession. It might be tempting in party-political terms to make the case that John Mason presented, but the difficulty is that to argue that the Labour Government caused everything is to collude with the idea that the problem was caused by too much public spending and that the consequent solution must be public expenditure cuts. That is a dangerous road to take for those who oppose the coalition Government.

John Mason yesterday misrepresented his leader's position before the crisis. As we all know—although John Mason appears not to know—Alex Salmond believed pre-crisis that bank regulation was gold plated and that an independent Scotland would have lighter-touch regulation. As the Royal Bank of Scotland went its mad way towards the brink of ruin, when it tried to buy ABN AMRO, not only did the First Minister not caution the bank to be a little less reckless, but he wrote to it to say, "Fantastic idea—let me know how I can help you with that purchase." With the benefit of hindsight, we can all see the crisis coming and blame others, but those of us who oppose what the coalition is doing in the UK need to understand that saving the banks and Scottish jobs, as much as saving jobs across the rest of the UK, has led us to the current position.

The First Minister spoke about growth. He said that we needed

"to create the conditions that encourage growth. With growth comes work and with work come security and confidence."—[*Official Report*, 7 September 2011; c 1369.]

Of course, it is not as simple as that. It is essential that ministers understand that creating growth does not inevitably bring with it jobs, security and confidence—achieving that is the Government's job. In the same way as the recession impacts on some more than others, unemployment rates—particularly among the young—are much higher in constituencies such as mine than in other places in Scotland. This week, evidence has shown that the recession is disproportionately impacting on women. It is essential that the Government's economic and social strategy tackles that unevenness and disadvantage. I urge the Government to recognise that what is required will not happen on its own or trickle down—it will require the Government to act.

The First Minister said that a policy of no compulsory redundancies creates security, but the problem is that that statement contradicts directly the experience of far too many working people across our communities. People who deliver public services are losing their jobs.

For many people who deliver public services in the voluntary and charitable sector, the threat of job losses is shaping the renegotiation of their terms and conditions. In some cases, that is leading to some of the lowest-paid workers in the country who are doing some of the most important jobs having their wages cut by 23 per cent. Quarriers has highlighted the issue, but it is not happening only in Quarriers. That is a matter for the Scottish Government because it involves public money delivering public services. Public money can create economic opportunity if the appropriate conditions are introduced. We can protect the quality of services and the workers who deliver them, which is why a procurement bill is so important, as it would set conditions for access to the public money that we spend and we could therefore have a living wage in the public and voluntary sectors.

At present, the opposite is happening: charitable organisations are cutting wages as a consequence of the contracts that are being let. Local authorities tell us that contracts are being let in that way because of the lack of funding. We cannot wish the situation away, because people are living with it. If that means that we need to consider how we fund local government, we must do so. We do not have a local income tax. Will we simply let council tax wither on the vine, or can we use our collective efforts to deliver local authority funding? We cannot step back in the way that is happening now. We know the importance of quality care and

that it will be delivered if we treat care workers fairly. We are not all in this together when we have a compulsory redundancy policy that denies that people are having their salaries and wages cut in that way.

On education, too, we cannot step back from the reality of what is happening in our schools—to my children and to others. The squeeze on resources—on jotters, books and staffing—has a drip, drip impact. Saying that Scottish education is wonderful is not a substitute for protecting the quality of learning. The minister must pay close attention because, as resources are squeezed, although some families have the capacity to fill the gap, opportunities are reduced for the most disadvantaged. While we step in and fund our children's folders and books, those who do not have that access will be denied their opportunity. We understand that, if education concentrates on the core, those who most need special interventions—whether they be children with special needs or disabilities, or vulnerable children who are not parented at home—will be denied access to education. The things that get them to school in the first place must be funded, too.

The First Minister said yesterday that higher education should be about

“the ability to succeed rather than the ability to pay.”—  
[*Official Report*, 7 September 2011; c 1372.]

Who could deny that? However, it is complacent to say that that has always been the principle of Scottish higher education. Historically, there was an issue of access. When I went to university—a million years ago, I admit—only 5 per cent of the university population came from a background such as mine. If the squeeze on higher education funding results in the reduction of places or steps back from the increased access to higher education, we need to consider the policy.

**Derek Mackay:** I have heard Labour members say that health should be protected and others say that education or police numbers should be protected. Will the member say exactly which budget should be reduced to vire towards education or health?

**Johann Lamont:** The member has no idea how depressing that intervention is. I am trying to make the simple point that, if the Government has a headline policy that it believes in free education but the consequence of its funding choices is a reduction in access for some of the poorest and most disadvantaged in our communities, it needs to examine the policy. We all need to examine it. We must have a plan B. We cannot have a policy that sounds good but which has serious consequences. That is the business of government. I do not know all the answers, but we need to at least ask the questions. If there is a

reduction in access, the minister will need to have a plan B.

On Scottish studies, I ask the Government to think more carefully about the reality in our schools, colleges and universities. I understand why those who believe that Scotland is a colonial outpost of empire, that it has been consistently oppressed by its English partners or that it has, as the First Minister has said in the past, suffered from the “benign diktat” of Westminster claim that we have been denied an understanding of our own history and culture. That makes sense for someone who takes that perspective. The problem, however, is that it is simply not true. Forty years ago, when I was a lot younger than I am now, a fantastic history teacher at my school taught me about the clearances. It was a seminal moment for me, because it chimed with my understanding of my own family. I learned what Scottish landowners were willing to do to the people who worked the land and it has shaped my thinking since then. Indeed, the whole land question comes out of that. We were taught about the Edinburgh new town; we were taught about the role of Scotland in empire; we were taught our history.

It is also true that, at a time when—allegedly—we were being denied our culture, I learned to love Iain Crichton Smith, MacCaig and others. As a teacher, I taught Edwin Morgan, who, as members must recognise, is a significant voice in Scottish culture. I could teach Scottish culture and learn about Scottish history; these things did not happen in a silo. I also learned about Scottish movements. For example, I understood the connection between the experience of ship workers in Glasgow and those south of the border. That is our history. As a woman, I have always denied and fought against the “great men of history” approach—which, I have to say, has not actually been around for all that long—and there ought not to be a substitute “great Scots” approach to the world. We learn about all our cultures and the diversity even within the Gaelic culture, which should be celebrated not denied.

**Dr Allan:** All I can ask is: does the member not accept that the many teachers, academics and experts who assembled yesterday around this issue and all of whom want to see action on it are united on the point that teaching Scottish history, for instance, does not mean ignoring its bad bits or all of our literature? It just means ensuring that every child gets to learn about these things.

**The Deputy Presiding Officer:** Ms Lamont, you might wish to consider winding up gradually over the next minute or so.

**Johann Lamont:** I did not actually say that. All I said was that the SNP's premise that we are not

taught about Scottish history or culture is simply not true.

I have not talked about public sector reform, which we support. We must look at efficiency and ensure that we protect local services. As for justice, we must ensure that victims are at the centre of our commitments and decisions.

Where we agree with this Government, we will do so. We want to contribute positively. However, people should listen to what Christine Grahame said yesterday. The Parliament must ensure that everything is scrutinised. I will not agree with all the conclusions that Parliament comes to, but if there is openness and if people can consider the issues with open minds, this legislative programme will make a difference to the lives of people in this country.

**The Deputy Presiding Officer:** I call Nicola Sturgeon. Ms Sturgeon, you may have until 20 minutes to 12.

11:18

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Thank you very much indeed, Presiding Officer.

When she rose to speak, Johann Lamont speculated that members would be groaning when they heard that she had 14 minutes. I imagine that that groan is about to get a lot louder when members realise that I have not only the 20 minutes I was allocated but an additional two. I now have 22 whole minutes to respond to all the many points that have been made in the debate. Interventions will be gratefully received to help me through the 22 minutes that lie ahead.

I thoroughly agree with Johann Lamont's comment that she and I deserve an attendance award for bravely sitting through the entire debate. I have to say, particularly now that the First Minister has arrived back in the chamber, that such is the life of a deputy leader. Of course, Johann Lamont may—or may not, depending on what transpires—be leaving the life of a deputy leader behind her in the not-too-distant future and I might have someone else to keep me company through these long debates. I will leave speculating on who that might be for another occasion.

I thought that Johann Lamont's speech was interesting, and I respect the fact that, in much of it, she was pursuing an argument. As a result, the points that I make should not be seen as an attempt to detract from what she was trying to do.

In listening to Johann Lamont's speech, I was struck by two points. One relates to what she said about the implications of a policy of free education.

I have to say that it was not clear to me from listening to her speech whether she was advocating a position of looking again at, or perhaps scrapping, the policy of free education. Perhaps she will outline that now—and in her leadership campaign.

**Johann Lamont:** In all seriousness, I was saying that if the current policy leads to such a funding gap that we see courses closing and improvements in access reversing, the Government will need to look at it again. I do not want to have to look at it—and it may be that there is not such a funding gap—but I am troubled that the Government might end up with a headline position but deny what is happening underneath it. Those of us who care deeply about access to education for young people, particularly disadvantaged young people, believe that that needs to be addressed.

**Nicola Sturgeon:** I will leave Labour to sort out its own position on that question. Let me again make clear the Government's position: we will secure the sustainability of our education system, but we will also protect the cherished principle that access to education should be based on the ability to learn, not the ability to pay. There is no doubt about that on our part.

The second point in Johann Lamont's speech that I think is worth mentioning briefly relates to Scottish studies, on which many members have commented over the past two days. She made one point on which I agree—indeed, she and I have attended Scottish Women's Convention meetings in this very chamber during which the point has been made: no matter whether we are talking about Scottish, UK, European or global history, the contribution of women down the ages has often been written out, which is something that we should address. However, I really question the wisdom of Labour, the Tories or anybody else questioning the simple proposition that, as part of the curriculum, Scottish young people should be taught about our culture, our history and our traditions. I am very proud of the action that Alasdair Allan has taken to ensure that that is a core part of what our young people learn in schools.

It is a pleasure to sum up this debate, which I think has been a good one. It seems like an awful long time since the party leaders stood up to speak at 1 o'clock yesterday; nevertheless, it is appropriate that I comment on their contributions.

Iain Gray made what I think was, in part, a thoughtful speech. He certainly struck a chord with all of us who are privileged—I stress "privileged"—to hold ministerial office when he talked about the opportunities and the responsibilities of power. I assure the chamber that those of us who hold

office are acutely aware of that weight of responsibility.

I also thought that Iain Gray showed a touching affection for the life and times of Alex Salmond when he produced a cutting from several years ago, from his own personal scrapbook, no doubt—Iain Gray's personal scrapbook, that is, not Alex Salmond's personal scrapbook.

**The First Minister (Alex Salmond):** I am online.

**Nicola Sturgeon:** The First Minister should perhaps be reminded that the Deputy First Minister is speaking at this point. I am sure that I will not be heckled any more.

I resisted the temptation today to bring along a cutting about Iain Gray from 7 May 2011, when he said that by this point he would have stood down as Labour leader. That was obviously before he realised that, with the honourable exception of Johann Lamont, nobody in the Labour ranks wants to take on the job of leader. [*Interruption.*] Sorry, somebody mentioned Tom Harris. I am not sure that the words "honourable exception" and "Tom Harris" should be found in the same sentence, but I will leave that to one side.

I thought that Iain Gray's speech perhaps fell down a little bit in his insistence on fighting the previous election all over again. Indeed, at one point when he was talking about the Scottish Constitutional Convention it seemed like he was fighting the campaign of six elections ago. There is an important point here, on which Labour should reflect—whether it will do so remains to be seen—which is that although Labour might like to criticise the record of the first SNP Administration, the simple fact is that when the Scottish people cast their votes in May this year, they seemed to thoroughly approve of that record, which is why they voted for us in such large numbers. It may also be why the polls continue to show rising support for this SNP Government.

Everybody in the chamber, without exception, will want me to share with them the Angus Reid poll that was published just today. It showed the SNP on 49 per cent—in Westminster voting preferences. If Labour members really do "get it", as Iain Gray said they did yesterday, it is time for them to move on from negative carping to making a more positive contribution.

I did not agree with all the comments or all the analysis in Jackie Baillie's speech, but at least her speech was a call for specific action. I respect her for that.

I turn now to Annabel Goldie and the Tory party, which at least has its leadership election under way—providing endless entertainment for the rest of us, even after just the first few days. Annabel

Goldie has trumpeted the merits of quality over quantity. For a few moments, I thought that she was heading towards making a clarion call of "Do less, better." I am thankful that she fell short of that vintage McConnellism. However, this is a good opportunity to assure the chamber that this Government will not choose between quantity and quality. We intend to focus on both quantity and quality.

The real and emerging problem for the Tories is the glaring contradiction appearing in its position. They cry for independence for them—but the party still sets its face against independence for Scotland. As I am sure many others did, I listened to Murdo Fraser on the radio earlier this week. He made an impassioned case for the ability of the Scottish Tories—or whatever they may be called in the future—to take different positions from their UK counterparts on reserved matters. He cited the example of the common fisheries policy. I could not have been the only person listening who wondered, "What is the point of a party being able to take a different position on a reserved matter if the party does not also want to gain the powers that would give it the ability to implement that different position?" That makes no sense whatsoever. Those are the real questions—among many others—that the Tories will have to answer.

**Gavin Brown:** Differences between Westminster and Holyrood seem to happen within the SNP too. When the cut in VAT was proposed by the Labour Government a couple of years ago, the SNP at Westminster voted in favour of it. However, up here, the First Minister and all his colleagues said that it was a bad idea. So, do such things not happen with the SNP as well?

**Nicola Sturgeon:** The difference is that we want the decisions to be taken here in Scotland. The inconsistency in the Tories' position is that they want to take a different position but to have no power to implement that different position. That makes no sense whatsoever.

I turn briefly to Willie Rennie. Later, I will consider a certain aspect of his contribution that I thought very positive, but I was amused by his call for the Government to spend more time spelling out the case for independence. That was just a few days after Michael Moore said that we talked about independence far too much. Who would have thought that the Liberal Democrats would ever have been caught facing two ways at the same time? That contradiction was eloquently summed up and illustrated by Derek Mackay.

Many members made good contributions to the debate—too many to mention them all. However, I will mention Annabelle Ewing, Fiona McLeod, Malcolm Chisholm, John Finnie, Chic Brodie, Marco Biagi, Jackson Carlaw—later on, I may come back to something that he said—Derek

Mackay and Jackie Baillie, whom I have already mentioned. That is as it should be, because this programme is big and ambitious. There are 15 bills, and today the important addition of Mark McDonald's member's bill on an issue that became a dominant theme among Opposition contributions—the scourge of high hedges in Scotland—has completed the programme.

Any good legislative programme must be more than the sum of its parts. It should be about taking on the big issues in Scottish society—addressing them and facing up to them. The question that should be asked of any legislative programme is this: will it leave our country in a better position? I believe that the resounding answer to that question is yes.

**Kezia Dugdale (Lothian) (Lab):** If that is true, why do we have no bill on public service reform?

**Nicola Sturgeon:** Kezia Dugdale knows that she is a member whom I respect greatly. Anyone looking seriously at our legislative programme knows that public service reform is at its heart. I will come back to that specific issue later.

There are four pillars to the programme. The first is an iron focus on jobs and the economy. In this economic climate, it is essential that none of us in any party loses that crucial focus. It must be more than rhetoric. Yesterday, I was slightly disappointed that, having been on the radio early in the morning, when he rightly talked about the need to put the economy at the heart of the programme, Iain Gray got 21 minutes into a 22-minute speech before he mentioned jobs or the economy.

We talk repeatedly and rightly about not allowing the economic troubles through which we are living to consign a generation of our young people to the scrapheap. That is why the opportunities for all initiative that the First Minister outlined yesterday—which will guarantee every 16 to 19-year-old a learning or training place—is so important. We owe it to our young people to secure their future. That is why the First Minister was also right to focus the Government squarely on economic recovery, using the powers that we have to boost growth.

I say to Alex Johnstone and Johann Lamont that the Government's record on housing—providing record amounts of social housing and using accelerated capital investment to boost the economy—is incredibly good, and we are rightly proud of it.

**Hanzala Malik (Glasgow) (Lab):** I will bring two housing issues to the cabinet secretary's attention. As she knows from her constituency, the ethnic minority communities in Scotland suffer from a lack of housing. Not only do they seem unable to get appropriate housing, but new developers are

building small houses, which means that large families that wish to remain together do not have the opportunity to do so. I hope that she will promise to ensure that that issue is taken into account and that housing associations reflect the communities that they serve.

**Nicola Sturgeon:** I thank Hanzala Malik for that question, which is extremely important. As he knows, I represent Pollokshields, where that is a particularly acute problem. Over generations, housing has not been built to accommodate larger families from ethnic minority communities. I am sure that the Minister for Housing and Transport would be happy to discuss with Mr Malik how we can further assist with that problem.

The second pillar of the programme is reforming public services. I know that Kezia Dugdale was not in the Parliament in the previous session, but we had a Public Services Reform (Scotland) Bill in that session. On several occasions, Labour tried to limit the capacity of that bill to deliver change. However, I hope that there is now more consensus in the Parliament on the driving need to reform public services.

Yesterday, we set out our early intentions to move ahead with the integration of health and social care. I say to Jackie Baillie and others who commented on that measure that we will do it in a proper and considered way. It is important to get it right, so we will not do it on the back of a fag packet, as Labour did in the previous election. We will get that reform right.

More importantly, and more immediately, we set out yesterday plans to legislate for a single fire service and a single police service. Reforming our public services is essential to ensuring that they are sustainable in the current economic climate and constrained public finances. The proposals that Kenny MacAskill will set out later today will undoubtedly save money. However, Iain Gray was right to say that they are about more than that; they are about ensuring that we also improve delivery. Our proposals on the police and the fire service will improve local accountability at grass-roots level and the effective deployment of specialist resources throughout the country, and are exactly what we should do to save money and improve the quality of the service.

The third plank or pillar of the programme is about addressing the big issues in Scottish society—the fundamental issues that we all accept hold us back as a country. Alcohol misuse, which was debated throughout the previous parliamentary session, will undoubtedly be a subject of debate over the next period. It holds our country back. Members should think of the financial cost alone: £3.5 billion every year, which is £900 for every man and woman in the country. The human toll is greater still.

To Jackie Baillie and others who say that minimum pricing is not the whole answer, I say that that is correct, and that the Government has never said that it is. Our alcohol framework has 40 different initiatives that are designed to tackle the issue. However, minimum pricing is part of the solution.

The relationship between price and consumption and between consumption and harm is beyond any doubt. We must tackle pricing. During the previous parliamentary session, the Opposition parties opposed minimum pricing but failed to come up with any credible alternative to tackling the price of alcohol.

**Jackie Baillie:** We absolutely accept that pricing is part of the answer—I am sure the cabinet secretary agrees. However, across the parties, we brought an alternative suggestion to her that she rejected. I would be happy to remind her of the detail.

Will the proposed bill simply be a minimum unit pricing bill or will it be an alcohol bill that will afford the Parliament another welcome opportunity to put in place additional measures to tackle alcohol abuse?

**Nicola Sturgeon:** The so-called alternative proposals that were made during the previous parliamentary session amounted to nothing more than asking a Tory Government in Westminster to take action. That Tory Government's very first move on alcohol was to cancel a planned increase in the duty on cider. That was the sum total of Labour's alternatives.

On the scope of the bill, which we will introduce in due course, it is worth reminding Labour members that, when we debated the Alcohol etc (Scotland) Bill, they had the opportunity to make other credible proposals and failed to do so. I will continue to talk to people across the spectrum—

**Johann Lamont:** Will the cabinet secretary give way?

**Nicola Sturgeon:** I want to make some progress just now, but I might come back to the member later.

I will continue to talk to people across the spectrum about how we can tackle the problem better. However, let us not shy away from what lies at its centre: the relationship with price. On that point, I welcome Liberal Democrat members' change of position—I applaud them for that. I also put on the record my welcome for Jackson Carlaw's support for minimum pricing, which he expressed during today's debate. The fact is that the debate is moving on in the direction of those who know that, although the measure is controversial and not something that has been

done elsewhere, we need to do it because the potential prize is worth having.

**Johann Lamont:** On a positive note, the cabinet secretary knows that the Parliament has already made the decision to have a social responsibility levy. When will that be enacted to allow local authorities the funding to support families that are suffering from alcohol abuse?

**Nicola Sturgeon:** We have that power, but we also agreed that we need to consult properly to get it right. We will continue to do that and we will make our proposals in due course.

I want to move on because, believe it or not, my 20 minutes have flown past and we are almost at the end.

I move on to the future of our country. The fourth key pillar of the Government's programme is independence: making the case for independence and, as the First Minister said yesterday, persuading the current generation of Scots to be the independence generation—or, for those of us who like our technology, the i-generation.

I have been really amused to hear the Opposition parties criticising us for not including a referendum bill in the programme for government. I have been imagining their reaction if we had done that. What would the cry have been then? That we were breaking our promise to have it in the second half of the parliamentary session. It is also worth my reminding the Opposition parties that the only reason why we did not have a referendum during the previous parliamentary session—the only reason why the referendum has not already happened—is that they blocked the democratic right of the people of Scotland to choose. We will take no lectures from the Opposition. The referendum will happen during the second half of the current parliamentary session. We will make the case and we will win the case because the tide of public opinion is running our way.

In the meantime, we will continue to argue for more effective powers for this Parliament of ours. We will not argue for those powers for their own sake but so that we, as a Government, a Parliament and a country, can do our job more effectively. More powers over the economy and independence are not abstract concepts. They are about jobs, opportunity, prosperity and the security of our country. That is the essence of the case for independence. What lies at the heart of the case for independence is a more prosperous Scotland for us all. That is why the SNP will be proud to continue to make that case and proud when we win that independence referendum.

## Scottish Executive Question Time

### General Questions

11:39

#### Dairy Sector (International Investment)

**1. Mark McDonald (North East Scotland) (SNP):** To ask the Scottish Government whether it will seek international investment to support the dairy sector. (S4O-00112)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** Scottish ministers have instructed Scottish Enterprise to actively engage across the food and drink sector, including the dairy sector, to attract inward investment here in Scotland.

**Mark McDonald:** On Tuesday, at the national dairy event in Birmingham, NFU Scotland called for the sector to try to capture a share of the global dairy markets, which are growing and profitable. For example, India has more than doubled its quota for the import of skimmed and whole milk powders. Has the cabinet secretary held, or does he plan to hold, discussions with NFU Scotland on how the Scottish Government can assist its efforts to promote Scotland's dairy sector on a global scale?

**Richard Lochhead:** Yes, I have held meetings with NFU Scotland's leadership in recent months and I will meet them again in a few days' time. The Scottish Government is funding an NFU trip to Europe to an international dairy conference that takes place next month at which the NFU has agreed to investigate whether there are any inward investment opportunities out there for the dairy sector in Scotland. I agree that we have to add value to milk in Scotland and to the dairy sector if we are to give it a prosperous future and encourage it to be much more profitable. Clearly, that has got to be our focus for the next few years as we learn some of the hard lessons of the past few decades that have led to some decline in the dairy sector not just in Scotland but across the United Kingdom and, indeed, Europe.

**Jim Hume (South Scotland) (LD):** I wrote earlier this year to the cabinet secretary regarding the Government detailing to retailers how much they should pay dairy producers while having no idea how much the producers of the milk were receiving. In the week in which NFUS has called for a pricing mechanism, does the cabinet secretary agree that the Government should lead from the front by ensuring that all producers of milk that is supplied to the Government estate receive a fair price at the farm gate?

**Richard Lochhead:** I think that the member will find that the Scottish Government's track record on procurement for our catering contracts has improved dramatically to help primary producers in Scotland over the past few years and certainly since the member's party was in Administration. I will continue to explore all opportunities to ensure that the Scottish Government can support a fair deal for Scotland's primary producers, including our dairy sector.

#### Social Care (Advice and Guidance)

**2. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** To ask the Scottish Government what advice and guidance it provides to local authorities regarding self-directed support for users of social care services. (S4O-00113)

**The Minister for Public Health (Michael Matheson):** The national strategy for self-directed support was published on 23 November 2010—a joint strategy with the Convention of Scottish Local Authorities. It sets out a 10-year vision for the development of SDS nationwide, based on a set of values and principles that aims to ensure that all people eligible for social care have a choice in their support arrangements.

**Christina McKelvie:** I welcome the new self-directed support legislation that was announced yesterday. Given the challenges for some of my constituents in securing a truly self-directed care package, will the minister reassure them and me that the new SDS bill will address those challenges and ensure that the independence of the individual is paramount?

**Michael Matheson:** It is extremely important to recognise that people's expectations around their care arrangements have changed significantly. People want much greater opportunity to control and direct their care in a way that is most appropriate for them. Very often, an individual is better placed to decide what their needs are and how they should be met in a more effective way. I have been encouraged by the views that have been expressed in support of the SDS bill during the debate on the legislative programme. The bill will ensure that we have statutory provision around how self-directed support should be taken forward; it will extend the eligibility of those who are able to participate in self-directed support beyond what is presently provided for under direct payments; and it will consolidate and modernise the legislation around how direct payments are handled.

**Mary Fee (West Scotland) (Lab):** What guarantees will be in place to assure members that all care that is paid for by self-directed support will be undertaken by fully trained and qualified carers? How will self-directed support maintain standards of care throughout Scotland?

**Michael Matheson:** The bill will provide the opportunity for people to choose between a number of options for taking forward their care arrangements. It will be for the individual who arranges their care to decide how their needs will be most appropriately met. We must recognise that some local authorities may find this process challenging. However, they must recognise that they can no longer provide care according to how they wish to provide it but must do so according to how the person wishes their care to be arranged. I hope that more and more local authorities will engage in doing that as they shape the care arrangements in their particular areas, so that individuals will have flexibility in choosing how their care is provided.

### **Cashback from Crime (Sport)**

**3. George Adam (Paisley) (SNP):** To ask the Scottish Government how it plans to use money recovered from cashback from crime for sports other than football. (S4O-00114)

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** Since 2007, the Scottish Government has invested almost £14 million of cashback money in sports other than football, including rugby union, basketball, amateur boxing, athletics, hockey and badminton. We are continuing to encourage all sports governing bodies, and indeed individual clubs, to submit appropriate funding proposals for consideration for investment from the cashback for communities programme as and when resources become available.

**George Adam:** The minister will no doubt be aware that Paisley and Renfrewshire will become the gateway to the Commonwealth games in 2014. Can she offer assurances that funding sports through the proceeds of crime will continue to help prospective athletes who will compete in those games?

**Roseanna Cunningham:** Cashback funding is about giving all our young people opportunities to take part in a range of sporting activities. We hope that, by stimulating an interest in sport through the scheme, some young people will go on to represent Scotland on the international stage. I expect that the athletes who will represent Scotland in the 2014 Commonwealth games are already in the system and are receiving appropriate support through the relevant sports governing body.

**Graeme Pearson (South Scotland) (Lab):** Recovered criminal assets were previously identified for return to communities that were badly affected by crime. In recent years, the Cabinet Secretary for Justice has followed the England and Wales example and utilised around £5 million

of the funds to pay for prosecutor and police work. We are now told that—

**The Presiding Officer (Tricia Marwick):** Will you get to the question, Mr Pearson?

**Graeme Pearson:** I am coming to it.

That money has financed specialist sports interests. Can we go back to the original system, so that the liberated assets will be returned for the benefit of community groups in hard-pressed areas in which needs are dire?

**Roseanna Cunningham:** We are receiving a large number of bids in the scheme that we are currently operating, not all of which can be agreed to, of course. However, we are building up a bank of bids, and I expect that a great many bids will be from areas that are already suffering from a number of indicators of deprivation.

We chose not to go down the road on disbursing proceeds of crime assets that England went down. We have taken a different approach for very good reasons, and I believe that, because of that, we will see a better benefit than has been seen in England.

**The Presiding Officer:** I am sure that Stuart McMillan will keep his question brief.

**Stuart McMillan (West Scotland) (SNP):** As an ambassador for Ocean Youth Trust Scotland, I know how beneficial and welcome cashback funding has been to that organisation. Will the minister give even more assurances that additional funding can be provided to other water-based activities throughout Scotland?

**Roseanna Cunningham:** No sporting activity is excluded if it falls within the parameters—obviously, it would need to be for young people. We are happy to receive any proposal that seeks cashback funding, whether it is from people involved in sailing, boating or any other water-based sport. Proposals would be considered and supported if they furthered the programme's aims and, of course, if funding was available. As I said in my previous answer, we are developing a bank of proposals and we will continue to assess the proposals and make decisions as money becomes available.

### **Economic Growth (Kilmarnock and Irvine Valley)**

**4. Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government what measures it has taken to enhance economic growth in Kilmarnock and Irvine valley. (S4O-00115)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** A range of services is available from



public and private sector organisations in East Ayrshire to support economic development and provide support for local businesses to grow. Those organisations include East Ayrshire Council, Scottish Enterprise, the business gateway and Scottish Development International.

Scottish Enterprise is currently working with 33 account-managed companies in East Ayrshire, 27 of which are based in the Kilmarnock and Irvine valley area. Since 2009, £2.4 million of regional selective assistance offers have been made, which has created 109 jobs and safeguarded 117 jobs in East Ayrshire.

**Willie Coffey:** I thank the cabinet secretary for that answer. As he knows, my constituency already suffers higher unemployment levels than Scotland as a whole. That situation will be made much worse next year when Diageo finally leaves the home of Johnnie Walker in Kilmarnock, taking with it 700 jobs from the local economy. Will the cabinet secretary take those factors into account when, in due course, he considers possible enterprise zones for Scotland?

**John Swinney:** I am certainly well aware of the circumstances that Mr Coffey presents on behalf of his constituents. As he is aware, I have been very familiar with the circumstances arising from the decision of Diageo to close the plant in Kilmarnock. I will reflect on the representations that Mr Coffey has made on behalf of the Kilmarnock and Irvine Valley area, and if he wishes to supply me with further representations, I will be happy to receive them.

I should point out that, in addition to the earlier support that I set out, an allocation of £2.24 million has recently been made through the European regional development fund to support the expansion of the Moorfield business park, which opens new opportunities for economic development in the Kilmarnock area.

#### Wind Farms (Aviation Interests)

**5. Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Government how it is addressing any constraints on aviation interests arising from wind farm planning issues. (S4O-00116)

**The Minister for Local Government and Planning (Aileen Campbell):** Operational air safety is of paramount importance when considering the impacts of any wind farm development. The Scottish Government formed the south-west Scotland aviation solution group in March 2009, which brings together all the relevant stakeholders and led to the publication of the Scottish Government's feasibility report. The report described the potential for finding solutions to radar issues and is the foundation on which

much of the progress made to date has been built. The Scottish Government is also a member of the aviation management board, which brings stakeholders together at United Kingdom level, including to support the development of new technological solutions.

**Adam Ingram:** I thank the minister for her answer. Can she give me a timetable for the implementation of radar solutions? As she will be aware, many of our local communities in Ayrshire face a number of wind farm applications that are being held up in advance of a radar solution. Can she also indicate to me who will pay for the radar solutions?

**Aileen Campbell:** I thank the member for his reply; I understand that he has a real interest in wind farms and the planning issues that surround them.

There are lots of different solutions in place or on the horizon. For example, Prestwick airport and a consortium of developers have agreed heads of terms for financing a new radar facility at Prestwick, which led to the consent for Blackcraig Hill wind farm being granted in March this year. NATS is working with other developers to find solutions, and it is not a standstill situation as alternative solutions continue to emerge.

On the funding of radar solutions, the Scottish Government expects developers to fund any radar mitigation schemes. If the member wants to meet me to discuss any of the issues, I am happy to do that.

**The Presiding Officer:** Question 6 was not lodged.

#### RAF Leuchars Closure (Discussions)

**7. Roderick Campbell (North East Fife) (SNP):** To ask the Scottish Government what recent discussions it has had with the United Kingdom Government regarding the proposed closure of RAF Leuchars and its replacement with an Army base, in light of the impact of these proposals on the local community. (S4O-00118)

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford):** While we welcome an increased Army presence in Scotland, the Scottish Government has made clear its considerable disappointment with the UK Government's decision to withdraw the RAF from Leuchars.

In immediate response to the UK basing review announcement on 18 July, the First Minister wrote to the Prime Minister and has both spoken with and written to the Secretary of State for Defence. Following his separate meetings with colleagues from Leuchars and Moray in July, Mr Swinney wrote to the secretary of state on two occasions to

request clarity on the range of basing review impacts. I assure Roderick Campbell that the Scottish Government will continue to work in partnership with community, business and public sector colleagues to secure the best possible outcome for Fife.

**Roderick Campbell:** Will the Scottish Government undertake to press the UK Government for details of the infrastructure expenditure it proposes to ensure an efficient and appropriate transition between RAF Leuchars and the new Army base?

**Bruce Crawford:** We are aware that the UK is intent on committing infrastructure investment at Leuchars to allow it to manage the transition to an Army base. In this period of uncertainty for the community, we will continue to press the Ministry of Defence for much firmer details on the levels of investment.

Equally important—as Mr Campbell knows from the meeting with the residents' action group that we both attended in Leuchars on 30 August—there remains considerable unease about the impact of the transition period on the local economy and public services such as schools, hospitals and health facilities. On all those matters, we will continue to press the MOD to make decisions at the earliest possible date.

#### **Fire Brigades Union Scotland (Discussions)**

**8. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what recent discussions it has had with the Fire Brigades Union in Scotland. (S4O-00119)

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** The cabinet secretary and I have regular meetings with the Fire Brigades Union. We have met it on a number of occasions over the summer to discuss a range of local and national priorities. The member may be interested to note that I also met local FBU representatives in Fife on 23 August, as did my colleagues, during the recent Kirkcaldy Cabinet.

**Claire Baker:** I appreciate the minister's agreeing to a meeting to discuss the situation in Fife, at which I will be able to provide more details. However, according to Fife FBU, Fife Council's proposal to make further cuts to the Fife fire service next year, in addition to the efficiency savings that are already in place, will lead to a further reduction of 20 firefighters. Does the minister share my concern that that will compromise safety? Will she make representation to Fife Council that it should consider a moratorium on cuts and consider freezing staffing levels ahead of significant changes to the national service?

**Roseanna Cunningham:** As the member would expect, we are continuing conversations with those fire services where there are currently greater challenges than there are in other places. I met the convener of the relevant committee when I was at those meetings in Fife, so I have already had some conversations on the subject and we are continuing them.

I appreciate that, when the member lodged her question, she was unaware that a statement on the issue would be made this afternoon. I hope that she will listen to the statement and that we will then be in a better position to have a continuing conversation about what happens in Fife and some other fire service areas.

#### **Insulin Pump Therapy (NHS Greater Glasgow and Clyde)**

**9. Anne McTaggart (Glasgow) (Lab):** To ask the Scottish Executive what plans it has to address the level of insulin pump therapy available in the NHS Greater Glasgow and Clyde area. (S4O-00120)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** We expect each national health service board to have a strategy covering the full range of insulin use including the availability and management of insulin pumps. Our diabetes action plan, which was published last year, made it clear that we expect all NHS boards to make sustained improvements in increasing access to insulin pump therapy in line with the latest clinical guidance.

**Anne McTaggart:** According to the National Institute for Health and Clinical Excellence, there are more than 700 people with type 1 diabetes in the NHS Greater Glasgow and Clyde area who could and should benefit from an insulin pump; yet, the number of people accessing pump therapy is a mere 67—only 1.1 per cent of the type 1 population. NHS Greater Glasgow and Clyde has, to date, unfortunately failed to deliver an insulin pump service that meets the needs of the type 1 population in the area.

**The Presiding Officer:** Can we get to the question, Ms McTaggart?

**Anne McTaggart:** On behalf of those constituents, I urge the Scottish Government to make a real effort to enforce its commitment. Access to pump therapy should be boosted significantly across NHS board areas over the lifetime of the action plan.

**Nicola Sturgeon:** Anne McTaggart raises an important point and I credit her for doing so.

**The Presiding Officer:** Can we have Ms Sturgeon's microphone on, please?

**Nicola Sturgeon:** Perish the thought that I cannot be heard in the chamber.

I do not think that there is any disagreement between us and our Labour colleagues about the importance of the issue. Anne McTaggart is right to cite the NICE guidelines on insulin pump therapy. She is, no doubt, aware that pump provision throughout Scotland runs at around 2.5 per cent just now—that is equivalent to just under 700 people throughout Scotland. However, eligibility criteria suggest that between 4 and 14 per cent of people with type 1 diabetes could benefit from being on an insulin pump. That is why we have asked all the NHS boards to give us their plans to increase access, which are set out in our action plan. The Scottish diabetes group closely monitors progress against those plans through the Scottish diabetes survey and, later this month, we will write to those boards that have shown less progress, asking what further action they will take. I am happy to keep Anne McTaggart updated on progress.

#### **Problem Alcohol Consumption**

**10. Clare Adamson (Central Scotland) (SNP):** To ask the Scottish Government what measures it is considering to tackle problem alcohol consumption. (S4O-00121)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The Scottish Government recognises that there is no single measure that will help change Scotland's relationship with alcohol. That is why we have placed a whole population approach at the heart of our alcohol framework.

Given the link between consumption and harm, and evidence that affordability is one of the key drivers of increased consumption, we believe that addressing price is an important element of any long-term strategy to tackle alcohol misuse. We continue to believe that a minimum price per unit of alcohol would be the most effective, efficient, targeted and proportionate way to make a real impact on consumption and harm across Scotland. That is why, as outlined in yesterday's legislative programme, we will introduce an alcohol minimum pricing bill in this session of Parliament.

**The Presiding Officer:** I am sure that Ms Adamson will realise that we have now reached 12 o'clock and that she will forgo her supplementary.

## **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. (S4F-00102)

**The First Minister (Alex Salmond):** Later today, I am meeting the Cabinet Secretary for Finance, Employment and Sustainable Growth, John Swinney, to discuss, among other things, the job-creating powers that we need added to the Scotland Bill. We will be discussing the analysis that was published on general release at 9.30 this morning using the general equilibrium model of the Scottish economy, which shows that, over the next 20 years, a reduction in corporation tax of just 3 per cent would boost Scotland's gross domestic product by 1.4 per cent, raise investment in the Scottish economy by 1.9 per cent and lead to an increase of 27,000 jobs in Scotland.

I am sure that when Iain Gray gets the chance to read that analysis, he will, like his predecessor Wendy Alexander would have done, welcome the idea that this Parliament should have access to such job-creating powers.

**Iain Gray:** I would certainly welcome debate on the future of Scotland. In 2009, the First Minister said that the people of Scotland were ready to have their say on separation. Now he is scared to let them have that say because he is scared of the answer. Is that not the simple truth?

**The First Minister:** Obviously, as Iain Gray prepares for his imminent retirement—I do not know whether it is imminent, actually—he has not had time to glance at the opinion polls on the constitutional question, in which there are substantial movements in the direction of independence.

Iain Gray will remember the election campaign—I know that he will remember it because he spent the first 20 minutes of his speech yesterday talking about it. During that election campaign, we clearly set out, not least in the leadership debate in Perth, that the Scotland Bill and job-creating powers were the immediate constitutional priority, and that the referendum bill would be in the second half of this session of Parliament. Surely Iain Gray would not want me to go back on a clear commitment to the Scottish people.

**Iain Gray:** What I do not understand is why the First Minister goes back on a clear commitment that he made in 2009. Oh, actually, I do. The answer lies in the opinion poll that showed that 60

per cent of Scots reject his vision of the future of Scotland.

The delay would not matter if the First Minister's ducking and diving was not damaging Scotland. Last week, the Confederation of British Industry said that it is damaging business confidence. These are the people who create wealth and jobs, and the First Minister told them that they should not blunder into politics. Is this Alex Salmond's Scotland? Is this his independence debate: "agree with me or shut up"?

**The First Minister:** I remind Iain Gray of a little bit of recent history: 2009 was when the Labour Party in this Parliament blocked the referendum bill. In 2011, we stood for election and won a resounding majority. If, of course, having won that resounding majority, we had gone back on what we said during the election campaign, Iain Gray would be saying, "You've gone back on the election campaign. You're not making jobs the priority." He would be in the same ridiculous position as Michael Moore, who said that we should be concentrating on our own powers and then, in the same speech, demanded answers on independence.

On job creation and the reaction of the people who create jobs in Scotland, I point out to Iain Gray the recent announcements from Amazon, Gamesa, State Street, Doosan Power, Ryanair, EasyJet, Tesco Bank, Virgin Money, Blackrock, INEOS/PetroChina and Mitsubishi Power Systems—all companies creating jobs, partly thanks to the policies of this Government, and all companies that have confidence in the economic future of Scotland.

**Iain Gray:** Let us look at recent history. In 2007, when my predecessor, Wendy Alexander, said that she would not block a referendum, the First Minister would not have one. In 2009, when he knew that he could not have one, he wanted one. In 2011, when he can have one, he is not going to have one. That is the recent history on the question.

It is not just the CBI. Even the First Minister's personal public relations outlet, the Scottish *Sun*, said this morning that the First Minister should get on with it.

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** Lovely—

**The Presiding Officer (Tricia Marwick):** Mr Swinney.

**Iain Gray:** *The Sun* agrees with the CBI. Is the First Minister going to give it the same answer? Is he going to drop a note to his penpal Rupert Murdoch, telling him that he should not blunder into politics?

**The First Minister:** I honestly do not think that Rupert Murdoch is the strongest line of questioning for the Labour Party, but I am touched by the bringing of newspapers into the chamber. At some point, Iain Gray will go online and then he will not have to bring the whole newspaper.

We said clearly in the election campaign that our fundamental priority at the moment is jobs and the economy. In his speech yesterday, Iain Gray took 21 minutes to mention the economy and jobs. We also said that the priority on the constitution was to get job-creating powers into the Scotland Bill, and that is what we are trying to do. We said that the independence referendum will take place in the second half of this parliamentary session, and that is what we will do.

I do not think that going back through the history is particularly comforting for Iain Gray. If I remember correctly, it was in response to Wendy Alexander's declaration that Iain Gray had his speaking-Portuguese interview, as he tried to explain the contortions of Labour's position. Then, when Wendy was removed as Labour leader, Iain Gray came in and immediately reversed the policy. Rather than take lessons in political strategy from Iain Gray, we will stand on the policy that won us such a resounding victory in this year's election.

**Iain Gray:** I am always interested to find out where the First Minister takes lessons in political strategy—sometimes he does so in surprising places. A friend went to a fortune-teller in Dundee last week, and there, displayed on Gypsy Amalia's caravan, was a photo of the palmist's celebrity client, Alex Salmond. Maybe we should ask Gypsy Amalia when the referendum will be, because the First Minister does not seem to know.

By the way, if anyone wants their fortune told, if they ask Amalia how much it is for a reading with her, the answer that they get is, "You can never tell, dear. It might be a fiver, it might be 30 quid." Is that not exactly the First Minister's plan for separatism: "Say yes first, and then I'll tell you how much it costs"—the strategy of the snake-oil salesman down the ages?

**Alex Salmond:** I recognise the name Gypsy Amalia. She is a regular attender at the Turriff show in my constituency. It is absolutely correct: in 2006, I visited her stall and she said that the SNP would win the 2007 election. [*Laughter.*] And lo and behold, it came to pass—and I did not even have to give her any money! Now I am going to make a return visit to Gypsy Amalia, and I am going to ask her the most difficult question in Scottish politics: not "Who is going to be the next Labour leader?" but "When is the contest going to be?"

### Secretary of State for Scotland (Meetings)

**2. Annabel Goldie (West Scotland) (Con):** To ask the First Minister when he will next meet the Secretary of State for Scotland. (S4F-00097)

**The First Minister (Alex Salmond):** Mr Swinney and Mr Crawford are meeting the Secretary of State for Scotland this afternoon, but I am looking forward to meeting Professor Joseph Stiglitz, who has today accepted my invitation to join Scotland's Council of Economic Advisers. I am sure that, when Annabel Goldie finds out who he is, she will welcome the fact that one of the world's finest economic minds and most famous economists is putting his services at Scotland's disposal.

**Annabel Goldie:** Yesterday, the First Minister told us in his statement that we must move away from the European model of deficit-driven states. Of course, the European states with the biggest deficit problems are in the euro zone and their currency is the euro. There are masses of unanswered questions about the First Minister's independence plans, but I will pick one that relates to the currency, which I hope he can answer without reference to Gypsy Amalia.

If the First Minister gets his way, what is his personal preference—the British pound or the euro?

**The First Minister:** I can do better than that. I can ask Annabel Goldie to read, "Your Scotland, Your Voice: A National Conversation", which was published 18 months ago. Paragraphs 3.33 to 3.35 explain exactly that position.

**Alex Johnstone (North East Scotland) (Con):** Which is?

**The First Minister:** I know that the last thing that the Conservatives want to do at the moment is read newspapers or any other documents. The last time I spoke to Annabel Goldie, I thought that it would be the last time she would be asking me a question. I now understand that it might be the last time any Conservative is asking me a question in this Parliament.

The document that I referred to says that we should stay in the sterling area until the Scottish people decide to do otherwise—that is in paragraphs 3.33 to 3.35. That seems to be a pretty clear answer and I hope that Annabel Goldie will accept it.

**Annabel Goldie:** It seems to be anything but clear. In his statement yesterday, the First Minister commended to the Parliament and Scotland certain policies and political objectives, not least independence. Let us get this straight. This is a First Minister who wants independence but will not tell us the date of the referendum or the question

that is to be asked and who does not know what currency he wants the country to have if he wins.

This leopard has some spots. As First Minister, Mr Salmond has rushed to the airwaves—Radio Scotland one day, Radio Catalonia the next—to denigrate the British pound and praise the euro. I will ask him again, because Scotland needs to know. Does he, personally, want the British pound or does he want the euro? He cannot go on ducking questions on independence for ever. This is one question that he can answer. What is his answer?

**The First Minister:** I will now quote from the document, so that Annabel Goldie can go away and scrutinise it—because, obviously, she hasnae read it. It says:

"Under independence, Scotland would have the opportunity to choose the monetary framework and currency that best suited the needs of the Scottish economy ... Scotland would continue to operate within the sterling system until a decision to join the Euro by the people of Scotland in a referendum when the economic conditions were right."

That seems to me to be a pretty clear statement, especially when compared with the Conservative Party's convulsions on this issue—I was in the House of Commons when Ken Clarke was the Chancellor of the Exchequer—and the Labour Party's contortions, which have caused it to reverse its position many times.

I want to know whether, when we have a new Conservative party, after the current one has disbanded, the policies will change or will simply be the same old stuff under a different banner. I ask the question—[*Interruption.*]

I draw attention to the answers that I heard being given and the insight that I had when I watched Jeremy Paxman interviewing the new perhaps-leader of a perhaps-party in Scotland. Most people here will not have seen that interview, because it was shown only in England but, nonetheless, the answers to the Conservative Party's problems with being not fit for purpose, with failing, with having no future and with having to adapt or die might be contained in that interview. I say to Annabel Goldie that it takes more than a change of name or a change of leader to give a political party any chance of recovery.

**Annabel Goldie:** One of the welcome consequences of my condition, which I think is described as being unplugged, is that I am responsible for raising with the First Minister only matters of the present. Matters of the future, I leave to others.

It is transparent to me that, rather than answer an important and basic question, the First Minister would run for cover and use all manner of

camouflage and distraction to disguise the basic point that this man, who wants this country to be independent, does not even know what currency that independent country would have.

**The First Minister:** First I paraphrased it, then I read it out. It is there for Annabel Goldie to read on page 31 of the document, which was published 18 months ago.

I know that the last thing that Annabel Goldie wants to talk about is the future direction of her party, but it is a perfectly legitimate response to look upon the agonies and uncertainty of her party. After all, if it had the right policies and the right attitude towards Scotland, Annabel Goldie would be unleashed in this space, as opposed to being unleashed in that space. I say in all friendliness to Annabel Goldie that I always thought that she was unleashed before she was standing down as party leader.

**Sandra White (Glasgow Kelvin) (SNP):** Is the First Minister aware of the proposal by the parking management at Glasgow royal infirmary to raise parking fees by 62 per cent, which will have a severe impact on health service workers there?

**The First Minister:** As I know the member will appreciate, the private finance initiative contract under which those charges were introduced and in which they were contained was unfortunately signed by the previous Labour Administration. Much as we would have liked to adopt the same policy towards the PFI contracts as we did towards the vast majority of national health service hospitals under our control, it is simply not possible to do that without substantial expense on the public exchequer. It would of course have been great if, when it negotiated the PFI contracts, the previous Administration had paid even an iota of concentration to the protection of patients, staff and the public.

### Cabinet (Meetings)

**3. Willie Rennie (Mid Scotland and Fife) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-00099)

**The First Minister (Alex Salmond):** Issues of importance to the people of Scotland will be discussed.

**Willie Rennie:** An hour ago, the Advisory Committee on the Safety of Blood, Tissues and Organs recommended that the lifetime ban on gay men donating blood should be rescinded. What will the First Minister do in Scotland to respond to that report?

**The First Minister:** Willie Rennie will see that there is a news release that gives our response, which is basically that we are accepting the

recommendations with the protections the committee recommended in terms of timescale.

**Willie Rennie:** That is good news and is very welcome. It is not the full equality that many of us have campaigned for, but it is a start. Similar bans have been relaxed in Australia, South Africa, Japan and Sweden and the Scottish National Blood Transfusion Service is committed to finding 65,000 more donors in the next year. The sooner the change is adopted, the sooner the service can add to the 100,000 patients it helps with blood transfusions every year and save lives. Will the First Minister personally promote this change and encourage more people to donate blood, whatever sexuality they have?

**The First Minister:** The answer to the last part of the question is certainly yes. We have accepted the recommendation, which is to end the lifetime ban on gay men giving blood. The expert committee recommended some safeguards for public safety. I do not think that any responsible Government would not accept those recommendations as well. In the Government's response to the recommendations, it can be seen that we take the matter seriously and welcome the progress that is being made. Willie Rennie will accept that we have to go by the expert advice on the protections that have been laid into that progress. As for advocating that people give blood—most certainly I do.

### Lockerbie (Access to Documents)

**4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the First Minister, in light of the reported discovery of documents relating to the Gaddafi regime's connections with the United States and United Kingdom intelligence services, whether the Scottish Government has requested access to any such documents that might be relevant to the bombing of Pan Am flight 103 over Lockerbie. (S4F-00101)

**The First Minister (Alex Salmond):** Lockerbie remains an open case, concerning the involvement of others with Mr al-Megrahi in the atrocity that killed 270 people. The Crown Office will be able to continue to pursue lines of inquiry that become available.

**Christine Grahame:** The First Minister is aware that I, along with many others, believe that the conviction of Abdelbaset al-Megrahi is insecure. I welcome the announcement of legislation to facilitate the publication of Scottish Criminal Cases Review Commission reports on abandoned cases such as Lockerbie.

According to the First Minister's answer, Lockerbie is an open case. Given that, is the Crown Office in active contact with the National

Transitional Council in Libya to ensure the preservation of documentation that might relate to the atrocity? In the interests of justice, if such evidence exists, what steps will be taken to secure its delivery to Scotland?

**The First Minister:** I am pleased that Christine Grahame welcomes our intention to publish the SCCRC's full statement of reasons to the court. We should do our best to facilitate that, because I understand that the statement contains substantial detail that might shed light on the SCCRC's thinking when it referred the case to the court of appeal.

Christine Grahame asked about our contact with the Libyan National Transitional Council, in which we have made two things clear. First, Mr al-Megrahi is in compliance with his conditions. We do not seek his extradition, contrary to the ill-informed comments of people who have no locus in the matter whatever. Secondly, the investigation is open, as the Crown Office has always made clear. Along with the police, the Crown Office will continue to pursue any lines of inquiry that might arise. Of course, that involves protecting any evidence that would shed light on the issue. The National Transitional Council has indicated its willingness to maintain contact on the matter, but it made the reasonable point that its immediate focus is on restoring civil order and rebuilding services in Libya as the current conflict draws, I hope, to a close.

**Margo MacDonald (Lothian) (Ind):** Following the discovery of documents in Tripoli that relate to co-operation between Colonel Gaddafi's intelligence service, the Central Intelligence Agency and the British intelligence service, will the Scottish Government investigate the illegal use of Scottish airports for illegal rendition flights? Apart from anything else, regimes in the middle east are changing. We have an interest in ensuring that incoming Arab Governments realise that they can expect a much better deal from a Scottish Government than they got from Westminster.

**The First Minister:** I will ask the Cabinet Secretary for Justice to have a further look at that and to reply to Margo MacDonald. As she knows, in the previous parliamentary session, we looked with the Lord Advocate at whether Scottish airports were used in illegal rendition.

As for the documents that have come to light, it is no secret to the Scottish Government that the previous Labour Government wanted by any means whatever to have Mr Megrahi released back to Libya. I can say that I did not know of the extent of the co-operation that the documents seem to indicate. If it is true and confirmed, it will represent the most remarkable case of double standards—or perhaps no standards—that I have seen in international politics.

All that I can say to Margo MacDonald is that the Scottish Government took its decisions on the basis of due process and the precepts of Scots law.

### Universities (Access)

**5. Ken Macintosh (Eastwood) (Lab):** To ask the First Minister what agreement the Scottish Government has made with universities regarding access arrangements for students from the rest of the United Kingdom. (S4F-00109)

**The First Minister (Alex Salmond):** Ideally, no student who attends a Scottish university should pay fees. However, given the UK Government's misguided decision to introduce tuition fees of up to £9,000 per annum for students who attend universities in England, students from the rest of the UK who attend Scottish universities must be charged comparable fees, just as was done under the previous Labour-Liberal Democrat Administration.

**Ken Macintosh:** I remind the First Minister that, in introducing £9,000 fees, his colleague Mr Russell suggested that Scottish universities might wish to show restraint. To date, all universities in Scotland—bar one—have gone for the maximum of £9,000. Is that acceptable? With a fee of £36,000 for a four-year degree, the University of Edinburgh has the unenviable title of most expensive university in the whole UK. Is that fair for middle-income families?

**The First Minister:** I will begin by correcting Ken Macintosh. I am sure that he will want to have this correction, because it is important that we get the proper information. The University of Aberdeen, Glasgow Caledonian University and Heriot-Watt University have not set fees at the maximum of £9,000. In the case of Caledonian, the figure of £9,000 does not appear at all. All three universities have set three years of fees for a four-year course so, in other words, one year will be free. That means that, for those universities, the average fee per year is £6,250, which is less than the technical working group conclusion of £6,375.

Even if we include the University of Edinburgh, the average is £6,937. In defence of the University of Edinburgh, I point out that, as Ken Macintosh will know, it has announced substantial bursary and scholarship schemes to protect the diversity of the base of students who come from elsewhere in the United Kingdom. I hope that as many universities as possible follow the example of those three universities and that the average figure is close to the suggestion by the universities in the technical working group scenario.

A final and hugely important point is that, in the past few days, following a lot of publicity, the

Student Awards Agency for Scotland has had a record number of calls—tens of thousands of them—many of which were from Scottish students who were worried because they saw the press and believed that the fees that were being quoted in the headlines would apply to them. It is therefore vital that, when we debate the issue and when it is reported in the press, it is made clear to every Scottish student that, in terms of protecting access to our universities, the rocks will melt with the sun before I see Scottish students charged tuition fees.

**Liz Smith (Mid Scotland and Fife) (Con):** Notwithstanding that answer, will the First Minister tell us how many places for Scottish and European Union students will be cut in the next five years as a result of the pressure on universities to take far more students from the rest of the UK?

**The First Minister:** I would have thought that Liz Smith would welcome the fact that the Cabinet Secretary for Education and Lifelong Learning, in negotiation with our universities, has protected the numbers of Scottish students who have access to university and college places. That is in stark and overwhelming contrast to the policy that her party's Government is pursuing south of the border, which has the greatest threat to access, particularly for students from lower-income families. Maybe it is the embarrassment of seeing and having to answer for the misguided policies that are being pursued from Westminster that has led the deputy leader of the Conservative Party in Scotland to advocate its disbandment which, incidentally, is the first popular thing that a Tory has said in Scotland for a generation.

### Economic Growth

**6. Paul Wheelhouse (South Scotland) (SNP):** To ask the First Minister what steps the Scottish Government is taking to boost economic growth. (S4F-00103)

**The First Minister (Alex Salmond):** Scotland now has lower unemployment, higher employment and lower economic inactivity rates than the United Kingdom as a whole. The latest figures for the last three months show the remarkable situation that the increase in employment in Scotland by 24,000 over the quarter from April to June was equivalent to 96 per cent of the aggregate increase for the UK of 25,000. That figure of 24,000 out of 25,000 indicates the importance of working hard to secure employment and growth for the Scottish economy.

**Paul Wheelhouse:** I could not help but notice yesterday's poll in *The Times* that showed that a majority of Scots, including a majority of Labour and Lib Dem supporters, are in favour of devolving more tax powers to the Parliament, including control over corporation tax. Does the First Minister agree that there is an overwhelming

appetite among the people of Scotland to have control of those powers devolved as a matter of urgency to aid the Scottish economy during the current period of recovery?

**The First Minister:** We have had two polls in the past week. The first showed a majority support for independence for the first time, I think, in a number of years. The poll by Ipsos MORI in *The Times* showed an overwhelming majority in favour of full tax-raising powers for the Parliament. That tends to suggest to me that, given the economic circumstances, and in the face of the misguided policies that are being pursued from Westminster, people in Scotland are increasingly recognising that, to generate growth, output and employment in the economy, particularly in the interests of young people in Scotland, the Scottish Parliament and Government need all the economic tools to get on with that job.

**Lewis Macdonald (North East Scotland) (Lab):** Has the First Minister seen this week's reports that the Aberdeen western peripheral route might now not be completed until 2019? If so, will he instruct works to begin immediately on the Haudagain roundabout and at Balmedie without waiting for the bypass's completion in order to unblock the logjam of projects and boost economic growth?

**The First Minister:** Lewis Macdonald, who I know now has responsibility for the whole of the north-east of Scotland, will understand that these projects go together and are important together. Like another north-east of Scotland MSP whom I saw speak in this morning's debate, I regret bitterly the fact that people are pursuing to the nth degree through the court system obstacles to a project that is, I think, hugely supported across all the parties in Scotland and the vast majority of people in the north-east of Scotland. We will do our level best to find every possible way of accelerating that project within the powers and proper disposals that we have but I am sure that Lewis Macdonald would be the first person to criticise me if I tried to interfere with the judicial processes in Scotland.

**The Presiding Officer:** That ends First Minister's question time.

**Neil Findlay (Lothian) (Lab):** On a point of order, Presiding Officer—[*Interruption.*]

**The Presiding Officer:** Can we get Mr Findlay's microphone on, please?

**Neil Findlay:** Presiding Officer, when you were elected, you—[*Interruption.*]

**The Presiding Officer:** Perhaps you could move to Ms Eadie's mike.

**Neil Findlay:** I think that it is okay now. It is the new system.



When you were elected, Presiding Officer, you advised that you would seek to give more time to back benchers at First Minister's question time and many of us support you in that. However, will you urgently look again at the issue? Over the past while, the First Minister has continued to make lengthy speeches in reply to questions, giving fewer and fewer back benchers the opportunity to ask them. We support you in your desire in this respect but will you please look at the matter again?

**The Presiding Officer:** Thank you for that point of order. However, Mr Findlay, you will find that only one member who pressed their button to ask a supplementary was not called and I think that I got in a large number of back benchers and supplementaries from every party. Of course, I will continue to reflect on what you have said.

12:32

*Meeting suspended.*

14:15

*On resuming—*

## Scottish Executive Question Time

**The Deputy Presiding Officer (Elaine Smith):** Good afternoon. The first item of business this afternoon is themed question time. In order to get in as many members as possible, I would prefer short and succinct questions and, of course, answers to match.

### Infrastructure and Capital Investment

#### Transport Scotland (Capital Infrastructure Projects)

**1. Jim Eadie (Edinburgh Southern) (SNP):** To ask the Scottish Executive what discussions it has had with Transport Scotland regarding capital infrastructure projects. (S4O-00122)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** As Transport Scotland is part of the Scottish Government, we have regular discussions with that agency about capital infrastructure projects.

**Jim Eadie:** Does the cabinet secretary recognise that the people of Edinburgh have lost all faith and confidence in the trams project and that they are deeply concerned that the financial viability of Europe's best bus company—Lothian Buses—will be put at risk by a truncated tramline? Will he commit to using all his influence with Transport Scotland to ensure that it is satisfied that the business case for the line going to St Andrew's square is robust, so that the good people of our great capital city can once again have confidence that transport projects will be delivered on time and within budget?

**Alex Neil:** The delivery of the project is and always has been the responsibility of the City of Edinburgh Council. We recognise the complexities and difficult circumstances that the council has faced as it has sought to make the right decisions for the people of Edinburgh. The Scottish Government will now fully consider all the factors in the council's revised proposals before it makes any further decisions. Those proposals will be considered on their merits.

**Kezia Dugdale (Lothian) (Lab):** The minister will remember that, before the recess, I called for a public inquiry into the trams project and the First Minister agreed to that. When will the inquiry be established and who will lead it?

**Alex Neil:** We have already said that there will be a public inquiry into the trams project—the First

Minister has confirmed that—but we will decide the remit and timetable for and the composition of that inquiry at a later date. The important priority is to try to get the project back on track—if members will pardon the pun—to ensure that it is delivered and finalised in the best way possible.

**Chic Brodie (South Scotland) (SNP):** What plans does the Scottish Government have to support the Ayrshire ports and Prestwick airport to secure facilities that will assist growth in the renewables industry?

**Alex Neil:** As the member knows, my colleague Mr Swinney has been working with him and others particularly on Prestwick airport and the need to expand all aspects of the diversification of jobs in the area. We will endeavour to give whatever support we possibly can to Prestwick airport, the surrounding area and the Ayrshire ports to ensure that they are developed to their full economic potential.

#### **Clyde Maritime Rescue Co-ordination Centre (Closure)**

**2. Stuart McMillan (West Scotland) (SNP):** To ask the Scottish Government what it considers the impact will be on ferry services and regeneration in the west of Scotland of the proposal to close the Clyde maritime rescue co-ordination centre. (S40-00123)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** We have made it clear, as have many others, that the United Kingdom Government's initial proposals to restructure the coastguard's maritime rescue co-ordination centres around the UK were not well thought through. We will formally respond to the Maritime and Coastguard Agency's revised proposals by its deadline of 6 October. Our response will reflect strong local concerns about the proposal to close the Clyde MRCC, including about the potential impact of the loss of local knowledge and expertise on the safety of all mariners and industries in the area.

Notwithstanding the UK Government's proposed cuts, we continue to invest in regeneration in the area. Since 2007, the urban regeneration company Riverside Inverclyde has received funding of £25.2 million from the Scottish Government, including £2.3 million in the current year.

**Stuart McMillan:** I thank the cabinet secretary for that answer. I was happy to hear his comments on the understanding and the local knowledge that the first-class staff have and the point that, if that local knowledge goes, it will put added pressure on the people in Stornoway and Belfast who have to undertake the work. Does the cabinet secretary therefore agree that the Scottish Government and

the cross-party supporters of maintaining the Clyde MRCC should highlight the point about local knowledge in the strongest possible terms, with regard to both continuing that facility and making the point that, if that facility were to close, there would be a threat to investor confidence in the west coast of Scotland, which has high-volume ferry routes from Gourock and half of Scotland's marinas?

**Alex Neil:** I agree entirely with the fair and substantive points made by Stuart McMillan, and I hope that members on every side of the chamber will join us in making it clear to the United Kingdom Government that the proposals are totally unacceptable and pose real questions about the future of maritime safety and facilities. We will be very robust in our response and I am happy to incorporate all the points that Stuart McMillan made, which I am sure are shared across the chamber.

**David Stewart (Highlands and Islands) (Lab):** Is the minister aware that the new Argyll Ferries service from Gourock to Dunoon no longer holds a defibrillator on board? As the minister will be aware, for those suffering a heart attack a defibrillator means the difference between life and death. Will the minister raise the issue with Argyll Ferries and make a defibrillator a standard contract issue on all new contracts for ferry services issued by the Scottish Government?

**Alex Neil:** David Stewart makes a fair point and I am happy to raise the issue to see what can be done to rectify the situation.

#### **New Social Housing (Subsidies)**

**3. John Pentland (Motherwell and Wishaw) (Lab):** To ask the Scottish Executive what consideration it gives to the impact of lower subsidies for new social housing in areas of high deprivation. (S40-00124)

**The Minister for Housing and Transport (Keith Brown):** In 2011-12, all bids to the new innovation and investment fund are being assessed in line with strategic priorities identified by each local authority. That will ensure that investment is targeted at the areas in most need. Although all projects are also being assessed against a benchmark of £40,000 per unit, we will retain the flexibility to consider higher subsidy in special circumstances.

**John Pentland:** A combination of low house prices, difficult land issues, high levels of poverty and reliance on housing benefit will leave some areas that are already suffering badly in the same situation for years. Raising borrowing and therefore rent will be difficult, and introducing mid-market rents will not be achievable as a solution in those areas. Is it not the case that the cut in

subsidy for social housing will undermine the delivery of regeneration for some of our most deprived areas?

**Keith Brown:** It is necessary to recognise the source of the cut in subsidy to which the member refers: the previous Chief Secretary to the Treasury left office saying that there was no money left. We have had to absorb the costs of substantial cuts—around 40 per cent in capital in the next four years. We cannot hide from that fact. We cannot create money, nor, under current circumstances, can we borrow more.

What we have done is apply the benchmark because we realise that it can bring far more housing on to the market, whether that is for social rented purposes or otherwise. It is encouraging to see that under the innovation and investment fund there is no shortage of registered social landlords, councils for council housing or other providers coming forward given the levels of subsidy. As I said, we also retain some flexibility in how the benchmark is applied.

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** Is the minister aware that, according to calculations by Shelter, only 1,500 of the 6,000 affordable homes to be built this year are social rented homes? Is the minister concerned about that, and will he ensure that via the spending review far more social rented houses will be built in subsequent years?

**Keith Brown:** Of course, part of the commitment is for 5,000 new council houses, which transforms the council house building programme in Scotland. There had not been council house building before the 2007 to 2011 Government; 5,000 homes—1,000 a year—are there already.

We are confident that we will attain the 6,000 affordable housing completions that we have said that we will try to attain each year over the next five years. I am not saying that that is an easy target to achieve, but we are determined that we should achieve it. As I said, we have had substantial encouragement that we can achieve it from those who have bid under the different tranches of the innovation and investment fund. Shelter has made its point known—I have spoken to it since it made that point and I will continue to talk—but we are confident that we can achieve 6,000 affordable housing completions each year for the next five years.

#### **Private Rented Housing (Support)**

**4. Ken Macintosh (Eastwood) (Lab):** To ask the Scottish Executive how it supports private rented housing. (S4O-00125)

**The Minister for Housing and Transport (Keith Brown):** The Scottish Government is

committed to improving standards and encouraging growth in the sector. We support the improvement of private rented housing by providing local authorities with the resources and powers to tackle poor landlords and property condition; by involving private landlords in the development of policy for the sector in Scotland; and by talking to the United Kingdom Government and others about creating the conditions for growth.

**Ken Macintosh:** Does the minister recognise that among the many difficulties that face housing in Scotland are the many problems that are faced by first-time buyers? In particular, for young couples who want to buy their first home in areas such as East Renfrewshire, where house prices are extremely high, getting a 20 per cent deposit—which is often required these days—is well nigh impossible. Does the minister agree that private lets can provide one way for those families to get a nice home and to get established in family life? Is he collecting information on that sector and what is he doing to support it?

**Keith Brown:** If I picked the member up correctly, he is talking about giving people both the chance to own their homes and the chance to rent within the private rented sector. We have recently provided support to Homes for Scotland to look at a mortgage guarantee scheme that can help to bridge the gap. As the member says, banks and lending institutions sometimes ask for a 20 per cent deposit for an 80 per cent mortgage, which we think is wrong, especially when it is obvious that the applicants can afford a higher monthly payment than they would pay on an 80 per cent mortgage. The idea behind the mortgage guarantee scheme is that we make up the difference—something that was previously done by the markets, sometimes at a premium. In addition, we are working with several private sector developers—Tweed Homes in the Borders comes to mind—so that somebody can move into private rented accommodation at an affordable level and can, over time, pay additional moneys through their rent, which are put aside for a deposit and topped up by 50 per cent by the developer after five years.

A number of such schemes are on the go just now and more are coming forward through the innovation and investment fund. We will continue to support the sector. As the member has identified, the biggest problem is the failure of lending institutions to make the money available. They talk a good game in terms of mortgage offers, but they are not following through.

### **Housing Benefit Reforms (Access to Social Rented Housing)**

**5. Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government what it considers the impact of the United Kingdom Government's proposed housing benefit reforms will be on access to social rented housing in Scotland. (S4O-00126)

**The Minister for Housing and Transport (Keith Brown):** We expect the United Kingdom Government's reforms to impact in two ways. First, some claimants will no longer be able to afford to stay in the private sector, leading to an increase in applications to social housing waiting lists. Secondly, restricting housing benefit for those who are underoccupying social housing will lead to more households seeking to move to smaller homes. That could lead to a significant shortage in the availability of one-bedroom properties, longer waiting lists for social housing and increased dependency on temporary accommodation.

**Linda Fabiani:** Does the minister share my concerns, as informed by the Scottish Federation of Housing Associations, that although we are trying to protect people in the social rented sector, the housing benefit cap, as discussed, will have adverse effects on those who live alone and the stopping of the payment of housing benefit directly to registered social landlords will have an impact on the income of those landlords?

**Keith Brown:** As I said, I recognise the disbenefits that there will be as a result of the UK Government's moves in this area. I reassure the member that I met the Minister for Housing and Local Government from Westminster in London a couple of days ago and made those points to him. Although we have made the same points to the UK Government a number of times, we will write to reinforce them following my meeting with the minister this week.

**Jim Hume (South Scotland) (LD):** One of the main barriers to access to social rented housing is supply. Last week, our own Government figures stated that there has been a drop of 8.3 per cent in the building of new housing association houses in the past six months. Given the Government's pledge to provide 6,000 affordable homes each year, with full knowledge of its budget, is the minister now willing to admit that that promise simply will not be kept?

**Keith Brown:** I have to assume that the member has full knowledge of the United Kingdom Government's budget as well. As I said, if we apply a 40 per cent cut to the capital budget of the Scottish Government, it will have consequences.

The first number that the member mentioned related, I think, to private sector new starts. Our figure of 6,000 homes includes a mix of different

tenures; we are not promoting one tenure over another. It would be useful if Mr Hume was to make representations on our behalf to the UK Government to say, "This is the wrong cut at the wrong time. If you invest in housing and transport, you employ far more people. They pay tax instead of receiving benefits, and we can create economic assets for the future of the country." That would be more productive than having a go at the Scottish Government because of the consequences of UK Government cuts.

**Lewis Macdonald (North East Scotland) (Lab):** Does the minister recognise that the housing benefit changes could also weaken the position of tenants dealing with unscrupulous private landlords, who will adjust their rents in line with what the UK Government has indicated? Will he therefore, if necessary, issue further guidance to local authorities about their duties in regard to the inspection of private landlords and ensuring that tenants are getting a fair deal?

**Keith Brown:** Yes. As the member says, that is the responsibility of local authorities. We are in dialogue with local authorities and are working closely with them. I am aware of the danger that he mentions and will continue to have that dialogue.

### **Strathclyde Partnership for Transport (Meetings)**

**6. Sandra White (Glasgow Kelvin) (SNP):** To ask the Scottish Government when it last met with Strathclyde partnership for transport and what issues were discussed. (S4O-00127)

**The Minister for Housing and Transport (Keith Brown):** I met Strathclyde partnership for transport last week and discussed a wide range of issues informally. The member will be interested to hear that that involved an examination of the Glasgow subway—at around 1 o'clock in the morning—including a walk through a section of the subway tunnels.

**Sandra White:** I am pleased to hear that the subway is open at a decent hour for the people of Glasgow and beyond.

I do not know whether the minister is aware of the legislation that means that SPT pays for bus infrastructure and park-and-ride facilities, the benefits of which are accrued by the private sector. I find that quite hard to believe, but I was told about it last week at a meeting with SPT. Will the minister look at that legislation with a view to amending it?

**Keith Brown:** I should perhaps reassure the member that the service had stopped at the time I was going through the tunnels. It stops late at night, which is why we left it until the early morning.

What SPT does may well result in a benefit to the private sector and private operators, such as bus operators, but it also results in substantial public benefits. I am happy to consider the issue, but it is worth bearing in mind that all the things that SPT should be doing will result in benefit to the travelling public, even if it also sometimes benefits private operators. I will consider the issue.

### **Forth Replacement Crossing**

**7. Colin Keir (Edinburgh Western) (SNP):** To ask the Scottish Government what steps it is taking to ensure that the Forth replacement crossing will be built on time and on budget. (S4O-00128)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** The Forth replacement crossing is on budget and on schedule to open to traffic in 2016. We have ensured that robust project governance structures have been put in place that reflect industry best practice and build on the principles deployed to deliver the M74 and the M80 projects so successfully, both of which finished under budget and well ahead of time.

**Colin Keir:** The minister will be aware that communities in my constituency, such as South Queensferry, will be affected by the construction process. Will he outline what steps will be taken to alleviate disruption for communities during the construction phase?

**Alex Neil:** All Forth replacement crossing works will be carried out in line with the code of construction practice that was developed through the Forth Crossing Bill process. A traffic management working group, a marine liaison group, a noise liaison group and an environmental working group have been put in place to ensure that the contractors carry out the works using the best practical means to minimise impact on local communities and the road network.

In addition, community forums took place in June and August with participation of the community councils and other organised resident groups, to ensure that communities are aware in advance of the commencement of any works that may affect them.

## **Culture and External Affairs**

### **European Commission Officials (Meetings)**

**1. Helen Eadie (Cowdenbeath) (Lab):** To ask the Scottish Executive whether it has held discussions with European Commission officials or other member states regarding proposals for Scottish independence. (S4O-00132)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The Government has regular contact with Commission officials and other member states, which concern a range of issues. It is not customary to divulge the content of those or any other official discussions. More specifically, I can tell the member that on 17 August I addressed more than 30 members of the consular corps based in Edinburgh, to set out the Government's aims and ambitions.

**Helen Eadie:** The Government will be aware that it is obligatory for all new members of the European Union to join the euro. Given that that would have a major impact on the whole Scottish economy, will the cabinet secretary divulge what discussions she has had with anyone, be it at Confederation of British Industry level, European Commission level or elsewhere, about the difficulties that Scotland would have in negotiating as a new member of the EU?

**Fiona Hyslop:** It is quite clear, as is set out in our white paper of November 2009, that Scotland would be a continuing member of the European Union. As such, I think that the points that the member raised are superfluous.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** In the cabinet secretary's discussions with bodies furth of Scotland, has mention been made of recent indications of Scottish public opinion on independence?

**Fiona Hyslop:** There is certainly renewed interest in Scotland, our constitutional future and the prospect of independence. Of course, the discussions that I had took place before this week's opinion poll, which shows public support for independence at 39 per cent, as opposed to 38 per cent against, which I think will increase interest in Scotland's prospects.

### **European Council (Discussions with United Kingdom Ministers)**

**2. Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Executive what discussions it has had with UK ministers regarding enhancing Scotland's influence at European Council level. (S4O-00133)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The Scottish Government has on-going engagement with UK ministers, which includes discussions about enhancing Scotland's influence at European Union level. I refer to my earlier reply to Helen Eadie, but I reassure the member that I have raised the issue at the joint ministerial committee on Europe and that we have sent UK ministers our proposals for a statutory right of attendance at Council meetings

at which devolved issues are discussed, through amendment to the Scotland Bill.

**Liam McArthur:** I am conscious that we will have time to discuss the matter in more detail during this afternoon's debate. Nevertheless, the cabinet secretary referred to the proposal for a statutory right of attendance in UK delegations, which is absent from the Government's motion for the debate. Will she say whether she supports a similar statutory right for Welsh and Northern Irish ministers?

**Fiona Hyslop:** We will have an opportunity to discuss the strengthening of Scotland's role in Europe in the debate later today. The Scottish Government's preference is for a statutory right. I have received support for our position from the Northern Irish, who of course are watching to see what happens with our proposal. In the past the Liberal Democrats supported such an approach and I hope that they can bring themselves to do so in the months ahead.

**Colin Keir (Edinburgh Western) (SNP):** What response has the cabinet secretary had on enhancing Scotland's influence in the European Council?

**Fiona Hyslop:** We issued our paper to the UK Government on 8 August and have yet to receive a reply—I think that the UK Government will reply to all requests from the Scottish Government in a package. We continue to engage in a positive way. This afternoon, John Swinney and Bruce Crawford will meet the Secretary of State for Scotland to talk about taking forward improvements to the Scotland Bill.

**Jamie McGrigor (Highlands and Islands) (Con):** Does the cabinet secretary agree that arrangements for the attendance of Scottish ministers at European Union meetings are already in place? Has she not therefore all but admitted that the amendment to the Scotland Bill on the matter, which was one of Alex Salmond's six demands, is totally unnecessary?

**Fiona Hyslop:** That is just nonsense. Arrangements are in place and we welcome an improvement under the new UK Government. However, warm words are not borne out by actions and since the UK Government came into power there has been a refusal to allow Scottish Government ministers to attend Council. The issue is very much live and has yet to be resolved, but with the support of members of the Scottish Parliament I think that we can collectively try to persuade the UK Government to remedy the situation.

### Museums and Galleries Strategy

**3. Margaret McCulloch (Central Scotland) (Lab):** To ask the Scottish Executive when it

plans to publish a new strategy for museums and galleries. (S4O-00134)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** I will be launching a consultation exercise on the draft national strategy in the next few weeks.

I would like to take this opportunity to congratulate the national museum on reaching half a million visitors since its reopening.

**Margaret McCulloch:** I commend to the cabinet secretary the national museum of rural life in East Kilbride, which I had the pleasure of visiting over the summer recess. Very particular skills are required to maintain collections in specialist museums, not only in agricultural museums but in mining and industrial museums. Will the cabinet secretary ensure that the museums and galleries strategy takes full account of the skills, needs and requirements of the sector?

**Fiona Hyslop:** That is a good point. That is why we need to bring all the museums and galleries together to reflect on the strategy and take the area forward. The learning that can happen across the sector will be very important, for precisely the points that the member makes.

**Clare Adamson (Central Scotland) (SNP):** Will the cabinet secretary join me in congratulating North Lanarkshire Council and South Lanarkshire Council on maximising the exposure of museums and galleries to visitors during the recent international children's games, which included a visit to Summerlee museum of Scottish industrial life in Coatbridge?

**Fiona Hyslop:** Yes. I congratulate North Lanarkshire Council and South Lanarkshire Council in that regard. This year's international children's games—the 45th—were the first to be hosted in Scotland and I think that it is fantastic that the delegates had the chance to visit a number of museums in the area. Well done to the councils, and well done to all the participants in the games.

### Malawi (Aid Funding)

**4. Maureen Watt (Aberdeen South and North Kincardine) (SNP):** To ask the Scottish Government, in light of its international development spending in Malawi, what discussions it has had with the United Kingdom Government regarding aid funding for projects in that country. (S4O-00135)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** On 10 June 2011, I met Andrew Mitchell, the Secretary of State for International Development, and reiterated Scotland's commitment to the people of Malawi. There was solid agreement at the meeting that

interventions that are channelled through Scottish non-governmental organisations should continue to be directed for the benefit of people in Malawi. Scottish Government funding goes directly to Scotland-based charities working with local partner organisations in Malawi.

**Maureen Watt:** Given that the UK Government has severed its funding to the Government of Malawi and has stated its intention to directly fund projects in that country, does the cabinet secretary believe that Scottish NGOs that are already operating in the country have an important role to play in stepping in to ensure that much-needed projects in Malawi continue?

**Fiona Hyslop:** Clearly, that would be a matter for the Department for International Development. We remain in close contact with the department, but Andrew Mitchell was interested in the work of Scottish NGOs when he visited in the summer and I am sure that he will have taken on board the points that were made to him by the cross-party group and the Malawi partnership that he met at that time.

#### Visual Arts Promotion (Aberdeen)

**5. Richard Baker (North East Scotland) (Lab):** To ask the Scottish Executive what action it is taking to support the promotion of the visual arts in Aberdeen. (S4O-00136)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** Aberdeen has a thriving arts scene which is supported in a number of ways. The Scottish Government pursues its aims for the visual arts through working with our partners Creative Scotland and Museums Galleries Scotland, and through supporting the work of higher and further education institutions.

**Richard Baker:** The cabinet secretary might be aware of Peacock Visual Arts in Aberdeen. It secured funding from the Arts Council for an exciting new art centre in Aberdeen's Union Terrace gardens, but those plans have not been able to go ahead due to a proposal to create a city square there.

Can the Cabinet Secretary assure me that the Scottish Government and Creative Scotland will actively assist Peacock so that a new proposal can be progressed for a new contemporary art centre that would benefit the city economically and culturally?

**Fiona Hyslop:** I hope that the member understands that, as any planning applications for that site would come before Scottish Government ministers, it would not be appropriate for me to comment on the merits of any proposals at this time. What I can say is that Peacock Visual Arts has recently undergone a review as part of Creative Scotland's foundation organisation

review, and I can confirm that Creative Scotland is continuing funding for the organisation this year at a rate of £262,000.

#### Edinburgh Festivals (Support)

**6. Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government how it supports the Edinburgh festivals and how it will help them to increase their international appeal. (S4O-00137)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The Scottish Government has demonstrated its commitment to the festivals through the hugely successful Edinburgh festivals expo fund, which has invested £8 million over four years to enable new talent and creativity to flourish.

Our cultural connections with other countries are a key part of relationship building and raising our profile internationally. Each year, Edinburgh continues to welcome international delegations during the festivals. This year, I met representatives from South Korea, South Africa, Brazil, India, China, Russia, Australia, Germany and Ireland.

Throughout the festival, I undertook briefings and interviews with a wide range of international media outlets. I also hosted a successful international media briefing, alongside Festivals Edinburgh, to promote and raise the profile of not only the Edinburgh festivals but Scotland to a wider audience.

**Gordon MacDonald:** I thank the minister for her answer and for her continued support of the Edinburgh festivals. Can she detail the economic impact of the 12 major festivals on the local economy?

**Fiona Hyslop:** I understand that there was a briefing last night by the Edinburgh international festivals to confirm the thorough economic impact study that was conducted. It showed that £261 million was generated for Scotland, of which £245 million was for Edinburgh.

**Alison Johnstone (Lothian) (Green):** Is the minister aware of the current threat to the much-loved and well-used arts venue, the Forest, in Edinburgh city centre? Would she be prepared to meet representatives of the Forest as they work to secure a long-term home?

**Fiona Hyslop:** The Forest fringe hosted another eclectic programme during the August period and I understand that the venue is in the process of fundraising. I would be happy to let the member know who it might be most appropriate for Forest representatives to meet at this stage of their fundraising efforts, and if it is appropriate for me to meet them that would also be a step forward.

Marco Biagi has also raised the issue with me, but it might be helpful to find out who it would be most appropriate to meet, particularly at this early stage, which I think involves a fundraising effort.

### Edinburgh International Film Festival

**7. Sarah Boyack (Lothian) (Lab):** To ask the Scottish Executive what action it will take to ensure the financial viability of the Edinburgh international film festival. (S4O-00138)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The Edinburgh international film festival is an integral part of Edinburgh's festival programme. Over the past four years the Scottish Government has supported the festival through Creative Scotland and the expo fund, this year awarding £100,000 towards the cost of workshops for nurturing young talent and honing skills and expertise. The Centre for the Moving Image, EIFF's parent organisation, has recently undergone a review as part of Creative Scotland's foundation organisation review. Creative Scotland is continuing funding for the organisation, amounting to £400,000 this year.

**Sarah Boyack:** Is the cabinet secretary not worried by the loss of sponsorship from Standard Life and, most recently, the British Film Institute? She accepts the importance of the film festival, but does she acknowledge the concerns about its long-term viability and stature? Will she step in and act to ensure that we have a viable film festival in Edinburgh and that it retains its premier status?

**Fiona Hyslop:** We most definitely have a viable film festival. The UK Film Council had a three-year funding package that ran out on 1 April 2011. The United Kingdom Government then abolished the United Kingdom Film Council and transferred the responsibilities to the British Film Institute, which is currently working with Creative Scotland to consider support for films and film festivals outside London. I met the director of the British Film Institute on 14 March and I have made representations for the continued support of the film festival.

### Joint Ministerial Committee (Meeting)

**8. James Kelly (Rutherglen) (Lab):** To ask the Scottish Executive when the next meeting of the joint ministerial committee will take place. (S4O-00139)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The next meeting of the joint ministerial committee Europe will take place on 10 October.

**James Kelly:** Has the Government indicated the specific amendments it intends to bring forward to the Scotland Bill or is it simply a list of

aspirations from the Scottish National Party shopping list, backed up neither by policy detail nor by evidence?

**Fiona Hyslop:** I am more than happy to send the member a copy of the document I sent to the United Kingdom Government on 8 August on European representation, which we are about to debate.

I reassure James Kelly that, at the most recent JMC Europe meeting, I made suggestions and representations about better representation. After I expressed concern about problems at the first JMC Europe meeting, in June last year, William Hague wrote to his colleagues to encourage them to look favourably on representations from devolved Administrations about not only attending but speaking at council meetings. We have been consistent and persistent on the matter, and I am more than happy to send James Kelly the relevant document.

**Paul Wheelhouse (South Scotland) (SNP):** Have the Scottish ministers used opportunities in the joint ministerial committee to propose alternatives to the UK Government's economic proposals?

**Fiona Hyslop:** Indeed. At the most recent JMC plenary meeting, in June this year, the First Minister called on the UK Government to address the importance of having an alternative—a plan B—or at least to demonstrate flexibility in its economic strategy. Three points were raised: the need for capital investment; the need for access to finance for businesses; and the need to enhance consumer confidence by prioritising growth and employment security.

### European Union (Scotland's Representation)

**9. Aileen McLeod (South Scotland) (SNP):** To ask the Scottish Government what action it is taking to strengthen Scotland's representation in EU negotiations and discussions. (S4O-00140)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The Scottish Government proposes an amendment to the Scotland Bill that would establish a statutory right for the Scottish Government to attend European Council meetings when devolved issues are being discussed. As I said to James Kelly, the paper to support that amendment was sent to the United Kingdom Government on 8 August. The Scottish Government will also seek the Scottish Parliament's agreement this afternoon on the need to strengthen Scotland's representation in principle.

**Aileen McLeod:** I look forward to this afternoon's debate. Does the cabinet secretary agree that, given that the Treaty on European Union has since 1993 provided for ministers from



devolved Governments to lead their national delegations in the Council of Ministers, the Scottish Government's proposed amendment to the Scotland Bill to create a statutory right to attend Council meetings when devolved matters are being discussed would simply give the Scottish Government parity with similar Administrations across the EU?

**Fiona Hyslop:** There are of course numerous examples of member state delegations that comprise national member state ministers and ministers from federal or devolved Administrations, who each use their respective expertise to speak to the agreed member state position. Those examples demonstrate the added value of drawing on expertise wherever it sits in a member state. Aileen McLeod's point is well made.

### **Digital Arts (Support)**

**10. Annabelle Ewing (Mid Scotland and Fife) (SNP):** To ask the Scottish Government how it supports the creative digital arts. (S4O-00141)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** "Growth, Talent, Ambition—the Government's Strategy for the Creative Industries", which was published in March, sets out how the public sector is working to support the creative industries. Public sector support for the creative digital arts is provided through Creative Scotland, Scottish Enterprise and Highlands and Islands Enterprise.

In August, I announced a £1.4 million package for the creative edge initiative to provide training to the television and digital media sector. That programme is a partnership between TRC Media, Channel 4, Creative Scotland and Scottish Enterprise.

**Annabelle Ewing:** Will the new digital strategy have an impact on the creative digital arts industry? Will the cabinet secretary confirm that the exciting proposals for the year of creative Scotland in 2012, which were published in the Government's legislative programme yesterday, will include the creative digital arts industry as well as the more traditional creative arts industries?

**Fiona Hyslop:** We very much look forward to the year of creative Scotland in 2012. Annabelle Ewing is right to identify that "Scotland's Digital Future", which was published in February, will also provide opportunities to support creativity in the digital arts and help to drive the participation that we need in the sector.

Scotland is at the leading edge, particularly in the gaming sector. In terms of our contribution, we punch above our weight. The Scottish Government has invested in the University of Abertay Dundee and there are very exciting developments among its products. I look forward

to showcasing that in the year of creative Scotland.

## Police and Fire Reform

### **The Deputy Presiding Officer (Elaine Smith):**

The next item of business is a statement by Kenny MacAskill on police and fire reform. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:54

**The Cabinet Secretary for Justice (Kenny MacAskill):** The Government has made real progress in building safer and stronger communities. Crime is now at a 35-year low and detection rates are improving, helped by the 1,000 additional police officers that we have put into communities. In the past decade, significant steps have been taken to improve fire safety. That success is under threat from cuts by the Westminster Government, but the Scottish Government will not sacrifice those hard-won gains. The reforms that I will set out give us the best possible chance of protecting what we value the most and of keeping Scotland safe and strong.

The reform is made against the backdrop of those Westminster cuts, but it is also the right thing to do. With less money to spend, we need to ensure that there is no decline in the level of services that our communities receive. Any nation has to evolve and change if its services are to be fit for the future. The current structures date from 1975, which was before the internet, mobile phones and any number of measures that have allowed us to steadily reduce criminality. However, crime will always be with us and people will always want to feel safe in their daily lives, so we need a structure that suits the world as it is today.

Yesterday, the First Minister set out the programme for government, which is an ambitious programme that has at its heart the creation of a new single Scottish police service and a new single fire and rescue service. The reasons for that course of action lie in the Christie commission report, which studied how our public services could be adapted to modern needs while retaining our social democratic values. The report and the ideas that lie behind it have been recognised across the public sector. The reforms will mean that we can protect and enhance police and fire and rescue services for all communities, urban and rural; sustain those services for the long term; and strengthen governance and accountability. That is ambitious, and we will depend on the professionalism, experience, knowledge and skills of the people in the services.

I recognise the powerful message that has been sent out by Chief Constable Kevin Smith, who will lead the reform on behalf of the police service as

the president of the Association of Chief Police Officers in Scotland. Yesterday, he said:

“As the leaders of the service we are now firmly behind that decision and it is our responsibility, our duty, along with the Scottish Government, to make this work for the people of Scotland and the men and women of the Scottish Police Service.”

I know that people in the services will, as Chief Constable Smith has done, rise to the challenge and shape and deliver new services of which we can be proud and which build on our existing strengths. In the police service, ACPOS, the Association of Scottish Police Superintendents, the Scottish Police Federation, the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency are looking forward, not back, and are determined to work constructively with Government to deliver an effective and efficient new Scottish police service. In fire and rescue, all eight chief fire officers and the Fire Brigades Union are looking forward, not back.

I know that the journey is at times challenging—change is always a tough call—but it is a journey that the whole of Scotland is on. The Convention of Scottish Local Authorities faces the same challenges as the rest of us face in delivering good services with less money and it has its own concerns. I trust that, together, we can deliver the change as smoothly as possible. I welcome the constructive approach of all the agencies that are involved.

The status quo is not sustainable. We cannot afford to keep doing things eight times over. To do nothing would mean going down the route that has been taken south of the border, where there is no alternative strategy, leading to massive reductions in police numbers and an attack on terms and conditions. The arguments for a regional model did not stack up. It would have been cumbersome and bureaucratic and would not have delivered the same benefits as a single service will—the worst of both worlds. That left the single service option as the best way forward.

We have not taken the decision lightly. It was taken after sustained dialogue with stakeholders and partners in every part of Scotland; after thorough and sustained engagement with people at all levels in the services and with councils and the public; after thorough consideration of all the available evidence; after learning from what others have done, including through an international summit on policing; after a consultation that showed no clear consensus, but which showed strong support for reform; and after the electorate voted overwhelmingly in the Scottish Parliament elections in favour of reforming services.

Over the summer, my colleague Roseanna Cunningham and I went around Scotland, visiting every police force and fire service and discussing

the issues with officers and staff at all levels. We saw the diverse best of Scottish policing and fire and rescue, including local services, specialist support for responding to serious threats and genuine engagement with communities. Single services will safeguard and improve all of that.

Some people have expressed legitimate concerns about single services, centralisation, governance and accountability, each of which will be addressed in our proposals.

For a start, centralisation will not happen. We will improve local services and strengthen links with communities; reduce costs and overheads; eliminate duplication, ensuring things are done once, not eight times over; deliver some services in different, more effective and efficient ways; and provide what is needed and maintain the visible presence of services in every part of Scotland.

On accountability, we will create a strong formal relationship between each of our 32 councils and the services. A designated local officer will have significant delegated authority to work with the council and other partners on shaping and delivering services. At present, only 146 of the 1,222 councillors in Scotland have a formal role in the governance of services and under our proposals that number will increase significantly as more elected members have a say. Local services will continue to be delivered within a flexible national framework.

On national governance, legitimate concerns were expressed, particularly in relation to policing. However, there will be no political interference. We will ensure clear separation between ministers and the services by establishing new independent bodies to hold the chief constable and chief fire officer to account and, crucially, ministers will not be able to give instructions to the services on operational matters. The Lord Advocate will retain his crucial role in overseeing the investigation of crime and ensuring the independence and impartiality that we need in a democratic society.

We depend on the people who work in the police and fire and rescue services in countless ways. They are one of our most important assets and we need to protect them. Existing staff and officers will move to the new organisations when they go live and terms and conditions will be protected at the point of transfer.

Single services are the best option to ensure that our communities remain safe and strong. Last week, at a summit convened by the Scottish Government, we heard from six countries where single services work effectively and a seventh where a single service is imminent. This Government is ambitious for Scotland. If Denmark, Finland, Ireland, Luxembourg, Northern Ireland

and Norway can have successful single services, so can Scotland.

Today, I am publishing a further consultation paper that sets out proposals for how the new single Scottish services will work in practice and which seeks views on the detailed legislative provisions that we will bring forward to Parliament. The reform of police and fire and rescue services means that we will be able to save £130 million a year while maintaining the visible presence in our communities that has resulted in crime rates at a 35-year low and fire deaths that are almost 50 per cent lower than they were a decade ago. I give a clear commitment today that we will refine those proposals and develop the detail with a range of partners, including local government, over the coming months.

Reform is needed to maintain the excellent services that the people of Scotland receive from our police and fire and rescue services. Our proposals give us the best chance of protecting and improving the crucial community-based police and fire and rescue services that are so valued in and so essential to our communities. Our proposals will sustain local services, strengthen the connections between the services and the communities they serve, and enhance national governance.

I note the broad support for single services across this Parliament and welcome the opportunity to answer any questions that members might have.

**The Deputy Presiding Officer:** The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions. The questions are somewhat oversubscribed, so it would be helpful if questions and answers were as succinct as possible.

**Johann Lamont (Glasgow Pollok) (Lab):** The cabinet secretary indicated that the last reorganisation pre-dated mobile phones. Sadly, although we now live in a mobile phone world, I am incapable of working out how to switch my phone off, so I apologise for what looked like discourtesy in dashing from the chamber—it was, in fact, simply idiocy, for which I apologise to the chamber.

I thank the cabinet secretary for his statement and welcome the fact that he has now confirmed what his planned approach is. I am sure that he will acknowledge that Labour's position has been to argue strongly in favour of single police and fire services. I therefore think that we must be concerned about the continuing level of uncertainty and anxiety among the broader public, which was revealed in a poll that was published yesterday. It showed that, at this stage, a majority

are against the proposal, although, curiously, Liberal Democrat voters are less hostile to it than any other voters—I am not sure where that takes us.

I mention that because I want to stress to the cabinet secretary the importance of telling us not only what he will do but how it will be done. If I have a regret about his statement, it is that that detail is lacking, because we need detail on how he proposes to manage services during the transition period and how we will keep people safe under the new structures.

In particular, what is the timescale for the establishment of these services? Will the cabinet secretary identify in more detail—I think that this goes beyond officer level—how local accountability and community responsiveness can be developed? In the light of the information in the draft business case, which has concerned the FBU in particular, that there are cuts of £35 million in the budget for firefighters, will he confirm that front-line police and firefighter numbers will be sustained at current levels? If so, how will that be funded?

**Kenny MacAskill:** Obviously, the funding issues will be subject to comment by my colleague the Cabinet Secretary for Finance, Employment and Sustainable Growth in the spending review. However, the whole purpose of the proposal is that we think that it is essential that we introduce change, to preserve police numbers and to ensure that we preserve the integrity of the fire service in the face of these financial challenges. I welcome Labour's support for single services. I know that it is long standing, and we have now got on to the same page.

Johann Lamont raises the issue that the devil is in the detail. We have made clear today the direction of travel: there will be single services. However, we still have to drill down into the detail of some issues and flesh out the proposals. There are various options, which is why there is a further consultation on the detail. We will work in conjunction with partners in fire and rescue, in the police and in other political parties in the chamber and, indeed, in local government to ensure that we consider the options. For example, there are various options in relation to the national board of governance for the police authority. The board could be similar to the Judicial Appointments Board for Scotland. Equally, the Scottish Police Federation has suggested that some members should be elected. We are happy to discuss the issue with all those partners and work out what we think is best.

Similarly, responsibility for police complaints could go to Her Majesty's inspectorate of constabulary for Scotland, or to an expanded and enhanced Police Complaints Commissioner for

Scotland. Again, we want the best possible solution.

I give a commitment that the direction of travel is set for single services. However, some important matters still have to be described. We will discuss those matters with all partners, but decisions have to be made within a reasonably short timescale. The consultation will last for eight weeks, because we wish to bring in legislation that will get the proposal through next year.

In terms of spending, the show has to stay on the road and, as I say, we will continue to fund the services. The reason why we are making these changes is because we know the financial challenges that we face. If we do not change, the alternative is the scenario south of the border, where 32,000 officers are to be lost—2,000 to 4,000 are to be lost in Greater Manchester—and there is an attack on the terms and conditions of rank-and-file police officers through the Winsor review. This Government will not do that.

**John Lamont (Etrick, Roxburgh and Berwickshire) (Con):** I thank the cabinet secretary for providing an advance copy of his statement.

We have consistently said that, with any restructuring of the police and fire services, the priority must be to retain a visible and effective police and firefighter presence on our streets. We have also said that a system needs to be put in place to ensure that local accountability is protected and, indeed, enhanced, but I am not entirely convinced that the proposals that have been outlined today will do anything to make those services more accountable to the local people whom they serve. Does the Scottish Government think that elected police commissioners would be a way of achieving that goal?

The cabinet secretary indicated that savings of £130 million could be achieved from the reforms. What systems does the Government plan to put in place to ensure that those savings are delivered?

**Kenny MacAskill:** Those matters will be dealt with. It is essential that we make the savings to get through the challenges that we face. That is the backdrop. We have always said that we must make a virtue of necessity. Change is necessary to avoid the scenario that is being played out south of the border, but equally, in making change, we should get the best possible structures. I do not think that anyone would suggest that the political fix of 1975, whereby 49.5 per cent of the Scottish population are in one particular police or fire service area, is the ideal scenario, so we will change that arrangement and ensure that the savings are delivered.

On accountability, I know how strongly the Tories feel about elected commissioners. We are

not persuaded by that, and will not go down that route. I believe that the direction in which we are travelling will provide a greater level of accountability. Every local authority will have the opportunity to have its own police board or its own police and fire board if it so wishes. That is why our proposal is of great interest to Councillor Parker down in the Borders.

We have also had discussions with Orkney Islands Council. At present, Orkney Islands Council has two councillors on the northern joint police board, who go to the police headquarters once a year. Under the new governance structures, every councillor in Orkney will sit on the police board. The divisional commander will come to the council to provide councillors with explanations. Rather than have a situation in which police boards are not—with the exception of Strathclyde police authority—particularly well funded or resourced, councils will be able to fund and provide the backdrop and bureaucracy that will allow them to do their job. Our proposal will provide better accountability than exists at present.

**The Deputy Presiding Officer:** Before I call the next member, I reiterate that, unless we have short questions and short answers, a number of back benchers will be disappointed because I will be unable to call them.

**Roderick Campbell (North East Fife) (SNP):** I thank the cabinet secretary for his statement.

On local accountability, I welcome the fact that more councillors will have a formal role in the governance of the service than at present, but will the cabinet secretary give an assurance that, after consulting others, we will move towards the most consensual model of local accountability possible?

**Kenny MacAskill:** Yes. Some councillors have suggested that some councils may wish to share their boards. That is a matter for them. We are saying that the building block in the proposed legislation will be each constituent local authority. I give the member that guarantee. How local authorities wish to operate thereafter is a matter for them—we will not direct them on that. I give the assurance that the pyramid structure for accountability will be based on 32 individual local authorities.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** I, too, thank the cabinet secretary for his statement. I am not entirely happy with it, but he can make me a lot happier by telling me that the backroom jobs in information technology, human resources, finance and legal services, which can be carried out anywhere in the country, will be spread around Scotland. In particular, will some of those jobs be in the Highlands and Islands?

**Kenny MacAskill:** Some of those are operational matters, which ultimately will be for the chief constable and the chief fire officer—whoever they are—to determine, but I assure the member that his premise is quite correct: there is no requirement for a fandabidozi new headquarters to be built for the police or the fire service. Equally, there is clear acceptance that many of the jobs can be located anywhere in the country. I give him the assurance that we have discussed with the SPSA why it is in the best interests of Scotland and the service for some jobs to be spread around the country. I assure him that the opportunity that he seeks will be there—and will, I think, be taken—and that we will ensure that jobs in the police service and the fire and rescue service are not centralised in one place but are shared across the country, when that is appropriate.

**James Kelly (Rutherglen) (Lab):** The outline business case puts the costs of transition to a single force at £161 million. Will those costs have to be met from existing justice budget lines?

Will the cabinet secretary guarantee that the project teams that will take forward the work on single police and fire services will include people from the front line so that they can bring their undoubted expertise to developing a sustainable model?

**Kenny MacAskill:** Yes, I can give that guarantee. I do not think that I made it clear in my statement—I apologise for that—that I met Chief Constable Smith, the president of ACPOS and chief constable of Central Scotland Police, who will take the work forward. He will lead it with support from officials and will take advice from local government and political parties. The front-line expertise will come into play there.

We recognise that there is a transitional cost. I assure James Kelly that it is factored in. I also assure him that, in working out the outline business case, we examined Treasury guidelines and followed all the criteria. The numbers have been crunched and, although we realise that there is a cost to get to where we need to be, the savings thereafter will be significant. At a time of economic austerity, £130 million per annum cannot be sniffed at.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** In his statement, the cabinet secretary said that he would establish new independent bodies to hold the chief constable to account. However, the consultation document, which I have just got my hands on, says:

“the Scottish Police Authority, will ... hold the Chief Constable to account.”

What are the other independent bodies?

**Kenny MacAskill:** Every local authority will have its own police or fire board. It will be for each council to decide whether it wishes to have separate police and fire boards or an independent police and fire board. For example, Orkney Islands Council has made it clear that it always sits as a unitary council and will not have sub-committees.

The legislation will specify 32 local authority police and fire boards to which divisional commanders will be accountable and which will also be able to request the attendance of the chief constable or chief fire officer. Equally, to deal with governance and the separation of powers from the Government in St Andrew's house and from me in particular, there will be a Scottish police authority, which will hire and fire the chief constable and hold them accountable.

**Alison McInnes (North East Scotland) (LD):** I learned little from the statement, which was silent on complaints and the cost of change, disingenuous on senior officers' views, contradictory on the Christie commission, and misleading on consultation. If the cabinet secretary starts with such a catalogue of misrepresentations, how can we believe a single word of his promises for the future? Will he turn over a new leaf and enter the next, crucial phase of consultation with his ears and mind open?

**Kenny MacAskill:** I assure the member that I will. The work, particularly on the police, will be driven forward by Chief Constable Smith. It is now over to him and I am grateful to him for agreeing to lead it. Arrangements will be made in Central Scotland Police, as he will give his full time to the project. Matters will be dealt with similarly in relation to the fire and rescue service.

As I said to Johann Lamont, there is a great deal of detail still to be specified, because a lot of it is operational. My statement was about setting the political direction of travel. We have to make decisions on other aspects, and there are a variety of choices on some matters. The Government does not have a set view on those. We will be happy to listen to the views of COSLA and Opposition parties on issues such as how police complaints should be investigated and dealt with or how the board of the Scottish police authority should be constituted. We look forward to consultation and discussion on those points. Ultimately, we will vote on them here.

**Colin Keir (Edinburgh Western) (SNP):** Structures are fundamental in the debate but, ultimately, people want to be assured that service delivery is at the heart of any reform. How will communities throughout Scotland benefit from the reforms that the cabinet secretary outlined?

**Kenny MacAskill:** First, the reforms will increase local authority accountability so that the

police will be accountable in Orkney, not in Inverness, and in the Borders, not at Fettes Avenue. I believe that that enhances local accountability.

Equally, we must recognise that the world in which the police and the fire and rescue service operate has changed, not only because of the internet. The fire and rescue service needs to be able to deal with a variety of catastrophic incidents, changes in climate and, indeed, terrorism—never mind the challenges that the police face with the internet and serious fraud. We must be capable of dealing with such challenges everywhere.

At one stage, we deluded ourselves that terrorism never occurred in Scotland. Sadly, we experienced the Glasgow airport incident. There are some who sadly seem to think that terrorism might occur in Scotland but only somewhere along the M8 corridor. We cannot possibly give such an assurance, nor can we prepare only for that eventuality. We have to be able to deal with such incidents everywhere.

Scotland cannot have only one whole-time fire station in Dumfries and Galloway and one in the north when we face challenges from, for example, flooding or chemicals or other issues. To make sure that every area of Scotland, urban and rural, north and south, is given a guarantee that it will get the best protection possible, we have to have a national service so that everyone gets the same benefits.

**Graeme Pearson (South Scotland) (Lab):** I welcome the announcement about the single police force and the cabinet secretary's statement. I am sure that it was a difficult decision for him.

Although he is committed—

**The Deputy Presiding Officer:** I am afraid that I need a question.

**Graeme Pearson:** Although the cabinet secretary is committed to police staff, a number of support staff and firefighters will now have concerns. Will he be able to give them similar support?

**Kenny MacAskill:** I recognise that there is a police and fire service family, which includes those who have the office of constable and have a warrant card, and those who wear the uniform and go into fires. We recognise the service that is given, whether it is given by people who look after the office and make a cup of tea or by those who provide specialist services that only they can provide. Such matters are ultimately for the chief constable or chief officer, but the Government has a policy of no compulsory redundancies, and that is how we expect the situation to remain.

**John Finnie (Highlands and Islands) (SNP):**

Is the cabinet secretary aware of the situation in Finland, which moved to a regional model only to move to single force a short time later? Is there a lesson there for the Opposition proponents of a halfway house, regional model?

**Kenny MacAskill:** Absolutely. That was the clear lesson from Konsta Korhonen whom I was privileged to hear at the conference that we had on international policing. As promoted by some, the regional model does not make savings or provide accountability or the necessary national service. It is only a halfway house. As was shown in Finland, if we go half the way, we will quickly have to go all the way. That is why the single service is best.

**Claire Baker (Mid Scotland and Fife) (Lab):**

As I highlighted this morning, if Fife Council's proposed cut goes ahead in next year's budget, Fife Fire and Rescue Service will lose 20 front-line firefighters. If that goes ahead, I am concerned that Fife will go into a single service with one hand tied behind its back. Will the cabinet secretary say whether the transitional funding to which he referred could be used to ensure a level playing field for all fire services into the future?

**Kenny MacAskill:** I cannot comment on future transitional funding at the moment because it is subject to the spending review. My Cabinet colleague John Swinney will comment on that. As Roseanna Cunningham has said, we discussed the issue with the fire service. I spoke to local and national FBU representatives when the Cabinet went to Kirkcaldy on its summer tour. We are aware of the difficulties of the Fife situation and are working with local authority partners to make sure that we preserve the integrity of the service in Fife and elsewhere.

**Jim Eadie (Edinburgh Southern) (SNP):** The commitment to protect front-line policing in our communities and the terms and conditions of serving officers will be widely welcomed. Does the cabinet secretary agree that we need an independent scrutiny body with powers of intervention and investigation and the ability to draw matters to the attention of the Crown, as appropriate? If he creates that body, he will not only create a consensus in the chamber but build necessary public confidence across Scottish society.

**Kenny MacAskill:** Yes, I agree, and it is another reason why the proposed changes will be an improvement and give us the best possible police service. One of the arguments against moving to a regional model—indeed, one of the arguments against the current position—is that the police investigate complaints made against them. The investigation might be done by another force but it is done by the police. The new way will give

us the opportunity to ensure an entirely independent investigation, subject to the caveat that we will not replicate the bureaucracy involved in how such investigations are carried out south of the border. I assure members that investigations will be entirely independent and could go through the PCCS or HMIC. We are more than happy to discuss the issue with members or anyone else, but I assure members that the independent investigatory service will be a significant improvement on what we have now.

**The Deputy Presiding Officer:** I am going to call Margo MacDonald for the last question, but I need a very quick question and a very quick answer.

**Margo MacDonald (Lothian) (Ind):** Oh, dear—thank you. The cabinet secretary said that more elected members will have a say and instanced Orkney as an example. Those people have legitimacy because they are elected. Could not that lead to some confusion as regards operations and the general strategic direction in that part of the country? The cabinet secretary also said that there will be no political interference. How can he presume that there will be no political interference, when elected members will have the right to question the local commander?

**The Deputy Presiding Officer:** I am afraid that I need to call the cabinet secretary to answer now.

**Margo MacDonald:** Okay. Can he also say who is going to tell the chief officer where to stop?

**Kenny MacAskill:** Neither at the level of the local board nor, indeed, at the level of the national Scottish police authority will there be the possibility of interference in operational matters. That said, the boards have a critical role in holding both the chief constable and the local divisional commander to account. That will be done at the local level with democratically elected members. At the national board level, the matter of elected members is still to be decided, but the board will have the legitimacy and authority to hold the chief constable to account. However, its members will not be able to interfere in operational matters. That has always been the case in Scotland and it will remain the case.

## European Union Involvement

### **The Deputy Presiding Officer (Elaine Smith):**

The next item of business is a debate on motion S4M-00797, in the name of Fiona Hyslop, on the Scotland Bill European Union involvement.

15:26

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** The Scottish National Party stated in our manifesto, which helped to secure the first single-party majority rule in the history of the Scottish Parliament, that we would seek in the short term to strengthen the Scotland Bill under the devolution settlement and then hold a referendum in the second half of our term to give the people a choice on whether to proceed to independence. That is what we will do.

The Scottish Parliament and Government now have more than 12 years' experience of dealing with the EU, and our experience of specific devolved interests now makes it clear that Scottish ministers should have a strengthened role in European discussion and decision making. Although we are always learning, we clearly have areas of expertise where we can act as a mature and effective contributor to the EU.

It is not just the SNP Government that thinks that is the right course of action, and it is not a new concept. Cross-party support for the concept stretches back to pre-devolution days. On St Andrew's day in 1995, the Scottish Constitutional Convention published "Scotland's Parliament, Scotland's Right". That document referred to the importance of Scotland's relationships with EU institutions, Scotland's representation in United Kingdom ministerial delegations to the Council of Ministers and, where appropriate, Scottish ministers leading UK delegations.

In 1998, the Conservative peer Lord Mackay tabled an amendment to the first Scotland Bill that would have required—in law—the Secretary of State for Scotland to seek the views of the Scottish Parliament on any devolved issue before a UK minister attended a meeting of the Council of Ministers relating to that issue. Of course, Lord Steel also suggested a clause in the Scotland Bill entitling Scottish ministers to be part of the UK delegation and to participate in discussions in the EU institutions.

Labour colleagues have also supported calls for Scotland to have direct representation. In 2004, the Scottish Executive's European strategy included a statement from Andy Kerr that said:

"Ministerial attendance at Councils will take place where there is a Scottish policy issue to pursue."

Unfortunately, years on, attendance is still being refused, in some cases.

As members are aware, the Scottish Government is proposing an amendment to the Scotland Bill for powers on statutory rights to attend Council of Ministers meetings, both formal and informal, and on attendance of officials at European Commission and Council working groups at which any non-reserved matter is to be considered. It also covers areas in which Scottish ministers have functions conferred on them directly by Westminster legislation, and executive devolved functions under section 63 of the Scotland Act 1998.

**Jamie McGrigor (Highlands and Islands) (Con):** Will the cabinet secretary support the rights of Welsh and Northern Irish ministers in this regard?

**Fiona Hyslop:** There is currently no request from the Welsh and Northern Irish for statutory attendance, but they have supported my calls for attendance by devolved Administrations. Indeed, the Northern Irish have written to me expressing their interest in the case that we are pursuing. However, we are the only devolved Administration for which legislation is currently being debated in Westminster, so we have the opportunity to strengthen it. Whether the call is for statutory rights of attendance, which I am pursuing, or other means, the case for strengthening the legislation is absolute, and I am seeking agreement from the Parliament on that basis.

In this debate, we are seeking consensus on the need to strengthen our role in Europe under the current devolution settlement. The amendments that are before us give the impression that, despite the growing public momentum in support of more powers, there is a danger of some parties in Scotland going backwards rather than forwards in their thinking. The Tory amendment rejects even the UK Tory Government's recognition that our role needs to be strengthened. I will listen to Labour's argument, but it might have held for the first Scotland Bill Committee's work, and had the bill been yet to enter debate and the amendment stage at Westminster. However, the Scotland Bill is now being debated at Westminster, and Labour should not paralyse the Scottish Parliament by stopping debates in the chamber. I notice that it has not done so for the previous four subject areas.

We need a stronger role in Europe because of our separate and distinct justice system, our climate change ambitions and our distinctive education system.

**Margo MacDonald (Lothian) (Ind):** The question is why we need a stronger presence in Europe. Why, indeed? Why does not the



Government consider the European Free Trade Association instead of the EU? We are much more likely to be effective in EFTA and to get more out of it that suits Scotland.

**Fiona Hyslop:** Margo MacDonald will well recognise that the Scottish Parliament needs sovereignty and the choice to make such decisions. We currently do not have that choice, but we would have it in an independent Scotland. In the meantime, under devolution, I want to ensure that the best interests of Scotland, whether in justice, climate change or education, are being pursued now, in 2011. However, Margo MacDonald's point is about being recognised in the context of the sovereignty of choice, which treaties we would want to sign and which organisations we would want to be in.

Strengthened opportunities to access Europe would give Scotland greater influence over decisions and engagement on issues that directly affect Scottish industries and Scottish legislation, and would help us to meet our full economic potential. As the member state, the UK generally speaks on behalf of Scotland, even in areas such as justice, energy and education in which we clearly have a distinct devolved interest.

We have engaged and supported agendas on Europe constructively in all areas—none more so than justice. The UK is the only member state with more than one legal system. The Scottish ministers and law officers have played a key role in supporting the UK position in areas of civil, family and criminal law. Indeed, the European Commission's vice-president Viviane Reding praised Scotland's support for victims of crime when she met the Cabinet Secretary for Justice in Luxembourg in June, and many elements of the victims road map, which the Commission published in May this year, reflect practice in Scotland.

Scotland is internationalist, responsible and engaged. Given our current limited powers, we have still been able to set world-beating climate change targets and a world-leading water policy, and to go from a near standing start to the front of the pack in our renewables capacity. In fact, the Prime Minister wrote to the First Minister on 1 August to welcome the Scottish ministers' support for higher EU ambition on climate change, and he recognised that Scotland has good examples to share of the jobs, investment and growth potential of progressive climate change policies.

The Scottish ministers were delegates at the previous United Nations climate conference in Cancun. They played an active role in the UK delegation to support higher ambition and launch important initiatives on clean energy in developing countries. We plan to do the same in Durban this December. I single out the UK minister Chris

Huhne for his positive spirit of co-operation on climate change and energy. Unfortunately, he is the exception rather than the norm, which is why the Scottish Government's view is that we need statutory provisions.

The strength of the evidence from Scotland on the low-carbon economy is now being used by the UK, and the Scottish Minister for Environment and Climate Change attended June's environment council. Stewart Stevenson was able to add real value in the council meeting as part of the UK delegation. He worked with Chris Huhne to influence sceptical EU member states to support a 30 per cent target. That shows where Scotland is making a real and meaningful contribution in council to influence the whole EU climate change agenda. We should build on that across other areas.

**David McLetchie (Lothian) (Con):** Will the minister give way?

**Fiona Hyslop:** I really want to make some progress.

We have also raised the bar by supporting minority languages. In 2010, Michael Russell spoke for the UK at the education, youth, culture and sport council using Gaelic. It is interesting that at the same council in the previous year, I observed from other countries delegations that comprised ministers and devolved and federal Government representatives with specific areas of expertise. Both spoke at the full Council as part of the delegation as well as the member state. That approach was put to excellent effect during the Belgian presidency, when Flemish ministers chaired the fisheries council, the environment council and the education, youth, culture and sport council with notable success in several areas. Those examples demonstrate the legitimacy and added value of drawing from expertise, wherever it may sit within the member state. Such thinking goes a long way towards supporting Scotland's playing a greater role than simply attending in silence.

With your agreement, Presiding Officer, I am happy to take Mr McLetchie's intervention if my time allows me to.

**The Deputy Presiding Officer (John Scott):** Yes, it does.

**David McLetchie:** I thank the minister. Does she accept that the rules governing representation at meetings of the European Council are determined by the European Union and are applicable to all member state delegations? How can she reconcile that with the statutory provision that she claims to want when, for example, there may be a restricted session of a meeting at which only one minister per member state is allowed to be present? How are all the Scottish ministers,

Welsh ministers and Northern Ireland ministers going to barge their way into that when it is contrary to the rules of the European Union?

**Fiona Hyslop:** Had David McLetchie—or, indeed, any Conservative member—been in the chamber during question time earlier instead of sleeping on the devolution job, let alone, as Jack McConnell said, sleeping on the job of the union, he might have heard Aileen McLeod make the precise point that there are provisions in the Treaty on European Union to allow representation by whomever the member state wants to contribute. The Belgian presidency has had Flemish ministers chairing—not just attending to make decisions—the fisheries council and the environment council. It is possible and can be done.

Those examples demonstrate the legitimacy of that approach, so it is hard to believe that the previous UK Labour Government preferred to field a House of Lords representative—Lord Davies, who had responsibility for, among other things, bees—to represent the UK on fisheries at an informal council in Vigo, despite the fact 70 per cent of UK landings are by Scottish fishing vessels.

We are eager to ensure our involvement and that of the other devolved Administrations before the UK position is finalised. After 12 years of playing a key role in supporting the UK position, it is time for recognition and respect for that role, by making the most of our expertise and experience.

It is only fair to say that, from the outset, the UK coalition Government has offered a more constructive approach than the previous UK Labour Government. When I raised my concerns at the joint ministerial council on Europe in June 2010, William Hague undertook to write to his Cabinet colleagues to ask that they respond positively to approaches from devolved Administrations to attend and speak at council meetings. That is simply not being acted on often enough. It is disappointing that in fisheries, in which Scotland has the dominant interest in the UK, the Cabinet Secretary for Rural Affairs and the Environment, Richard Lochhead, has been able to speak at only one agri-fish council, in September 2010, and then only after an intervention from the Prime Minister.

Our provisions for the Scotland Bill would avoid the need for the Prime Minister's intervention. We are proposing a reasonable solution and following the thinking of previous Labour, Conservative and Liberal Democrat politicians. David McLetchie and Jamie McGrigor might want to listen to this point. We recognise that if a Scottish minister leads a UK delegation they will need to contribute to that discussion on behalf of the UK line formed after

discussion with the devolved Administrations. That is reasonable.

The motion is about constructive dialogue to achieve consensus to take forward the point that our representation needs to be strengthened. Achieving cross-party consensus here at Holyrood will always serve us well. That strengthening of representation can be secured in different ways, but the Scottish Government's preference is for statutory provision. The bottom line is that it needs to be strengthened.

We will, of course, hear different views presented in this debate. At the end of the day, I hope that we can agree on the principle that our role needs to be strengthened. Scotland has a lot to say and to contribute within the European Union. I hope that we will hear support for that point in the speeches that follow, but within the current devolution settlement we still need a better way to ensure that that contribution can be made. That is what this debate is about.

I move,

That the Parliament recognises that Scotland should have a strengthened role in European policy making; acknowledges the UK Government undertaking to respond positively to approaches from devolved administrations to attend and speak at meetings of the Council of the European Union; notes the present situation of Scottish ministers being required to write seeking permission to attend council meetings, and calls for Scottish ministers to be included in the delegation representing the UK at proceedings of EU institutions considering matters that are devolved to the Scottish Parliament or that are exercisable by Scottish ministers.

15:39

**Patricia Ferguson (Glasgow Maryhill and Springburn):** At a time when we as a Parliament are reflecting on the powers that we have and the additional powers that we need to best serve the people of Scotland, it is right that we look at how best we can pursue that agenda in the widest possible context.

Part of our concern about today's debate is that it seems to be pushing us into making a decision about the extent and level of our EU involvement, following a debate lasting only 55 minutes. We have set up a new committee in the Parliament and have charged it with the robust scrutiny that we expect of all our committees. We expect it to take evidence from a wide range of people, to consider seriously the evidence that it hears and to come to the Parliament with its conclusions. So, I am left wondering why the Government is intent on pre-empting the committee by pushing the motion to a vote at the conclusion of only our second plenary meeting of the new term.

Even more surprising is the fact that the Scottish Government seems less than clear about what it

wants to achieve in terms of its engagement with Europe. After the election—indeed, up until a few days ago—the First Minister seemed to be demanding a seat at the negotiating table and to have that enshrined in law. That demand was contained in a policy paper that was produced a few weeks ago, in which it was a proposed amendment to the Scotland Bill, and it was echoed in a draft of the motion for debate today that was kindly circulated by the minister last week. In spite of the softening of the motion that we are debating today, I wonder whether Ms Hyslop has reinstated the policy or whether the policy has changed in fact.

**Fiona Hyslop:** We were attacked yesterday by Annabel Goldie, who said that we were somehow relentlessly hostile to people who had a different point of view. Today, we seem to be being attacked—we can see it in the Conservative amendment—for taking the trouble to see whether there is consensus within the Parliament. I recognise that Labour perhaps cannot come to a decision because it does not have a leader, but the Westminster Parliament is now debating these points in the House of Lords and we are quite right to bring them forward.

I do not think that we should be criticised for seeking what might be a lowest common denominator in our position about a strengthened role. Parliament saying that it does not respect the right of the Government to try to engage with the Opposition parties makes it difficult for us to listen and respond—and that is an issue not just for this debate, but for Parliament going forward over the next few months.

**Patricia Ferguson:** Yes—but if the Government produces a proposition for the chamber, members must be clear about what is being proposed. We should be debating whatever the Government is trying to amend in the Scotland Bill, not some other aspect of what it would like to achieve as a transitional measure. The Government must be honest with the Parliament and say what it means.

I am not privy to the internal machinations of the SNP, but this seems to be a remarkable state of affairs even by the standards of the current Government. Perhaps the confusion explains the slightly strange tone of the Government motion—for strange it is. The motion seems to suggest that the present arrangement, whereby Scottish ministers can be part of a UK delegation, is not good enough. We would accept that and have said so in the past.

However, the obvious question for the Government is this: what is being done about the existing procedure and on what occasions, when it was relevant for the Government to be involved, has it been denied the opportunity to attend Council meetings? Ms Hyslop has given some

examples of times when that has been the case; however, she has given us a longer catalogue of occasions when the Scottish Government was represented or was representative of the UK position. We need to be clear about where the balance of the argument lies.

I think that the Scottish Government has a point regarding the way in which the issue should be taken forward, which is why our amendment is couched as it is. Nevertheless, we must be absolutely clear about what we are talking about, so I would have welcomed some more information from the Government about that.

I realise that what motivates SNP ministers most is separation but, as matters stand, we are one part of a member state and the constitutional position, which David McLetchie alluded to, remains that under article 203 of the Treaty of European Union the representative to the Council of Ministers must hold a position at ministerial level and be authorised to commit the Government of the member state. Thus, members of regional and subnational Governments may attend as delegates of their member states when that delegation has been agreed at national level. In theory, that seems to be reasonable. We would be prepared to listen to the Government's arguments for strengthening the procedure, but we have yet to have it demonstrated that that needs to be done in the way that Ms Hyslop suggests.

However, there is a certain irony about today's debate. Just under a year ago I visited Brussels as a member of the Local Government and Communities Committee. I think that Mr McLetchie was in the same delegation. We were there on the Europe 2020 strategy and to consider the impact of the Lisbon treaty. We had a series of interesting meetings and it became clear that there are already many ways in which the Government can contribute to shaping EU policy and decisions. The Commission officials we spoke to highlighted the need to produce a UK national reform programme, but also indicated to us that there was absolutely no reason why Scottish ministers should not set their own targets in relation to Europe 2020, and submit them directly. Perhaps the minister would like to say whether her Government did so.

Perhaps the most telling point, though, came in the same meeting, when officials indicated that autumn 2010 was the time when requests regarding the shape of the next programming period would be made. Once again, the need for a Scottish response was emphasised. In the same meeting, officials advised us of an initiative of the Welsh Assembly Government. I quote from the committee report:

"The Commission"  
officials

“noted that the Welsh Assembly Government and Welsh Assembly had jointly met the Commission recently to outline their approach to Reform. This was contrasted with what the Commission considered a comparative ‘lack of engagement’ by Scottish actors”.

There are opportunities for the Scottish Government and, indeed, the Scottish Parliament to be even more involved than we are. I would very much appreciate it if Ms Hyslop could say in her closing statement whether the Government set targets for reform and whether they were submitted to the Commission. That is a particularly important agenda, and it will be increasingly important as we go forward.

As matters stand, the Scottish Government has to come up with a better policy for its engagement in Europe. It must clarify its position once and for all, and it should use the opportunities it already has and demonstrate that it understands the importance of that engagement for the sake of Scotland.

I move amendment S4M-00797.2, to leave out from “notes” to end and insert:

“notes that the Scotland Bill Committee has been established in the Parliament to examine the case made by ministers for new powers in a number of areas including European policy making; believes that it is important that the views of the Scottish Government and the Parliament can be effectively represented in European policy making and that Scottish and UK ministers should work together to ensure that the correct approach is being taken to achieve this, and believes that the Parliament should come to a view on this matter once the Scotland Bill Committee has taken evidence on this issue and questioned ministers, as it will do in the course of its work.”

15:47

**Jamie McGrigor (Highlands and Islands) (Con):** Many of us will recall Harold Wilson’s comment that

“a week is a long time in politics.”

With the Scottish National Party, three days appears to be a long time. Having drafted its initial motion on Monday calling for statutory rights for Scottish ministers to be part of British delegations to EU meetings, by Tuesday it had been watered down to the flimsy motion that we now have before us. Indeed, it is almost as flimsy as the paper that was launched by the Cabinet Secretary for Culture and External Affairs earlier in the summer.

Having said that, I am delighted by the SNP’s spectacular U-turn, which rightly acknowledges the UK coalition Government’s commitment to giving a greater say to devolved Administrations on our relationship with Europe. However, the cabinet secretary’s motion fails to highlight the fact that we in Scotland have a strong role in European policy making through our partnerships within the

United Kingdom. That is why I have lodged an amendment.

Although we may be tempted to enter a partisan debate on the role that Scotland would play in Europe if the SNP separated her from the rest of the UK family, I intend to consider the positive current position that Scotland enjoys with the EU. It is true that when it comes to fisheries, 70 per cent of UK landings are by the Scottish fleet. In that very clear sense, Scotland should have a greater say in decisions that are taken at the annual fisheries council in Brussels each December. Indeed, our own European and External Relations Committee made the point in its recent “Inquiry into the Impact of the Treaty of Lisbon on Scotland” that there is scope in the treaty for national Parliaments, devolved Parliaments and devolved Governments to play a greater role in the EU’s decision-making process.

Although I acknowledge that it was unfortunate that the Cabinet Secretary for Rural Affairs and the Environment was allegedly excluded by the previous Labour Government from attending a meeting in Vigo in April 2010 to discuss the future of the common fisheries policy, it is clear that our present Prime Minister, David Cameron, is open to greater flexibility. Indeed, in September of last year David Cameron agreed to allow Richard Lochhead to lead UK-level fisheries talks in Brussels on the on-going mackerel dispute with Iceland and the Faroes. The, as usual, gracious response from our First Minister Alex Salmond was:

“I am glad that ... the Prime Minister has accepted the request for Richard Lochhead to speak on this vitally important issue for Scottish fishermen.”

**Fiona Hyslop:** Will the member give way?

**Jamie McGrigor:** I will quickly do so.

**Fiona Hyslop:** The issue is important. We might get warm words and the Prime Minister’s intervention, but the machine and establishment of Whitehall regularly refuse our requests to attend informal councils, so the matter is still problematic. There might be political will at ministerial level and warm words, but very rarely is the approach exercised by the machine. That is why we need a statutory power.

**Jamie McGrigor:** Rome was not built in a day, and neither was the United Kingdom.

I am somewhat confused as to why the SNP Administration initially thought it necessary to propose an amendment to the Scotland Bill to formalise in legislation the presence of Scottish ministers at EU meetings. It is using a sledgehammer to crack a nut. The current arrangements appear to work and David Cameron has been true to his word in starting to develop the coalition Government’s respect agenda for

Scotland. Within three days of becoming Prime Minister, he came to the Scottish Parliament to meet Mr Salmond. Blair did not do that and Brown did not do that. UK ministers now regularly appear before our parliamentary committees.

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

**Jamie McGrigor:** In a moment.

The question that the SNP needs to answer is this: where do we draw the line on the attendance at EU meetings of ministers from devolved Assemblies? If the SNP's underlying attitude were to be implemented, what would stop the Northern Irish or Welsh arguing for a greater say at European level? People from the Basque Country, the Catalans, the Flemish, the Bavarians and people from the five Italian regions would all want their interests to be represented at the Council of Ministers. It would be like the tower of Babel all over again; it would become unmanageable and unsustainable.

Scottish ministers should focus their attention on active discussions with their UK counterparts prior to meetings with our EU neighbours. It is called forward planning. Why not negotiate as one and argue as one, to achieve the best results for all people in the UK?

**Margo MacDonald:** I am rendered breathless by the member's description of the demands of the Basques and Catalans, but I want to ask him whether he thinks that Mr Cameron's response to the Scottish Government is born out of respect for the Scottish Government or a knowledge of how to use power.

**Jamie McGrigor:** I think that David Cameron has a great respect for the Scottish Government, as do other members. At the joint ministerial committee on 8 June 2010, William Hague undertook to write to his Cabinet colleagues to ask them to respond positively to approaches from devolved Administrations to attend and speak at council meetings. He is one of David Cameron's ministers, so I imagine that he would not have said that unless he meant it—[*Interruption.*] May I make some progress? Ministers should remember—

**The Deputy Presiding Officer:** You have 20 seconds.

**Jamie McGrigor:** Oh. Right.

It is great that the SNP has watered down its motion. There is nothing like a sinner who repents, and today the SNP has repented. I will be charitable and say that the party might simply have realised that the Scottish people do not need unnecessary political and constitutional tinkering. What the Scottish people need is sustainable jobs and better living standards.

I move amendment S4M-00797.1, to leave out from "should" to end and insert:

"has a strengthened role in European policy making through its membership of the United Kingdom; welcomes the decision of the Scottish Government to drop its unnecessary demand for Scottish ministers to have statutory rights to be included in UK delegations through an amendment to the Scotland Bill, and further welcomes the ongoing active cooperation and consultation between the Scottish and UK governments, which ensures that the interests of the Scottish people are fully represented in the European Union in both devolved and reserved matters."

15:53

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** Scotland's role and the involvement of the Scottish ministers in European policy making and legislative processes is one of those issues that we are often told are about the SNP picking fights—that has become an increasingly tedious cliché—or demanding additional rights that Scotland does not need or deserve. From my brief experience so far as convener of the Parliament's European and External Relations Committee, I have to say that I am bemused as to why the issue is considered to be so controversial or party political. As far as I can see, there is a great deal of cross-party consensus—at least in the Scottish Parliament—not only about the undoubted importance and significant impact of decisions in Europe on aspects of Scottish life, but on the fact that Scotland's interests in the European context are not necessarily identical to those of the UK as a whole, which creates a need for Scotland's distinctive voice to be heard when decisions are being made.

Of course, we differ on the ultimate nature and extent of that voice. For me and for my party, the ideal would be for Scotland to be a full member of the European Union, as an independent state. The other parties obviously do not support that position, but in the context in which we find ourselves now, it should not be difficult for this Parliament to agree that the arrangements are inadequate and do not allow for Scotland's best possible case to be made at European negotiating tables. We might debate how, and in what manner, the distinctive voice should be heard, but we can surely agree that it must be heard.

The Scottish Government has not sought to pick a fight with anyone; it has simply asked the Westminster Government—the present one and its predecessor—to listen and respond to the entirely reasonable case that Scotland has distinctive interests and concerns in Europe that would be best argued and articulated by the people who have the greatest knowledge and understanding of the issues: our Scottish ministers.

We should not be overly surprised that successive UK Governments have been less receptive to that reasonable case than we might expect. After all, few institutions, particularly ones that are as venerable and—dare I say it?—as self-important as Westminster, give up power without some resistance. However, in this chamber, where we all represent the interests of devolved Scotland, one does not have to be a nationalist to accept that the current arrangements could and should be greatly improved.

When it comes to matters as important to Scotland's economy and to the livelihoods of significant numbers of Scots as the common agricultural policy—to give just one example of where a member of the Scottish Government is responsible for implementing decisions that are made in Europe—an ad hoc system simply is not adequate. Where it is clear that the Scottish dimension is distinct from or different to that of other parts of the UK, it is only common sense that the Scottish experts should be in the rooms where the negotiations are going on and the decisions are being made. With the best will in the world, for a UK minister who represents the whole of the UK, the Scottish dimension will be at best an addendum and more often an afterthought—frequently, it will not be considered at all. That is not meant as an attack or even a criticism, necessarily—it is a UK minister's job to represent the UK, after all.

What we should be critical of is a refusal by a Westminster Government of any political stripe to compensate for that by agreeing in partnership with the Scottish Government a proper and fit-for-purpose system that ensures that Scottish ministers are present on the European stage whenever Scotland's interests require them to be. Nor is it too much to ask that Westminster recognise that it is those same Scottish ministers who are the best judges of when and on what issues the distinctive Scottish dimension needs to be represented.

Of course, there might be some Westminster politicians who would prefer to deny that Scotland's interests are ever different from, or discrete from, those of the UK. However, I would gently suggest to them that they lost that argument the day that Scotland's devolved Parliament came into being. Of course, no one elected to this chamber would ever subscribe to such a view in this day and age.

If we move forward on the shared assumption, therefore, that Scotland does have her own corner to fight in Europe, we should also be able to agree that any system in which Scottish ministers have to ask to be in attendance at discussions on crucial issues, as though begging for a great favour, the granting of which seems to be

dependent on the mood of Westminster on any given day, does not represent a good arrangement for anyone. It does not look like respect to me, in either direction. It is not good for intergovernmental relations, and it is certainly not good for Scotland.

I believe that the Scottish Government is doing the right thing by seeking to find a way to resolve the situation by agreement and consensus and I believe that a broad consensus already exists in this chamber. We should build on that to secure proper arrangements for Scotland's interests to be represented in Europe on an on-going basis by the people who are best qualified to do so: the cabinet secretaries and ministers of our Scottish Government.

15:58

**James Kelly (Rutherglen) (Lab):** This is a somewhat unusual debate, in that we are debating an issue that is still to be considered by the Scotland Bill Committee. There also seems to be a degree of confusion about the amendment that the SNP attached to the briefing note that it sent out.

As has been said many times before, devolution is a process, not an event. The relationships that we are discussing have developed greatly since 1999. The concordats that were put in place in the early stages of devolution have moved on. The work in the Scotland Bill is a continuation of that, and there is a chance to develop Scotland's voice in the UK and have it be represented at an EU level. I acknowledge that there are tensions around representation, as there were before an SNP Government came along. However, when I read the Scottish Parliament information centre briefing I was interested to discover that when Kenny MacAskill was denied the opportunity to attend a formal council meeting in September 2009, it was the first time in 11 years of devolution that that had happened.

**Fiona Hyslop:** Informal councils, which I have attended, can be just as important in proactively trying to build relationships, change policies and influence things. However, we are frequently refused attendance at informal councils. Does James Kelly acknowledge that?

**James Kelly:** Obviously that is a matter for the UK Government. It needs to assess not only Scotland's role, but the roles of Northern Ireland and Wales, and decide on appropriate representation at formal and informal councils.

The SNP must accept that we are not an independent nation; we operate, as Patricia Ferguson outlined, within the UK state. As such, the UK is the main representative, and it must work out how best to ensure that the UK as a whole is represented in the EU. Within that, I want

Scotland to have a strong voice and to be represented appropriately.

In terms of this debate, there is a process to go through. We have set up the Scotland Bill Committee—it was the wish of the SNP to set up such a committee to consider the six items that Alex Salmond, as First Minister, put forward in his acceptance speech when he was elected as First Minister. If we establish a committee and dedicate parliamentary resources and the time of parliamentarians, we want the committee to consider the issues, hear and test the arguments, and take appropriate evidence. The committee should then bring its report to the Parliament, as has happened many times, in order for the Parliament to give appropriate consideration to the issue.

The SNP Government's three-page document does not do justice to the issue—to give it appropriate consideration, we need more detail. It is important to have an element of consistency in these matters, so that whatever is agreed for Scotland can be seen to be applied consistently in Northern Ireland and Wales. It must also be competent. Some of the rules on representation are decided by the EU. We do not want to draft something in a motion, or to include something in the Scotland Bill, that is not competent.

Opportunities exist for the wider Parliament to engage on European affairs. I acknowledge the role of the European and External Relations Committee. We have heard from Christina McKelvie, and that committee's previous convener, Irene Oldfather, was a great advocate of the role of Scotland in Europe and ensured that the committee was proactive. As a member of the Justice Committee, I am aware that the committee this week appointed Roderick Campbell as an EU reporter to assess the European impact on justice matters. There is a role for the European and External Relations Committee and other committees of the Parliament to interact positively with Europe to ensure that the Scottish Parliament has an ability to influence European policy.

We want to engage constructively and positively. We want the Scottish Government to work in co-operation with the UK Government to ensure that we have proper representation in Europe. In this debate, we must go through the process and ensure proper consideration of the evidence and facts before arriving at a position.

16:05

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Yesterday and this morning, we heard the Scottish Government set out its programme for government and we debated the priorities for the year ahead. This afternoon's

debate is in stark contrast to such wide-ranging discussion of Scotland's priorities, as it is about our insufficient opportunity to participate in the most important decision-making bodies of Europe, which means that Scotland's priorities can be bypassed or ignored.

James Kelly says that we have conduits of influence but, if we are not at the top table, we are not where decisions are made. The stories of Scottish ministers being excluded from discussions in Europe and even at times being refused a presence on a delegation are not new, but they remain utterly scandalous. The fact is that things do not have to be that way. It is not as if we are asking for something that does not already exist. A look at some of our European neighbours illustrates that ensuring European representation from devolved Governments is perfectly possible and effective.

As the cabinet secretary said, Belgium has had clear and agreed divisions of subjects between levels of government since 1994. On some topics, the federal Government takes the lead role, while on others, a minister from a region takes the lead role. In most discussions, a minister is automatically backed by a representative from a different tier of government. For example, when the federal Government takes the lead role for Belgium in Europe, a regional representative is present to ensure that the regional Government's needs are fully taken into account and represented, and vice versa. Far from having to write a begging letter for permission to attend, as is the situation for this country, the Scottish ministers should have that accepted assumption of representation on UK delegations.

On subjects that fall almost entirely within one region's competence, such as fishing, that region acts as the sole representative for Belgium. If only the Scottish Government had sole responsibility for representing Scotland's fishing industry in Europe. Fishermen have far greater faith in Richard Lochhead's abilities than they do in members of the Conservative Party, which—let us not forget—once described the fishing industry as expendable.

Scotland is home to more than 70 per cent of the UK's fishing industry, so of course the issue is far more important to Scotland than it is to the rest of the UK. Despite that, as has been mentioned, the Scottish Government's fisheries secretary was denied permission last April to attend an agriculture and fisheries council meeting, so that his place could be taken by an unelected member of the House of Lords who knew nothing about fishing and who was responsible for bee health. That situation was not just utterly farcical but an insult to everyone who is involved in Scotland's

fishing industries and whose livelihoods depend on the discussions and decisions in Europe.

As the common fisheries policy is up for reform in the next year, it is more important than ever that Scotland is given the voice that it needs in European discussions. Similarly, the common agricultural policy is to be reformed. As Scottish farming is a very different beast from farming south of the border, Scotland has a clear need to play a full and active part in every UK delegation that deals with devolved policy.

On justice matters, can a UK representative really be expected to take into account Scotland's unique legal system without a Scottish Government presence on the delegation? It is clear that we are expected to hope so, given that Kenny MacAskill has been refused permission to attend justice and home affairs council meetings three times in the past two years.

The way in which the UK Government approaches European discussions is a relic from a pre-devolution era and is long overdue for reform. Given that many decisions are made in Europe, Scotland simply cannot afford to continue to run the risk that UK delegations might ignore devolved Governments' needs.

Along with my colleagues in the SNP, I firmly believe that, as Christina McKelvie said, Scotland would be best served through independence and having its own representation in the EU. However, until Scotland reaches that point, we cannot continue with the status quo. Scottish Government participation in every UK delegation to the EU on issues that affect Scotland should be the norm, as happens in other countries. I hope that, through the debate and the resolution, the Parliament will send out a clear message on the issue.

16:10

**Hugh Henry (Renfrewshire South) (Lab):** I welcome the cabinet secretary's comments that she is trying to be consensual and to take all parties with her on the issue. She said that that is indicated by the fact that the motion is different from the one that was originally intended. It is just a pity that the bulk of her speech seemed to be predicated on the original motion and that she sought to advance the arguments and sentiments that were outlined in it. I would have welcomed a slightly different approach from her that involved taking other parties in the Parliament with her.

We must be honest and recognise that, on many issues and not just European ones, some people at Westminster, under the previous Labour Government and probably the present Government, have not woken up to the reality of devolution. Frankly, their attitude towards the Parliament and its representatives needs to

change for the better. Those people need to acknowledge our legitimate role in representing people in Scotland and the interests that are the Parliament's responsibility.

The debate has been influenced by that failure to recognise our proper role in advancing policy issues, but if we are to make progress, the Scottish Government has a responsibility to enter into the debate more positively and constructively. If the Government seeks to advance the debate by trying to argue about independence by whatever means, it will not get consensus and it will not bring people on board. If the Government wants agreement, it must recognise that we are talking about how to advance our case within the specific terms that we are part of the United Kingdom. The Government must accept that we are considering how best to argue for Scotland's interests within the United Kingdom in the European sphere—specifically, the sphere of the European Commission and, to a lesser extent, the European Parliament.

**Fiona Hyslop:** Hugh Henry puts his finger on the precise point that I have been trying to make. On areas such as justice or climate change, the issue is about what we can contribute and what we can do to advance the case. We recognise that it is a positive agenda to try to ensure that contributions are made and collaboration takes place in advance, so that the United Kingdom position is informed by the interests of the devolved Administrations, particularly Scotland. I think that that is the point that Hugh Henry is making, and I agree with him.

**Hugh Henry:** And yet, the tone and sentiment of the cabinet secretary's speech seemed to be somewhat different. Perhaps she will reflect on how she can take people with her to advance the debate.

The Government must advance its case if it is to persuade us that there is a problem and that, in the context of the United Kingdom, something needs to change at Westminster in its attitude to the Scottish Parliament and Government. So far, to an extent, we have heard sentiment and emotion and one or two examples thrown in here and there, but no specific case has been made and no evidence advanced. We do not have a paper that indicates the full extent of the problem and which argues, line by line and case by case, that, in those examples, a change should have been made.

If the Government is to persuade us, it needs to have the confidence of its argument and show us the evidence and statistics that back it up. If it does so, it will get a positive approach. As Patricia Ferguson and James Kelly on the Labour side have said, we accept that there are times when the Scottish Government should, as Scotland's



representatives, be more engaged and have a greater role to play. I know that some tend to concentrate on fisheries issues but as Maureen Watt and others have pointed out there are certain significant aspects of the justice debate that only Scottish representatives can fully understand and articulate and which cannot be addressed by representatives from another place who have little understanding of or empathy with our legal system.

If the Government wants to win its case and the argument and if it is trying to say that this is all about being positive and responsible, it should bring us the evidence and make the case. Whether that happens through the Scotland Bill Committee, other committees of this Parliament or indeed the full chamber, we should all soberly and responsibly reflect on these issues. We will stand beside the Government if it can demonstrate that there is something to be gained and an argument to be proven.

16:16

**Aileen McLeod (South Scotland) (SNP):** I am delighted to be speaking in this debate on the Scottish Government's motion that Scottish Government ministers be routinely included in the UK delegation attending proceedings of an EU institution where devolved matters are being discussed, including—most significantly—meetings of the EU Council of Ministers. That will certainly be an improvement on the current situation, in which a written request has to be lodged with Whitehall. That request might be declined—and, as the cabinet secretary highlighted in her remarks, often is. Having spent five years at the European Parliament in Brussels and now as a member of the European and External Relations Committee and EU reporter for the Rural Affairs, Climate Change and Environment Committee I have absolutely no doubt that this is an important step forward in strengthening the representation of Scotland's interests in Europe. Indeed, I would go further and suggest that such a move will greatly enhance the Parliament's authority with regard to EU legislative and policy decisions that impact on our devolved competencies.

We should never forget that when the EU legislates it does not reduce the powers of Government; instead, it diminishes the legislative power of Parliaments. Where EU legislation affects devolved matters this Parliament loses power and yet as matters stand we cannot ensure that a minister from this Parliament attends those meetings. That means that we as a Parliament have no one whom we can hold to account for laws and policies that are agreed on and, as a result, I urge colleagues to regard the motion

under consideration first and foremost as a mechanism to protect the Parliament's legislative prerogatives and duty of accountability.

What is being sought is agreement for Scottish ministers to attend meetings of EU institutions at which a devolved competence or function is under consideration. In my view, it simply cannot be correct that, if a policy that is under the competence of or is exercisable by this Parliament is under discussion by the EU, a Scottish minister must rely on an invitation from Whitehall to be able to attend.

The EU is probably the most powerful regulatory authority in the world, with its influence extending well beyond the headline policy issues of agriculture, fisheries and structural funds with which we are familiar and all of which directly impact, of course, on our devolved competencies. Beyond those issues, EU legislation plays an increasing role in determining the regulatory environment in which Scotland's industry, commerce and, increasingly, public sector operate. EU competencies extend into education, research and development, transport, the environment and justice and home affairs, each of which is devolved to this Parliament and all of which directly affect Scotland's economy and society.

The current situation is an anomaly that was created by devolution and now needs to be resolved. Before devolution, there were no constraints on the attendance of Scottish Office ministers at meetings of the EU Council of Ministers where matters of importance to Scotland were being discussed. Indeed, because of their expertise in the policy area under review and its significance to the people of Scotland, Scottish ministers routinely attended Council meetings and frequently led the UK delegation. As a result, the delegation was stronger.

**Liam McArthur (Orkney Islands) (LD):** Will the member give way?

**Aileen McLeod:** I would like to make progress.

As the responsibilities previously exercised by the Scottish Office now fall to this Parliament and Scotland's devolved Government, it is the responsibility of Scottish Government ministers and members of this Parliament to ensure that Scotland's interests in EU matters are fully and properly reflected in EU-level discussions.

Nothing in what is being proposed will undermine the status or the authority of the UK Government in EU institutions or violate EU rules. As I said, since 1993 the EU treaties have permitted ministers from our devolved Governments not only to attend council meetings but to sign binding agreements on behalf of their member state, precisely because EU legislation

impacted on policies for which they, rather than the national Government, are responsible.

The motion simply seeks to ensure that the Scottish Government will enjoy the same access to EU discussions as comparable legislatures across the EU. Based on my experience in Brussels, the UK Government should be under a statutory obligation to include Scottish ministers in a UK delegation when EU legislative proposals that impact on the competences of this Parliament are being debated, and the Scotland Bill should be amended accordingly.

Of course, ultimately Scotland's voice will be fully represented in the EU only when it takes its seat at the top table as a fully independent member state. That would ensure that agreement on EU legislation was signed off by a Scottish minister at that table and not by someone else, somewhere else, on our behalf. That would be a much better place for Scotland to be than our having to depend on London remembering—or not—to put forward our case. Indeed, in a recent speech to the David Hume Institute, Sir John Grant, the former UK permanent representative to the EU, made clear the benefits of being a full member state inside the EU when he said:

“In Brussels, a nation (and Scotland is indubitably a nation) is either a Member State or a region. If it is a Member State, it has a seat at the table not just in Ministerial meetings, but in all the preparatory work in the myriad working groups that deal with the mass of business that makes up the EU's regulatory role. It has an Ambassador, a seat at the European Council, and, crucially, a Commissioner, able to represent its interests within the Commission. As a region, it has none of these things. It is about as binary as it gets.”

In the meantime, we must ensure that Scotland is properly represented in EU negotiations within the constraints of the current constitutional settlement. I hope that the Parliament will give its full support to the Government's motion.

16:22

**Liam McArthur (Orkney Islands) (LD):** I congratulate Hugh Henry on a very considered contribution. Like others, I welcome the debate. Like Aileen McLeod, in a previous life I earned a crust in Brussels—I tried to persuade UK businesses, charities and other organisations of the importance of engaging early, seriously and in a sustained fashion with the EU. At times, that seemed to be more of an uphill struggle than it should have been.

More recently, as an adviser in the previous Scottish Executive, I had direct experience of negotiations with the Commission and between member states. I can testify to the fact that the scars of a December fisheries council take a while to heal.

However, since then, further EU enlargement and the growing clout of the European Parliament have altered the dynamics of negotiations and the way in which policy is formed, which presents new challenges to each member state in getting its voice heard and achieving its objectives. It is therefore right that we should assess how best to ensure that Scotland's needs are properly reflected in such a vital area.

I welcome the more measured tone of the Government's motion and, indeed, much of the cabinet secretary's speech, particularly if it signals a move away from the demand for a statutory right to be included in the UK delegation. That approach is fundamentally flawed and is at odds with the practice in other member states—I have heard many members mention Belgium as an exemplar of constitutional good practice, which I think would come as a bit of a shock to most Belgians. It would also appear to suggest that SNP ministers are equally happy to support demands from their Northern Irish and Welsh counterparts to have exactly the same statutory right. Such a situation would be ludicrous. The response from those whom we seek to influence would be one of incredulity, which would make more uncertain our ability to secure our key negotiating aims.

The SNP has long obsessed about bums on seats, yet what matters in these negotiations is not who reads out the agreed statement in the formal council but how that statement is agreed in advance and what involvement Scottish ministers, their officials and, indeed, wider stakeholders in Scotland have had in the process, as well as the input into the informal bilaterals that are held with the Commission, the presidency and other member states. That is recognised by the current UK coalition Government, which is why it has been made clear that, when Scottish ministers wish to participate in delegations when issues related to devolved competence are being discussed, that will present no difficulty.

The Cabinet Secretary for Culture and External Affairs appears to object to having to intimate that she or her ministerial colleagues might wish to attend a council meeting, yet in order to manage arrangements for that delegation, that would seem only sensible.

Although I am aware of the utterly unjustified decision by the previous UK Government to deny Richard Lochhead a place at the informal fisheries council in Vigo, I am unaware of any appropriate request by a Scottish minister having been turned down since May 2010. Indeed, I understand that on a number of occasions last year, the UK Secretary of State for Justice accepted requests from the Scottish Government to attend justice and home affairs councils, only for the Scottish

minister in question to no-show. There may have been very good reasons for that on each of the four occasions on which it occurred, but it paints a rather different picture from the one that the SNP, in the main, offers.

**Fiona Hyslop:** With the greatest respect, severe weather and the ash cloud influenced those events.

**Liam McArthur:** In all four cases? [*Interruption.*] I am sure that the minister will be able to clarify that for the record.

I welcome the more moderate tone of the Government's motion, but I think that the amendments of Patricia Ferguson and Jamie McGrigor give a more balanced assessment of where we are and how we might go about deciding where improvements need to be made.

There is a debate to be had about how we stimulate wider interest in the contribution that Scotland can make to the development of Europe but, whatever conclusions are reached, there is no getting away from the fact that we are talking about negotiations. Scotland—the UK—will not always get its way. There are times when Scottish ministers may need to compromise to secure the full weight of UK votes in negotiations. That is the simple reality. The complex, multilayered style of EU negotiations does not lend itself to the megaphone diplomacy and one-way understanding of respect that too often characterises some of the SNP's negotiations with Westminster. Such an approach will do nothing to enhance Scotland's influence.

However, it is better than advocating that Scottish ministers should withdraw from the UK delegation in the middle of key negotiations—a brainwave that was hit upon by Messrs Salmond and Lochhead, when they were in opposition, during the fisheries council of December 2002. I am not sure whether a gypsy soothsayer had a hand in developing that strategy, but I am pleased that the SNP has dropped that sort of hare-brained approach to influencing Europe. I hope that the demand for statutory representation will now be dropped and that the tone of the cabinet secretary's speech will be reflected in the Scottish Government's approach to engaging with the Scotland Bill to ensure that our influence is felt effectively at EU level.

16:27

**Joan McAlpine (South Scotland) (SNP):** The modern world is an interdependent one. Decision making is exercised at many levels of government and across geographical boundaries, so how we operate effectively in a supra-national structure such as the EU has a crucial bearing on what happens in communities far away from Brussels.

I was surprised to find out that between 60 and 80 per cent of the legislation that is passed in Scotland originates from the EU. That is an astounding figure, particularly given that Scottish ministers are not represented at meetings of the Council of Ministers. That is not just unfair; it is unusual. As other members have said, other member states have already pioneered a path. It is normal for other federal and devolved legislative bodies in Bavaria, Flanders, Catalonia and Salzburg to speak directly in Brussels. That is also more efficient, given the different policy directions that different regions of member states take. Germany, Belgium, Spain and Austria all allow ministers from their sub-nations and autonomous regions representation in the Council of the EU and power to directly affect legislation and policy regarding issues over which they have competence.

We are not asking for a seat on the Council of Europe, although that is our ultimate ambition, as several members of my party have said. The fact that, even though that is the case, we are willing to sign up to a motion that, as others have said, falls far short of that ambition shows that we are far from intransigent and far from indulging in megaphone diplomacy. It is about showing a spirit of compromise and collaboration. It is also about process—James Kelly mentioned that devolution is a process. We are trying to make progress by building consensus.

In the motion, we seek to influence policies that are made at an EU level and which are implemented in Scotland so that Scottish ministers can put forward the specific needs of Scots. We seek to build consensus around the motion so that Scotland can catch up, to some extent, with the way in which modern, multilevel states operate to influence the EU, which, for better or worse, has considerable control over all our lives.

Scottish ministers should be entitled to attend meetings of the Council of Ministers. The conclusion of the debate should be that attendance at EU meetings be placed on a statutory footing, as in Germany, Belgium, Spain and Austria, because relying on William Hague's advice to his Cabinet colleagues has been unreliable and ineffective, as the cabinet secretary pointed out.

In Germany, when matters that are within the competence of the Länder are discussed in Brussels, a Land minister accompanies the federal minister to meetings of the Council of Ministers and they sit side by side at the negotiating table to decide what is best for the state, based on a true understanding of the citizens' needs and wishes.

Since 1997, before Scottish devolution, Spain has permitted a representative from the

autonomous communities to supplement Spanish delegations in Europe. We are way behind.

Each of the Austrian Länder has responsibility to represent Austria at the EU if they have responsibility at the national level. Similar to the example of Belgium, Land ministers can take the place of federal ministers in the Council if the negotiation affects their competence.

The south of Scotland, which I represent, would greatly benefit if Richard Lochhead, the Cabinet Secretary for Rural Affairs and the Environment, attended agriculture councils to represent our needs. Fishing has been mentioned, but there are many other relevant issues. For example, 300 square miles of the south of Scotland's land mass is taken up by Galloway forest park. Forestry is managed differently in Scotland and England, so the Scottish forestry strategy must be represented, debated and have an impact on EU policy negotiations at council meetings.

I appeal to members of all parties to realise the logic of that position. There is no formal and binding basis for issues that are devolved to Scotland to be represented at the EU level. The test should be: if the EU did not exist would Scottish ministers have competence to act? If so, they should be invited to influence policy that UK ministers advance and should have the right to attend the EU-level meetings where many of the decisions are made.

16:32

**Margo MacDonald (Lothian) (Ind):** When I listened to Liam McArthur's speech, I thought that I was back in Maastricht a few years ago, when a brutal German professor of politics and economics explained that one had to have power to play the game and be in the power game to win in Europe. We were there from the Scottish Parliament, all bright eyed and bushy tailed, to explain why we should play a bigger part in the Committee of the Regions alongside Antwerp's mayor and somebody else like that whose name I forget. That panacea was absolutely no use. We seem to have forgotten it and moved on to direct representation.

The cabinet secretary sounded like a girl guide, playing by the rules and citing good behaviour for the past 12 years as having earned us the right to statutory representation. She cited Belgium as having given Flanders the whip hand at one point. Oh, quelle surprise! If we knew anything about the politics of Belgium, we would realise why that was a political bauble or crumbs from the table. That game is played in Belgium as much as it is in the United Kingdom.

The cabinet secretary cited Richard Lochhead's experience as proof of the fact that we are overlooked in Scotland. The man knows the

Christian name of every haddie in the North Sea, so of course he should be at the European fishing negotiations. Of course he could and should lead for the UK—I do not doubt that—but the rules say that states count and we are not a state. Power counts, not influence.

Richard Lochhead has done his very best, as did Ross Finnie before him. Ross Finnie was the same: he was on first-name terms with the fish. As a result, he was well respected in Europe and listened to. He did his level best to represent the interests of the fishing communities and others in Scotland, but we do not have power and will not have it until we are a state.

Although I wish the Government well in trying to improve the lot of those who have to deal with the European institutions, I warn it to guard against hoping for too much. Even Catalunya wants full representation, and it has an awful lot more than we have in relation to Europe.

16:34

**David McLetchie (Lothian) (Con):** Members will recall the First Minister's address to Parliament in the heady days following his election victory, and the six demands that he insisted were essential if we were to improve the Scotland Bill. Now, none of those demands was territorial, which is no doubt a great relief to people who live in Berwick-upon-Tweed, but one of them was to give Scotland

“a guaranteed say in the forums”

of the European Union.

Roll forward to August, when the Scottish Government published a paper on involvement in the European Union. That, as Hugh Henry ably pointed out, is a rather flimsy and insubstantial publication of barely a page and a half with a policy rationale of dubious worth. Nonetheless, it supports the proposition that the Scotland Bill should be amended to give Scottish ministers

“a statutory right to be included in the UK delegation attending relevant proceedings of an EU Institution.”

But let us look at the motion that has emerged for debate today. The lion that roared has turned into the mouse that squeaked. The demand for statutory rights has completely disappeared from the text. Instead, rather plaintively and pathetically, we are asked to note the present situation of Scottish ministers being required to seek permission to attend council meetings. And so it has come to pass that Scotland's great, girning Government has been reduced to complaining about writer's cramp—it does not like writing letters to Whitehall.

So it is that the six demands are now five demands. Judging by the Government's total

failure to answer basic questions about corporation tax and its reluctance to unveil its plans for the customs posts at the border between Scotland and England that will be necessary to police a separate excise duty regime, I confidently predict that other demands will go the same way.

Let us look at the Scottish Government's paper on the subject. In the policy rationale, the sole incident in 12 years of devolution and intergovernmental co-operation that provides the basis for the statutory right proposal is a case in which a request that a Scottish minister be part of the UK delegation was refused. It occurred in 2009, thus predating the change in the UK Government, which the minister was gracious enough to acknowledge has improved matters. However, in fairness to the preceding UK Government, it is worth noting that the reason for the refusal in 2009 was that the agenda for the meeting focused solely on reserved migration issues and did not relate to a devolved responsibility. Interestingly, if we look at the terms in the motion, we can see that the Scottish Government wants to be represented only when a devolved matter or a matter that lies within the competence or responsibility of Scottish ministers is to be discussed. Accordingly, I am led to ask what on earth the Government is moaning about.

Moreover, the experience with the justice and home affairs council is enlightening in other respects. In 2010, four separate meetings of the justice and home affairs council were held—in February, April, June and December. Her Majesty's Government's Justice Secretary and Home Secretary accepted a request from the Scottish Government to attend, but the relevant Scottish minister failed to do so. He did not turn up. He was a no-show. That was not megaphone diplomacy; it was empty-chair diplomacy. This is the Government that says that our interests are being overlooked or neglected, but it does not even turn up at meetings that it says it wants to attend.

**Fiona Hyslop:** Will the member give way?

**David McLetchie:** By all means.

**Fiona Hyslop:** I have already covered the issue of the ash cloud and the weather. Our attendance has been exemplary. I might have been a bit overenthusiastic in being positive about what we can offer, but will David McLetchie please acknowledge that the problem lies in the working groups, informal councils and negotiation and collaboration in pre-meetings? Does he recognise that there is generally room for improvement? Will he please answer that very simple question?

**David McLetchie:** To be perfectly honest, I would answer many more questions if the minister were not so economical with the truth. There were

not four volcanic interruptions in February, April, June and December when the minister failed to show at a meeting that the Government said that it wanted to attend and which supposedly affected Scotland's interests.

The idea that we are excluded from attending is nonsense. Scottish ministers have attended 45 council meetings since 2007 and of those Richard Lochhead has attended 25—the man is hardly ever out of the place. The fact of the matter is that intergovernmental co-operation, and arriving at and presenting a common UK position, is alive and well, which is a good thing. There is no need to amend the Scotland Bill in the way that is proposed. By trying to do so, the Scottish Government is in effect trying to pre-empt the position and elbow out the devolved Administrations in Wales and Northern Ireland, so there is not much respect being shown there.

That is the real reason why the Scottish Government is in retreat on the issue. The penny has finally dropped that it is not practical under existing EU rules and procedures, which are not going to be changed any time soon just to suit the interests of Scotland alone. Frankly, I suspect that the second reason is that the other devolved Administrations have rightly objected to this pre-emptive attack on their interests, which are equally valid and important.

As Liam McArthur rightly pointed out, what is far more important than who speaks at any given meeting is the discussion at official and ministerial level that precedes the meetings, with a view to arriving at an agreed position in the interests of all our citizens and all the constituent parts of the United Kingdom. That is precisely what is happening and what has been happening over the past 12 years. The Scottish Government should be gracious enough to accept that instead of trying to manufacture a wholly synthetic dispute.

**The Deputy Presiding Officer:** I call Patricia Ferguson, who has a generous seven minutes.

16:41

**Patricia Ferguson:** Thank you, Presiding Officer.

This has been a short debate, but it is a debate on an important issue. In spite of its short length, there have been some thoughtful contributions, which I will speak about in a moment. However, Hugh Henry was right to highlight our difficulty in following the Government's case, not least for the reasons that Mr McLetchie has just put forward. This is happening at a time when the EU is moving towards greater interest and participation in the principle of subsidiarity. We must therefore engage with that process and, outwith the mechanisms put in place by the JMCs, there are

many ways in which the Scottish Government can do that. I am not convinced, but I hope to be by the minister, that the Scottish Government always takes the opportunities that are afforded to it in that respect.

**Margo MacDonald:** I am intrigued by the member's contention that the EU is moving towards more devolution of power. Can she outline briefly how she sees that?

**Patricia Ferguson:** I think that the Europe 2020 agenda is entirely about that. It is a very interesting discussion, which I know the European and External Relations Committee began in the previous session. That is why a number of parliamentary committees now have reporters who specifically look at what is coming from Europe so that the discussion in Parliament can be developed before being fed back to the Government, which can then share that with the other devolved nations and, indeed, the UK Government. It is an interesting time to be involved in such discussion.

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

**Patricia Ferguson:** I will indulge Margo MacDonald.

**Margo MacDonald:** I am very grateful, because this is a very important point. We have heard over the past few weeks with regard to the trouble in the euro zone that what is intended for Europe by the leading states in Europe is federal union. Now, is that not at odds with the idea of devolving power as far down as possible to what we call sub-nations?

**Patricia Ferguson:** I am sure that an argument about that is going on in Europe—in fact, I think that it has been going on since before the creation of the EU—and that federalism is perhaps what some nations would prefer and like. However, what we actually have and what has been agreed in Europe is the principle of subsidiarity. We need to be more engaged with that principle and to take it forward as part of our agenda. I hope that every committee in the Parliament is working in that way. One of the SNP speakers—they will forgive me if I forget who it was—mentioned that a vast quantity of legislation is coming from that direction. That process is vital and is one of the ways in which we can all be part of that agenda.

Jamie McGrigor made an interesting point about the effect of competition from devolved Administrations to take a place at the Council of Ministers on behalf of the UK. How the UK Government manages that aspiration is an issue. We have a shared agenda on many issues by dint of devolution. There are often small delegations, and we must be careful about what we are doing. If we are going to take forward the discussion in a

constructive way, it must involve all the devolved nations.

Joan McAlpine and other colleagues have mentioned Catalonia. I gently point out that the devolved regions in Spain operate in different ways, and that Catalonia's representation is different from that of Galicia, for example. The process and the devolution there are asymmetric, so the representation is asymmetric. That is not an argument against the Government's proposition; rather, it is an example of how complicated the whole structure can be.

Several colleagues have mentioned Belgium, and Margo MacDonald touched on some issues in the politics of that country. Belgium has not had a Government for more than a year, and it is struggling to ensure that a Government is put in place because of how it is structured and because of the competing politics there. When I have been there, it has certainly seemed to manage quite well without a Government, but perhaps none of us has a vested interest in pursuing that point.

I was interested in Margo MacDonald's comment on the Committee of the Regions. I have always seen the Committee of the Regions as a way in which back-bench MSPs could take part in discussions in Europe. I have never thought that it is the end of the story or the most fantastic mechanism that there could be, but it is the only mechanism that allows MSPs to participate in those discussions. Our colleagues in the Convention of Scottish Local Authorities also participate in them. Will the minister clarify in her closing speech why her Government now wishes to ensure that the places on that committee will go only to local government colleagues and will no longer be given to MSPs?

I wonder why it is thought that an amendment to the Scotland Bill can change the EU's constitution. The EU decides who can formally take representation and act on behalf of member states—that is laid down in the article to which I referred in my opening speech. Therefore, I do not understand how an amendment to the Scotland Bill can achieve that, although I understand the idea of having a much clearer process that gives Scotland a greater opportunity to consider that matter. I have great sympathy with the Government on that.

Will the minister clarify in her closing speech whether the Government is still pursuing the amendment to the Scotland Bill that has been talked about? I know that she said that the motion is intended to allow more consensus around the issue, but almost all the speeches from SNP back-bench members have been about a motion that we do not have rather than the one that we do. I welcome the minister's more consensual approach and the tone of the Government's motion, but I get

the feeling from the contributions of SNP back-bench members that they do not share its view, unfortunately. I would welcome the Government's clarification on that.

The debate has been interesting, and it will be interesting to follow the debate in the Scotland Bill Committee. I certainly look forward to doing that and to debating that committee's report when it comes before Parliament in due course.

16:49

**Fiona Hyslop:** The motion has resulted in a lively and interesting exchange.

It is difficult: it seems as if we are damned if we do and damned if we do not. If we try to get some kind of consensus and come to the chamber before the event, we are accused of somehow weakening our position. If we had come and said that, regardless of what other people think, our view is that we demand a statutory provision and that that is the only basis for discussion, we would have been accused of steamrolling. I am genuinely trying to find a way of having a discussion and recognising all contributions and the need for a strengthened role.

That strengthened role can be delivered in different ways. In relation to Liam McArthur's comments, I made the important point about the pre-work that is required. That is one of the problematic areas for us that we are trying to seek improvements on to ensure the arguments are set.

I want to address a number of points because very important points have been made. On whether we can make the proposed change, I should point out that it is for the member state to decide who it sends to council meetings—it is not for the Commission. The amendment to the Scotland Bill that we have suggested might not be what everybody wants—we are still supportive of it and are happy to continue to persuade people of it—but in any case it relates to the representation in the UK delegation, which is for the UK, not the Commission, to decide.

I agree that we might not want to follow Belgium in some of the ructions in its politics and where it has been, but the irony of the disruption in Belgium was that, regardless of its problems in forming a domestic Government, Belgium was able to Chair the Council of Ministers and hold the presidency reasonably well. It had some successes in taking people forward in a number of ways.

**David McLetchie:** Will the minister take an intervention?

**Fiona Hyslop:** No, I want to carry on and address some of the specific points that have been raised.

Patricia Ferguson asked whether we submitted a national reform programme on Europe. Yes, we did, and we also contributed to the UK response. I also responded about activity on the cohesion policy. Alex Neil recently met the relevant commissioner, and there have been numerous official-level meetings on that point. That is part of our contribution.

We can contribute in many different ways; the issue is really what happens in council meetings. I have been in council meetings when I have had to sit behind the UK Government minister but have seen other nations have both their national and regional Governments contributing and taking part in the decision-making process. What we are seeking—which was set out ably by a number of members; Maureen Watt, Aileen McLeod and Joan McAlpine all gave examples of other countries that have a similar set-up—is not unusual or unnatural. It happens elsewhere, and we have a lot to offer.

**Margo MacDonald:** It happens elsewhere because in Germany, for example, the federal Government depends on regional Governments to keep it in power. That is why it happens—the politics of Germany. The Westminster Government does not depend on us.

**Fiona Hyslop:** Margo MacDonald's theme throughout the debate has been that the issue is about power. Of course it is about power, but it is also about how the situation can be made to work in the United Kingdom, which I acknowledge is different from Germany and Spain. We have to find our own solutions, and the issue is whether there is a better solution than what is currently available.

There are a number of other areas that I want to address. We have experience, and we can contribute. We are using the JMCs, whether on Europe or on domestic issues, to inform progress. At the JMC on Europe in particular, we are constructively contributing to the process. At the moment, there are discussions on the financial framework and budget deliberations, which we are trying to influence as best we can.

It is also important to recognise that there have been problems. We have a situation in which the UK speaks on behalf of Scotland in areas such as fisheries. Clearly, Richard Lochhead's experience is valuable and is recognised as such in Scotland, and we should have a better approach in Europe. Attending or speaking at the Council of Ministers meetings should be seen as the concluding stage of a collaborative working process to advance and protect the UK's collective interest in Europe. That is what we are trying to do, but the position has to be shaped and agreed among the devolved Administrations and Whitehall at a much earlier stage in the policy formulation process. That is

another area in which we are seeking improvements.

The devolved Administrations know fine what we are doing because I have talked to them about the issue. They just happen not to have legislation that can be influenced going through Westminster just now.

I want to get on record the facts in response to David McLetchie's points about Kenny MacAskill and his attendance at meetings. In February, there was snow; in April and June, we were a minority Government and ministers were required to be here to vote; and in December there was the ash cloud from the volcano. It is, therefore, a bit unfair to slight Kenny MacAskill in that way.

There are opportunities to inform and influence. Unfortunately, regardless of the political support that has been given—for example, in words from William Hague—which I have acknowledged even in the motion, there is still a blockage to our ability to attend, which is why we are trying to establish a process to ensure our attendance as part of the delegations. Some members seem to be confusing attendance as part of a delegation with leading a delegation. That is not what is being called for even in our proposed amendment to the Scotland Bill although, in some cases, that would be appropriate. I quote somebody who has a reasonable point to make:

"We might want Scotland's rights guaranteed. It should be able to participate in the discussions in the Council of Ministers. ... On matters that are the responsibility of the Scottish Parliament, but which have a wider UK interest and concern, we propose that the right should be established in law that members of the Scottish Executive can participate in the discussions. ... where non-reserved matters affect only Scotland and not other parts of the United Kingdom, we would argue that Scottish Ministers should be the sole representatives. ... Salmon farming is almost an exclusively Scottish interest, and therefore when it is dealt with it should be led by a Scottish Minister."—*[Official Report, House of Commons, 30 March 1998; Vol 309, c 926.]*

That was Jim Wallace speaking in a Westminster debate on the Scotland Bill in 1998. It is not a new concept that we should have that representation.

Given the maturity and experience of the Scottish Government, is it not reasonable for us to have the right not only to attend as part of a UK delegation but to be able to inform developments, particularly in areas in which we have experience and expertise? I am not sure what the other parties fear. If we are confident that we can cooperate, we should have no problem with that. The Conservatives do not seem to know whether they want more power. They want independence for themselves but not for their country. Labour might not have a leader, but that does not mean that Labour members cannot take a lead in the Parliament.

Debates are already taking place at Westminster and, according to one of the lords who used to be a member of the Scottish Parliament, there is the worrying situation that they might not even respect our Scotland Bill Committee. Patricia Ferguson said that we should wait for the conclusions of the Scotland Bill Committee that is currently sitting. However, somebody who used to be a Deputy First Minister has said in the debates in the past few days that Westminster might not even accept the views of this Parliament's Scotland Bill Committee.

**Patricia Ferguson:** Will the minister give way?

**Fiona Hyslop:** Sorry—I have already taken an intervention.

Now is the time and this is the place to be debating this. We must try to inform the process now, as there will not be another opportunity to influence the current devolution settlement. We are being constructive and positive, and we have come up with a reasonable position. I hope that members have confidence in their own arguments. I admit that what we are asking members to vote on today is simply about strengthening Scotland's position. If members vote against the motion, they are voting against strengthening Scotland's position—it is a very straightforward motion. I accept Hugh Henry's point and am more than happy to come forward with the line-by-line experience, although I do not want to bore members to tears with the detail in the process. I am happy to do that, but surely to goodness we can have a bit of confidence that we have something to offer through attendance on European delegations. I ask members please to have a bit of confidence in themselves, confidence in this country and confidence that we can have a stronger role in Europe.



## Parliamentary Bureau Motion

16:59

**The Deputy Presiding Officer (Elaine Smith):** The next item of business is consideration of a Parliamentary Bureau motion. I ask Bruce Crawford to move motion S4M-00813, on committee membership.

*Motion moved,*

That the Parliament agrees that—

Richard Lyle be appointed to replace Mark McDonald as a member of the Rural Affairs, Climate Change and Environment Committee

Mark McDonald be appointed to replace Richard Lyle as a member of the Public Petitions Committee.—[*Bruce Crawford.*]

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

## Decision Time

17:00

**The Deputy Presiding Officer (Elaine Smith):** There are four questions to be put as a result of today's business. The first question is, that amendment S4M-00797.2, in the name of Patricia Ferguson, which seeks to amend motion S4M-00797, in the name of Fiona Hyslop, on the Scotland Bill European Union involvement, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)

Stewart, David (Highlands and Islands) (Lab)

### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)

Yousaf, Humza (Glasgow) (SNP)

### Abstentions

MacDonald, Margo (Lothian) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 51, Against 66, Abstentions 1.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The next question is, that amendment S4M-00797.1, in the name of Jamie McGrigor, which seeks to amend motion S4M-00797, in the name of Fiona Hyslop, on the Scotland Bill European Union involvement, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

### For

Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)

### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)

Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (North East Scotland) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Abstentions

MacDonald, Margo (Lothian) (Ind)

**The Deputy Presiding Officer:** The result of the division is: For 18, Against 99, Abstentions 1.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The next question is, that motion S4M-00797, in the name of Fiona Hyslop, on the Scotland Bill European Union involvement, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (North East Scotland) (SNP)  
 McInnes, Alison (North East Scotland) (LD)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scott, Tavish (Shetland Islands) (LD)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacDonald, Margo (Lothian) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)

Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 71, Against 0, Abstentions 47.

#### *Motion agreed to,*

That the Parliament recognises that Scotland should have a strengthened role in European policy making; acknowledges the UK Government undertaking to respond positively to approaches from devolved administrations to attend and speak at meetings of the Council of the European Union; notes the present situation of Scottish ministers being required to write seeking permission to attend council meetings, and calls for Scottish ministers to be included in the delegation representing the UK at proceedings of EU institutions considering matters that are devolved to the Scottish Parliament or that are exercisable by Scottish ministers.

**The Deputy Presiding Officer:** The final question is, that motion S4M-00813, in the name of Bruce Crawford, on committee membership, be agreed to.

#### *Motion agreed to,*

That the Parliament agrees that—

Richard Lyle be appointed to replace Mark McDonald as a member of the Rural Affairs, Climate Change and Environment Committee

Mark McDonald be appointed to replace Richard Lyle as a member of the Public Petitions Committee.

## Flavour Fortnight 2011

### **The Deputy Presiding Officer (Elaine Smith):**

The final item of business today is a members' business debate on motion S4M-00600, in the name of Aileen McLeod, on flavour fortnight 2011. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament congratulates Dumfries and Galloway-based Flavour Fortnight 2011 for a packed programme of 92 events between 3 and 18 September; notes that the programme spans the entire food and drink experience from farming and food production to fine dining and that it includes a diverse range of events including a wild food forage around an art gallery, an opportunity to enjoy the first tilapia harvest from Scotland's first aquaponics project, full-day butchery demonstrations, the opportunity to meet local producers and take advantage of plenty of tastings of local seafood, shellfish, Galloway beef, cheeses, smoked food etc; further notes that the events take place across Dumfries and Galloway with local businesses and producers working together to provide a vibrant and enthusiastic boost for Scotland's food and drink industry; acknowledges that Flavour Fortnight is led by Savour the Flavours and receives funding from LEADER and Dumfries and Galloway Council; considers that Flavour Fortnight is in keeping with Scotland's first food and drink policy as introduced by the Scottish Government and would welcome similar support for local producers across the rest of Scotland, and wishes Flavour Fortnight 2011 the best of success this year and for the future.

17:06

**Aileen McLeod (South Scotland) (SNP):** I am delighted that my first members' business debate in the Parliament is on a topic that is so ingrained in the south of Scotland. I thank the members who signed my motion and who are taking part in the debate. I greatly appreciate their interest. It is clear that they recognise the vital importance of the food and drink sector, not just in the south of Scotland but throughout the country.

Scottish food and drink fortnight is under way and we are halfway through flavour fortnight in Dumfries and Galloway. The annual celebration of Scottish produce encourages consumers to discover, buy and enjoy the local food and drink that is produced on their doorsteps and builds Scotland's reputation as a land of food and drink. It is fantastic that so many places are embracing the enthusiastic promotion of high-quality Scottish produce.

We have lots to be proud of when it comes to the food and drink sector in Scotland. During his statement to the Parliament yesterday, the First Minister said:

"Our food and drink sector and our farming and fisheries are a key part of what Scotland offers to the world. In June 2010, Scottish food exports broke the £1 billion barrier for the first time."—[*Official Report*, 7 September 2011; c 1373.]

I think that we can all agree that that is great news for Scotland and for our economy.

The Scottish Government's national food and drink policy shows the understanding of the sector's importance to Scotland that the Scottish National Party Government had from the outset. Yesterday the Cabinet Secretary for Rural Affairs and the Environment published new figures, which show an increase in the sector's turnover to £11.9 billion. Retail sales of Scottish brands in England, Scotland and Wales rose by 30 per cent or £425 million between May 2007 and May 2010, and Scotch beef sales in Scotland alone increased by 21 per cent.

Those are fantastic figures, which represent a great story for Scotland to tell, but there is more that we can do to promote the food and drink industry in Scotland, at home and further afield. The ever-increasing network of farmers markets and farm shops and events such as the flavour fortnight events across Dumfries and Galloway show how people's attitudes have changed. People want to know where their produce comes from and engage with the source. We need to support and encourage that.

Food is a critical element of Dumfries and Galloway's tourism experience. Flavour fortnight, with its 92 events, demonstrates that the sector is growing and positions Dumfries and Galloway at the forefront of that growth.

The hard efforts of savour the flavours of Dumfries and Galloway, the Wigtownshire food forum and Flavours of Galloway in promoting local food and drink excellence across Dumfries and Galloway and working with producers to find wider markets are to be commended.

As part of flavour fortnight a diverse and broad range of unusual and unique events are taking place across the region, which are giving local people and visitors the opportunity to see things that they would not normally see. Producers are opening their doors, farmers markets are putting on special demonstrations and hotels and restaurants are offering menus that highlight local produce. One of the members, Sulwath Brewers, to which I was delighted to take the cabinet secretary in April, has even developed a new real ale especially for flavour fortnight, called Flavour Fortnight FestivAle.

The rural element is key not only to the event but to the broader debate on promoting Scotland's food and drink heritage and future. The wider broadband infrastructure discussion is one that is frequently raised in this Parliament and I have no doubt that it will feature heavily in the future. With so many people turning to the internet to place orders, we must provide the appropriate support to our suppliers, farmers and producers to enable

them to keep up with the demand. I fully support the south of Scotland next generation broadband project, which is vitally important to enabling our rural businesses to compete on a level playing field with the rest of Scotland and beyond.

Similarly, the issue of extremely high fuel prices in rural areas is a factor in the industry not realising its full potential.

Another key issue that the cabinet secretary will be aware of is that of European Union protected food status schemes, which can help our producers to protect their famous Scottish foods. However, of the 520 currently registered protected designations of origin products, 143 are from Italy; 80 are from Spain; 68 are from Greece; 82 are from France; 58 are from Portugal; and just 16 are from the United Kingdom. Of those, the identifiable Scottish ones are Shetland lamb, Orkney beef and Orkney lamb. Out of the current 80 applications for PDOs, only three are from the UK, with none from Scotland.

Although progress has been made, I believe that there is still more to do, especially in terms of raising awareness of the PDO scheme and ensuring that there is support for efforts to have products included in it. I am sure that there are many local products in Dumfries and Galloway that could benefit from having such a protected status, such as Galloway beef, which I mentioned to Alyn Smith MEP when I was in Brussels last week.

Looking to the future of Scotland's food and drink industry, I have been greatly impressed with the work in Ireland to promote food trails, which form an impressive network of routes throughout Irish towns and cities whereby producers, retailers and suppliers work together to promote quality produce. Each trail is local to the area but is promoted nationally. The network is fast becoming a big attraction for locals and visitors. The trails provide a fantastic way to see the country and support the local economy at the same time, and I would be keen for similar initiatives to spread across Scotland. We have an industry that is keen to pursue that approach, and I look forward to working with partnerships across the south of Scotland to get such an initiative up and running. I hope that other MSPs who are here today will be encouraged to do the same.

Every region of Scotland has an active food and drink sector, therefore it is imperative that all organisations, large and small, are encouraged to work together in the same direction and with the same goal: to ensure that Scotland is the number 1 food destination.

17:14

**Alex Fergusson (Galloway and West Dumfries) (Con):** I congratulate Aileen McLeod warmly not only on achieving her first members' business debate, but on the subject that she has chosen. It is exactly the type of subject that fits most comfortably within members' debates and, as the constituency member for Galloway and West Dumfries, I am only too delighted to speak in support of the motion. My only complaint is about the timing of the debate. However, that is a purely selfish concern arising from the fact that I have to attend a constituency event at Castle Douglas at eight o'clock this evening, which means that I must offer apologies to Aileen McLeod, the chamber and you, Presiding Officer, as I must leave as soon as I have finished my speech if I am not to incur the wrath of the police force.

One of my great pleasures since 1999 has been to witness the quite remarkable growth of local food production, processing and marketing in Dumfries and Galloway. From the occasional smokery that one used to pass, the industry has grown into one that spans Scotland and is of ever-increasing importance to the rural economy. I have no doubt that its importance will continue to grow.

As the motion points out, entrepreneurs and artisans have ensured that local food and drink production now encompasses a vast range of products. Those range from smoked fish and meats to breads, cheeses, preserves, beers, wines, cordials and fish—even tilapia is now produced in Dumfries and Galloway. If members do not know what it means, as I did not, they should google it. There are game products and venison, native beef and sheep products—the list goes on and is, frankly, as long as the imagination and ingenuity of the producers.

All that is aided greatly by the growth in farmers markets, as was mentioned, and the huge interest in cookery programmes on television. As someone who has considerable trouble just boiling an egg, I confess to a fascination with programmes such as "MasterChef" and others. We should not downplay the influence of those programmes, nor of the TV chefs themselves, in raising consumers' interest in locally produced and sourced products.

Savour the flavours of Dumfries and Galloway has captured all that in the flavour fortnight, and I endorse everything that Aileen McLeod said about that organisation in her opening speech. I believe that after a sticky start, the organisation is now very much on the right tracks.

A perfect example of the ingenuity that has been shown by the local participants in the flavour fortnight—to which Aileen McLeod has already referred—is the production of a special beer just for the fortnight, called FestivAle, by Sulwath

Brewers Ltd in Castle Douglas. It is a great initiative by a wonderful microbrewery. However, I want to highlight a considerable disadvantage that has been imposed not only on Sulwath Brewers but on all microbreweries throughout Scotland by an act of this Parliament, namely the Licensing (Scotland) Act 2005.

The purpose of part of the 2005 act was to make the liquor licensing regime self-funding. There is nothing wrong with that in theory, but in practice somewhere between 30 and 35 per cent of all licence holders across Dumfries and Galloway chose not to renew their licences, simply because of the vast increase in cost of applying for a licence to sell alcohol. Without exception, those licences were held by village and farm shops, tea rooms, delicatessens, garden centres, small restaurants and other similar outlets that have nothing to do with binge drinking or the alcohol-related social problems that we abhor. They have everything to do with enhancing the eating and tourism experience that was mentioned earlier and which is so important for rural areas such as Dumfries and Galloway. As a result of the act, Sulwath Brewers has lost nine retail outlets for its excellent products in Castle Douglas High Street alone. The damage could be simply undone if the Government were to change the basis for the licence fee from rateable value to turnover of alcohol. I have discussed this with Kenny MacAskill, but I urge the Government to look at doing this for the sake of its otherwise excellent policy on the promotion of Scotland's food and drink.

I am out of time, but I would have liked to have mentioned the importance of re-instituting local abattoirs as part of local food chains—something that we all agree on. I endorse the motion and I wish savour the flavours every possible success over the two weeks. One or two members have been kind enough to mention that I lost a little weight over the summer recess. I fully expect to have reversed that trend by the end of flavour fortnight.

17:18

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** I congratulate Aileen McLeod on obtaining this debate and allowing us to talk about the fantastic development of Scotland's food and drink, which the Scottish Government has been able to support and extend to new heights in sales locally and across Scotland, and in sales of Scottish produce in England and other countries. This flavour fortnight in Dumfries and Galloway has echoes across the country in ways in which funding sources are brought together, and local groups, who are so keen to start and develop, are supported.

In my constituency, the North Highland Initiative has grown from Prince Charles's initiative using the Mey Selections brand and is able to bring together farmers, fine food producers and consumers, allowing them to access a range of goods than can be bought from within a 100-mile radius of the Castle of Mey. They include whisky, beef, lamb, tweed, oatcakes, shortbread, honey, fish and shellfish. I am sure that that echoes the range that is available in Dumfries and Galloway. Each area has the opportunity to find ways in which it can sell its goods to those who wish to buy.

The issues that are ahead of us relate to how to ensure that goods reach the widest market. Some producers are very small and can sell only very locally, but independent retail outlets are important at the early stages. Many more hotels and restaurants need to say in their menus that they use local produce. The North Highland Initiative has done a deal with Sainsbury's to sell a prepared meal that includes beef from the north of Scotland, which gets to a huge audience. Local products deserve to reach such audiences.

The shellfish industry operates all round our coast, but particularly in the Highlands and Islands, and is a case in point. In 2010, Highland had 49 shellfish-growing businesses that employed 102 people, and Scotland had 164 such businesses. Initial sales, which include wild mussels that have been cared for, make the industry worth £8.3 million. The industry is small, but it is growing and is absolutely essential, because it is one of the cleanest uses of our seas. When we have the opportunity to celebrate our food, our seafood is one of the aspects that have most to give.

It is interesting to see how support is given. Yesterday evening I attended a dinner with Asda, which has a very good policy for engaging with local suppliers—its supermarket engagement arrangement is perhaps the best, and other supermarkets should look at what it does. However, that does not suit everybody, as I said. Independent retailers are important, but on a large scale, Asda—which is a huge organisation—can sell products in one or two shops or in many. That part of the process will create even better support for our local produce.

We have a great opportunity to support the local foods of Dumfries and Galloway, which I hope I will manage to go and celebrate there. In the meantime, I must go north and celebrate local foods in my constituency. I say well done to Aileen McLeod for choosing a great subject to discuss.

17:22

**Elaine Murray (Dumfriesshire) (Lab):** I, too, congratulate Aileen McLeod on securing her first members' business debate to celebrate the savour the flavours food festival in Dumfries and Galloway. Last year, the Scottish Government sponsored a debate on Scottish food fortnight, in which I highlighted that food festival, so it is good to return to the topic a year later. That debate coincided with the Pope's visit to Scotland and I remember grumbling that too few people would be involved in the discussion.

The food festival is even bigger this year—it involves 92 events over 16 days and covers the whole region, including Moffat, Sanquhar, Thornhill, Langholm, Gretna, Annan and Dumfries. I could go right round my constituency eating for the next few days but, as I am shorter than Alex Fergusson, doing that might have a worse effect on my weight than it would on his.

It is important that savour the flavours is led by the industry but supported by Dumfries and Galloway Council and the LEADER programme, which granted a two-year funding package. The organisation supports producers, manufacturers and retailers and encourages food outlets, which include restaurants, hotels and cafes, to do exactly what Rob Gibson described—to use and advertise their use of local produce. Savour the flavours encourages local people and visitors to the area to try our local food and has an important role in educating children about local produce, how food is produced and the value of good food. The organisation encourages people to eat local, which is important to reducing food miles.

If anybody has looked, they will know that the savour the flavours website is excellent. It links to local suppliers with which people can place orders for food. For lucky people such as me, who have the great privilege of living in Dumfries and Galloway, some suppliers will deliver orders for free on some days of the week.

The festival is important to local industries, producers, processors, retailers and tourism links in the region, but it is wider than that—it promotes the appreciation of quality food. As I said last year—I say sorry to the cabinet secretary for repeating myself—that is important to matters such as the fight against obesity. If people are encouraged to eat less but better-quality food, that benefits their health, as well as being a much more enjoyable experience.

We need the supermarkets and big retailers, as well as small independent retailers, to do what Asda is doing and commit to having local produce on their shelves, as Rob Gibson described. Retailers should sell smaller portion sizes so that people can afford to buy quality food, and they

should provide for the needs of single people. As we have touched on previously in the Parliament, single people are often not catered for by food markets. We also need a labelling scheme that gives consumers confidence that they are buying local produce.

I want to touch on the issue of abattoirs, which Alex Fergusson did not have time for. We need local abattoirs and local processing facilities to ensure that all stages of the food process are local. In the previous session of Parliament, we discussed concerns that the Food Standards Agency's proposals on abattoir charges might have a deleterious effect on local abattoirs such as the one in Lockerbie and could make it less likely that animals will be slaughtered locally. There is no sense in having locally produced lamb or beef that has to travel to the other end of the country to be slaughtered and then travel somewhere else to be processed and then back again to be sold. I ask the cabinet secretary to update us on what has happened on that issue because, to an extent, I have lost sight of the concerns. I do not know whether the issue has been resolved, but it is important if we are to reduce food miles and ensure that local food really is local.

17:26

**Chic Brodie (South Scotland) (SNP):** I am delighted to speak in support of Aileen McLeod's motion. I, too, congratulate her on the debate. Flavour fortnight represents the best of the outputs of Dumfries and Galloway's food and drink industry. I claim that, along with South Ayrshire, the area represents the premier garden of Scotland. Dumfries and Galloway's flavour fortnight and the people who are associated with it should be congratulated, and deservedly so. The variety and diversity of the programme are to be applauded. The living experience, which goes from new products through production to events, dining and consumption, is a tribute to all involved, including the members of savour the flavours.

Activities such as flavour fortnight provide the foundation of the food industry's ambition to drive up its revenue in Scotland to £12.5 billion by 2017 and its exports to £5.1 billion in the same period. Last year, in France—the so-called kitchen of Europe—imports from Scotland grew by 24 per cent. I am sure that, with improvements in logistics and overnight transport and refrigeration, we will see an even greater emphasis on exports. The gross value added from the industry in the past two years has been £4.8 billion, of which manufacturing provides a substantial amount. It is a vibrant employment business, and Dumfries and Galloway plays a significant part in that.

We are in the midst of a food and drink revolution in Scotland, as those figures indicate.



Scotland's reputation as a land of drink and food is strongly enhanced. The Government's strong support for primary producers, some of whom are involved in flavour fortnight, is focused on the quality of Scotland's natural resources and raw materials. That will help to drive forward the revolution.

We have locally produced food with new and yet traditional methods of production; quality products that are different and unique; and special food and drink that is specially presented—that makes me hungry already. Flavour fortnight is playing its role in protecting and enhancing our reputation as the land of food and drink. I congratulate Aileen McLeod on this important motion, just as I congratulate all those who are associated with flavour fortnight.

17:29

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I, too, congratulate Aileen McLeod on securing the debate. As we all recognise, she has picked a fantastic topic for her first members' business debate and I welcome the other positive speeches that members across the chamber have made. I should also say to Aileen McLeod—and, in his absence, to Alex Fergusson—that my taste buds have fond memories of my visit back in April to the microbrewery that they mentioned.

I also congratulate Dumfries and Galloway Council on its comprehensive programme of 92 events in its flavour fortnight. I regret that I will not have the opportunity to visit any of those events this year, but should any of the local MSPs wish to invite me to next year's event I will be more than delighted to come—and, yes, that was a very big hint.

I have certainly been impressed by the breadth of the areas that the flavour fortnight is covering. As we have heard, it ranges from events showcasing traditional local Scottish fare to innovative ideas such as the wild food forage around an art gallery in the area. Given that all those events will encourage people to discover, buy and enjoy the food and drink that is produced on our very own doorsteps, it is good to see that LEADER funding has helped with the event's overall management and promotion. This is a clear example of the public, private and third sectors all working together to contribute to and promote rural development and sustainable economic growth on the back of our food and drink businesses.

Events similar to the Dumfries and Galloway flavour fortnight are taking place across the country and are encouraging everyone, regardless of age, taste or budget, to become more informed about what they buy and why they buy it and to try

something new. The fortnight not only supports the people who make the food and drink we enjoy but challenges our restaurants, caterers and suppliers to source and champion quality Scottish produce. It is great that, since it was first started in 2003 by the Scottish Countryside Alliance Education Trust, the event has grown.

As we have heard, this year's food and drink fortnight—the initiative is now in its ninth year—is even bigger than before, with more than 200 events, or a more than 50 per cent increase on the number of events last year. That sends a clear message that more and more people are joining in and celebrating the variety of Scotland's natural larder. I am pleased to say that we have been able to support Scotland Food and Drink again this year to enable small food businesses to attend the events taking place during the fortnight. Of course, the success of Scottish food and drink fortnight is part of a much wider trend. As Chic Brodie pointed out, a revolution is happening in Scotland's food and drink industry and it is local food and drink initiatives such as that in Dumfries and Galloway and other communities throughout the country that are giving grass-roots momentum to that revolution.

There are many different dimensions to all this. For example, I was pleased to hear Aileen McLeod, in particular, suggest that it can help tourism, highlighting what is happening in Ireland with the food trails. I would like to find out more about that, because it sounds like a good initiative, but I point out that we have a commitment in Scotland to supporting food networks throughout the country and we envisage that they will play a food tourism role. I certainly agree with members that that is a huge and untapped opportunity. Some of the food initiatives that have been discussed certainly support that approach and are kicking off these opportunities, but I agree that much more can be done.

What is certain, though, is that demand for local produce is continuing to grow with nearly a third of Scotland's shoppers saying that they have specifically bought locally produced food. That is good news, particularly given that when people think there is a recession they tend to move away from local food. That that has not been the case is a good vindication and endorsement of Scotland's reputation of good food and produce.

Scotland is renowned across the world for its unspoilt landscapes and high-quality produce, all of which underpin its success in this area. As members have pointed out, even in this tough economic climate there has been an increase in retail sales of Scottish brands; indeed, in the past few years alone, sales have gone up by a third. Scottish food and drink exports are also at an all-time high, with international sales reaching £4.5

billion. Those figures are testament to a real consumer demand for the high-quality food and drink products that this country has to offer.

Since May 2007, the Government has supported many businesses with around £30 million of assistance through our food grant schemes. I mention that because the issue of local abattoirs was raised during the debate. The fact is that assistance is available to anyone who wishes to make a business case for a local abattoir. I think that we are all in favour of the philosophy behind such abattoirs but they have to be commercially viable—and that, in many cases, has been the challenge in Scotland.

However, Scotland has local abattoirs and many projects are being investigated to try to open new local abattoirs. There are challenges—for example, Elaine Murray mentioned the role of the Food Standards Agency. Of course, the Scottish Government listens to the industry and that is why we are having a review of the FSA's role in Scotland. An important part of that review is the role of the meat hygiene service and all the charges that are associated with it, which of course help to determine whether rural abattoirs are viable in the first place. I will update Parliament in due course on how that review is going.

We should celebrate the fact that it is all good news on the food and drink front in Scotland. Promoting local food is very important and the Scottish farmers market partnership is one way of doing that. This Government has delivered the first ever support to that organisation to help our primary producers at a local level interact with consumers on their own doorstep. There are now 53 farmers markets across Scotland, which is good news.

Dumfries and Galloway's flavour fortnight, which is part of the wider Scottish food and drink fortnight, is our opportunity to celebrate the continued growth and success of Scotland's famous food and drink industry. People now associate Scotland's image with good-quality, healthy and often seasonal food and drink produce, which has perhaps not always been the case.

That is why the revolution that is under way deserves the support of this Parliament and of all parties. I know that it has that support. We have the opportunity to get behind it and allow the initiatives in Dumfries and Galloway and elsewhere in the country to go from strength to strength and deliver a huge number of benefits for Scotland.

*Meeting closed at 17:36.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

Members who wish to suggest corrections for the revised e-format edition should e-mail them to [official.report@scottish.parliament.uk](mailto:official.report@scottish.parliament.uk) or send a marked-up printout to the Official Report, Room T2.20.

---

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by RR Donnelley and is available from:

All documents are available on  
the Scottish Parliament website at:

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

For details of documents available to  
order in hard copy format, please contact:  
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

e-format first available  
ISBN 978-0-85758-734-3

Revised e-format available  
ISBN 978-0-85758-747-3

---

Printed in Scotland by APS Group Scotland