



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 25 February 2010

Session 3

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# Scottish Parliament

Thursday 25 February 2010

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

## Curriculum for Excellence

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

Good morning. The first item of business is a Liberal Democrat debate on motion S3M-5809, in the name of Margaret Smith, on education.

09:15

**Margaret Smith (Edinburgh West) (LD):** Why have the Scottish Liberal Democrats decided to focus on the curriculum for excellence in this debate? First, so that we can reiterate our commitment to it. We began the curriculum for excellence process in government, with cross-party backing. From the start, the aim was to introduce a more holistic approach to learning and development that took us beyond teaching to the exam and gave our teachers and schools greater responsibility in shaping the curriculum.

We continue to support the principles that are behind the new curriculum. We want a curriculum that provides opportunities for children and young people to develop as successful learners, confident individuals, responsible citizens and effective contributors. However, it is now time—in fact, it is well beyond time—to move from the principles on which we all agree to clear practicalities of implementation on which we can equally agree. The lack of detail and clarity about the practicalities of implementation is a cause for concern for people throughout the sector.

The changes that are involved in the curriculum for excellence and the new qualifications are the most important challenges to face Scottish education in the coming years and it is imperative that we get them right. The 54,000 primary 7 pupils who will enter secondary school in August, begin the curriculum for excellence and eventually sit the new national qualifications are not guinea pigs or lab rats—they are children and their futures depend on everything being implemented and resourced properly in the crucial next four years.

The second reason for the debate is that we want to make it clear that what is most important is not when the curriculum for excellence and national qualifications are introduced but introducing them properly. It would be totally wrong if, for example, the Scottish Qualifications Authority were put under pressure to make quicker decisions on assessments that delivered a limited or flawed model for examinations.

We are not here today to advocate particularly for a delay; we are here to say that, if the key partners that are represented on the curriculum for excellence management board believe that the curriculum cannot be introduced effectively and properly by the autumn and that, consequently, the new national qualifications cannot be introduced in 2013-14, the Cabinet Secretary for Education and Lifelong Learning must listen to them. He must show leadership on this important issue and let everyone know—we suggest ideally by Easter—whether the timetable is realistic and can be delivered.

Teachers, pupils and parents all want an answer sooner rather than later. We suggest Easter as we believe that it is reasonable to give teachers a full teaching term to deal with whatever needs to be done in preparation for the introduction of the curriculum for excellence after the summer break. That would be particularly relevant if any increases in continuing professional development were made before the curriculum's introduction.

I am sure that the cabinet secretary has his reasons for not accepting our suggestion on the timescale in his amendment and I look forward to hearing them but, whether or not a decision is made by Easter, it is clear that decisions should be taken soon. I do not wish to be accused of dancing on the head of a pin with the cabinet secretary about timescales—indeed, I do not want to be accused of dancing anywhere with him—but we need to know exactly what he means by a “few months” in his amendment. Does that mean six months or by April or May?

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** It takes two to tango.

We are certainly talking about a matter of months and well before summer. There is a strong technical reason for not choosing Easter.

**Margaret Smith:** I am sure that the cabinet secretary will elucidate his reasons for not choosing Easter and we are interested to hear those.

We do not suggest that, if the curriculum for excellence does not proceed in the autumn, the preparation work should come to a halt—quite the opposite. We want the work on national assessment resources for all subjects to continue; we want CPD to continue; we want planning to continue; we want engagement with parents to begin in earnest; and we want all the relevant partners to ensure that the necessary resources are in place for implementation.

The cabinet secretary must listen to the key groups that are represented on the management board—the teaching unions, the SQA, Skills Development Scotland and Her Majesty's

Inspectorate of Education—but it is also essential that he gets out there and listens to teachers, headteachers and parents about what is and is not happening on the ground. There is a lack of clarity—each and every MSP knows that. Each and every MSP knows that progress in their constituency is patchy. That simply is not good enough when we are close to the proposed implementation date of August.

The third reason why the debate is important now is that a perfect educational storm is making the continuing implementation of the curriculum for excellence difficult—some might say impossible. Our motion refers to some challenges that face local authorities. We know that schools are dealing with the consequences of budget cuts and that, if anything, the coming two years will be even worse.

Parent councils in Edinburgh wrote to local MSPs recently to outline the impact that cuts would have in local schools. I am delighted that the City of Edinburgh Council was able to minimise the cuts, but the parent councils' document highlighted the fact that a consequence of cuts was less development and management time for senior management teams, which must do more classroom teaching instead of preparing for the curriculum for excellence. One great failing of the process so far is that few parents understand what the curriculum for excellence means for their kids, but they worry that budget cuts in schools will badly affect implementation and development.

Teachers are at the heart of the new curriculum. We will rely on their commitment and professionalism and they will assume greater autonomy over what they teach in Scotland's classrooms. Most teachers welcome that, but concern is increasing that insufficient CPD in-service days have been allocated and that guidance on what they are expected to teach and—until recently—how that will be assessed has been insufficient. Even now that exemplars are due out in the summer, national assessment resources will begin to be available only in the autumn. The resources will start with literacy, numeracy and healthy living, and other subjects will follow at some pace or another.

At a time when we will rely increasingly on Scotland's teachers, the Government has presided over a drop of more than 2,000 in the 53,000 teachers it inherited. Throughout Scotland, university staff unions are concerned that plans to strip a further 1,500 teacher training places out of the system this year might do lasting damage to the capacity of Scotland's teacher training schools to meet the need to train teachers to replace the third of the workforce that is likely to retire in the next five years.

Ronnie Smith of the Educational Institute of Scotland shares those concerns. He said:

"These drastic cuts in teacher numbers are ... threatening the delivery of the Curriculum for Excellence, which simply cannot be delivered in an environment of continuing cuts to education budgets and drastic reductions in teacher numbers."

We believe that all the political parties are committed to the curriculum for excellence. In principle, it is the right approach for education in Scotland. We want it to succeed, but we are concerned by the concern of parents, teachers and others throughout Scotland about basic questions on the practical implementation of national qualifications, such as when their children can decide the courses that they will take, how the interface with general teaching and learning in broad subjects up to third year will operate and when national qualification 4 will start. All those practical questions remain to an extent unanswered and that is not good enough.

We need clear leadership from the cabinet secretary. We need a clear steer in the next few weeks on whether the development timetable, which says that the curriculum for excellence will begin in the autumn and that national qualifications will begin in 2013-14, is realistic.

**The Presiding Officer:** I must hurry you, please.

**Margaret Smith:** If the timetable is not realistic, the cabinet secretary must show leadership and say that our children's future is more important than an arbitrary timetable. We need a decision on that in the next few weeks—we suggest by Easter. I will listen with interest to what he says.

I move,

That the Parliament supports the full and effective implementation of the Curriculum for Excellence; notes the ongoing concerns of teaching unions, education academics and parents' organisations about the lack of clarity and the impact of education budget cuts and reduced teacher numbers and training places on implementation plans; agrees that it is essential that the new curriculum and assessment arrangements, including literacy and numeracy tests, are properly resourced over the full four years and that teachers are given the required continuing professional development and support; believes that if this cannot be guaranteed then the Scottish Government must be prepared to give the implementation process more time, and recommends that the Cabinet Secretary for Education and Lifelong Learning take advice about the timetable from the Curriculum for Excellence Management Board with a view to making a final decision about the timetable for the introduction of the new curriculum by Easter.

09:23

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I thank Margaret Smith for lodging the motion and I hope and expect to thank Liz Smith, Des McNulty, Ken

Macintosh and others for their positive contributions to the debate.

I am glad that members throughout the chamber accept that we are not talking about the curriculum for excellence as something that should or should not happen. I will marginally correct Margaret Smith—it is wrong to say that the issue is the beginning of the curriculum for excellence, which is working well in primary schools. The issue is its implementation in the secondary sector. We can all agree that that is the core matter that we are discussing.

The timetable is not arbitrary. The management board has set the timetable, which education ministers of two Governments have agreed again and again. We are talking about a timetable that is not arbitrary—that word was used—but was agreed. However, I agree that it needs to be looked at from time to time.

We all know that our children and young people must be equipped to respond to the demands and opportunities of our changing world. That is axiomatic. In Scotland, we have been talking about change for nearly a decade. I was going to say that several of us in the chamber were members of the Education, Culture and Sport Committee when it held an inquiry into the purposes of Scottish education in 2002-03, but I think that I am the only member in the chamber who was a member of that committee at that time. *[Interruption.]* Mr Macintosh is indicating that he, too, was a member. How could I have forgotten that? Perhaps I wanted to blank it from my memory.

Mr Macintosh and I took part in the inquiry. The objectives that the committee set for the future of Scottish education are fully reflected in the curriculum for excellence, as are the outcomes of the Liberal-Labour Executive's national debate on education. We have now arrived at the point where the national policy decisions that were presaged in 2002-03 are being fully realised. However, it is entirely proper for the chamber to stand back and say, "Do we need to do more?" Let us remember why the changes are coming in, but let us also ask ourselves whether we are doing things in exactly the way that we should, because circumstances and times change.

There is no doubt that Scottish education performance compares well internationally and with the other parts of these islands, but children's attainment has plateaued over the past decade. We perform well, but not well enough; others are catching up with us and, in some cases, exceeding us. Yesterday, all of us across the political spectrum were united in expressing concern that the Scottish survey of achievement results have plateaued too. There is a very obvious deterioration the further through the

system one goes. That is why secondary education needs to change. It is axiomatic; it is there before our eyes in the SSA.

We have to accept that, instead of there being a cost in going ahead, there may be a cost in delay. I raise that as a genuine issue. The cost may be in the achievement of children in the secondary sector, if we accept, as the chamber does, that the curriculum for excellence is the right set of reforms for the secondary sector. Another cost may be in building and developing the professionalism of our teachers. That issue must be put in the balance.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The minister is right in saying that we have to get this right for the long term, but Margaret Smith's point was that our children are educated once. It is very important to get it right for the children who will start their secondary education this year.

**Michael Russell:** I do not dispute that for a moment. We need to do the best for our children. The issue with which the chamber is struggling is whether the changes that we want to make, which we know are the right ones in the longer term, are sufficiently well developed to have an immediate impact when they are introduced. I accept that that is the issue that we have to discuss.

A number of things have to be considered in the balance. The assessment framework that was published last month sets out in straightforward terms what we want children and young people to achieve and how we will know that they are making progress. That is a positive. Work is progressing well between the management board and the SQA to develop the new national qualifications. We know that that, too, is a positive. Significant resources have been put in place. Indeed, we have extended CPD, although that has not been an unqualified success. Last night, I received an irate e-mail from a parent in which they said that it was outrageous that there was to be yet another day on which teachers were not teaching but learning. You cannot win all the time on this front. We are putting in significant resources to CPD—there is an additional CPD day. I have said repeatedly that we will provide additional resources to local authorities to ensure that all the needs are met.

The Parliament has to acknowledge the huge range of activity that is under way by the Association of Directors of Education in Scotland, local authorities, Learning and Teaching Scotland and others. Of course, in the balance, we also have to consider the views of teachers. I assure Margaret Smith that I am listening to headteachers and others in secondary schools every day. This very morning, before I came to the chamber, I had a long telephone conversation with a senior headteacher. I am having that type of conversation

with classroom teachers and headteachers day in, day out and when I visit schools. I am very conscious of their views.

The curriculum for excellence management board is meeting today. Indeed, I cannot attend to hear its advice because I am here listening to the Liberal Democrats telling me to listen to its advice. The board is considering the issue at its meeting today. I am examining the evidence and talking to the stakeholders. I give the chamber an absolute assurance that, if the evidence says, "We want to do things in a different way," we will do them in a different way. That includes perhaps delaying the in-point and ensuring that the system works for those children who enter secondary school this August. There will be no delay for delay's sake, but delay if the evidence proves it.

I lodged the amendment in my name because I think that the evidence will build towards a decision some time within the next few months. Easter falls on 4 April and I cannot guarantee that the evidence will have built by that date. However, I give the chamber the assurance that I am looking at and listening to the evidence—I will be very open to all the evidence that comes to me—and, provided that the Easter barrier is taken away, I have no difficulty in supporting the motion. Indeed, I have no difficulty in supporting the other amendments. My only problem in doing that is a technical one: Labour's amendment pre-empts my amendment. I am trying to be unselfish, but I have not got that far. I will support my amendment and not the Labour amendment.

The debate is an important one, and it needs to be positive. That is the spirit in which I tried to approach it this morning.

I move amendment S3M-5809.3, to leave out "by Easter" and insert:

"within a reasonable timeframe over the next few months".

09:31

**Ken Macintosh (Eastwood) (Lab):** I thank Margaret Smith and the Liberal Democrats for bringing the curriculum for excellence to the chamber once more. The members of the Education, Lifelong Learning and Culture Committee discussed the matter with the cabinet secretary at our last meeting before the recess, I think that I am giving away no secrets in saying that I found the experience frustrating. Yet again, we seemed to be left with more questions than answers. As Margaret Smith said, the curriculum for excellence is suffering simply from a lack of clarity and direction. Some decisiveness from the cabinet secretary would go a long way to addressing many of the outstanding concerns. The tone of the cabinet secretary's opening speech

was very welcome but, yet again, he seemed to be describing the problems instead of offering the guidance that we all seek.

We have been debating the curriculum for excellence in the Parliament for several years now, yet the Scottish Government seems to be unable or unwilling to answer the most basic question on what the curriculum for excellence means for our schools. That became evident when I took a quick look back over our previous debates. For example, in 2007, the legacy paper of the previous session's Education Committee suggested that

"the successor committee may wish to consider seeking an early update from the Scottish Executive"

on the new curriculum. In February 2008, I asked Scottish Government officials what the curriculum for excellence would

"look and feel like. Will the current situation remain, whereby most secondary schools have a boxed curriculum"?—[*Official Report, Education, Lifelong Learning and Culture Committee*, 27 February 2008; c 668.]

In March 2008, I asked witnesses to the committee what the exams or the curriculum would look like and what decisions would have to be taken. In January 2009, I asked the cabinet secretary's predecessor whether she could describe to me in simple language what the secondary school curriculum would look like under her plans. I asked how many subjects pupils would choose and at what stage.

I am not the only member to ask those questions. Elizabeth Smith, Mary Mulligan, Margaret Smith and, before her, Jeremy Purvis have all asked them. Everyone—MSP, teacher or parent—wants to know the same things. In particular, we want to know what the impact of the curriculum for excellence will be on a typical secondary school pupil's timetable. How will it affect subject choice?

It is fairly easy to grasp how the new curriculum for excellence will work—indeed, is working—in our primary schools. The concepts behind the new curriculum lend themselves to open learning. However, the landscape of the secondary school is dominated by single subjects. Choices are often made with the end point of exams and qualifications in mind. Given that, it becomes harder to understand how themed learning will operate. That is not a new difficulty; it was flagged up from the word go. It is therefore deeply worrying that we still do not know how many subjects a pupil will take in third or fourth year and how many exams they will sit. Will they start to study for those exams in third year? Is so, how many will they do and on what criteria?

Many of the questions surrounding the curriculum for excellence are tied up in the nature



of the examinable curriculum and the point at which it starts. One of the original—indeed, continuing—motivations behind the new curriculum is that it would help us to move away from an exam-dominated system. The idea was that it would take us away from teaching to the test and de-professionalised teachers. However, so far, we do not seem to have got rid of many exams. Abolishing standard grades was almost a free hit, given that some schools had stopped offering them to pupils several years ago. Intermediates have simply been renamed or replaced. In fact, we have now introduced new qualifications in literacy and numeracy, although the debate continues on how the tests will be regarded if they are not externally tested or moderated.

As we know, teachers and parents have quite varied views on testing. Parents want to know how well their child is doing. Of course, any assessment of a child's performance, attainment or achievement can be used to assess the performance or attainment of teachers.

No one has ever pretended that that is an easy balance to strike, but the cabinet secretary would do all of us a favour if he were a bit more honest and straightforward about his views. There is nothing wrong with having further discussion of the issues but, in seeking consensus, the cabinet secretary should be aware that consensus may not exist. I am left with the impression that this is a difficult decision postponed; rather than incur the wrath of some vested interest, it is better to leave the matter and hope that the good old Scottish educational establishment will muddle through, as always. Of course, the good old educational establishment will muddle through, but is that what we really want from this innovative reform? Just as we have yet really to face up to tough choices on testing, so we remain in the dark about teaching by subject at secondary school.

Mr Russell suggested to the Education, Lifelong Learning and Culture Committee that any criticism of the Government was criticism of the curriculum for excellence working group or was in some way disloyal or unhelpful to our overall policy direction. In fact, when answering my questions, he suggested that I was asking the wrong questions. Without wishing to offend the cabinet secretary—I worry about his sensitivity—I make clear that we are interested only in restoring confidence in the curriculum for excellence and securing the future of our pupils. Given that all the Opposition parties are united in asking the same questions, is it not time that we heard some answers?

I move amendment S3M-5809.2, to leave out from “and that teachers” to end and insert:

“believes that the professional development of teachers and the updating of their skills is vital to successful

implementation; asks the Scottish Government, in conjunction with local authorities, to ensure that the continuing professional development needed to underpin the Curriculum for Excellence is put in place; considers that greater clarity is urgently needed for teachers and parents regarding the impact on subject choice in secondary schools and the standards that will be set for the new levels of qualification, together with reassurance that the necessary resources will be made available, and asks that consideration is given to greater consultation with parents and the involvement of parent representatives in the management and co-ordination of the implementation process.”

09:36

**Elizabeth Smith (Mid Scotland and Fife)**  
**(Con):** I welcome the fact that the Liberals have brought this debate to Parliament, as it affords us the opportunity to reaffirm our strong commitment to the principles of the curriculum for excellence. More important, it gives us the opportunity to address with some urgency the remaining challenges, if we are to ensure that the benefits of the curriculum for excellence are successfully implemented in our schools and in the reform of the SQA examination system.

Most people know when they meet someone who is well educated—it shows in the way in which they behave, their conversation and their range of interests, as well as in the skills that they bring to their occupation. A good education is about acquiring the basic skills in literacy and numeracy at an early age, acquiring a good understanding of the world around one and the ability to gain qualifications. However, it is about far more than just passing exams—it is about the qualities that give people good judgment, self-confidence, self-esteem and a sense of responsibility as a citizen in a community. For me, the curriculum for excellence must be about striking an effective balance between improving the academic rigour of our qualifications and making learning more relevant and meaningful to each child, so that they are better prepared with the skills that they require for life after school.

So far, so good. However, as other members have said, there is no doubt that serious questions remain about the implementation of the curriculum for excellence. That is why we have sympathy with the content of the Liberal motion and the timescale that it proposes. If, as I am sure the cabinet secretary has done, we listen to classroom teachers, headteachers, the teaching unions and various educational commentators, representatives of whom have appeared before the committee, we find that there is deep concern—even, dare I say, despair in some quarters—that teachers, especially those in secondary schools, do not feel that they have been fully engaged in the process of developing the curriculum for excellence, that too many of the

guidelines are woolly and vague and that insufficient time has been allocated to improving teachers' CPD training in this area.

There is enough concern to suggest that it might be preferable to introduce a short delay in implementation. Six years down the line on the curriculum for excellence, the Scottish Government should be able to make a timing decision. One teacher summed up the situation well in a comment to the Times Educational Supplement that

"this is the biggest and most exciting curriculum change in schools for a generation but the one for which teachers are least prepared."

In other words, they were positive about the principles that underpin the curriculum for excellence but warned that time is crucial if the change is to work to best advantage.

Of course, matters were made much worse by the fact that, at the same time as introducing this major reform, the Scottish Government piled substantial other pressures on our local authority education departments—expensive and, dare I say, wrong-headed priorities such as insisting on class sizes of 18 or fewer in primary 1 to 3 and universal free school meals. Those policies meant that in some cases, resources were diverted away from the curriculum for excellence.

In my final minute, I turn to the question of raising standards throughout Scottish schools. Rightly, the cabinet secretary identified that as the main ambition of the curriculum for excellence, but it will happen only if there is a determined effort to provide more formal vocational options for pupils in the early years of secondary school and to restore more academic rigour to the SQA examination system—academic rigour that recognises the importance of what the cabinet secretary described to the committee as the "deepening experience" of the curriculum for excellence, involves pursuing greater knowledge and understanding of relevant subject content and enables those pupils who wish to pursue academic courses to develop sophisticated interpretive and analytical skills that are so eagerly sought by employers in this country. I take nothing away from the excellent teaching and hard work that our teachers and pupils undertake, but I worry greatly that the constant "improvement" in exam passes increasingly reflects the ability to recall key bullet points of a limited range of knowledge rather than the ability to develop more sophisticated argument and analytical thinking.

On the same point, the cabinet secretary is aware of my concerns about the accessibility of the advanced higher, which I consider to be one of the best aspects of Scottish education. That will not remain the case if too few pupils are able to

access the course that they need and we cannot stretch our brightest pupils to the full.

We have a huge opportunity to get this right, but we need to be much more far-sighted about promoting excellence in its widest sense. If that means a slight delay in the implementation of the curriculum for excellence, so be it. However, we must also ensure that the proposed reforms of the SQA reflect our ambitions.

I move amendment S3M-5809.1, to insert at end:

" , and further seeks an assurance from the Cabinet Secretary for Education and Lifelong Learning that the reform of the exam system accompanying the Curriculum for Excellence will provide sufficient academic rigour and skills-based testing so as to ensure the highest possible standards of attainment in Scottish schools."

**The Presiding Officer:** We come to the open debate. Members will have picked up that we have a little time in hand, but I stress the word "little". Speeches should be no more than four and a half minutes long.

09:41

**Christina McKelvie (Central Scotland) (SNP):**

At the weekend, I watched with interest "The Politics Show", because that is what all of us do at the weekend. Glenn Campbell was interviewing Colin Sutherland, head of North Berwick high school and chair of School Leaders Scotland, which is the new incarnation of the Headteachers Association of Scotland. If I recall Mr Sutherland's comments correctly, he said that the Scottish Government had issued all the high-level documents for the curriculum for excellence, that the preparatory work had been done properly and that, as long as the implementation timescale was followed properly, we were, in his words, "good to go".

Mr Sutherland told all of us who had gathered around our tellies for our weekend fix of political news that the Scottish Government had already given teaching staff extra time to prepare for the introduction of the curriculum for excellence—extra in-service days and so on—and that headteachers were grateful for that consideration. He winged a wee warning or two across the bows, saying that we are now trying to peer into the future with the curriculum for excellence, that staff need to know where it is leading, that timelines must be adhered to and that qualifications must be well prepared. However, by and large, he was positive and upbeat about the implementation of the curriculum.

**Margaret Smith:** Does the member accept that Mr Sutherland also said that it was highly unfortunate that the implementation of the curriculum for excellence was taking place at a

time of great financial pressure and that that was a major worry?

**David McLetchie (Edinburgh Pentlands) (Con):** Margaret Smith, too, was watching "The Politics Show".

**Margaret Smith:** I was not, but someone obviously was.

**Christina McKelvie:** I do not believe Margaret Smith—I think that, just like me, she was in front of her telly on Sunday watching "The Politics Show". I understand that Mr Sutherland made the point to which Margaret Smith refers. All of us recognise that financial pressures will affect every issue that comes up in the circle of politics at the moment.

If headteachers are not only content with the implementation programme but positive enough to sound upbeat—just like Margaret Smith—we must be heading in the right direction. As with everything else in these times of tightening fiscal belts, finances are a worry, but Mr Sutherland made clear on the BBC that implementing the curriculum for excellence should not cost money in most subjects and can be done at nearly neutral cost overall; he is very positive. Where there are funding requirements—I assume that the cabinet secretary will correct me if I am wrong—the Scottish Government will ensure that the resources that are needed to implement the curriculum will be made available.

**Michael Russell:** Absolutely.

**Christina McKelvie:** In my opinion, the curriculum for excellence is a good move for Scottish education. For the first time ever, Scotland will have a unified system from three to 18—a through-school experience to aid pupils' learning. That is a prize for which it is worth competing and undertaking some change.

We must wrangle clarity over the qualifications landscape that will come into being over the next few years; concerns have been expressed about that issue. The introduction of the baccalaureate was a good start, but we must go further by developing it and extending it to cover other subject areas. The baccalaureate is a high-level, high-quality qualification that allows Scottish pupils to benchmark their qualifications against others internationally and to demonstrate their outstanding ability. I have seen some of the pupils who undertook the first course, and they seemed to enjoy it a great deal. I believe that the baccalaureate will be a success. We know what it will entail for all subjects as it is rolled out, but we must clarify what is coming down the line.

We must get the details for national 4 and national 5 tidied up and presented properly, so that teachers who are teaching now know in what direction pupils will head in later years.

I should declare an interest. I have a son in primary 7, who is heading to high school after the summer. As a parent, I have some concerns, but I must say that some of the subjects that he is studying in primary school, some of the things that he is coming home with and some of the things that he is involved in have sparked in him an interest in subjects that perhaps would not have interested him in the past. It is a different style of learning, but he seems to be really enjoying it and it is working for him.

My son has his new manual for secondary school, and North Lanarkshire Council has done a brilliant job in explaining to parents what the curriculum for excellence is, how it will be merged into all the subjects, and how it will work. As a parent, I have some concerns, but the excellent work that I can see going on allays my fears.

We need the details on new awards and assessments of literacy and numeracy to be laid out as soon as possible and the review of higher and advanced higher courses to be completed and solidified in short order. It would seem from Colin Sutherland's upbeat interview that our schools are confident that they can get there and that they are comfortable with the curriculum. If we can address the few minor concerns, it is clear that the curriculum will deliver what we want it to deliver and within the planned timescale.

09:45

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I am not an expert on the curriculum for excellence, as will fast become obvious, but I am an enthusiast for it, not least from talking to several headteachers in my constituency, one of whom, for example, described the creativity and flexibility that were already being unleashed in her primary school.

I am an enthusiast also because I remember how it all began. I recognise the continuity between what the cabinet secretary is seeking to achieve and the national debate on education that took place eight years ago. I was interested in a comment by Don Ledingham, who is a leading director of education in Scotland. He wrote recently that

"the most remarkable thing about Curriculum for Excellence in 2010 is that it does so closely match our aspirations identified from the 2002 National Debate on Education, informed—as it was—by unions, headteachers, local authorities, parents and academics."

In that debate, people argued for a range of changes, such as reducing overcrowding in the curriculum and making learning more enjoyable, better connecting the various stages of the curriculum from three to 18, and equipping young people with the skills that they will need in tomorrow's workforce. It is important to

communicate to parents and the wider population not only that enthusiasm but some of the detail of the curriculum, because people are crying out for that.

It is also important to address the concerns that exist. I raised a concern a few months ago following representations from the Royal Society of Edinburgh—I am sure that the cabinet secretary always takes its views seriously. It may be that some of the issues that it raised have been dealt with, but I will briefly repeat what I said in a debate a few months ago about its concerns, in particular that, without a common understanding of the structure of the curriculum, there is a danger of different agendas developing across Scotland. If the cabinet secretary has time, I would welcome a response to that.

Other concerns are expressed in the Labour amendment, and are about the importance of continuing professional development, clarity about qualifications and, crucially, greater consultation and involvement of parents. I am glad that the cabinet secretary said that, in principle, he accepts those demands.

The biggest problem, however, is the financial environment in which the curriculum for excellence is being introduced, and it is relevant to touch on the issues that have come up in other recent debates. Margaret Smith talked about how the City of Edinburgh Council has minimised the cuts, and I pay tribute to the great campaign waged by parents and teachers in achieving some improvements in that regard. However, it would be wrong of me not to remind members, on behalf of my constituents, that we still face cuts of £2.44 million in devolved school budgets in Edinburgh, of £655,000 in community high schools and of a further £1.355 million through unspecified savings in school budgets that are still to be announced.

It is crucial for the curriculum for excellence in particular that we have an adequate number of teachers—Margaret Smith emphasised that. We must be concerned about the introduction of the curriculum for excellence in an environment in which, as we know, we have lost 2,000 teachers in Scotland in the past two or three years.

That leads to the key theme that I have been advocating in the past few weeks. Particularly with the new spending review coming up and the difficult budgets that we all face, we must decide to prioritise school budgets and find a mechanism to make that possible. As we know, the Scottish Government has no levers to ensure that school budgets are prioritised. While I am enthusiastic for the curriculum for excellence, I think that it needs to be supported by the prioritisation of school budgets in the next three years.

09:50

**Aileen Campbell (South of Scotland) (SNP):**

The curriculum for excellence is designed to do exactly what it says on the tin: to provide excellent education for every single school pupil in Scotland. Members have heard many times, often in education debates and often on a Thursday morning, about the importance of equipping our younger generations with the skills and knowledge that they need to succeed personally and contribute to the wellbeing of our society.

We all want the curriculum for excellence to take root in our schools and deliver its goals of relevant, inspiring and engaging education for every pupil. I welcome the Liberal Democrats' support for the full and effective implementation of the curriculum, and they are right to say that it is important for the implementation process to be given enough time to have maximum effect. That is precisely why the cabinet secretary wrote to every teacher in Scotland at the start of this year to outline the road map for the next stages of implementation. Schools have already been provided with an additional year for implementation, and I know that the Government will always take advice from the curriculum for excellence management board in implementing changes, as the motion suggests. The cabinet secretary's letter also confirmed that teachers will be provided with an additional in-service day focused on the implementation of the curriculum for excellence, on top of the three additional days that have already been held.

In addition, the Scottish Government is providing £4 million towards the recruitment of 100 extra teachers who will provide support for implementation. Those 100 teachers will be employed in classrooms across the country and will free up 100 experienced colleagues to support curriculum for excellence implementation at national and local level.

Of course, it will take time for all the impacts of the curriculum for excellence to come into force. From August, we expect that pupils will be learning under the new curriculum, but it is clear that the first qualifications under the curriculum will not be offered until 2013-14.

The Liberal Democrats' motion mentions literacy and numeracy, and I hope that they will have been reassured by the debate on the report of the literacy commission last month, when the Parliament united to support the development of a literacy action plan in the context of the curriculum for excellence. Literacy is embedded across the curriculum, and every teacher is responsible for literacy because, as the commission recognises, literacy is acquired not just in English classes but in interaction with others and in applying cognition

and communication skills in a range of situations and environments.

**Margaret Smith:** I am happy to echo the member's comments, but there is a little lack of clarity in knowing what the embedding of literacy will mean in reality. What in the new system will be different from what good teachers are already doing in their subject areas?

**Aileen Campbell:** It is a question of taking forward best practice and ensuring that what is happening now is embedded in the new curriculum. That is why the plan gathered support from parties throughout the chamber.

Delivery of the curriculum for excellence is a key part of the concordat and the national performance framework that was agreed between the Scottish Government and local authorities. I have every confidence that local authorities of every colour take their responsibility to Scotland's education seriously, and I am sure that they will use the resources that they have been provided with to implement the curriculum for excellence. As we all know, it is local authorities that are responsible for hiring teachers, and I am sure that all members will be disappointed if they hear of local authorities that appear not to be taking that responsibility seriously.

There is some suggestion that funds are not in place to ensure the appropriate delivery of the curriculum for excellence. In fact, the Scottish Government has provided increasing resources to local authorities in the face of the most difficult spending round since devolution began. Indeed, returns to the Scottish Government in July 2009 showed that local authority education budgets were set 4.1 per cent higher in this financial year than in 2008-09.

I agree that Scotland should not have to deal with budget cuts imposed on it by the United Kingdom Treasury. In the coming weeks and months, people in Scotland will have important choices to make about the future of education and public services in this country. Will it be teachers or Trident, workbooks or illegal wars, ideas or identification cards? There is at least one party in this chamber, led by Gordon Brown and Alistair Darling, that does not seem to prioritise education and public services in the way that the Scottish Government does. The people of Scotland will decide what the priorities should be.

09:54

**George Foulkes (Lothians) (Lab):** I have a great fondness for Margaret Smith—*[Interruption.]*—as does Mike Russell, but I cannot let her get away with eliding the fact that one of the authorities that is making the biggest cuts in education is Liberal Democrat-controlled City of

Edinburgh Council. Her words amount to no more than crocodile tears.

Margaret Smith said that, if the curriculum for excellence is to be implemented, it must be resourced properly for the next four years. Let us consider the City of Edinburgh Council, which is led by the Liberal Democrats, in alliance with the Scottish National Party. Like Christina McKelvie, I declare an interest, not as a parent but as a grandparent who has two grandchildren in Edinburgh.

As you know, Presiding Officer, I normally criticise the SNP Government. However, on this occasion, thanks to the generosity of Alistair Darling, the SNP Scottish Government has allocated £810.885 million to the City of Edinburgh Council for the current year, which represents an increase of more than £14 million, or 1.76 per cent. That is enough to enable the council to protect and preserve education. Cuts can be found elsewhere, among top salaries, back-room services and a range of other things.

However, the City of Edinburgh Council has made the wrong decisions. It initially proposed cuts of 2.5 per cent, but, as Malcolm Chisholm said, thanks to a great campaign by parents, teachers and elected representatives, which was led by the Edinburgh parent council network, the proposed cuts were reduced to 1 per cent. That decision was pushed through, particularly by the Liberal Democrats—as members know, in Edinburgh decisions depend on the casting vote of the lord provost. The education convener is a Liberal Democrat; the leader of the council, Jenny Dawe, is a Liberal Democrat—

**Hugh O'Donnell (Central Scotland) (LD):** Will the member give way?

**Michael Russell:** Here is another Liberal Democrat.

**George Foulkes:** I have only four minutes.

The lord provost, George Grubb, who used his casting vote, is a Liberal Democrat. The Liberal Democrats pushed the decision through.

**Margaret Smith:** Will the member take an intervention?

**George Foulkes:** Oh, all right.

**Margaret Smith:** Thank you for allowing me to cut in. Will you manage to go through your entire speech gliding over and sashaying across the fact that the Labour Government at Westminster has taken us into a recession and kept us in a recession, which means that everything that affects the children and parents of Edinburgh is the result of the trickle-down economics of your Government's recession?

**George Foulkes:** It is not the Presiding Officer's Government; it is my Government.

The lady has not listened to what I said. The City of Edinburgh Council has an increase of more than £14 million. It has a 1.76 per cent increase. I will spell it out for Margaret Smith: i-n-c-r-e-a-s-e. Nevertheless, the council has implemented cuts, which means that £40,000 will be cut from the budget of an average high school and £10,000 from an average primary school—and this is only the first year of what we expect will be three or four years of cuts if the Liberal Democrat-SNP administration in Edinburgh has its way.

The council has also closed four primary schools, including Drumbrae primary school, in Margaret Smith's constituency. Liberal Democrat Marilyn MacLaren misrepresented the views of the parents at the education committee—[Interruption.]

**Margaret Smith:** *rose—*

**George Foulkes:** She did! She misrepresented the views in the consultation at the full council meeting. As a result of the closure of those schools it will be much more difficult to implement the curriculum for excellence. Sometimes the Liberal Democrats ought to recognise that they are not as holy as they would like us to think they are.

09:59

**Bob Doris (Glasgow) (SNP):** We have just witnessed either a stand-up comedy routine or a spelling bee. I say to Lord Foulkes, consider Glasgow City Council and the Labour Party. That should put you firmly in your place.

**The Presiding Officer:** I am sorry to interrupt. There is too much use of the word "you", which should apply only to me.

**George Foulkes:** Hear, hear.

**Bob Doris:** I apologise, Presiding Officer. I should have said that that should put Lord Foulkes firmly in his place.

I acknowledge the—mostly—constructive tone of the debate, and I hope that the constructive tone of the Liberal Democrat motion, in particular, signals a change in tone in general when we discuss education in the Parliament. In debates in the past, tabloid-style slogans such as "education in crisis" have been bandied about. Such a heated style of debate has done no one any good, including our parents, teachers and students—indeed, it has done them a disservice.

I acknowledge that there is anxiety among teachers about the implementation of the curriculum for excellence. Teachers' concerns must be listened to and addressed. That is what the Scottish Government is doing, and it is what

the Liberal Democrats are doing by using their debating time to provide constructive opposition and bring focus to the issue and discuss it further.

Should the curriculum for excellence be implemented this autumn? Perhaps. However, the cabinet secretary said that the date is not set in stone, although it is clear that the looming deadline will focus minds. Minds are being focused in schools and local authorities, and good progress is being made throughout Scotland. It is understandable that some schools and local authorities will be more geared up than others will be. If there is evidence that curriculum for excellence should be delayed, will the cabinet secretary acknowledge that implementation might not need to be delayed throughout Scotland and consider a phased introduction? Perhaps not every school in Scotland needs to jump forward at the same time, if the evidence supports a different approach.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Is the member suggesting that even within local authorities some secondary schools might not implement the curriculum for excellence when others are doing so?

**Bob Doris:** Not at all. I am putting forward an idea, and I will be interested to hear what the cabinet secretary says about it.

We must remember that the curriculum for excellence is not a big bang event. If all schools are required to deliver on the curriculum for excellence this autumn, performance and delivery will surely vary, but that will be the case whatever the implementation date. I am sure that schools that do not implement the curriculum for excellence as fully as others do will learn from best practice elsewhere and develop their expertise in future years. I can say with confidence that whether or not implementation of the curriculum for excellence is delayed, teachers will continue to do a good job and teach our children to the best of their abilities. The curriculum for excellence is a framework for doing not just a good job but the best possible job.

No dark clouds will gather over schools if there is no delay. Nor will everything be sunny and rosy should an additional year be allowed for implementation. I remember that concerns were expressed about the implementation of the five-to-14 curriculum and higher still in Scottish schools. I suspect that reasonable concerns can always be expected as we go through a period of change. There is always uncertainty and trepidation at such times. I have heard that some schools never properly implemented the five-to-14 curriculum over the years. They were supposed to do so, and the documents were sitting on their shelves, but for many people it was a subjective opinion whether implementation had taken place.

Should there be delay? Maybe. Should implementation be phased? Perhaps. Let us consider the evidence. I hope that the Parliament agrees that the cabinet secretary should give us more information in a “few months” rather than “by Easter”.

We are close to reaching agreement. The curriculum for excellence is too important to get wrong. We will get it right together. I commend the spirit of the debate.

10:04

**Karen Whitefield (Airdrie and Shotts) (Lab):** I emphasise the elements of the debate on which there is consensus. The general principles of the curriculum for excellence were set out by the previous Scottish Executive. At the time, there was broad agreement that the proposed changes were positive. There was general agreement that the amount of assessment in our schools was becoming burdensome, without there being clear evidence that it was improving attainment. There were also concerns about literacy levels in schools. The Parliament debated that issue recently.

This may be a first for me, but I agree with a comment that the Cabinet Secretary for Education and Lifelong Learning Michael Russell made during his recent attendance at the Education, Lifelong Learning and Culture Committee. He rightly pointed out:

“this is not a year zero in Scottish education. The best of current practices will help to ensure the success of the new system.”—[*Official Report, Education, Lifelong Learning and Culture Committee*, 10 February 2010; c 3150.]

I could not agree more. It is certainly the case in Labour-controlled North Lanarkshire Council, which leads the way in developing co-operative learning and is sharing good practice with many local authorities throughout Scotland.

I firmly agree with the central approach of the curriculum for excellence, which is to relate education to the meaningful experiences of children and young people in a way that correlates with various disciplines. However, we must acknowledge that, although many of our primary schools in Scotland are well prepared for the curriculum for excellence, the same cannot be said of our high schools. I welcome Christina McKelvie’s recognition of the good work that North Lanarkshire Council is doing in its high schools—she is not often so keen to praise the council—but the reality is that local authorities’ state of preparedness in high schools is patchy throughout Scotland. That is why it is important that we have the debate today.

The cabinet secretary was made well aware of the concerns when he gave evidence to the

committee recently. Those concerns focus on resources; support for teachers and education staff during the introduction of the curriculum for excellence; and, importantly, the lack of detail on the implementation of national 4 and 5 qualifications.

On the latter point, Ken Macintosh and Margaret Smith asked the cabinet secretary what they considered to be perfectly reasonable questions, such as: when will pupils begin studying for national 4 and 5 qualifications; how will such decisions be taken; how many subjects will pupils be able to study; and how will the timetable conflicts be managed within a system that is as flexible and child centred as the curriculum for excellence is? As has been pointed out, those are the types of questions that the average parent will want to ask. I appreciate that the cabinet secretary might feel that such questions misunderstand the basic premise of the curriculum for excellence, which should be child centred and flexible. However, with the best will in the world, basic issues such as timetabling and discussions with parents and pupils about subject choices will have to be addressed. Those questions must be answered and, ultimately, it is for the cabinet secretary to answer them.

Questions have also been asked about the additional resources that will be made available to councils to ensure that staff are properly prepared to make the shift to the curriculum for excellence. I welcome the cabinet secretary’s initial remarks to the committee on that matter, but there is a need for greater detail on the funding mechanism that is to be used. Indeed, the cabinet secretary needs to go further to prove that he is listening to the concerns that teachers are expressing about continuing professional development.

The curriculum for excellence has the potential to deliver a step change in the quality of education that our children and young people enjoy. It is vital that the Scottish Government and the cabinet secretary show the leadership that is required if we are to ensure its success.

10:08

**David McLetchie (Edinburgh Pentlands) (Con):** I commend Margaret Smith and the Liberal Democrats—not words that pass my lips often—

**Hugh O’Donnell:** Or easily.

**David McLetchie:** Or easily. I commend them on bringing the matter to the Parliament for debate in their business time. As many members have noted, it gives us an opportunity to voice concerns that have been raised about the timetable for implementing the curriculum for excellence in the secondary sector. I agree that, as Margaret Smith underlined, getting it right is far more important

than getting it right now, and if a longer timescale will achieve that that is far and away the preferable course of action. The Conservatives welcome the fact that the cabinet secretary has said that he will reflect seriously upon that in light of the debate and the representations that many others in the world of education have made to him.

One of the major challenges facing our education system is how to improve the literacy of children and young people. The recent statistics give no cause for comfort or complacency in that respect, and I welcome the cabinet secretary's sober analysis of the survey of achievement, about which he has spoken this morning. I note that Mr Russell told the Education, Lifelong Learning and Culture Committee that literacy is at the core of the curriculum for excellence, and he has said:

"For the first time ... all teachers will be responsible for ... literacy".—[*Official Report*, 3 December 2009; c 21807.]

I am glad to hear that that is the case, but the minister's assertion that it is a first is a total nonsense. His memory of his own school days, which largely coincided with mine, must be failing him. I reflect on the fact that, in many subjects other than English—such as history, geography and even the sciences—we were required to provide answers in essay form, that the grammar, spelling and sentence structure in those essays were expected to be correct and that we were marked down if they were not. In short, those basic literacy skills were regarded not only as essential tools of the job but as an integral part of it. We have now moved to a tick-box, bullet-point system of answering and assessment that does not reinforce those skills across disciplines and subjects. That must change.

Any change such as the adoption and implementation of the curriculum for excellence requires resources in money and staff. That is self-evident—although apparently not to Christina McKelvie, who thinks that it is cost neutral, a view that is somewhat at odds with the Scottish Government's allocation of nearly £18 million for the scheme's implementation.

**Christina McKelvie:** Will the member give way?

**David McLetchie:** No, I am sorry.

I would have a lot more sympathy for George Foulkes's criticism of Liberal cuts in education in the City of Edinburgh Council had not the Labour Party closed three primary schools in my constituency in its time in office. Perhaps he ought to reflect on that.

It is truly astonishing that, faced with the important challenge of implementing the curriculum for excellence, the SNP Government

has been prepared to waste scarce resources in education on providing free meals to children whose parents can well afford to feed them and, furthermore, to pursue a one-size-fits-all policy on class sizes that will at once exclude children from some of the most popular and successful schools in our country and prevent resources from being focused on schools where additional support is necessary. The fact that the cabinet secretary has in part repented on those policies should not disguise the fact that he, not the hapless Ms Hyslop whom he replaced, was their original architect. Experience suggests that all Mr Russell's pronouncements on education should be treated with scepticism and caution, not least his Damascene conversion on the management of schools this week. Let us hope that he makes a better job of the curriculum for excellence.

10:12

**Des McNulty (Clydebank and Milngavie) (Lab):** I, too, congratulate Margaret Smith on bringing the subject to the Parliament for debate. It is particularly appropriate in the context of the evidence-taking session to which Ken Macintosh referred, that is, the last Education, Lifelong Learning and Culture Committee meeting that Mr Russell attended, at which he was, unfortunately, unable to answer a number of basic questions to which parents would reasonably expect there to be answers at this point.

Many members have spoken strongly in support of the principles that underpin the curriculum for excellence. It is important to recognise that there is a strong cross-party consensus in support of its effective delivery. That should be our starting point.

Although it is important that we debate the curriculum's practicalities and recognise that it should not be implemented according to an inappropriate timetable, it is a matter of regret that the division between the Liberal Democrat motion and the SNP amendment appears to be about whether the lifeboats should be launched at Easter or some months later. It is worrying that the concerns have reached the stage at which an Opposition party—the Liberal Democrats—says that we might be at the point of abandoning the implementation of the curriculum for excellence in 2010.

**Michael Russell:** That word has never been used.

**Des McNulty:** If I understand the motion correctly, the Liberal Democrats are saying that consideration should be given to whether it is right to go ahead with implementation and the decision on that should be made by Easter, whereas the minister is saying that it might be more appropriate



to consider the matter later. That is a worrying development. At this point, the minister should be focusing on steering the ship and ensuring that implementation is completed according to the timetable that has been set. I remind members that the SNP Government has already delayed the implementation process by a year. Legitimate questions are now being asked, and it is important that we get responses to them.

We need to ensure that continuing professional development arrangements, which everybody agrees are vital to progress matters, are in place.

**Elizabeth Smith:** The member is right. Questions about professional development are crucial. Educational principles and professional development are the key to making the curriculum for excellence work. Margaret Smith has lodged a motion on the timescale. She is not asking for curriculum for excellence to be put off; she is asking for it to be introduced properly.

**Des McNulty:** As I understand it, she is asking for consideration to be given to delaying the timetable for implementation if certain things cannot be put in place. That is the substance of what she is saying.

**Margaret Smith:** I appreciate Elizabeth Smith's attempt to speak for me, which was helpful. However, I made it clear that, even if we do not believe that things are quite right with implementation, there is no question of our saying that we should delay the CPD work and the curriculum for excellence implementation work that is being done. Let us be clear that, if we set the timetable in motion, we are talking about national qualification exams in 2013-14. If the implementation of the curriculum for excellence is not going according to plan, we cannot take the chance of setting in train a course of action that will mean that children will sit exams in 2013-14 that they may not be properly assessed and ready for.

**Des McNulty:** That is a perfectly fair point, but my argument is that the minister's responsibility is to ensure that all the mechanisms are in place to ensure that we can go ahead as planned. Certain steps must be taken in order to do that. There must be CPD arrangements, and we need clarity about the standard that is to be set for qualification exams across the spectrum. We need to ensure that parents are properly involved and informed about what is going on and about what can be expected of young people at the point of implementation. We require much more detail about the assessment regime than is contained in "Building the Curriculum 5: A framework for assessment", which was published at least a month late, in January.

A series of steps must be taken, and it is crucial that the minister focuses his attention on ensuring that everything is put in place, that the management board gathers all the evidence and all the processes, and that we take forward the process. A delay may be inevitable, and that would be serious. It would be another delay in a process that should have been managed more effectively than it has been so far. It is the minister's responsibility to ensure that what I have outlined happens.

10:18

**Michael Russell:** I will deal first with the politics of the matter, because I want to return from Des McNulty's speech to the consensual and constructive nature of the debate. Des McNulty's speech has been the least constructive in the debate, with the inevitable exception of the speech by Lord Foulkes. I was entertained by Lord Foulkes's accusing Margaret Smith of weeping crocodile tears. That is quite a compliment from a man who has wept a swampful of crocodile tears in his time.

Des McNulty's speech was interesting. He is prepared to attack me and the SNP Government, no matter what happens. At one stage, he argued that there needs to be time to develop issues and resolve any problems that there may be, but he then said that there should be no decision on considering the evidence and the time. I regard that as playing naked politics with the curriculum for excellence. His approach is wrong, and his speech was unfortunate.

I return to the substance of what we are debating, which is simple. There are two questions. The first is, should we depart from an agreed timetable? The second is, if we are to depart from that timetable—we need to consider the evidence that we need for doing so—when should a decision on that be made? Those are entirely legitimate questions about a complex programme that our predecessors started. Perhaps the programme got off on wrong feet, but we have tried to correct that, and it has been carried through with the advice and assistance of a range of good people.

It is regrettable that it has been implied on a couple of occasions, exclusively by Labour members, that people have been doing nothing. I think that Mr Macintosh used the phrase "muddling through", which was unfortunate. In Balfron high school, for example, where I will be next week, the headteacher is vigorously pursuing the flexibilities that the curriculum for excellence creates. It does no credit to her, her staff, the council or anybody else who supports that approach to use the term "muddling through". Many good people are trying to ensure that the approach is the best possible.

Sometimes new Labour makes accusations about failing to answer questions, but the problem is that it does not get the answers that it wants, so it goes on saying that we have failed to answer the questions.

The reality is that the process is different from previous processes. It puts much-needed flexibility into education. In the debates in 2002 and 2003, we all accepted that that was needed. The process is harnessing creativity and, crucially, it depends on the individual professionalism of teachers. We should encourage those things in the process, not seek rigid standardisation, which is what Mr Macintosh in particular asked for.

The key questions have not gone away. They are whether we should depart from the agreed timetable and when a decision should be made on that.

**Ken Macintosh:** Will the minister take an intervention?

**Michael Russell:** No. My time is limited, and I want to conclude.

I am listening to the evidence, but a variety of people and organisations must gather the evidence. I am, of course, listening to the management board, and I am keen to find out the outcome of its deliberations today. I am listening to bodies such as Learning and Teaching Scotland and the SQA, and particularly to secondary teachers and headteachers; I have made a point of talking to as many of them as possible. Until the process has continued and I know the evidence, it would be wrong to make a decision; if I did, that would be done in an arbitrary way. I accept that a decision cannot wait for ever, but an Easter or 4 April timescale would be arbitrary. I simply ask for flexibility to ensure that I have time to listen to the evidence.

In my opening speech, I presented arguments about why a decision might not be necessary and why the implementation should continue as planned. Equally, there are arguments on the other side, some of which are spurious. I am grateful to George Foulkes for confirming that local authority budgets have risen and that local authorities have the opportunity to choose how to spend their money. There is a range of possibilities for them. They face issues such as pay for teachers and the European Court of Justice ruling about leave during periods of absence, which is putting additional pressure on their funding. Local authorities will make decisions on such matters, but one priority that they must have, and they know this, is to ensure that they focus on how the major change in education that we are discussing, which will broaden and deepen education, free our teachers' abilities and introduce great creativity into our schools—it is

doing so—is brought about. I am finding additional resources, even in these difficult times, to allow that to happen.

There are increased resources. Karen Whitefield was entirely wrong about that matter. I respect her point of view on North Lanarkshire, but parents are being involved. I launched the parental toolkit in Kinross some weeks ago, and have just seen a tremendous leaflet for parents from a school in Inverness. That leaflet goes even further and tells parents precisely what is happening and engages them.

Good things are happening everywhere in Scotland. I accept the legitimacy of the question that the Liberal Democrats have asked. I need to engage with that question and I am doing so; I simply ask for the opportunity to do so in the light of the evidence.

I draw members' attention to the position that Mr McNulty has taken and put the Labour Party in. That position essentially politicises the issue once more. Parents and schools do not want that, and secondary teachers, who are at the sharp end of the process, really do not want it.

10:24

**Hugh O'Donnell (Central Scotland) (LD):** It is Thursday morning once again, and we are having an education debate once again, which is not wrong. I support the motion in the name of my colleague Margaret Smith. It is entirely appropriate that we review the curriculum for excellence situation. We take comfort from the words of the minister in relation to the timeframe. As Margaret Smith rightly said, we do not want to get into dancing on the head of a pin on that issue.

The debate has been largely consensual, aside from the not-unexpected note of discord that was introduced by Lord Foulkes, who displayed his good literacy skills and his selective amnesia on the role of the Labour administration in the City of Edinburgh Council.

The idea of the curriculum for excellence was first mooted in the Parliament, so we are all enthusiastic. To paraphrase Elizabeth Smith, the curriculum offers the opportunity to produce rounded individuals who not only achieve academically, but have a range of skills that all young people need to take forward into their lives. To that extent, the curriculum for excellence is useful. However, although I am enthusiastic for gravity, I do not quite know how it works. That is the position that parents are in with the curriculum for excellence. They lack clarity on the where, what, when and how.

Karen Whitefield usefully highlighted the differences between primary and secondary

school. The teaching methodologies in the primary sector mean that teachers are well used to delivering a range of subject matter and, in most cases, moving seamlessly from one subject to another. The subject-discrete teaching methodologies in the secondary sector mean that the new approach is a little harder there. In the schools across the Central Scotland region that I represent, there are clear differences.

One issue that I hope will be addressed as we proceed is that of CPD, which several members have mentioned. David McLetchie referred to the additional moneys that have been put into that. That money might go to local authorities, but I am concerned that, in times of financial constraint, there are few levers to ensure that the CPD time allocations will be devoted to the new curriculum, as Malcolm Chisholm said. There are indications that that is not necessarily happening. The issue is particularly important for the most vulnerable young people, such as those who have special educational needs and those in independent schools such as the New school, Butterstone and Donaldson's. Their teachers must have maximum opportunity to use that CPD time. The financial pressures on local authorities should not impact negatively on the ability to deliver that.

Liberal Democrats were part of the previous Administration and fully supported the role of curriculum for excellence in developing our young people. However, it is clear that we have difficulties and a shortage of clarity on assessment tools. We must ensure that the necessary resources are available for teachers. My understanding is that the national assessment resource is not expected until about September. That overexpects our teaching staff's ability to pull together materials and get their heads round what they are being asked to do. A report by Her Majesty's Inspectorate of Education in November 2009 suggested that teachers, particularly in the secondary sector, have to pick up the pieces and make sense of what is happening through CPD, but that not all professional development time is being allocated to that. The Government must use the guidelines and the other levers that it can bring to bear to ensure that local authorities use CPD time, and the money to which David McLetchie referred, for those purposes. That has to be a priority and something that is discussed.

**Michael Russell:** The member is absolutely right to make that point. That is the condition on which the additional resource to support CPD and staff is allocated. I think that everybody understands that it has to go directly to those tasks.

**Hugh O'Donnell:** I thank the cabinet secretary for that.

I hear disturbing rumours about the number of classroom assistants that are being cut back in our education system. We cannot expect teachers to have access to CPD, to work and understand fully what is expected of them in the curriculum for excellence if at the same time local authorities, because of financial pressures, are withdrawing the additional support that could give teachers the bit of room that they need to get a firm grasp of the new curriculum.

The debate has broadly speaking been consensual, with the exception that I noted. The commitment throughout the Parliament to the curriculum for excellence is clear. However, we must make much clearer to parents and to the pupils who will take the new examinations what will be expected of them and when. As David McLetchie said, we need to deliver it right, and not necessarily right now.

## Tasers

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-5808, in the name of Robert Brown, on justice.

10:32

**Robert Brown (Glasgow) (LD):** In opening this debate on Tasers for the Liberal Democrats, I begin by reflecting on the nature of the police force in Scotland. Unlike forces in many other countries, ours has always been basically an unarmed force that is in close touch with, and in various ways accountable to, local communities throughout Scotland. When Tasers were introduced in 2004, it was on the basis that they were a less lethal alternative to firearms. That point is mentioned in the amendments and will be reflected on during the debate.

The decision by the chief constable of Strathclyde Police to authorise a six-month pilot of the use of Tasers by non-firearms officers with three days' training raises several issues. The chief constable proposes to evaluate the pilot project prior to any decision to roll out Tasers on a force-wide basis. However, whatever the conditions and the outcome of the evaluation, the intended direction of travel is obvious. It is clear that the decision was Mr House's, not the police board's, and far less the Scottish Government's. I want to ask where the boundary lies between operational decisions that are made by the chief constable and policy decisions that are the responsibility of the Government and the Parliament.

In England, it was the Home Secretary, not the police who authorised the extension of the use of Tasers. The issue was seen, rightly in my view, as a policy matter. Will the Scottish Government take responsibility as a matter of policy for the extension of the use of Tasers? That is an important and fundamental issue.

**The Cabinet Secretary for Justice (Kenny MacAskill):** I am happy to make our position clear. Mr Brown correctly pointed out that Tasers are classified as firearms. The Government supports the devolution of powers over all firearms, including air weapons. In those circumstances, the issue would become the responsibility of the Parliament but, until then, it remains the responsibility of Westminster.

**Robert Brown:** The cabinet secretary's intervention echoes his amendment, but it confuses rather than clarifies the matter. Whatever the position on firearms, the Scottish Government has responsibility for policing in Scotland. That is a devolved issue, so the policy of the police force on

Tasers is a matter for the Scottish Government, no doubt against the background of firearms legislation.

The current First Minister has said that the issue is an operational matter, but the previous First Minister took a different view and gave an assurance that police officers in Scotland would not routinely be equipped with Tasers. That was also the position of the Scottish National Party conference in spring 2008, when it adopted a resolution that opposed the deployment of Tasers beyond trained firearms officers. I imagine that the cabinet secretary spoke or was involved in that debate.

When the Cabinet Secretary for Justice was asked about Tasers in 2007, he said that the

"deployment and use of Taser weapons is an operational matter for Chief Constables"—[*Official Report, Written Answers*, 6 June 2007; S3W-255.]

but he pointed out that the matter was within the terms of the Association of Chief Police Officers in Scotland guidance, which provides that Tasers will be issued only to authorised firearms officers who have completed an approved training course in the use of the device.

The Home Affairs Select Committee's report on the policing of the G20 protests also made that general point. It said:

"The use of this weapon on a general scale poses many issues regarding public safety and more widespread use of Tasers would also represent a fundamental shift between the police and the general public. British policing is based on consent and face-to-face engagement, the use of Taser has the potential to erode that relationship and create a rift between the police and the policed."

As it happens, one of the two areas in which the pilot is being rolled out is my home area of Rutherglen and Cambuslang, and I want to look a bit more closely at the tools that police officers might be using in my area. In England, during the trial period, Tasers were used 661 times, including 34 uses against children aged 17 and under. In 91 cases, the Taser was fired as opposed to being deployed. In those cases, 58 people were injured and 44 required medical attention. In Scotland, prior to the proposed pilots—up to the end of 2008—Tasers were used at 53 incidents and discharged only 18 times, none of which involved children under 18. Their use in Scotland was, of course, by fully trained firearms officers, and that restraint of use is rather in contrast to developments in England.

On the issue of training, the layman would readily believe that three days' training in the use of Tasers would be enough. What could there possibly be to learn that would take longer? However, firearms officers are trained and assessed as having reached the required level of competency in weapon handling, tactical

knowledge, shooting skills and, importantly, judgment, probably with training in more than one weapon, a variety of tactics and specialised roles. They are highly trained officers. The Home Affairs Select Committee, Amnesty International and, hitherto, the ACPOS guidance have all supported rigorous and wide training for firearms and for Tasers, which I stress again are available as a less lethal form of firearm.

The chief constable of Strathclyde states that the primary reasons for extending the use of the Taser is to enhance the police's ability to protect the public, protect the subject—which is a little difficult to understand—and protect against assaults on officers. Police officers must be able to protect themselves, but it is far from evident that increased deployment of Tasers by response officers attending operational incidents—sometimes after the main issue has passed or has developed—will not increase the level of threat to the police as the criminal elements adapt to the use of Tasers.

The pilots will cost over £45,000 for six months, which might not appear to be a great sum of money. The cost of the roll-out is unclear but, in England, £10.3 million has been allowed, so a sum of around £1 million or so a year would not be unlikely in Scotland. Of course, the proposal is being made by a force that predicts a funding shortfall of £16 million this year and is facing a possible reduction in, at least, the number of its civilian support staff.

I am not someone who takes alarmist stances, but I am not keen on Scotland using heavy-duty police methods that have been imported from the Metropolitan Police or, indeed, America. We have a tremendous police force that is successful at what it does, not least because it has the confidence of local communities.

Issues around the use of Tasers—when their use is authorised, and the circumstances under which they can be deployed—are manifestly policy issues to be determined, no doubt with the benefit of police advice, by the elected Parliament and Government. They are significant issues. Operational use within the policy is, of course, a matter for chief constables, but the policy is for Government. I hope that the minister will outline his approach in more detail, reassert his authority over a future roll-out and reassure the chamber that the evaluation will be rigorous and independent and monitored against proper criteria. I hope that all members will be prepared to consider carefully the whole picture and the issues of important principle that the matter raises.

I move,

That the Parliament is concerned at the decision of the Chief Constable of Strathclyde Police to issue Taser guns to 30 frontline police officers following a three-day training

course; recognises the considerable concerns about the safety of Tasers raised by Amnesty International and Epilepsy Scotland among others; notes the view of the First Minister that this is an operational matter for chief constables, requiring no involvement of Scottish ministers; further notes that it was the Home Secretary who had responsibility for signing off the issuing of Tasers to more frontline police officers following a similar pilot in England and Wales; recognises that the Association of Chief Police Officers in Scotland (ACPOS) currently subscribes to guidance on the deployment of firearms and less lethal weapons issued by the Home Office and the Association of Chief Police Officers (ACPO); believes that three days of training is not sufficient for officers with no previous training or experience of handling firearms, and further believes that extending the use of Tasers beyond firearms officers represents a shift in policy, not an operational decision, and requires ministerial sanction following debate in the Parliament.

10:39

**The Cabinet Secretary for Justice (Kenny MacAskill):** The police in Scotland do an excellent job in often difficult and sometimes dangerous circumstances. I think that everyone in the chamber would agree with that. The safety of police officers is pivotal to making our communities safer and stronger. We will not endanger them or jeopardise their safety, or the safety of others. Tasers are an accepted and proportionate method of providing for the safety of officers and citizens. It is not acceptable that our officers should have to endure a high level of assault and it is understandable and acceptable that police forces would want to trial new approaches to address that issue. That is why I am happy to accept the amendment that was lodged by the Conservatives.

**Robert Brown:** I accept much of what the cabinet secretary says. Nevertheless, will he clarify whether the policy of the Government—if, indeed, it has a policy—has moved beyond the use of Tasers as an alternative to firearms and has now embraced some broader approach to the use of Tasers in our communities?

**Kenny MacAskill:** We have made our position quite clear: Tasers are a proportionate method of providing for the safety of officers and citizens; they are classified under firearms legislation; they are used to try to negate the requirement to use proper firearms; and decisions about their use are operational matters. Having listened to the member's speech, I think that he wants the Government to intervene in police matters in a way that would be entirely unacceptable and which would breach the tripartite arrangement in ways that I will explain later.

Firearms are a reserved matter. I have made my position clear on that issue and have repeatedly pressed the United Kingdom Government for full devolution of those powers. At the firearms summit that we hosted in 2008, there was a consensus

that current firearms legislation is far too complex, difficult for the police to enforce and difficult for the public to understand. In order to be effective, the legislation needs to be completely overhauled and it is my view that that can be properly done and tailored to the needs of Scotland's communities only by this Parliament. The Liberal Democrats may make sedentary comments, but if they want this Parliament to have powers over Tasers, they must agree that this Parliament should have powers over firearms or, at least, air weapons.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The cabinet secretary has repeatedly described the use of Tasers as an operational matter, which means that the matter is not for him to decide on. Does he therefore believe that the issue of having a fully armed police force is an operational matter?

**Kenny MacAskill:** No, and in that regard, this Government shares the view of ACPOS, the Scottish Police Federation and the Scottish police authorities conveners forum. I know of no one who argues for a fully armed police force. However, everyone accepts that firearms are necessary and that we need to have armed response units in Strathclyde and elsewhere. Such matters are operational decisions and are left to the chief constables.

The Calman commission recommended that the powers over air-guns be devolved to Scotland, but that did not go far enough. The matter that we are debating today is another example of why we want all powers over firearms to be devolved.

Since the matter is a reserved responsibility, this Parliament has no locus to intervene, and the decision about how best to apply the existing legislation is an operational matter for each police force. I understand that Strathclyde Police's decision to hold the pilot in two particular areas arose from the need to find a way of combating the high number of assaults on officers in those areas. The pilot involves only officers in Strathclyde Police, and is principally of concern to communities in the Strathclyde area. Of course, the primary responsibility for overseeing Strathclyde Police and holding the force to account lies with the Strathclyde police authority, which I have no doubt contains Liberal Democrat members. I am sure that the authority will consider carefully the results of the pilot, which I understand will be fully evaluated by Strathclyde Police.

The deployment and use of Tasers is an operational matter for chief constables. That statement has been heard many times in this chamber, having been made by both the current Administration and the previous one, but there are good grounds for it being repeated. Under section 5(1)(b) of the Firearms Act 1968, Tasers are

defined as firearms. As we are all aware, firearms legislation is reserved.

**Patrick Harvie (Glasgow) (Green):** I understand the argument that the cabinet secretary is making on reserved powers, and I support the devolution of those powers. However, the Scottish National Party is never shy to say what it would do if reserved matters were under its control. The argument around operational matters with regard to the use of Tasers and the use of firearms is not consistent. If those matters were under the SNP's control, would Tasers remain firearms?

**Kenny MacAskill:** I see no reason why we would seek to change the situation, but that matter would be debated in the Parliament. There is good reason why Tasers would remain firearms, given that, like air-guns, they are weapons.

Mr Harvie fails to take into account the nature of the relationship between Government and the police in Scotland, which involves a tripartite arrangement between Scottish ministers, the chief constable, and the police authority. That structure has provided the bedrock of accountability for the police service for many years. The chief constable alone is responsible for police operations in his force, and he is accountable to his board. If people—including local members—have concerns, their first port of call should be Strathclyde police authority, which should seek to liaise on and deal with those matters.

When I was in opposition, I would have opposed the suggestion that the Government should give directions to a police force, and I certainly would not seek to implement such a policy now that I am in government. I would have hoped that all those who seek to maintain democratic accountability for our police would accept that the Lord Advocate is the only person who has the powers to give direction to the police on criminal matters. The chief constable deploys his officers and other resources as he sees fit, using his discretion, but he must be responsible for and accountable to the police authority.

I am happy to support the Conservative amendment to our amendment.

I move amendment S3M-5808.2, to leave out from "is concerned" to end and insert:

"recognises that firearms legislation is reserved and that Strathclyde Police is entitled to exercise operational discretion over the use of Tasers under this reserved legislation and notes the role of local police authorities and joint boards in scrutinising Scottish police forces".

10:46

**Bill Aitken (Glasgow) (Con):** With all due respect to Robert Brown, the debate started off on the wrong tack. We should be discussing the

absolutely disgraceful fact that, on the basis of the most recent annual figures, which are included in the Labour amendment, 4,000 police officers in Strathclyde Police are assaulted every year.

The status of the police has been recognised in Scots law for many years since the implementation of the Burgh Police (Scotland) Act 1892, which introduced

“the power to imprison those guilty of police assaults for a period of up to nine months by summary complaint.”

That power has, of course, changed with the passage of time; one might reflect that there are now so many aggravation provisions, which cover such a high proportion of the population, that that particular provision has become largely meaningless.

I accept Robert Brown's point that the relationship between the police and the public in this far-from-ideal world should rest on the basis of consensus and face-to-face contact. However, I suggest that that contact is not likely to result in a particularly constructive outcome when the police officer involved is—as frequently happens—facing a 6ft 2in person who is drunk or under the influence of drugs or other dubious substances, and who is wielding a baseball bat, machete, samurai sword or other weapon. The answer in such cases is surely that the individual has to be restrained.

**Patrick Harvie:** Is Bill Aitken aware that the possible effect of Taser and electroshock weapons on people who are under the influence of drugs or alcohol is one of the reasons why people are concerned about the proliferation of such weapons? Does he really believe that an increase in the availability of weapons on our streets makes anyone safer?

**Bill Aitken:** I am aware of that concern, but I point out to Patrick Harvie that if any individual wishes to avoid the effects of a Taser, he should simply moderate his behaviour so he is not in a position in which police officers are forced to use a Taser for their own self-protection and—in some instances—self-preservation.

What are the other solutions? Robert Brown must remember that we are not living in the same society in which he and I grew up, where a 6ft 1in Highland bobby was able, by his commanding presence, to dilute situations and dissolve problems. We have done away with the height restriction for police officers, and there are now more women officers, so police officers are perhaps less commanding than they were in the past. The only other solution for officers who are under attack would be for them to draw a baton, and we must consider that the effects of being struck on the head by a misdirected baton blow

could have terminal consequences, which nobody wants.

**Hugh O'Donnell (Central Scotland) (LD):** Will the member give way?

**Bill Aitken:** Sorry, I am in my last minute.

This debate is a classic illustration of the type of issue that the Liberal party repeatedly highlights, in which their undoubted decent tendencies and sympathies go with the wrong people. People who are prepared to assault police officers will have to take the consequences in the courts, and police officers who are actively protecting members of the public are entitled to the total protection of society.

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

**Bill Aitken:** Sorry, I have no time.

That is the basis of the issue that we are discussing. We wish that Tasers were not required, and we certainly wish that firearms were not required, but unfortunately, and tragically, there is a need to ensure the safety of police officers. The Taser system, for all its imperfections, appears to be the safest route.

I move amendment S3M-5808.2.1, to insert at end:

“; further notes that in 2006-07 there were 12,974 recorded assaults on police officers across Scotland, which was an increase of 58% between 2000-01 and 2006-07; believes that Tasers provide a less lethal option than firearms where police officers are facing violent or armed suspects and need to incapacitate them, and awaits the results of the pilot being run in Strathclyde, which sees 30 police officers being armed with Tasers after appropriate training”.

10:50

**Richard Baker (North East Scotland) (Lab):** I find myself in the somewhat unusual position today of seeking to broker some consensus between the disparate views that we have heard so far in the debate. It is clear that the cabinet secretary's amendment states matters as they are, and is perfectly valid. However, Robert Brown's motion makes another valid point: the deployment of Tasers is an issue of great importance and they should not be deployed without any reference to those who have a wider role in policing policy in Scotland.

Tasers have been made available to firearms officers in Scotland since 2004 but if Strathclyde Police, Scotland's largest force, decides to deploy Tasers across the whole force, we should acknowledge that that will be a significant move for the rest of the country, as other forces would be likely to follow suit.

I emphasise, as the Labour amendment does, that Strathclyde Police is embarking on the pilot for very good reasons. The pilot is about seeking to give police officers the tools that they need to do their job in the challenging circumstances—

**Mike Rumbles:** The same argument is used for a fully armed police force. Does the member have any comment on the views of the cabinet secretary, who has just told members in the chamber that a fully armed police force in Scotland is an operational matter and not a matter for him?

**Richard Baker:** The cabinet secretary's position on the matter is somewhat bizarre—I will come to that later.

Bill Aitken was right to highlight—as the Labour amendment highlights—the fact that, on average, 4,000 Strathclyde Police officers are assaulted each year. The intention behind the pilot—it must be stressed that it is a pilot—is right.

The question is what should happen before a final decision is reached. The concern has been raised that three days' training may not be adequate, and that is something that should be established through an evaluation of the pilot.

One of the issues that Amnesty and other organisations have raised relates to the potential health risks of Tasers. The one-year trial in England and Wales resulted in no recorded incidents of serious adverse medical effects, but reported fatalities in the United States have been acknowledged. The health impacts need to be reviewed carefully at the end of the pilot: it does not matter that that has already been done in the trial down south.

I support the pilot going ahead, but it would seem bizarre if, at its conclusion, the detailed findings were not shared with ministers and with the Strathclyde police authority, and if there was no opportunity for further discussion. However the decision is made in the final analysis, ministers will surely want to be reassured that the pilot has been properly evaluated, and that there has been proper dialogue between the police force and the police authority. That sums up the tripartite approach and what it should involve. There would be understandable concern if the use of Tasers was rolled out across the force without that type of dialogue.

**Alison McInnes (North East Scotland) (LD):** Will the member give way?

**Richard Baker:** I think that I am short of time—I will come back to the member if I have time.

If the pilot is a success, and if that consultation has taken place, there will be a compelling case for more officers to have Tasers.

Nevertheless, even if the final decision is to be made by the police and not by ministers, it is inconceivable that the force would simply ignore the opinion of ministers on such an important issue. Patrick Harvie was right to point out a certain irony in the cabinet secretary's position, in that he wishes all firearms legislation to be devolved to the Parliament but will not express a view on the matter while that is not the case.

In Westminster, ministers have reached a view on the basis of the results of a trial. That is the approach that we will take, and there is no reason why the cabinet secretary and the Scottish Government should not take that approach too.

I move amendment S3M-5808.1, to leave out from "is concerned" to end and insert:

"notes the decision of the Chief Constable of Strathclyde Police to issue Taser guns to 30 specially selected frontline police officers after being trained over a three-day period on their proper use; recognises that this is a three-month pilot with the aim of reducing the number of assaults on officers and notes that an average of 4,000 Strathclyde Police officers have been assaulted in each of the last four years; recognises that a full evaluation of the pilot will take place at its conclusion and only then will a decision be made about rolling it out force-wide; believes that there must be a careful evaluation of the results of the pilot, including assessment of any risks, and transparency regarding those results before any decision is made on whether to extend the use of Tasers; further believes that there should be discussion not only between ministers and Strathclyde Police before a final decision is reached, but also with the Parliament and the Strathclyde Police Authority."

10:54

**Jamie Hepburn (Central Scotland) (SNP):** Respect for the dignity of every individual and the rule of law is the foundation of every free and fair justice system in the world. It is from that fundamental position that each democratic society has to determine the most appropriate and effective methods by which to protect the rights and security of its citizens and how to establish policing and judicial systems that uphold the rule of law. I am confident that our legal traditions and justice system continue to provide a balance of rights and responsibilities that keeps the public safe while respecting the human rights of those who are accused or suspected of committing crimes. Nevertheless, society does not stand still, and it is vitally important that procedures are constantly reviewed in the light of the changing nature of public order situations and the challenges that our police officers face day in, day out. It is in that context that the use of Tasers by police officers should be carefully, critically and cautiously considered.

Let me be clear that my starting position is that I share many of the concerns that have been legitimately expressed about the use by Scotland's



police of Tasers. Although Amnesty International—I declare my membership of that organisation and the fact that my wife is employed by it—is not aware of the misuse of Tasers in Scotland, it reports that a Taser was used against a man in a diabetic coma in Leeds in July 2005 and that an 89-year-old man with Alzheimer's disease was Tasered in Wales in February last year. Those instances strike me as clear misuses of Tasers and fuel concerns about them. I understand where Bill Aitken is coming from, but those instances also demonstrate that the "Don't do anything wrong and you won't get Tasered" school of thought is simplistic.

It is an undisputed fact that police officers in Scotland already use Tasers in certain circumstances. Each year, thousands of police officers are assaulted while they are on duty, and the police often have to respond to difficult and testing circumstances. Balancing the need to ensure that the police and public are adequately protected with the legitimate concerns about Tasers is not easy. That said, Amnesty International and Epilepsy Scotland, which are cited in the motion, accept that there are situations in which the use of Tasers by our police forces is appropriate. Epilepsy Scotland suggests, however, that all officers who are equipped with a Taser are given proper epilepsy training.

**Alison McInnes:** Will the member take an intervention?

**Jamie Hepburn:** I am afraid not. I am very short of time. If the member wanted us to have more time because she thinks that the issue is so serious, perhaps the Liberal Democrats should have debated it for all their time this morning.

Epilepsy Scotland's request is not unreasonable. I would be interested to hear from the cabinet secretary in his closing speech what information he has had from the chief constable of Strathclyde Police in that regard. Amnesty International also accepts that Tasers are a positive addition to the options that are available to the police because they reduce the use of other, more fundamentally lethal weapons.

Under United Nations obligations on the police, the use of lethal and non-lethal force is accepted as long as it is proportionate to the threat that is faced and there are systems in place to ensure accountability and transparency. Stephen House has said that, in using a Taser,

"Officers must perceive that either they or a member of the public is going to be subject to violence".

That clarification is welcome, but while we hope that Tasers will not be misused, we must know how allegations of misuse will be dealt with and, if they are proven, what the sanction will be. Again, if the cabinet secretary has any information on

that, it would be useful to hear it in his closing speech.

I would like to turn to other areas such as legislation and the devolution of firearms powers, but I fear that I do not have time. I close by reiterating my general concerns about Tasers but also by stating my concerns about our police officers' ability to undertake their duties as safely as possible. I hope that those concerns can be balanced as we seek a modern and effective police force for the Scottish people.

10:58

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** The introduction of the Taser gun should not be taken lightly. That point has been highlighted by other members in the chamber this morning. I understand the concern that some people have about the pilot scheme, but I confess that I believe that Robert Brown is blowing the pilot out of proportion. It will not be introduced throughout the country and it will not encompass every police officer in every force—far from it. The Taser will be issued to 30 front-line officers who are specially selected from within Strathclyde Police.

I can find common ground with the Liberals on training. Amnesty International points out that, although the officers who are trained on the use of the Taser will receive the same three-day training that is given to firearms officers, they will not get the additional training that helps officers to determine when not to use the Taser. Amnesty makes an important point when it states:

"Learning not to use a Taser takes longer than learning to use one."

The cabinet secretary can say all that he wants this morning and pass the buck, but the Scottish Government in conjunction with Strathclyde Police must guarantee that the officers who are selected for the pilot know how to use the Taser proportionately and use it only in dire circumstances.

**Kenny MacAskill:** Is the member suggesting that I should direct which officers are included and be involved in their training?

**Cathie Craigie:** Absolutely not, but I find it astonishing that the cabinet secretary will not give an opinion today on what he thinks about Tasers. He cannot hide behind that position.

Whether the introduction of Tasers will stem the scourge of violence that is present on the streets of west central Scotland remains to be seen. However, such schemes have had successes, and not only on British soil. For example, police in New Zealand had positive results when the Taser was trialled in certain areas recently. The incidents

there included a man wielding an axe and another man charging at police with a samurai sword. Traditionally, firearms officers were called to the scene in such situations and the risk of death that faced the assailant increased substantially. Substitute a Taser for a handgun and the outcome is better for all concerned.

Let us use the pilot scheme to analyse the Taser and then question whether it has a place in police forces in Scotland. Front-line police officers do a difficult job. Unfortunately, many of us have local knowledge of police officers who have received serious injuries while carrying out their duties—duties that they carry out on our behalf, and injuries that were inflicted by people who have no respect for officers of the law. If the knowledge that an officer is carrying a Taser can deter people from attacking a police officer, use of the Taser should be tested. As with many things, we will not see its benefits and flaws until we test it. Perhaps it will reduce the average of 4,000 assaults on police officers that occur in Strathclyde each year, but we will not know that until we scrutinise and evaluate the pilot. That must be done before we even contemplate rolling out the Taser nationally. If Tasers are to play a role, the need for them must be proven, and we must be clear that training will be needed to ensure that officers have the proper knowledge and skills to use them.

I remind members of the principles of policing in Scotland and indeed throughout the UK. We have policing by consent and with co-operation from the public, and that must never change. However, we cannot send our police officers out there to put themselves at risk. We must support the pilot scheme and thoroughly scrutinise and analyse the results.

**The Deputy Presiding Officer (Alasdair Morgan):** I say at this stage that members may take an extra minute or minute and a half over their allocated time without any problem.

11:03

**Stewart Maxwell (West of Scotland) (SNP):** To be frank, it is in some ways disappointing that we are having this debate about Tasers at all. In my view, it is an artificial debate in that there is not a great deal of disagreement on the issue in the Parliament. We all agree that there is a place for Tasers and that their use by trained officers in certain circumstances is entirely appropriate. I hope that we also agree that it is appropriate to carry out pilots on how best to deploy Tasers. However, a pilot is just that—it is a way in which to test something to see whether it is an improvement on the current situation.

Until I read the Lib Dem motion for the debate, I thought that we all agreed that it is not appropriate

for politicians to interfere in operational decisions by chief constables. However, that consensus seems to have broken down with the attempt by the Lib Dems to interfere with the operational independence of the chief constable of Strathclyde Police.

**Robert Brown:** Does Stewart Maxwell agree that an issue is opening up about whether the use of Tasers should be restricted to situations in which they are substitutes for firearms—that is certainly mentioned in the guidance from Her Majesty's inspectorate of constabulary for Scotland—or whether it goes beyond that? That is an important policy issue, but I do not think that we have had clarity about it in the debate so far.

**Stewart Maxwell:** I understand Mr Brown's point, but a judgment call has to be made at local level by an individual chief constable about how best to deploy his resources. For me—and I think for many others—that is an operational matter.

The motion is an attempt to ride roughshod over the role of the police boards, which are the correct and democratic forum in which a chief constable can be held accountable for his decisions.

Before attacking the proposal on Tasers, the Lib Dems should have considered the evidence concerning the deployment of Tasers and the impact of the alternatives if Tasers are not used. Although Tasers are less lethal than firearms, I want to talk for a moment about those methods of control that are usually seen as less harmful than Tasers. What lies behind the debate is the commonly held view that the use of Tasers must be more dangerous to suspects than other methods of subduing an individual. We have to ask ourselves whether that is true. People's views are coloured by the somewhat indiscriminate use of Tasers in some parts of the United States of America, but Tasers are in use elsewhere in the world. For example, research in Canada examined cases in which Calgary Police used Tasers, pepper spray, batons or weapon-free control techniques. The conclusion of the report is that Tasers score highly on safety for suspects and officers. Where Tasers were used, about 1 per cent of those being arrested required to be admitted to hospital. Where batons were used, more than 3 per cent were hospitalised. With Tasers, 12 per cent needed minor out-patient treatment, whereas with batons, 26 per cent required out-patient treatment. Finally, with Tasers, 45 per cent sustained no injuries but with batons, less than 39 per cent were uninjured.

**Jeremy Purvis:** I am not sure where the member is going with his argument. The cabinet secretary said that Tasers are guns; they are recognised as firearms, so they come under guidance in Scotland on the use of firearms. The guidance in Scotland is different from that in

England and Wales. In Scotland, there is a higher threshold. Firearms can be used only if there is a danger to life or a risk of serious injury to an officer or anyone else. That does not apply in England and Wales. The policy view on the use of firearms in Scotland is different from that in England and Wales.

**The Deputy Presiding Officer:** If the member wishes to make a speech, he could do so.

**Jeremy Purvis:** What is the minister's view on the policy position?

**Stewart Maxwell:** My view is the same as that of the cabinet secretary, who made his view clear in his opening speech and in subsequent interventions. The point that I am trying to make—I am sorry that the member was unable to follow it—is that the commonly held view that Tasers are less safe than other methods of control is not supported by the data. The research shows that, when similar incidents are compared, Tasers cause fewer injuries than batons or even empty-handed physical restraint. We have to be careful about the language that we use and the position we take with regard to the use and impact of Tasers.

The other mistake that is made is the assumption that when Tasers are deployed, they will be used. Once again, the facts do not back that up. In New Zealand, over a 12-month period the police in Wanganui drew Tasers 132 times, but on 92 per cent of those occasions, the result was the resolution of the incident without the Taser being discharged—an impressive statistic.

Another of the claims surrounding the use of Tasers is that they are used inappropriately on a suspect, or discharged several times. Although there are often disputes between officers and suspects about what occurred, such disputes can be resolved quite easily. In Canterbury, New Zealand, Taser units with video and sound recorders have been introduced to avoid that problem and to provide an accurate record of what occurred.

While it is right that we are cautious about the introduction of any new methods of restraint to be used by the police, we have to be careful not to let hyperbole get in the way of the facts. Strathclyde Police is conducting a pilot. I do not know what the outcome of that pilot will be, but I for one want our police forces to deploy equipment that keeps their officers safe, keeps the public safe, is efficient at defusing potentially violent situations and, as we can see from the research evidence, can lead to a better outcome for the suspect than some other methods of control.

11:08

**Nigel Don (North East Scotland) (SNP):** We are aware but tend to forget that the police are the backstop providers of public order. They are the people to whom we look to keep us safe when we walk down the street. We know that there are some dangerous folk around, so it is entirely obvious that the police will come into close contact with violent criminals and the emotionally disturbed.

We have heard this morning about the use of Tasers and the risks involved, but I suggest that the issue is all about balance. I am grateful to Stewart Maxwell for mentioning research from Canada. I have in my hand the report of an inquiry carried out by one Thomas Braidwood QC following a fatal incident in British Columbia. The first conclusion that Mr Braidwood drew was that, even in the case of people with healthy hearts, there is a risk of the Taser interrupting the regular heartbeat. One has to recognise that there is a risk. He went on to say:

"Police officers are called upon, with increasing regularity, to deal with emotionally disturbed people who display extreme behaviours, including violence ... Such emotionally disturbed people are often at an impaired level of consciousness; may not know who they are or where they are; may be delusional, anxious, or frightened; and may be unable to process or comply with an officer's commands."

This is the important point:

"The officer's challenge is not to make a medical diagnosis, but to decide how to deal with the observed behaviours, whatever the underlying cause."

That brings us back to a point that has been made already: officers have to understand when to use a Taser and when not to use one.

Mr Braidwood went on to say:

"The unanimous view of mental health presenters was that the best practice is to de-escalate the agitation, which can be best achieved through the application of recognized crisis intervention techniques. Conversely, the worst possible response is to aggravate or escalate the crisis, such as by deploying a conducted energy weapon and/or using force to ... restrain the subject."

Finally, Mr Braidwood says:

"Several studies have attempted to determine whether the use of conducted energy weapons—"

which is his word for Tasers—

"reduce injuries and deaths to subjects and officers. I concluded that the results are, to date, inconclusive—it is notoriously difficult to isolate a particular weapon's impact on injuries and deaths, when so many variables are at play."

**Alison McInnes:** I am genuinely confused by this morning's debate. Members have studiously avoided addressing the central question, which is whether giving firearms to beat officers is an

operational matter or a policy matter. Tasers are classified as firearms. If Strathclyde Police had decided to give a different firearm to beat officers, would that be an operational matter?

**Nigel Don:** The answer is yes. I suggest that the member considers the numbers. My information is that, at the moment, Strathclyde Police have 197 authorised firearms officers. If the chief constable of Strathclyde Police had decided to turn that number into 227, that would have been an operational matter and we would not have been having this debate. As far as I can see, all that the chief constable has done is say, "I don't need 30 more firearms officers fully trained in all the weapons. These 30 officers need to be fully trained on the Tasers. They don't need to be trained in the use of all the weapons." As I understand it, what he suggested is that a fraction of his officers should be able to use Tasers properly.

**Robert Brown:** This has been a good speech by Nigel Don. However, does he take the view—a view that I tried to put across earlier—that the circumstances in which Tasers can be used are changing? Using them as an alternative to firearms is one thing; using them as an alternative to something else is different, and represents a different policy position from previous policy positions.

**Nigel Don:** I suggest to Robert Brown that the answer to that is given by Chief Constable Stephen House. If there is a difference in his policy, that is a change in his policy, for which he will have to answer. He could quite cheerfully have decided to have 30 more firearms officers without any apparent change in policy; it would merely have been a matter of numbers.

Evaluation of the pilot is likely to be extremely difficult. We are dealing with very small numbers. It is likely that there will be no incidents whatever; one or two discharges will probably be the size of it. If someone gets hurt, that will be exceptional. There is a real risk that single figures will skew the evaluation of the pilot. As is the case with anything involving small numbers, the pilot will be desperately difficult to evaluate.

11:14

**John Lamont (Roxburgh and Berwickshire) (Con):** I have listened with great interest to the debate, and—perhaps not surprisingly—have been left feeling rather disappointed by the Liberal Democrats' attitude to protecting the public and our police officers in violent and threatening circumstances. It is no great surprise that the Liberal Democrats have such an attitude. When they were in Government we saw crime and offences soar to more than 1 million, with a 12 per

cent increase in all crimes and offences, a 5 per cent increase in violent crimes and a 44 per cent rise in drug crime. They failed to get to grips with the justice system then, and it appears that they are still failing in their attitude even now.

As my colleague Bill Aitken said, published statistics show that the number of assaults against police officers rose between 2000 and 2007 by 58 per cent to 12,974. Our police officers do an amazing job and should be commended and encouraged for that. They put themselves in dangerous situations every day, and there is an obvious risk in their job. All are accepting of that, and chief constables have to ensure that their officers are equipped to deal with any risks that they face. Their protection must evolve to keep them as safe as possible, and safety measures should develop as crime and the potential risks develop. The Scottish Conservatives therefore fully support the use of Taser technology being an operational matter for chief constables.

**Robert Brown:** Does the member accept that Tasers should be used only in circumstances in which firearms would otherwise be used? Does the Conservative party have a broader view that the use of Tasers should be extended to other situations?

**John Lamont:** We are happy to leave it to chief constables to decide how they operate in their areas. It is appropriate that the officers who are using the Taser equipment are trained to know when it is appropriate to use it and when it is not. It is an operational matter for the police in their respective areas.

The reason for piloting the extended use of Tasers by response officers is to enhance their ability to protect the public, the subject, and the officer, and in particular to reduce on-duty assaults and the number of days that officers are absent following an on-duty assault. It is also interesting to note that the subdivisions that have been selected for the pilot have been chosen because of the high number of police assaults in those areas in comparison with other areas in the force.

The police have a duty to protect the public, and that must be done in as safe a way as possible. We acknowledge that Tasers are powerful weapons, that they must be used proportionately and that clear guidelines must ensure that they are used only when absolutely necessary. That is why appropriate training is imperative and we must ensure that self-protection training and equipment is always up to date.

The Scottish Conservatives have made it clear that we want to rebalance the justice system, put victims first, and move to increase the public's confidence in the criminal justice system. Only when we return to honesty in sentencing, and

ensure that community sentence orders are robust and enforceable can we begin to fix the problems that have been caused in our justice system.

The police's principal aim is to protect the public, but to be able to do that they need to be able to protect themselves. It is therefore appropriate that we should look at Tasers and other technologies so that we can achieve that aim. I support the amendment in Bill Aitken's name.

11:18

**James Kelly (Glasgow Rutherglen) (Lab):** I welcome the opportunity to take part in this morning's debate and to support the Labour amendment. The debate has been interesting; views on either side of the argument have been strongly expressed. I have followed the debate closely because one of the areas in the pilot is Cambuslang and Rutherglen, so I have a constituency interest.

I should make it clear that I support the pilot, and there are a number of salient reasons for that. First, we have to keep at the forefront of our minds the protection of the public. There is no doubt that one of the factors in the decision that the pilot should go ahead in certain areas is that there are unfortunate large-scale street disturbances; that is not uncommon throughout Scotland. When the police—

**The Deputy Presiding Officer:** Order. If members wish to have meetings they should have them outside the chamber.

**James Kelly:** When the police arrive at those disturbances, many of the participants are armed with knives and other weapons. Earlier this week we heard about the rise in the number of murders as a result of knife crime, and we should all be concerned about that. When the police arrive to face a dangerous situation like that, as Bill Aitken said, they are often unarmed. The danger is to the police force, to the participants in the disturbance and, in some cases, to passers-by. It is one thing to have a discussion in the warm glow of the Parliament but, outside, police officers are faced with the harsh reality of violence in the street, and we cannot send police officers naked into conflict situations.

It is important to protect the police. Bill Aitken quoted the average of 4,000 assaults per year, as mentioned in the Labour amendment. In Cambuslang and Rutherglen, there have been 167 injuries in the past year, which is three per week in an area which is smaller than a parliamentary constituency. That shows the scale of the problem.

The problem is not just the injuries, but the 1,500 days lost to the police force, which come at

a cost of £270,000. At a time when budgets are tight, we should all be concerned about that.

**Robert Brown:** I seek clarification. The Labour amendment mentions a three-month pilot, but my understanding is that it is a six-month pilot, as detailed in the Strathclyde police authority document. Does the member have different information, or is there simply a textual mistake in the amendment?

**James Kelly:** If the document says that it is six months, I accept that.

The pilot will cost £45,000, which has budget implications for costs and days lost to the police force. I note the cabinet secretary's comments on firearms being a reserved issue, but the budget is not, and budgetary considerations give the cabinet secretary a locus to at least discuss such an important matter with the police authority and the relevant officers.

**Kenny MacAskill:** I made it quite clear that the police authority is the first port of call, and I have not been approached by the police authority. Has the member approached the police authority to discuss the issue?

**James Kelly:** As a local member, I have discussed the matter with the police, and explored the issues with them.

The Liberal Democrat motion contains relevant points that should be addressed. Obviously there should be appropriate training and adequate monitoring of the use of Tasers. In my discussions with the police, I was pleased to hear that every Taser incident will be the subject of an evaluation; independent evaluation is important.

There is always a question of balance in such issues. The Liberal Democrat motion is not sufficiently in favour of protecting the public or the police and for that reason is unacceptable. As Cathie Craigie said, the SNP amendment avoids the issue. As with some other issues in the Parliament, the SNP does not want to face up to the question. The Tory amendment makes a lot of good points, but it does not go far enough in stressing the importance of evaluation.

The protection of the public and the police force weigh heavily, as does carrying out proper evaluation. Those factors are reflected in the Labour amendment, which I urge the Parliament to support.

11:25

**Kenny MacAskill:** There are some matters on which the chamber is united, such as the requirement to protect our police officers. That is why, at the outset, we said that we are happy to accept the Conservative amendment in Bill

Aitken's name. There is also agreement that the use of Tasers is legitimate and proportionate, although there are disputes over the criteria regarding when they can be used. It has been useful to hear from Stewart Maxwell and Cathie Craigie about the nature and use of Tasers and how there are occasions on which their use is appropriate. Reference has correctly and understandably been made to the Amnesty International report; however, we should be clear that that report was on the use of Tasers in the United States. As members have said, just as there is a difference in police culture north and south of the border, there is a substantial difference between the police cultures in the United Kingdom and in the US, never mind the difference between the gun cultures. It is important that we keep things in proportion.

have the latest statistics from ACPOS on the deployment of Tasers in October to December 2009. The figures show that Tasers were deployed on six occasions, drawn on four occasions, red-dotted on two occasions and discharged on zero occasions. That indicates that our police are operating a balanced policy on the use of Tasers. Although the trial is taking place in Strathclyde, there were two deployments in central Scotland, one deployment in the Lothian and Borders region, one deployment in Strathclyde and two deployments in Tayside.

Members have referred to the need for guidance and training. I make it clear that ACPOS has signed up to the Association of Chief Police Officers guidance. Officers who are taking part in the pilot in Strathclyde will, as Mr Brown said, have completed a three-day training course, the Taser element of which is delivered by authorised firearms officers. Whatever decision is ultimately made on the trial, appropriate training has been given.

One of the fundamental issues under discussion is that of accountability. The Government's position remains that which I outlined when I intervened on Mr Brown's opening speech: the chief constable is responsible for police operations in his force. The Scottish ministers do not have, have not had and, under our Administration, will not have the power to direct chief constables. Mr Kelly seemed to imply that we could apply some form of direction through financing, but that would be seeking to interfere with the directional guidance of police officers by undermining their ability to finance. If Mr Kelly is suggesting any form of ring fencing or a reduction in their budgets if they do not do certain things, I think that that is unacceptable. The Government has regular meetings with the chief constables. Indeed, I can safely say that I have met officers individually more often than my predecessor met them

collectively. We seek to work with them, but we need the separation of powers.

**Robert Brown:** The cabinet secretary has repeatedly said that the Scottish Government has no authority in policing matters. Is it his view that there is a policy framework of any kind within which the chief constables operate on this matter? If so, what is it? This is an important issue.

**Kenny MacAskill:** I was about to address that point. As usual, Mr Rumbles made an intervention and then disappeared, meaning that he is unable to participate in the debate at a later stage. If we want to legislate to ensure that we do not have an armed police force—I do not support having a fully armed police force—that is not for the justice secretary of whatever political colour to direct; it is for Parliament to make a decision on the matter. Enshrining that will come not from a direction from St Andrew's house, from Mr Brown, from Mr Baker or from Mr Aitken, but from the Parliament making a decision. If we want to ensure that we do not have a fully armed police force and that we have specified matters regarding the use of Tasers, we must have firearms law devolved to the Scottish Parliament for us to make a decision.

The Government's whole argument on firearms—not simply on the continuing problems that we face with air weapons—is that we need to decide what constitutes a gun, who may have it and in which circumstances it can be used. That would apply not simply to those in responsible, properly regulated firearms clubs, but to those in pest and vermin control; to officers of the law, whether they worked for the Ministry of Defence, the United Kingdom Atomic Energy Authority or the police; and to our constabularies. It is not for the justice secretary to give a policy direction; it is for Parliament to set out a legislative position that would then be enforced by the police and the law officers.

The criteria for the deployment of Tasers in Strathclyde state that Tasers are to be deployed

"Where the authorising officer has reason to suppose that they, in the course of their duty, may have to protect the public, themselves and/or the subject(s) at incidents of violence or threats of violence of such severity that they will need to use force."

The Liberal Democrats may wish to get hung up on the argument that Tasers should be used only where a firearm—a rifle or whatever—would have been used, but that seems to be limiting their proportionate and legitimate use, which is backed up by the statistics that I have just cited.

**Jeremy Purvis:** It is a statutory duty on police forces in England and Wales to adhere to the Home Office code on the use of firearms, but there is no such statutory duty on police forces in Scotland. Is the cabinet secretary saying that it is

not open to the Parliament to make that the law in Scotland, under police legislation, regarding the use of Taser guns?

**Kenny MacAskill:** If the Liberal Democrats want to legislate on firearms, they should support the devolution of powers—we must go beyond Calman to devo max, or independence.

The body to which the chief constable is accountable is the Strathclyde police authority. I hope that Mr Kelly has spoken to the Strathclyde police authority, not simply to a beat officer in Strathclyde. I have the utmost regard for the outgoing convener of the Strathclyde police authority, Paul Rooney, and he has not raised the issue with me. I recognise that Mr Curran is only just in situ, given the difficulties and expenses that appear to have arisen in relation to a variety of other matters and the chair shuffling that has gone on in Strathclyde, but I have received no communication on the matter from Mr Curran either. I would have thought that, if the matter was of such concern to Labour members, the Labour convener—either outgoing or incoming—would have raised it with me. The on-going discussion between the convener of the Strathclyde police authority and the chief constable seems to leave Labour locally satisfied even if Labour in the Scottish Parliament remains dissatisfied. Some of the suggestions that Labour members have made seek to impinge on the separation of powers.

We are all proud of our police in this country. They remain routinely unarmed, but there are circumstances in which we must activate the use of armed officers—that is proportionate and legitimate. That encompasses the use of Tasers as well as pepper and mace spray, which are necessary in dealing with some of the individuals that our police officers have to deal with. We must have greater trust and faith in our police. We must challenge the problem of firearms in our country, and the solution is to ensure that the Scottish Parliament has the powers to do that, not simply the opportunity to publish press releases.

11:32

**Mike Pringle (Edinburgh South) (LD):** There can be no doubt that Tasers can kill and have done so on many occasions. We need only to Google that to see the statistics from around the world. We must, therefore, regard them as potentially lethal weapons, as the cabinet secretary has said. It was interesting that Stewart Maxwell cited the use of Tasers in Canada as being better than the use of batons or restraint. He did not tell us whether anybody has ever been killed by a baton or a restraint or by pepper spray; however, people have certainly been killed by Tasers.

**Stewart Maxwell:** Unfortunately, I do not have with me the information that the member seeks. I would find it almost impossible to believe—as, I am sure, would other members—that people have not been killed by the use of batons. Frankly, any 30-second search of the internet will find incidents in which people have been killed by batons. I suspect that more people have been killed by batons than have ever been killed by Tasers.

**Mike Pringle:** That is interesting, but I did not find that when I searched the internet. Perhaps I was looking in the wrong place.

I thought that Jamie Hepburn's speech was extremely good. He said that Mr House's officers would deploy Tasers when violence was expected, but I am not sure how we could know when there was going to be violence. If we are threatened with violence, should we hang around and wait for a police officer to arrive with a Taser? I think that we should try to control the situation.

So, why do the police want to use Tasers to control people who are beyond control? I accept that our police forces face very difficult circumstances in confronting someone who is threatening violence, who has already been violent or who continues to threaten, but is that not what our police are trained to do? I was interested to hear Bill Aitken talk about the big Highland policeman. Perhaps we now have policemen who are slightly shorter due to changes in the regulations, but our police are now trained to a much higher level and in many more areas than before. Our policemen are better trained now than they have ever been.

When should police use Tasers and when should they not use them? It has been revealed that police south of the border have fired Tasers at children 28 times in 20 months and a further 83 children were exposed to a Taser. One of the questions that I must ask is, why are Tasers used against children? Are our police not big, ugly and numerous enough to deal with children? It seems to be completely unnecessary for Tasers to be used against children at any time.

**Bill Aitken:** The law currently defines a 15-year-old as a child. If the member were a police officer, how would he react if he were confronted by a child wielding a sword or, as is more common now, a syringe of blood?

**Mike Pringle:** If he had a sword, I would contain the situation and call for firearms police officers, as police officers do currently. As for somebody with a syringe, I would draw my baton and club him on his hand as hard as I could to get the blood off him. That is what police are trained to do.

The facts about Tasers in Scotland that the cabinet secretary quoted are encouraging. Perhaps they show that our police in Scotland are

much more restrained than appears to be the case south of the border. The policy of using Tasers in England was trialled in 2007 for 12 months and only after that did the Home Secretary agree to allow the chief officers of all forces in England and Wales to extend Taser use to specially trained units from 1 December 2008. The Home Office website said:

"It is vitally important that we extend Taser in a managed and coordinated way. That is why we have taken a rigorous approach to agreeing any extension to the use of Taser."

The trial was monitored by several groups, including ACPO and the Home Office scientific branch.

I offer a couple of interesting quotes about Tasers. Her Majesty's inspectorate of constabulary for Scotland describes the circumstances when weapons may be fired:

"A Police Officer is not entitled to open fire against a person unless the officer has reasonable grounds for believing that the person is committing, or is about to commit, an action which is likely to endanger the life or cause serious injury to the officer or any other person and there is no other way to prevent danger."

We accept that Tasers are a lethal weapon. However, Chief Constable Stephen House said:

"Our use of tasers is very contained. Officers must perceive that either they or a member of the public is going to be subject to violence before they can use a taser."

I suggest that there is a difference of opinion between HMIC and Mr House.

As my colleague Robert Brown mentioned, police officers who are trained in the use of firearms get considerably more training, during which they are also trained in the use of Tasers. So why can we not use the officers who are already used and on call 24 hours a day? Do we really need to train an extra 30 or so officers only in the use of Tasers? Given the number of times that Tasers are deployed, as the cabinet secretary highlighted, I am not convinced that we need another 30 officers in Strathclyde trained in the use of Tasers.

Yesterday we received an e-mail from the Scottish human rights commissioner, who raised just that concern when he said that the provision of Tasers to officers who are not firearms specialists is a significant expansion of their use and that it is for individual public authorities to ensure that that complies with the Human Rights Act 1998. He then gave a link to a report by the Northern Ireland police, which, in its conclusion, specifically raises human rights and the need to make sure that there is compliance. Although the cabinet secretary has already spoken and cannot answer this question, I wonder whether he is confident that the Strathclyde policy complies with

human rights legislation and that the issue has been addressed by Mr House.

Having served as a councillor for the City of Edinburgh Council and been on the police board for several years, I am absolutely clear that operational matters are the police's responsibility and should not be interfered with by politicians. I suggest, however, that the move to arm more police with Tasers is not just an operational matter but a Scotland-wide policy decision that should be discussed by the Government and ACPOS.

**The Presiding Officer (Alex Fergusson):** I must hurry you.

**Mike Pringle:** I also suggest that the Justice committee could conduct an inquiry into just that issue.



## Scottish Executive Question Time

### General Questions

11:40

#### Strathclyde Partnership for Transport

**1. Sandra White (Glasgow) (SNP):** To ask the Scottish Government whether recently reported concerns regarding the use of public funds by members of Strathclyde partnership for transport had previously been brought to the attention of Audit Scotland. (S3O-9663)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** Audit Scotland is a statutory body that is independent of the Scottish Government, and which provides services to the Auditor General for Scotland and the Accounts Commission. The commission is responsible for appointing the external auditors of local authorities in Scotland, including Strathclyde partnership for transport. Such questions should be addressed directly to the commission or to Audit Scotland.

**Sandra White:** Will the minister seek Audit Scotland's views on extending its investigation into the governance arrangements of SPT, with a view to achieving party-political parity, given the recent revelations that Labour councillors replaced Labour councillors as chair and vice-chair of SPT without the board's meeting to discuss the matter?

**Stewart Stevenson:** As we know, Councillor Graeme Hendry has been pursuing that subject diligently. I congratulate him on his efforts. It is clear from what has emerged that a greater sense of balance in the running of SPT would likely benefit all political parties and people in Strathclyde. However, at the end of the day, it is a matter for the authorities that make up SPT and not for ministerial direction. We will watch with interest the decisions that are made about the future leadership of SPT.

#### A82 and A83 (Improvements)

**2. Jamie McGrigor (Highlands and Islands) (Con):** To ask the Scottish Executive what plans it has to improve the A82 and A83. (S3O-9571)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** We are continuing to improve and maintain both the A82 and the A83. On the A83, we plan to carry out measures to improve safety on the route and undertake structural maintenance works to improve the condition of the road, while on the

A82, we are taking forward schemes including major projects at Crianlarich and Pulpit Rock.

In the longer term, the strategic transport projects review has recommended an upgrade of the A82 route to reduce accident severity and cut journey times. That review also recommended a series of route-management initiatives for the A83 to maintain the physical condition and safety standards of the route.

**Jamie McGrigor:** The minister has not given time schedules for that work. On the A82, will the minister give a firm and detailed time commitment on the road widening, climbing lanes and junction improvements that are planned for between Tarbet and Fort William?

On the A83, what guarantees can the minister give that the current work that is being undertaken at the Rest and be thankful will prevent a repeat of the closures of that key trunk artery road, which proved to be so damaging to the Argyll economy? Specifically, what action will he take to remedy the appalling physical condition of stretches of the A83 near Tarbet that my constituents feel make it currently very dangerous to drive on?

**Stewart Stevenson:** Jamie McGrigor has asked a complex set of questions, so I will write to him to ensure that I address fully all his points. However, I record at this stage that in relation to the work on the A82 to the south of Fort William, we held a public information exercise to discuss the public effects of the works. It has been agreed that the works will commence after Easter on 11 April and will last for 14 nights. The works will finish before the Scottish six days trial world championships motorcycle event.

In relation to the Rest and be thankful, we intend to have in place by the end of spring 2010 a £750,000 permanent solution to the problem at that part of the hill. The improvement scheme will involve, among other things, a new culvert under the road, strengthening of the embankment below the road and installation of new drainage above and below the road. I will answer the member's questions more fully when I write to him.

**Dave Thompson (Highlands and Islands) (SNP):** The Inverness bypass stakeholder group that was set up by the minister and Highland Council is considering connecting the A96 and the A9 to the A82. Will the minister outline the timetable to which the group is working and the contribution that the Government might be able to make to the cost of the project?

**Stewart Stevenson:** We now have a very effective partnership with Highland Council. There have been a substantial number of meetings involving officials. I had a meeting by audioconference with Dr Michael Foxley in recent weeks—we were very much of one mind. Although

responsibility for the A82 to A9 connection lies with the council and responsibility for the A9 and A96 connection lies with the Government, we are working together to ensure that there are economies of scale and that the designs fit each other.

It is clear that some of the benefits of the council's work will accrue to the trunk-road network. At the appropriate time, we will discuss the appropriate respective responsibilities for financing that part of the road improvements.

My next meeting with Dr Foxley is planned for May. We are making the progress that we hoped we would make and we are delivering for the people of Inverness and the surrounding areas in a way that has not happened in the past.

### Major Road Projects

**3. Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** To ask the Scottish Executive what legal protection is available to local residents during major road projects. (S3O-9584)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** There are various forms of legal protection available to cover local residents dependent on the particular circumstances.

**Cathie Craigie:** Does the minister agree that residents should not expect to be kept up until 3 o'clock or 4 o'clock in the morning by noisy road works? What action will he take to ensure that contractors comply with permits that are issued by local authorities?

Does the minister also agree that traffic management on the A80 is not working for residents or road users? I have written to him on those important matters, but will he agree to meet me as a matter of urgency to discuss them?

**Stewart Stevenson:** I am always happy to meet members to discuss such matters, which affect constituents. If Cathie Craigie contacts my office, I will of course ensure that I meet her.

We are in the process of constructing noise barriers and bunds. We have not completed that process, but we have seen significant improvement through the work that has been undertaken so far.

On complaints about night-time working, I accept that there appear to have been such activities. For the moment, the work on the sites of greatest concern has moved elsewhere. The local authority has not yet taken enforcement action—it is for it to do so. However, we have ensured that we have in place a proper process by which we can contact contractors out of hours. Some of the difficulties that might have arisen in the past when complaints have been made have been around

establishing, in a timely fashion, the facts of the matter and intervening immediately, as appropriate. I hope that that gives immediate comfort to the member, although I am happy to meet and to discuss the matter further.

**Jamie Hepburn (Central Scotland) (SNP):** What responsibilities do contractors for road projects, such as HMC at the A80, have to communicate local residents' rights to them, including their legal protection rights?

**Stewart Stevenson:** That is not a direct obligation on contractors. In working up the details of the project, Transport Scotland has sought to engage with the local communities to the extent that it can. Part of that process certainly should have been to answer questions on legal rights. Of course, it would not really be for the construction company or Transport Scotland directly to provide legal advice—we are not really in a position to do that. However, if there are shortcomings and members wish to put further matters to me, I will of course respond in the usual way.

**The Presiding Officer:** We have taken 10 minutes to cover three questions, to which there have been only two supplementaries. I would appreciate it if both questions and answers were a little shorter—if questions are a little shorter, it follows that the answers will be, too.

### Economic Crisis (European Funding)

**4. Jim Hume (South of Scotland) (LD):** To ask the Scottish Executive what additional European funding Scotland has received since the start of the recent economic crisis. (S3O-9621)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** Additional funding has been allocated to Scotland from the European economic recovery package. That includes €40 million for a facility near Aberdeen for testing offshore wind energy technology, €74 million for the Shetland North Sea grid node to connect offshore renewable energy projects to the proposed subsea cable between the Shetlands and the mainland, and €2.9 million for the Scotland rural development programme, which will help to fund additional broadband activities.

**Jim Hume:** Given the recognition of the competitiveness strategy of smaller businesses in the South of Scotland, does the minister agree that joint European resources for micro to medium enterprises—JEREMIE—funding should now be brought into Scotland, as has happened in Wales, which would provide a vital line for small businesses? What efforts—other than simply writing a letter to Her Majesty's Treasury back in December—are taking place between the Scottish Government, Westminster and the European Investment Bank? Is there a timetable for that or

has the Government given up on that £69.5 million opportunity for our businesses?

**Jim Mather:** This Government has certainly not given up, but the Scottish Enterprise board recommended that Scotland should not proceed with the loan application to the European Investment Bank and the establishment of a JEREMIE fund at this time because of significant issues including substantial cost implications, management operating costs, complexity and governance arrangements. We are looking to see what alternative European funding exists and what other potential partnering could be done. Already, Scotland is doing more than Wales and the north-east of England.

**The Presiding Officer:** Question 5 has been withdrawn.

### **A92 Road Orders (Public Local Inquiry)**

**6. Iain Smith (North East Fife) (LD):** To ask the Scottish Executive when it received the report of the public local inquiry on the proposed A92 road orders in relation to the A92 east of Newport-on-Tay in Fife, and when it expects to announce its decision. (S3O-9629)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** The report of the PLI into the proposals for the A92 east of Newport-on-Tay in Fife was received on 28 July. As I indicated to Mr Smith in a written parliamentary answer, the matter is still under very active consideration and I will announce my decision as soon as possible.

**Iain Smith:** The target date for the decision, according to the website of the directorate for planning and environmental appeals, was last August. We are now in February—some seven months since the Government received the report. Does the minister really think that that is acceptable?

There have been a number of accidents at that location since the inquiry report, including one last week which, fortunately, did not result in any serious injuries. Local people think that speeding is the main concern on the road: speeding is clearly not a problem within the department.

**Stewart Stevenson:** The member will be aware that some of the safety response related to closing central reservation gaps. We have tried, through the promotion of a traffic regulation order, to make the trunk road safer for all users, but that has prompted a significant number of objections. We have to respect the rights of objectors, but we are on the brink of making an appropriate decision.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** The minister will be aware that I have raised other concerns with him about the A92,

particularly in relation to the section at the Balfarg junction in Glenrothes and the upgrading of the Parbroath junction. Will he comment on those in relation to the proposed A92 road orders?

**Stewart Stevenson:** I really do not think that I have anything more to add to what I have said previously on the matter. I indicated that I understood the issues at both the junctions. We are continuing actively to consider them.

### **Built Heritage**

**7. Aileen Campbell (South of Scotland) (SNP):** To ask the Scottish Executive what importance it attaches to Scotland's built heritage. (S3O-9638)

**The Minister for Culture and External Affairs (Fiona Hyslop):** The Scottish Government shares with all the people of Scotland a pride in our nation's built heritage. It inspires us and gives us our sense of place.

Our built heritage makes an important contribution to the Scottish Government's purpose of increasing sustainable economic growth.

The Scottish Government demonstrates its commitment to the built heritage by investing more than £12 million a year in direct support through grants to owners and local communities, and in the work that Historic Scotland does to grow our traditional skills base.

**Aileen Campbell:** The minister will be aware of many historical monuments and buildings across the South of Scotland, including the world heritage centre at New Lanark. Does she agree that Scotland's world heritage sites are not only historically important but culturally and educationally important as they provide useful places of learning about Scotland's past? Will she accept my invitation to visit New Lanark to see for herself the impressive work that is carried out by the dedicated team of educationists and conservationists?

**Fiona Hyslop:** I acknowledge Aileen Campbell's passion for New Lanark and I am delighted to accept her invitation to visit it and to see its contribution as a world heritage site through its historical significance and through education. I am sure that members across the chamber look forward to inviting me to their areas so that I can see and benefit from understanding the passion and commitment to our built environment.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Since the minister asked, will she consider the Abbotsford project in my constituency, which has not only national but international recognition? The local authority and the Abbotsford Trust have raised more than £6.5

million towards an exciting £10 million scheme for the area, which the minister has agreed to meet me to discuss, following positive moves from her predecessor. Will she ensure that the scheme suffers no funding gap that could put it at risk? Given her enthusiastic support for other areas, will she ensure that the Abbotsford project is also a success?

**Fiona Hyslop:** Jeremy Purvis has previously asked me to visit Abbotsford, when I said that I would be delighted to do so. I put on record the Government's recognition of the fabulous fundraising effort to support Abbotsford, and I look forward to learning more about the project and to addressing some of the serious issues that he raises about where the project will go from here.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** My constituency has so many listed buildings—more than anywhere else in Scotland—that I could not possibly invite the minister to them all. I acknowledge Historic Scotland's excellent work, but does the minister share my concern about the inflexibility that has often been shown when environmentally friendly adaptations—particularly the installation of double glazing—are made? I am dealing with an example of that, in which the minister obviously cannot become involved, but will she urge Historic Scotland to be more in tune with her Government's laudable climate change objectives?

**Fiona Hyslop:** Historic Scotland has made a significant effort in recent times to become more flexible in order to address some of the legitimate concerns that Malcolm Chisholm raises. The agency has a keen interest in seeing what it can do to contribute to the climate change agenda. I hope that it will announce something shortly that might satisfy the member's inquiry.

#### **NHS Lanarkshire (General Practitioners)**

**8. Michael McMahon (Hamilton North and Bellshill) (Lab):** To ask the Scottish Executive how many general practitioner practices it has taken action against since May 2007 for having broken their contract with NHS Lanarkshire. (S3O-9604)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** The Scottish Government has taken no action on contractual grounds against any GP practice in NHS Lanarkshire since May 2007.

**Michael McMahon:** Is the cabinet secretary aware that the MacAlister GP practice in Uddingston, which operates from two separate buildings, decided towards the end of last year to close the Old Mill surgery in Uddingston, which serves almost 2,000 of its patients, in order to consolidate its services in a single surgery at the

Viewpark health centre, which would serve all 9,000 of its patients? NHS Lanarkshire says that the proposed change is within the GP's contract and that no breach of contract is involved. Does the Scottish Government intend to look into that situation? Does it plan to reopen negotiations with GPs on that aspect of their contracts? Does it intend to find a way to force GPs to keep open all their facilities once they have been established in a community?

**Nicola Sturgeon:** I am not aware of the detail of the situation that Michael McMahon describes, but I am happy to look into it and to write to him after doing so.

It is important to put on the record the process that is in place to deal with contractual disputes that concern GP practices. In the first instance, contracts are a matter for health boards and individual GP practices. However, should a GP practice or a GP challenge a decision by a health board on a contractual issue, the Scottish ministers and officials operate a dispute mechanism. Given that process, Michael McMahon will understand that I must, as a minister, take care in what I say outwith that process about any situation. However, I will look into the issue that he raises and I will respond in writing.

**The Presiding Officer:** I am afraid that we have no time for further general questions, so I will move straight to the next item of business.

## First Minister's Question Time

11:59

### Engagements

**1. Iain Gray (East Lothian) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S3F-2220)

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

**Iain Gray:** Figures this week show that 58 per cent of all murders that are committed in Scotland are committed with a knife; an all-time high. Next week, Labour will move an amendment to the Criminal Justice and Licensing (Scotland) Bill that would ensure that, if someone is caught carrying a knife, they will go to jail. Will the Scottish National Party support us?

**The First Minister:** I am sure that Iain Gray would be the first to acknowledge that, while we all understand the seriousness of knife crime and homicide in Scotland, the figures that were released this week show the lowest level of homicide in Scotland for 10 years. That is not a satisfactory position and these are huge issues. Nonetheless, we should recognise the extent of that and put the figures into perspective. As Iain Gray also knows, the average sentence for knife crime in Scotland has increased under this Government from where the previous Government left it. There are substantial indications that significant progress is being made in the work that is being done on gangs and violence. We do not support his proposition of an automatic jail sentence for anyone who is caught carrying a knife.

**Iain Gray:** The First Minister should also be aware that the figures that were released this week show that knife murders have increased over the past three years. He must know that the longer jail sentences for knife crime are down to the increase in the maximum jail sentence from two to four years, which was introduced by the previous Scottish Executive. The fact remains that the vast majority of convicted knife criminals do not go to jail. The First Minister should listen to knife crime campaigners such as John Muir. As the First Minister will be aware, Mr Muir's son Damian was murdered in a knife attack. Mr Muir has said that if Labour's policy had been in place, his son might well still be with us. Is the First Minister saying that Mr Muir is wrong?

**The First Minister:** I and every member of the Parliament have nothing but sympathy and respect for the victims of crime and their families. Once Iain Gray has had the opportunity to check

his facts about the parliamentary process, I know that he will want to acknowledge that it was Stewart Maxwell who moved the amendment to increase the maximum sentence in the legislation to which he referred. That was an important amendment, which the Parliament carried. It means that 478 knife carriers have been prosecuted on indictment rather than on summary complaint, which has allowed greater sentencing power for the judge. Convictions have been made in more than three quarters of all concluded cases and 83 per cent of those convicted have been jailed. The average sentence for knife possession on indictment is 13 months and 24 days. The average prison sentence for possession of a knife increased from 161 days in 2006-07 to 217 days in 2007-08.

In another comparison with previous Administrations, Iain Gray will also want to acknowledge the change in violence reduction unit funding. In 1997, there was no funding for the violence reduction unit whereas there was in 2006, 2007, 2008 and 2009, by which time support had doubled—under this SNP Government. There was no specific funding to focus on gang violence under the Tories or, indeed, the Labour-Liberal coalition, but this Government has authorised substantial funding.

When we deal with issues on which we share a joint and overwhelming concern—just as we share a joint and overwhelming concern for the affected families—it behoves us as a Parliament to recognise not only the seriousness of the situation but the initiatives that exist and the progress that is being made. That would be a better context in which to debate the issue.

**Iain Gray:** This is about an overwhelming concern. Over recent months, I have helped to collect signatures on a petition in support of the Labour amendment that will be debated in committee next week and in support of knife campaigners such as Mr Muir. In my time, I have collected signatures on many petitions, but I have never had people queue up to sign a petition as happened with this one. Indeed, 30,000 Scots have signed the petition in support of Mr Muir and Labour's amendment on knife crime. Does the First Minister not think that our absolute obligation to the victims of knife crime and those 30,000 Scots is to listen to them and stand up for them?

**The First Minister:** As a Parliament, we share an absolute obligation to address these issues. That is exactly what this Government has done. I have set out the progress that has been made on the issue in a detailed and factual way.

**Johann Lamont (Glasgow Pollok) (Lab):** It is not enough.

**The First Minister:** I hear Johann Lamont say that it is not enough, but it is substantially more than was done by the previous Administration, in which she was a minister.

The difficulty that I have with politicians who see this issue as a matter of political or party advantage is that the argument that Iain Gray is now putting forward corresponds neither with what he and his colleagues did when they were in government in this Parliament nor with what his colleagues at Westminster are doing south of the border. The best way for the Parliament to proceed is to acknowledge the substantial progress that has been made on this hugely difficult issue, the fact that we have the lowest crime level in Scotland for a generation and the fact that, thanks to some parties that are represented in the Parliament, we have the highest recorded number of police officers in Scotland in our history. The Parliament should acknowledge that those things would not have happened and did not happen under a Labour-Liberal Administration and have happened under this Administration.

**Iain Gray:** The action that we took previously on knife crime was to increase the maximum sentence. I acknowledge that we now believe that that was not enough. I believe that because two thirds of convicted knife criminals get no jail sentence at all and two thirds of those who do get sentences of six months or less. It worries me that the First Minister is planning to scrap all of those six-month sentences. It is no good the First Minister saying that this is party politicisation. The fact of the matter is that he is seeking to end six-month sentences—we will oppose that—and that the policy that he is pursuing will allow more than 600 convicted knife criminals every year to avoid jail completely. That is not being tough on knife crime, is not doing enough and is not what the people of Scotland want. Will the First Minister admit that and support our amendment next week?

**The First Minister:** Let me see whether I can crystallise the issue for Iain Gray and the Labour Party in one statistic. The average prison sentence for possession of a knife increased from 161 days in 2006-07 to 217 days in 2007-08. I point out to Iain Gray that 161 days, under the previous Administration, is less than six months and that 217 days is more than six months, in line with the Scottish National Party's belief that people who commit serious offences should go to prison for serious amounts of time. That is the basis on which we are addressing criminal justice reforms.

The Parliament should acknowledge that this hugely serious issue, which affects many people in Scotland, goes deep into the nature of society and is related to abuse of drink, abuse of drugs and

gang violence. It should acknowledge that those issues must be tackled, as this Administration is doing, and should understand the context in which crime takes place. Above all, it should understand—as every member of the community of Scotland understands—that the best basic protection for the community is to have more police officers on the streets of Scotland, like the 1,000 more police officers who are there today, compared with absolutely zero under the Labour Administration's proposals at the 2007 election.

### **Secretary of State for Scotland (Meetings)**

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

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-2221)

**The First Minister (Alex Salmond):** I have no plans to meet the Secretary of State for Scotland.

**Annabel Goldie:** Does the First Minister accept that the humility and candour of his deputy yesterday were in stark contrast to the self-satisfied, bombastic, tub-thumping bravura of someone else whom we know?

I am not convinced that the SNP leopard has changed its spots, so let us test it. Will Mr Salmond say sorry to students for breaking his promise on dumping their debt? Will he say sorry to first-time buyers for breaking his promise on £2,000 grants? Will he say sorry to the people of Scotland for breaking his promises on class sizes, local income tax and physical education in schools? Will he say sorry for breaking his promise to pay council tax on Bute house, despite criticising his predecessor for not doing so?

Yesterday, the Deputy First Minister was big enough to admit her mistakes. Will the First Minister now admit his?

**The First Minister:** I thank Annabel Goldie for responding to the call for a new consensus by the Deputy First Minister yesterday. I said last week that I supported Nicola Sturgeon 110 per cent. That went up to 200 per cent when I heard her outstanding statement to the Parliament yesterday. Sometimes it is better to catch the moment and to acknowledge the points that the Deputy First Minister made yesterday.

On this Government's record, let me point out to Annabel Goldie that the students of Scotland are celebrating the return of free education. That was delivered by this Government and opposed by the Conservative party, which would still have the students of Scotland paying for their education.

That is one of the essential issues as we look forward in this hugely difficult and threatening public expenditure landscape. The reason why Annabel Goldie's party is not and perhaps never will be trusted by the people of Scotland is that,

when it comes to delivery of essential services, rights and obligations, people believe that the Conservative party reaches first for charging. It would have students paying for their education, and it may want to have people paying for their national health service, but there is a huge majority of people in Scotland who believe that public services should be defended—against a Labour Government or a potential Conservative Government at Westminster.

**Annabel Goldie:** Ah well, test failed—bombastic as ever.

Now that we have established that sorry really is the hardest word for Alex Salmond to say, let us move on to the immediate challenges that confront our country. Scotland is facing a major cut in spending as a direct result of Labour's debt legacy, so why, when teacher numbers have dropped by nearly 2,000, has the SNP Government employed another 1,000 civil servants? Why, when local government warns that free personal care may need to be cut, is the SNP Government employing another 1,000 civil servants? Why, when Audit Scotland criticises the SNP Government's 2.5 per cent efficiency savings as not enough, does Alex Salmond bolster his own staff by 1,000?

I will say sorry. Sorry, First Minister—that record is not good enough. Will the First Minister get his priorities right, take the tough decisions and do what the rest of the country is doing and tighten his belt?

**The First Minister:** I am sorry that Annabel Goldie is not fully familiar with the facts before she states her case.

Let us take a couple of the facts. First, the budget, which Annabel Goldie and her colleagues properly supported a few weeks ago in this Parliament, proposed a substantial decline in the administration budget—largely salaries—of the central Government of Scotland. That is a fact.

Secondly, far from the description that Annabel Goldie has given to the Parliament—I am not suggesting for a minute that she is deliberately misleading, or attempting to mislead, me or her colleagues—the Audit Scotland report actually congratulates the Scottish Government and other public authorities in Scotland on exceeding the efficiency targets in the past financial year and on reinvesting those efficiencies in front-line public services.

Audit Scotland goes on to say that the perspective from either a Labour or Tory Government in Westminster is one not of sensible efficiency savings reinvested in front-line services but of dramatic cuts in public spending from Westminster into Scotland. That is what Audit Scotland warns about in its report today.

Let me say to Annabel Goldie that, in addition to the cuts that she has in common with the Labour Party, there are many members of the Conservative party who want to impose specific cuts on Scottish expenditure. Even more extraordinarily, the leadership of her party wants to cut the budget for next year that this Parliament has passed and every local authority in Scotland is currently passing—in other words, it wants to jeopardise the fragile economic recovery in Scotland.

Those are the facts for which the Conservatives should say sorry. Until they recant, they will never be trusted by the people of Scotland.

### Cabinet (Meetings)

**3. Tavish Scott (Shetland) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-2222)

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

**Tavish Scott:** The Royal Bank of Scotland announced a £3 billion loss this morning, but the bank will still pay £1 billion in staff bonuses. Taxpayers, who own 84 per cent of the bank, now find that the Labour Government signed off those bonuses. That is not right or fair. What is the First Minister's policy on bonuses?

**The First Minister:** I have made it clear, I think in response to Tavish Scott, that I believe that institutions in the public sector should follow public sector pay norms. I have said that repeatedly and I think that it is a reasonable position to put forward. When an institution is in the private sector, there would be a case for legislation and restraint if the bonus culture was undermining the context of the financial system. That seems to me to be a clearly stated policy, which I state again for Tavish Scott.

**Tavish Scott:** It would be helpful if the First Minister would clarify his Government's actions in this area, because I have a freedom of information response that shows that his Government's economic development quango, Scottish Enterprise, paid £912,000 in bonuses last year. Scottish Enterprise is the First Minister's agency and he has spent three years reorganising it. His Government's top priority should be to create jobs, even if we see today, yet again, that it is not. Unemployment in Scotland is continuing to rise, the claimant count is up by 36,000, the economy is still in recession and there is now a squeeze on public spending. Bonuses in Scottish Enterprise sit in the First Minister's in-tray; how much does he think should be paid out in bonuses to Scottish Enterprise staff from the public purse this year?

**The First Minister:** Tavish Scott is well aware of the initiatives that the Cabinet Secretary for

Finance and Sustainable Growth has taken to restrain pay increases and bonuses in the public sector in Scotland. As we have debated a number of times, the actions that we would want to take are rather restrained by the fact that the contracts under which many people are working were signed off by the Labour-Liberal Administration in Scotland—[*Interruption.*] I know that that is an unpleasant fact for many Liberal Democrats, but it is the case.

On things that are under our control, Tavish Scott knows that ministerial salaries—both as ministers and as MSPs—have been frozen over more than a year and that senior civil servants have followed the same course of action, under Mr Swinney's proposals. In other words, there is a record of action on things over which we have control and a record of encouragement on matters in relation to which we face a contract that was signed by the Labour-Liberal Democrat Administration.

On forecasts of cuts, I agree that cuts will jeopardise fragile economic recovery in Scotland. However, let us recall that it was the Liberal Democrat leader Nick Clegg who, dissatisfied with Tory cuts and Labour cuts, called for "savage" cuts at the Liberal Democrat conference, because he thought that the Tories and Labour were too wishy-washy. I know that the Liberal Democrats have a federal structure, but when the Liberal Democrat leader at Westminster is calling for savage cuts I wonder how Tavish Scott can say that he wants to resist such cuts in Scotland. No doubt that is the Liberal Democrat policy of single transferable cuts.

**Tavish Scott:** There we go. Annabel Goldie was quite right. We heard bluster, bluster and more bluster from the First Minister. I did not ask about cuts; I asked about Scottish Enterprise, and he did not answer the question.

I remind the First Minister of Scotland that his Government signed the contract for the new chief executive of Scottish Enterprise and that his Government agreed to pay that person the same salary of £200,000 as the previous chief executive was paid, despite the fact that his Government had cut the organisation in half. That is his record.

**The First Minister:** Tavish Scott has been told about the record of the Cabinet Secretary for Finance and Sustainable Growth on seeking restraint in the public sector throughout Scotland, and he has been told what the inhibitions are.

I cannot agree that Tavish Scott did not mention cuts—I am sure that the record will verify that. He did mention cuts. He argued that cuts were jeopardising economic recovery in Scotland. I know that this is an inconvenient truth, but the leader of the Liberal Democrats in the United

Kingdom said that he wanted savage cuts implemented across the public sector in Scotland. If Tavish Scott is going to recant from that, that is all well and welcome, because better that one sinner repenteth. I hope that he gives that advice to his leader in England.

**The Presiding Officer (Alex Fergusson):** I will take a constituency question from Mike Rumbles.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Over the past three years, I have warned the Scottish Government about the danger of a landslide at the Bervie braes in my constituency. Last week, I told the Cabinet Secretary for Finance and Sustainable Growth that my constituents were living in fear of a landslide. Aberdeenshire Council has spent £250,000 on finding a solution to the problem, which could have been fixed.

We have repeatedly asked the Scottish Government for help before any landslide occurred but, this morning, three occurred. Just half an hour ago, I spoke to the council, which is in the process of evacuating more than 65 households around the Bervie braes to put them out of further danger. No alternative accommodation is available to half of my constituents there. I ask the First Minister directly, as I have asked him before, for financial assistance to help the council to deal with this dangerous situation and to take action now before it is entirely too late.

**The First Minister:** A landslip was reported at the inland end of the Bervie braes at 6.03 this morning. One property has been affected; there were no reports of extensive damage, but that is being investigated at present. Police are on the scene as we speak. The council is active, will assess the situation and will consider the controlled evacuation about which Mike Rumbles spoke. A further update is expected now once a full assessment of the situation has been made.

I have every sympathy for residents in this position. I had the same circumstance in Pennan in my constituency just over two years ago. I am sure that Mike Rumbles, under his duty as a constituency member of the Parliament, will want to acknowledge that, only last week, the finance secretary met Aberdeenshire Council officials to progress the issue. It involves the expenditure of public money affecting private land and private householders. The finance secretary has already shown a substantial willingness to help, and that help will be appreciated by people who are affected by this difficult situation.

#### **Strathclyde Partnership for Transport**

**4. Sandra White (Glasgow) (SNP):** To ask the First Minister what the Scottish Government's



position is on recently reported concerns regarding the use of public funds by members of Strathclyde partnership for transport. (S3F-2227)

**The First Minister (Alex Salmond):** The Scottish Government is, of course, concerned at the recent departure of the chairperson and other senior figures of Strathclyde partnership for transport. Any investigation of the circumstances behind those departures is for others, but we also need to consider whether there is a case for a wider review of SPT. I am aware that the Transport, Infrastructure and Climate Change Committee has already proposed such a review as part of its forward work programme.

**Sandra White:** I thank the First Minister for his detailed reply. However, given that serious questions have also been raised over what the leader of Glasgow City Council knew about the sorry affair, Labour cronyism and lack of parity within the organisation, does the First Minister agree with me that the people of Glasgow and Strathclyde deserve better, that they deserve to know the truth and that an even wider investigation than the Transport, Infrastructure and Climate Change Committee one, in which the people concerned are called to explain themselves, is essential?

**The First Minister:** I appreciate Sandra White's concerns and agree that SPT—and, indeed, all public bodies—must seek to be as open, transparent and representative as possible.

In the first instance, the current legislation leaves the appointment of chairpersons and their deputies in the hands of the partnership itself. Therefore, we will press SPT to reform itself. However, if that reform does not materialise, we will consider amending the existing order that defines its constitution and membership. I also encourage the Transport, Infrastructure and Climate Change Committee to consider those issues as part of its proposed broader review of regional transport partnerships throughout Scotland.

I hear some discontent rumbling among the Labour members about that. I point out to them that the present complexion of the 20 councillor members of the partnership about which Sandra White is concerned—concern about which is shared by many across political parties—is 12 Labour, four Scottish National Party, two Tory, one Liberal Democrat and one independent. In terms of the structure of Scottish local government in the west of Scotland and elsewhere in Scotland, that does not, on the face of it, look like a broadly based, cross-party organisation. I have to say that, when an organisation hits difficulties, a broad cross-party base, openness and transparency would be of considerable assistance to it.

However uncomfortable it is for the Labour Party, those are the facts behind the Strathclyde partnership for transport situation. I know that we all would want to address them in the fashion that I have described.

**The Presiding Officer:** That subject was also addressed during general question time, so we will move straight to question 5.

### Rail Dispute

**5. Elaine Smith (Coatbridge and Chryston) (Lab):** To ask the First Minister what action the Scottish Government will take to assist in resolving the current dispute between First ScotRail and the National Union of Rail, Maritime and Transport Workers. (S3F-2232)

**The First Minister (Alex Salmond):** The Minister for Transport, Infrastructure and Climate Change met ScotRail on 17 November and the RMT on 5 January to consider the matter. In response to the concerns that the RMT expressed about safety, Transport Scotland has written to the three independent safety bodies—the Office of Rail Regulation, the Railway Standards and Safety Branch and the Rail Accident and Investigation Board—and received appropriate assurances on the safety issues behind the dispute.

The Scottish Government will continue to invest in developing rail services, including the 130 new ScotRail jobs that are being created by the Airdrie to Bathgate project. That increased level of investment is creating jobs as well as increasing job security for those who work on our railways. We continue to urge the RMT and ScotRail to resolve an unnecessary dispute.

**Elaine Smith:** The First Minister is right to mention safety, because the dispute is about putting passenger safety before private profit.

The Minister for Transport, Infrastructure and Climate Change has caused a breakdown in trust and has inflamed the dispute. Only last month, at the meeting that the First Minister mentioned, the minister told the unions that no final decision had been made, but yesterday we learned that Transport Scotland had already accepted First ScotRail's proposal to remove conductors from the Airdrie to Bathgate line. To show that his Government is not siding with the bosses against the workers, will the First Minister publish all the correspondence and documentation on the issue, meet the union, demand that First ScotRail honour the agreement to retain conductors, as guaranteed in a letter from First ScotRail to the RMT, and confirm that there will be no taxpayer subsidy to First ScotRail as a result of strike action? Will the First Minister now face up to his responsibility, as his Government reissued the contract to First ScotRail without tendering or changing it?

**The First Minister:** The Minister for Transport, Infrastructure and Climate Change has already met the RMT, and I am sure that he would be happy to publish all correspondence in a way that is compatible with commercial confidentiality.

Elaine Smith will have to accept the details. Conductor operation of doors would require an additional £1.4 million of modifications to existing trains and a significant delay to the start of the new service. It is true that 56 per cent of ScotRail journeys already operate with a driver and ticket examiner and it is also true, of course, that the previous Administration opened lines on that basis. I cannot believe that it would have done so if it thought that there was a safety argument against that. *[Interruption.]* I know that such facts are inconvenient for the Labour Party.

On the position of ScotRail and industrial action, ScotRail's position was also negotiated by the previous Administration.

I hope and believe that it is possible for the RMT and ScotRail to have productive talks and to resolve an unnecessary dispute, and I think that all members share that hope. If the Labour Party believes the safety argument that Elaine Smith has put forward, it should consider why the new railway to Larkhall was opened in 2005 by the previous Administration with a driver-ticket examiner operation? If it thinks that the arrangement with ScotRail is dreadful, why on earth did it negotiate it in the first place?

### **Electoral Commission (Independence Referendum)**

**6. David McLetchie (Edinburgh Pentlands) (Con):** To ask the First Minister what discussions the Scottish Government has had with the Electoral Commission regarding the conduct of the proposed referendum on independence. (S3F-2229)

**The First Minister (Alex Salmond):** The Scottish Government has had regular meetings with the Electoral Commission to discuss matters of mutual interest, including the referendum (Scotland) bill. The Government has today published a consultation draft of our referendum proposals, which will allow the people of Scotland their say on their country's constitutional future.

**David McLetchie:** The Government has indeed published yet another consultation document on a referendum bill, two and a half years after it published its previous one. Why do we not just cut to the chase? We will have a general election in a few weeks' time in which we will all have a vote. Why do we not agree that, in the unlikely event of the majority of voters in Scotland voting for the Scottish National Party, we will go independent, but if the majority vote for Labour, the

Conservatives and the Liberal Democrats, Scotland will remain part of the United Kingdom, and we will get on with tackling the recession and stop wasting millions of pounds on the First Minister's glorified opinion poll?

**The First Minister:** I welcome David McLetchie's acceptance of democracy for a decision on independence. No doubt, he would accept the democratic decision in a referendum on Scottish independence.

The other unionist parties should beware. Members will probably recognise that David McLetchie, like Annabel Goldie, who spelled this out in a speech only a few weeks ago, is deciding to incorporate votes for the Labour and Liberal parties into the mandate that any future Conservative Government would hold at Westminster. People should beware that they might vote Liberal or Labour and end up supporting a Tory Government at Westminster. I am glad that David McLetchie gave me the opportunity to state that.

On the issue of dilly-dallying about referendums, I have a fantastic appreciation for and understanding of an Assembly member in the National Assembly for Wales who said:

"I'm beginning to think there are some shadowy figures within the Labour Party who want to stop this referendum from happening at all."

Nick Bourne, the leader of the Conservative party in the National Assembly of Wales, is correct that the National Assembly and everyone else should support the people of Wales in determining their own future. I just hope that we get Mr Bourne here in Scotland, leading the Scottish Conservatives and accepting the principle of national self-determination.

**Pauline McNeill (Glasgow Kelvin) (Lab):** In 2003, the First Minister hailed the Electoral Commission as

"the guardians of fairness in our democratic process",

so why is the commission not good enough for his draft referendum bill now? How long will the SNP drag out its plans at the expense of prioritising Scots during the recession? Will the First Minister tell me clearly what his planned date is for a referendum, or is he going to drag that out, too? I hope that he agrees that the Parliament deserves a clear answer.

**The First Minister:** Pauline McNeill has asked the "Bring it on" question. If the Labour Party is committing today—as it once did, as recently as 2008—to vote for referendum legislation, I will have the bill in the Parliament tomorrow. I see Iain Gray waving his hands about in that usual inept way that he has. He reversed his position three times in the space of three months in 2008. I

merely say that if the cock can crow three times for Iain Gray in 2008 and if he can change his position three times in three months, let him follow Pauline McNeill in the new declaration of the Labour Party to bring it on and let the people of Scotland determine our own constitutional future.

**Elaine Smith (Coatbridge and Chryston) (Lab):** On a point of order, Presiding Officer. Is there anything in the standing orders that allows you to remind the First Minister that his microphone is on and there is no need to shout hysterically at us week after week?

**The Presiding Officer:** The manner of the First Minister's delivery is a matter for him.

12:30

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## **Scottish Executive Question Time**

### **Rural Affairs and the Environment**

#### **Land Reform (Scotland) Act 2003 (Community Right to Buy)**

**1. Bill Kidd (Glasgow) (SNP):** To ask the Scottish Government whether it will consider extending the community right-to-buy provisions in the Land Reform (Scotland) Act 2003 to urban areas. (S3O-9650)

**The Minister for Environment (Roseanna Cunningham):** There are no plans at present to do so, but I am aware of a developing debate in urban areas, particularly in relation to derelict land.

**Bill Kidd:** Why has land reform been confined to rural areas and not extended to urban areas, considering the large areas of dereliction in our towns and cities that could usefully be developed for community use?

**Roseanna Cunningham:** The original intention of the 2003 act was to remove barriers to sustainable development within rural communities, so it is defined as being about rural land reform and therefore rural right to buy, and is confined to communities of less than 10,000. The feeling was that the lives of people who live and work in large towns and cities are not constrained in the same way as those of people in the country. After all, it is easier for urban dwellers to choose to move homes or jobs; people in rural areas do not have the same kind of choices, unless they change their entire way of life. Therefore, there was considered not to be the same rationale for a community right to buy in the urban context.

#### **Black Bees (Colonsay)**

**2. Peter Peacock (Highlands and Islands) (Lab):** To ask the Scottish Executive whether it is committed to protecting the native Scottish black bee on Colonsay. (S3O-9612)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I can assure Parliament that we take this issue seriously. One of the most important steps to be undertaken before we can protect any species is an assessment of the scientific and related evidence. The national standing committee for farm animal genetic resources has agreed to help us by providing advice to Scottish ministers. I am particularly grateful to the committee for taking on that task, because it is outside the scope of its normal work. Its advice will ensure that Scottish

ministers have an accurate and up-to-date assessment of the information that is required to make an informed decision on the best course of action for black bees on Colonsay and for Scotland.

**Peter Peacock:** I am grateful to the minister for his answer and for the insight into the work that is going on. The threat to the bee population in Colonsay was debated back in May 2009, and Roseanna Cunningham indicated at that time that there was to be a meeting in June 2009 between Scottish Natural Heritage and Government officials. It appears from the outside that there has been precious little progress, but I am glad to hear what the minister said. Will he take a personal interest in the issue, or ask his deputy to do so, to ensure that he drives progress inside the department and, if necessary, bangs heads together and tries to find answers to this definite threat to the bee population in Colonsay, however difficult the answers may be? When there is a will to do something, a way can normally be found.

**Richard Lochhead:** I feel the urge for a site visit to Colonsay coming on in order to look into the issue in more detail. I assure the member that, as he will appreciate, we must consider a number of issues. First, it is not always easy to define native bee species. Secondly, we looked for appropriate legal powers to designate conservation areas for bee populations, but SNH concluded that it did not have such legal powers, so we are investigating that. However, we will certainly keep the member up to date on progress.

**Rob Gibson (Highlands and Islands) (SNP):** Can the cabinet secretary help me by giving me scientific and related evidence on bee populations in the north of Scotland? Such evidence would give us a better chance to assess whether indeed there is a need for more effort to protect the honey bee. The native bee population is only one part of the issue; the honey bee population is the other.

**Richard Lochhead:** The member raises a good point. Of course, with the recent outbreak of certain diseases in bee populations in Scotland, we have postponed the publication of the national bee strategy, which will be the best forum for considering some of the issues that Rob Gibson raises. I assure him that the strategy will be published once we have learned lessons from the recent disease outbreaks in Scotland and that it will cover the issues that he has raised. It will also, of course, move the issue of the future of Scotland's honey bee and general bee populations further up the agenda.

### **Biodiversity (Glasgow)**

**3. Bob Doris (Glasgow) (SNP):** To ask the Scottish Executive what progress has been made since the creation of the local biodiversity action

plan for Glasgow and what discussions the Scottish Government has had with Glasgow City Council regarding events planned for the city to mark the 2010 international year of biodiversity. (S3O-9642)

**The Minister for Environment (Roseanna Cunningham):** The Glasgow local biodiversity partnership has made significant progress in implementing its local biodiversity action plan and a report on its progress is available on the Glasgow City Council website. For example, five local nature reserves have been established, ponds and wildflower meadows have been created and grassland management regimes have been changed, all to the benefit of wildlife.

I have recently written to all local authorities and MSPs to highlight the importance of the international year of biodiversity and to urge them to take on board the key messages. I understand that Glasgow City Council already has a number of activities planned to mark the 2010 international year of biodiversity. I am looking forward to speaking at an urban biodiversity conference in Glasgow on 30 October 2010.

**Bob Doris:** As the minister will be aware, the United Nations international year of biodiversity coincides with the stated target that was agreed by European Union heads of state in 2001 that

"biodiversity decline should be halted with the aim of reaching this objective by 2010".

Glasgow accounts for a comparatively small proportion of Scotland's rich biodiversity, but the important green spaces within and the quality of the environment of our largest city have an immense impact on the quality of life of its residents. Does the minister agree with me that the planning of amenities, infrastructure and housing should incorporate serious consideration of biodiversity in urban areas? Does she agree that 2010 is an opportunity for Glasgow City Council to improve its track record on biodiversity?

**Roseanna Cunningham:** Yes, I agree with that. I hope that all councils are actively looking at biodiversity within their local areas, as the issue of biodiversity tends to be much wider than people immediately think. This year, we are looking at a change in emphasis going forward so that biodiversity is not just about specific species but is more about habitats and ecosystems, which means that biodiversity can apply as much in urban areas as in rural areas.

I believe that Glasgow City Council has taken on board all those challenges. It has a number of events planned. If the member wishes, I can write to him with more detail about those events or he can contact the council directly for a list of them. Nearly 100 events are being organised as part of the council's annual countryside events

programme, so I would not say that the council is being at all laggard on the issue. I look forward to attending, I suspect, more than one of those events in the Glasgow area.

**Anne McLaughlin (Glasgow) (SNP):** Is the minister aware of the feeling in some quarters that geodiversity traditionally has been the often overlooked, poor relation of biodiversity? Does she agree that one way to redress the balance would be to introduce into planning policies and planning advice a geodiversity duty, in line with that suggested by Mike Brown in his petition, which is before the Public Petitions Committee and is supported by Scottish Natural Heritage and the British Geological Survey?

**The Deputy Presiding Officer (Alasdair Morgan):** I am not sure that that question is relevant, but I will allow the minister to answer.

**Roseanna Cunningham:** I will answer briefly, Presiding Officer.

The member raises some interesting issues, which are under active consideration. As the member may be aware, the Public Petitions Committee has decided to defer further consideration of the petition until the study on which SNH and the BGS are currently collaborating is completed. That study will put the Government in a stronger position to decide on appropriate policy.

#### **Single Farm Payment (Livestock Numbers)**

**4. Nicol Stephen (Aberdeen South) (LD):** To ask the Scottish Executive what plans it has to ensure that any recommendations regarding the future of the single farm payment will address the decline in livestock in Scotland. (S3O-9631)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** The inquiry into future support for agriculture in Scotland is looking at all aspects of farm support and it recently published its interim report. A public consultation exercise is on-going and the inquiry's final report and recommendations are due to be published in June.

**Nicol Stephen:** Can the cabinet secretary guarantee that, in Brian Pack's inquiry and in the context of this afternoon's parliamentary debate, the issue will now receive the highest priority? To use Stewart Stevenson's words this morning, will the issue receive "very active consideration" by the Scottish Government?

**Richard Lochhead:** I can certainly give the member a guarantee that the issue that he raises goes to the heart of the Brian Pack inquiry, and I hope that he will be able to attend the debate on it after question time and make the relevant points.

It is clear that there has been a decline in livestock numbers in Scotland and across much of Europe since support was decoupled from production—the issue is not unique to Scotland. Thankfully, there are some signs of optimism in the livestock sector so, fingers crossed, the decline that has taken place over recent years since decoupling may bottom out. Time will tell. That decline is one reason why we must reform the common agricultural policy. That is on the agenda and we must ensure that Scotland's priorities are reflected in the new CAP.

**Alasdair Allan (Western Isles) (SNP):** Does the Scottish Government agree that crofters and farmers in most of the Highlands and Islands operate in an unusually harsh environment, and that that deserves to be recognised in any changes to the existing subsidy regime?

**Richard Lochhead:** I agree that our crofters largely work in environments that are harsher than those elsewhere in Europe, and that that should be taken into account in the agriculture support system. The less favoured area support scheme payments that we make take that into account, and many crofters in Scotland benefit from those arrangements and from other support mechanisms. The issue will certainly be at the forefront of our minds when we consider the recommendations that we receive from the Brian Pack inquiry.

#### **Greener Scotland**

**5. John Park (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what progress has been made in achieving its greener Scotland objectives. (S3O-9611)

**The Minister for Environment (Roseanna Cunningham):** The Scottish Government is making good progress towards its greener strategic objectives. In particular, we have led the way with our leading-edge climate change legislation, which sets ambitious emissions reduction targets; we are well on the way to meeting our key recycling targets and exceeding our ambitious renewable electricity targets; and we are seeing increasing numbers of people accessing Scotland's fantastic natural environment.

**John Park:** I thank the minister for that update. She will be aware of my interest in electric vehicles and the procurement process that the Scottish Government has been pursuing, which I have raised with the cabinet secretary. Can she provide an update on the work that her department is doing on the procurement process to ensure not only that electric vehicles are rolled out by Scottish Government departments, but that engagement takes place with stakeholders to ensure that they

take up that opportunity so that we can meet our emissions targets?

**Roseanna Cunningham:** I acknowledge the member's long-standing interest in the issue. I think that he asked a similar question about procurement last May.

It is fair to say that all ministers in all departments are looking carefully at the work that they are doing to achieve what the Government is trying to achieve across the board. Since a more recent question—which I think John Park asked, although I may be wrong about that—the Scottish Government has published the sustainable procurement action plan for Scotland, which sets out clear guidance to all public bodies on how to procure with sustainability in mind. All departments and all ministers must think about that issue, not just me.

**Shirley-Anne Somerville (Lothians) (SNP):** As the minister knows, the greener Scotland objectives include improving Scotland's built environment and the sustainable use and enjoyment of it. One way of doing that is through the provision of allotments and community gardens. I am sure that the minister is already aware that NHS Lothian has recently made land available to the Royal Edinburgh hospital for such a community garden. Will the Scottish Government consider pursuing its greener Scotland objectives by encouraging other health boards and Government departments to undertake an audit of available land to identify further possible sites for allotments and community gardens, with a view to meeting the growing demand for them that exists in our cities?

**Roseanna Cunningham:** I recognise the member's continuing interest in that area of Government policy. The Scottish Government is well aware of NHS Lothian's plans to create gardens and grow-your-own spaces. The grow-your-own working group is taking an active interest in those proposals, and if they are successful they could serve as a model for the utilisation of Government-owned land elsewhere. The national health service will, of course, maintain overall control of the land.

### Recycling

**6. Angela Constance (Livingston) (SNP):** To ask the Scottish Executive what progress is being made towards meeting its 40 per cent recycling target. (S30-9640)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** Excellent progress continues to be made as Scotland moves ever closer to achieving the 40 per cent recycling target.

The latest data from the Scottish Environment Protection Agency, which cover the period from October 2008 to September 2009, show that local authorities across Scotland are recycling almost 36 per cent of municipal waste. I offer my congratulations to the 12 local authorities, one of which is West Lothian Council, that have met and, indeed, exceeded the 40 per cent target. The Scottish Government will continue to support all local authorities to achieve and exceed the target.

**Angela Constance:** I am pleased that the cabinet secretary appreciates the vital contribution of local authorities, particularly West Lothian, but can he confirm whether the zero waste plan will allow councils to adopt the most efficient form of recycling, or will the 60 per cent 2020 target have to be achieved through the more expensive, and potentially less carbon-efficient, kerbside recycling route only?

**Richard Lochhead:** I guess it depends on how we define the most efficient form of recycling, which may be open to debate. Obviously, I cannot give any guarantees at the moment on what the zero waste plan will contain, as we are currently considering the responses to the consultation. The final plan will be published in the spring, and the Parliament will have opportunities to debate it then.

Local authorities might consider different forms of recycling to be the most efficient, depending on geography and other issues, so we must take that into account. We need a flexible toolbox, as it were, to allow each local authority to do what is most appropriate for its area. The good news is that most local authorities are already heading in the right direction.

**Elaine Murray (Dumfries) (Lab):** I am sure that the cabinet secretary will wish to congratulate Dumfries and Galloway Council, too, on exceeding the 40 per cent target. However, a recent report from Audit Scotland states:

"Councils do not have adequate plans to meet landfill and recycling targets beyond 2010".

It goes on to say that they

"need additional waste management facilities to meet national landfill and recycling targets".

I would be grateful if the cabinet secretary responded to those statements from the Audit Scotland report in relation to how targets beyond 2010 might be met.

**Richard Lochhead:** The provision of waste management facilities is important, and a lot of good work is taking place on the issue between the Scottish Government, the Convention of Scottish Local Authorities and councils. The Scottish Futures Trust is considering the best method for funding such facilities. Some local

authorities are already moving ahead with such facilities, which is perfectly possible even under the existing arrangements.

Resources have been and will be transferred to local authorities, which they may put towards such projects if they choose to do so, in line with local priorities. I am always open to suggestions from individual local authorities on how to improve the current situation. I assure members that a lot of good work is being carried out to accelerate the number of waste management facilities in Scotland.

**John Scott (Ayr) (Con):** The minister will be aware that, notwithstanding the progress that has been made on recycling municipal waste, particularly in South Ayrshire, industrial waste poses a far greater problem, with poor baseline figures and a reduction in the remaining available landfill capacity. How does the minister propose to address the problems of a lack of infrastructure and a lack of capacity, and to solve the growing problem of the disposal of industrial waste?

**Richard Lochhead:** That is a good point. Although, since the establishment of the Scottish Parliament in 1999, we have made a lot of progress on recycling targets, if there is one criticism it is that we have perhaps all taken our eye off the ball as far as commercial and industrial waste is concerned. As the member might be aware, I have given a commitment to Parliament that the zero waste plan will put a lot more emphasis on industrial and commercial waste. Although we have made lots of inroads with municipal and household waste, we must now address the wider issue. The member is quite right to raise that point.

**The Deputy Presiding Officer:** Question 7 has been withdrawn because of a family emergency affecting the member concerned.

### **West of Scotland Catch Composition Rules**

**8. Liam McArthur (Orkney) (LD):** To ask the Scottish Executive what progress there has been in reviewing the west of Scotland catch composition rules since the December 2009 European Union agriculture and fisheries council meeting. (S3O-9622)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I continue to regret the fact that, in November last year, the Council of the European Union decided to extend the west of Scotland catch composition rules until 30 June 2011.

In December, we secured a political commitment from the previous European Commission to accelerate work on alternative arrangements, with a view to making proposals in the first half of this year. We are working closely

with the industry to shape those proposals, now that the new Commission has taken office. I met the new commissioner's chef de cabinet in Brussels on Monday and, as well as discussing other issues, I reiterated the need to address this current issue as a matter of priority and to find alternative, better measures for protecting cod, haddock and whiting on the west coast of Scotland.

**Liam McArthur:** The cabinet secretary will be aware from our previous exchanges and correspondence that I think that the catch composition rules on the west coast have been unworkable. The agreement on decreasing quotas and effort at last year's council has put additional pressure on much of the Scottish fleet. In light of that, I encourage the cabinet secretary to discuss alternative measures to the catch composition rules for the west coast and to consider buy-back provisions in relation to measures that the fleet has taken during the past 12 months.

**Richard Lochhead:** I welcome the member's constructive contribution on an important issue for the west coast of Scotland fishing industry, particularly the white fish sector. We will take forward discussions in the spirit that he suggests.

There were a number of breakthroughs, which I hope will be useful for the west coast of Scotland and for the member's constituents. We secured an increase in the megrim quota—megrim is now one of the most valuable fish stocks in Scotland—which we hope will bring extra millions of pounds into fishing communities, and we secured flexibility on where the fleet can catch its valuable monkfish quota. Such flexibility has been called for for many years. We hope that those breakthroughs will deliver good results for the west coast of Scotland and for the member's constituents. However, the member is right to suggest that there is a lot more work to do.

### **Justice and Law Officers**

#### **Police (Arms Policy)**

**1. Hugh O'Donnell (Central Scotland) (LD):** To ask the Scottish Executive whether there is a Scottish national policy on the arming of police forces. (S3O-9625)

**The Cabinet Secretary for Justice (Kenny MacAskill):** Firearms legislation is a reserved responsibility of the United Kingdom Government. The deployment and use of firearms is an operational matter for chief constables. Scottish police forces follow guidance contained in the Association of Chief Police Officers "Manual of Guidance on Police Use of Firearms".

**Hugh O'Donnell:** I declare an interest in that my son is a serving police officer.

Notwithstanding the cabinet secretary's response, the Scottish Government has responsibility in relation to firearms, particularly those that are used by public bodies, in the context of the Human Rights Act 1998 and the European convention on human rights. What steps has the cabinet secretary taken, or what steps will he take, to ensure that the deployment of Tasers by Strathclyde Police complies with the 1998 act and the ECHR?

**Kenny MacAskill:** I assure Mr O'Donnell that firearms are reserved. If he can advise me how that is not so, I will act forthwith, because the Government is committed to taking action on the scourge of air weapons in our communities. If our doing so was simple, I have no doubt that he would have advised me about that by now.

Firearms are reserved to Westminster, which is why the Scottish Parliament cannot legislate on the matter. Tasers are classified as firearms. As we debated this morning, it has never been, will not be under my watch and—I think—will not be for any justice secretary, whatever their political colour, to interfere with the operational matters of our police forces. To do so would undermine the democratic basis on which we operate, through political interference in policing that must be for our communities.

### **Jury System (Reform)**

**2. Elaine Murray (Dumfries) (Lab):** To ask the Scottish Executive what progress it is making on reforming the jury system. (S3O-9609)

**Kenny MacAskill:** The Scottish Government carried out a major consultation exercise on juries, called "The Modern Scottish Jury in Criminal Trials", in 2008. Following independent analysis of the responses, in December 2009 the Government published a statement of the steps that it intends to take.

**Elaine Murray:** Will the cabinet secretary respond to a concern that a constituent of mine expressed? My constituent was recently called to jury service and discovered that some 50 people had been called to form a jury of 15 on a fairly minor case of affray. My constituent thought that that represented an excessive loss of working time to the local economy. Was that issue considered in the review? Does the cabinet secretary intend to make changes in that regard?

**Kenny MacAskill:** As I understand it, such issues are not subject to statute but are matters of procedure and guidance in the Scottish Court Service. I appreciate that being called for jury service is for many people inconvenient. We are grateful to the member's constituent and other people who give of their time to participate in the jury system.

The reason why more than 15 people are called is to ensure that there is a sufficiently wide pool from which to select. There might among them be people who are inappropriate because, for example, they know the accused—especially in rural areas. There are good reasons to ensure that we have the maximum pool. I can only say that—as the clerk of the court and, doubtless, the presiding sheriff or judge would say—we are sorry for any inconvenience, but we are truly grateful to people who give of their time, whether or not they are called, to participate in a fundamental part of our judicial system.

### **Her Majesty's Prison Cornton Vale**

**3. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what action it has taken in response to the conclusions in the recent Her Majesty's inspectorate of prisons report on HMP Cornton Vale. (S3O-9614)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The Scottish Prison Service will next week publish its strategy for the management of female offenders in custody, and an action plan responding to the HM inspectorate of prisons recommendations on HMP and YOI Cornton Vale. Those documents will be available on the SPS website and copies will be lodged with the Scottish Parliament information centre.

**Dr Simpson:** The cabinet secretary will remember some of the questions that I asked after the previous inspection of Cornton Vale. The current inspection report indicates that some prisoners still have to wait up to two hours to get to a toilet. The recommendation was that Bruce and Younger houses should have new systems installed as a matter of immediate action. Have we yet had a challenge under the European convention on human rights to that most degrading situation, in which prisoners are forced to use sinks as toilets? Does the cabinet secretary agree that it requires more urgent action and a strategic plan?

**Kenny MacAskill:** I am not aware of any ECHR challenges. I can inquire of the SPS and get back to Dr Simpson, but it might be easier to ask the deputy Labour justice spokesman, Mr James Kelly. After all, it is Kelly, and another whose name I have forgotten, who tend to bring most such challenges, so Mr Kelly may be able to advise whether any such challenges are on-going.

We are conscious of the challenges that are faced at Cornton Vale, and the Scottish Prison Service is dealing with those matters. I remind Dr Simpson of the response that was given by the governor, who said that the real solution was to deal with the constant churn. If the member wants to show some sympathy and take some action, he should support the Government in ending the



regular use of short prison sentences for people who often require more to be treated than to be punished.

**Bill Aitken (Glasgow) (Con):** Is the cabinet secretary aware that the Scottish Prison Service has recently installed an Astroturf recreation facility at Cornton Vale at a cost of £100,000? Does he agree that, although we are all in favour of encouraging prisoners to take exercise, a normal, hard-standing surface would have been perfectly adequate and a significant saving to the prison's budget?

**Kenny MacAskill:** Those are operational matters for the Scottish Prison Service. As I said, I am aware of the challenges that have to be addressed, as are the prison service and the governor and staff of Cornton Vale. I have every confidence that they will rise to the challenge, but we equally have to accept that we live in a world of finite resources and that we have to prioritise matters. That should be considered by some people who would seek to increase the prison population. If we spend on prisoners, we cannot spend on pensioners. You pay your money and you take your choice. The Government has to spend £120 million per annum to upgrade the prison estate that it inherited, but it would rather reward good citizens than continually pander to the bad ones.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I thank the cabinet secretary for his positive response to most of the recommendations in the Equal Opportunities Committee report on female offenders in the criminal justice system. Will he respond to the one recommendation that he ignored, namely that if female prisoners with children continue to take drugs, any subsequent punishment should not impact on their children? Does he believe that, in determining visits by children, the rights and interests of the child should be paramount?

**Kenny MacAskill:** It is clear that we have to take into account the rights of the child. I fully accept that in the spirit in which Malcolm Chisholm has raised the matter. There are security issues but, the point that has been made is clear. We must realise that the link with the child is fundamental to the best way of trying to ensure that the prisoner does not commit further offences and can be rehabilitated.

We also have to address another point that Malcolm Chisholm and others have raised: tragically, 50 per cent or more of the children whose mothers are in Cornton Vale end up in institutions themselves. If we are to break that cycle of offending, we must ensure that appropriate action is taken. I am more than happy to continue to discuss that matter with Malcolm

Chisholm and to ensure that the SPS takes it on board.

### **Serious and Organised Crime (West of Scotland)**

**4. Patricia Ferguson (Glasgow Maryhill) (Lab):** To ask the Scottish Executive what action it is taking to combat serious and organised crime in the west of Scotland. (S3O-9587)

**The Cabinet Secretary for Justice (Kenny MacAskill):** We have set up the serious organised crime task force to tackle head-on serious organised criminals who operate throughout Scotland. In June 2009, the task force published its serious organised crime strategy in "Letting our Communities Flourish: A Strategy for Tackling Serious Organised Crime in Scotland". On 19 January this year, we joined Strathclyde Police for the launch of its implementation plan. The Scottish Government has also provided an additional £4 million of funding over two years to the Scottish Crime and Drug Enforcement Agency to boost Scotland's efforts to tackle serious organised crime.

**Patricia Ferguson:** The minister will be aware that a sheriff has overturned recent attempts to ban alleged criminals from operating in the security industry, and that a health board has, because it was obliged to do so by procurement rules, awarded a taxi contract to a company that had allegedly been involved in criminal activity. In addition, an MOT station in my constituency, which was the site of a drive-by shooting and is allegedly implicated in criminal acts, continues to operate because no one has the power to close it down.

As criminals become better at beating the system, can the minister provide any reassurance to communities that those involved in diversifying their so-called business interests are not untouchable and that the Government is working with the police to find ways to outsmart those who wreak so much havoc in our communities?

**Kenny MacAskill:** Absolutely. The basis of the launch of the implementation plan in Glasgow on 19 January was that such people are not untouchable. I recall that the billboard advertising showed people from such communities and elsewhere in Glasgow who had been brought to account and given considerable prison sentences for on-going actions. The director general of the Scottish Crime and Drug Enforcement Agency is speaking to public and private sector agencies and is addressing procurement matters.

It is clear that we are drawing to people's attention the fact that serious and organised crime is not simply a criminal justice responsibility; people who are in elected positions in health

boards and local authorities also have responsibilities. Members of political parties, including mine, must take that into account when they are in a position to deal with such matters.

Patricia Ferguson will be aware that I would happily legislate forthwith on procurement, consumer and other matters that are reserved to Westminster. Until the Scottish Parliament has the full powers of an independent Parliament, we will have restricted powers over some matters, and we will still require to go cap in hand south of the border.

**James Kelly (Glasgow Rutherglen) (Lab):** The cabinet secretary will be aware of the fear and intimidation in communities in which serious and organised crime has influence. What specific measures are being taken to provide more confidence to people in those communities to come forward, speak out and act as witnesses against those who perpetrate serious and organised crimes?

**Kenny MacAskill:** Such matters are fundamentally operational matters for the police, and I would not wish to interfere in or engage with them. That would be entirely wrong. My answer relates to the earlier question about the use of Tasers. Various matters are being dealt with—witness protection, for example—to ensure that we maximise the ability to protect communities and good citizens who step forward. If Mr Kelly has particular suggestions to make, I assure him that I will happily table them at the next meeting of the serious organised crime task force to ensure that the best advice or suggestions from wherever are taken on board and acted on.

### **Police (Firearms Training)**

**5. Patrick Harvie (Glasgow) (Green):** To ask the Scottish Executive what its position is on specialist firearms training remaining a requirement for police officers who are to be armed. (S3O-9634)

**The Cabinet Secretary for Justice (Kenny MacAskill):** Firearms legislation is reserved. The training, deployment and use of firearms are operational matters for chief constables.

**Patrick Harvie:** I apologise for missing the question that Hugh O'Donnell asked on a similar topic earlier.

The cabinet secretary seemed to be in a slightly illogical position in this morning's debate. He called for devolution of control over firearms legislation, but said nothing about what he would use those powers for. If guns and Tasers are to be considered as firearms and the Scottish Government wishes to have control over the use of firearms and the legislation relating to them, surely we should be able to hear from it what it

would do with those powers. Does the cabinet secretary feel comfortable with the idea of a fully armed police force? If not, what would he use those powers to do if he had access to them in the future?

**Kenny MacAskill:** No—I do not feel comfortable with that and I cannot think of any member who would argue for a fully armed police force. I struggle to think of anybody in the main body politic in Scotland who would argue that or has ever done so. If the Parliament is to take action and if powers are to be given to any minister, the powers on firearms have to be devolved. Tasers are firearms—that is set in the legislation, because of the method of firing and other reasons. Thereafter, any decision would not be made on a whim or because of a fancy of mine. When the powers on firearms are devolved, it will be for each and every member in the Parliament to discuss and decide on the issue.

Some people might argue that firearms should not be available to police officers, although I would argue against that and would ensure that that would not be the Government's position. If Patrick Harvie wished to introduce a bill or move amendments to a bill to specify that police officers could carry firearms only under set conditions, the Parliament could legislate on that. However, at present, we cannot legislate because we do not have the powers to do so. Once we have the powers, the issue will not be up to me or my successor—it will be for the Parliament to set the legislation and thereafter for the police and the Lord Advocate to act in conjunction with the laws that Parliament has set. Justice secretaries may bring proposed legislation to the Parliament, but it is the Parliament that enacts bills and gives authority to them.

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

### **Double Jeopardy**

**7. John Scott (Ayr) (Con):** To ask the Scottish Executive whether it will support Scottish Conservative proposals to amend the law on double jeopardy at stage 2 of the Criminal Justice and Licensing (Scotland) Bill. (S3O-9565)

**The Cabinet Secretary for Justice (Kenny MacAskill):** I agree entirely that that law needs to be overhauled. We initiated the Scottish Law Commission review of double jeopardy and we are delivering on it. However, with such a complex and important issue, we should take time to get it right. Rushing through an amendment to that bill risks producing a law that falls short of what is desired. Instead, we should introduce a stand-alone bill at the earliest opportunity, following a consultation, and ensure that the law is fit for purpose in a variety of aspects. I know that the Conservatives

share my desire for reform and I would welcome their support for a stand-alone bill.

**John Scott:** I thank the cabinet secretary for that positive response. The Scottish Conservatives have campaigned for a change in the law so that, when new and compelling evidence is presented, a new trial may take place at the discretion of the Lord Advocate and the Scottish Court of Criminal Appeal. This is perhaps not necessary, but I remind the cabinet secretary that when he was in the Opposition he said:

“Parliament will fail if we do not take on board the principle”.—[*Official Report*, 22 February 2007; c 32380.]

Will the cabinet secretary give an assurance that he will work with my colleague Bill Aitken—who will certainly work with him—to ensure that the principle is established, however we do so?

**Kenny MacAskill:** Absolutely. I am aware of the member's commitment on the issue and that, as he said, Bill Aitken has been pursuing the matter. I believe that there is unity in the Parliament that we have to address double jeopardy. The proposed amendment is well intentioned, but it does not go far enough, as it would restrict the crimes that would be covered to rape and murder. There might be instances in which all members would regret it if we did not have power to take action—for example, with a case such as operation algebra. We must ensure that we include the correct offences.

The Government believes that there is good reason why any provision should be retrospective, although we will consult on that. If we proceeded with the proposed amendment, there would be no retrospectivity if new evidence arose in previously heard cases. I look forward to working with John Scott, Bill Aitken and other members to ensure that justice is served for all those who suffer a manifest injustice.

**Richard Baker (North East Scotland) (Lab):** Does the cabinet secretary agree that the implementation of the change to the law on double jeopardy should be retrospective so that, whatever the timetable for new legislation, it covers those to whom it should apply? I have a great deal of sympathy with the cabinet secretary's points on the timescale for new provisions.

**Kenny MacAskill:** It is important that we consult on the issue and it would be wrong for me to prejudge the outcome of the consultation. However, I have been pretty fulsome in saying that I see a direction of travel, as Mr Baker pointed out. I know that the view is shared by Bill Aitken and John Scott.

## High Hedges

### 8. Stuart McMillan (West of Scotland) (SNP):

To ask the Scottish Government what analysis it has made of the 620 responses to its consultation on high hedges and other nuisance vegetation. (S3O-9657)

**The Minister for Community Safety (Fergus Ewing):** The final report detailing the analysis of the consultation responses was submitted to my officials last week. I intend that the analysis of the consultation responses will be published on the Scottish Government website in March. We will then consider what steps to take next.

**Stuart McMillan:** The minister will be aware that I am one of the 620 people who responded to the consultation, as several of my constituents have contacted me with high-hedge problems. I am well aware of the Government's excellent record on delivery. I encourage the minister to continue to pursue the matter with great vigour.

At this stage of the analysis, has the minister ruled out any legislative measures that might be implemented in order to find a resolution to this issue?

**Fergus Ewing:** I am aware of the interest that the member and MSPs from across the chamber have taken in this matter. I know that most MSPs have, on behalf of their constituents, raised concerns about the issue with me and, I suspect, with a number of my predecessors.

For that reason, and given that there have been 617 responses to the consultation—the analysis of which we have only recently received—it would be imprudent of us to rule in or out any particular solutions. Instead, we should publish the analysis, consider it carefully and decide how best to proceed—if possible, with as much input from across the political spectrum as can be mustered.

## **“Inquiry into Future Support for Agriculture in Scotland”**

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-5807, in the name of Richard Lochhead, on the Brian Pack inquiry into the single farm payment.

14:56

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** Today's debate is in response to the public consultation on the interim report of Brian Pack's inquiry into future support for farming in Scotland. The debate gives members an opportunity to express their views on the crucial issues that are covered by the inquiry. I am delighted that Brian Pack is here to listen to the debate. He will, of course, make himself available after the debate in case members want to speak to him. In the past few weeks, Brian Pack has travelled the length and breadth of Scotland with his roadshow of meetings that have so far been attended by more than 1,300 farmers.

With more snow bringing havoc to many parts of the country as we speak, we are all aware of how the extreme weather has caused some serious problems for the farm sector. Insurance companies are dealing with many more claims than usual for farm buildings that have collapsed under the weight of snow. However, the Scottish Government can also have a role with regard to costs, such as the cost of alternative housing for lambing and calving, which farmers could not have insured against, and which raise animal welfare issues. After listening to farmers and many MSPs, I was pleased to announce last week that the Government will make available up to £3 million to help the sector to cope with that kind of cost.

As well as exceptional weather conditions, we have also seen exceptional economic conditions in recent times. However, food production is a good business to be in during a recession, and the exchange rate has played a helpful role by making Scottish products more competitive and by increasing the value of European support. The value of output went up last year for sheep, for cattle and for horticulture. Scotch beef sales in the pre-Christmas period were up by 8 per cent, lamb exports increased by more than 10 per cent and the horticulture sector is now valued at a considerable £239 million. However, it was a less buoyant year for the cereals sector. Prices were down, and I know that there are concerns about what will happen in 2010. Tenant farmers have been affected by those issues and, of course, by some significant recent rent increases.

I am sure that most people will agree that it is important to put those trends into context. The long-term picture is that the global population is projected to rise to 9 billion by 2050, which will greatly increase the demand for food. Further, people are changing their eating habits, which will also drive up demand.

That is why, despite the weather and other challenges that farmers have to cope with, there is a mood of optimism in the sector. That was evident at two of the events that I have attended in recent weeks: last week's National Farmers Union Scotland annual conference in St Andrews, which was also attended by many MSPs; and, before that, the Perth bull sales. Farmers are planning to invest and expand. There is a bright future for them to look forward to. However, the future will bring new challenges and, after 2013, we will have a new common agricultural policy. It is against that background that the Scottish Government set up the Pack inquiry. It will put us on the front foot, so that we know what we need to do for Scotland and can argue for it in London and Brussels and with other member states.

The biggest individual element of farm support is the single farm payment, which has been the subject of much recent discussion. We have the single farm payment because, when the original common agricultural policy led to the surpluses of the 1970s and 1980s, European Union policy changed and direct payments to farmers were introduced. Payments were originally coupled to production through headage of livestock or area of cropping. No one to whom I have spoken wants to go back to the system that we had before, in which farmers often produced simply for the payments. As I have said many times before, I believe that the future should involve farmers producing for the market, with the public providing support for farmers who produce. It is widely accepted—and I am sure that we all support the idea—that further evolution in agriculture is inevitable.

It cannot be right that next year's payments for farmers should be based on what they produced between 2000 and 2002. During the past decade, some farmers have expanded their businesses, while others have reduced their farming activity but still receive the same payments. We estimate that, under the current rules, about 4 per cent of single farm payments may be going to land that is not supporting proper agricultural production, which I hope we all agree is unacceptable. Meanwhile, farmers who have entered the industry since entitlements were awarded, and farmers in sectors that were not supported under the previous regime, receive nothing at all.

**Jamie McGrigor (Highlands and Islands) (Con):** Does the minister agree that some farmers,

especially in the Highlands, have been asked to reduce their stock for environmental reasons?

**Richard Lochhead:** I am not sure what Jamie McGrigor means by “asked to reduce their stock for environmental reasons”, but it is clear that farmers have to deliver a number of public benefits, of which environmental protection and safeguarding is one.

For some of the reasons that I have just outlined, the new EU commissioner, whom I am due to meet on 22 March, has reiterated that the historically based system will have to go. That will be a major part of the package of budget and CAP proposals for 2014 onwards.

This year, the commission will continue to gather views from Governments and various stakeholders throughout Europe and in Scotland. Towards the end of the year, it will issue an informal paper, and it will make its formal proposals in 2011. Those proposals will, under the new Treaty of Lisbon rules, be negotiated jointly between the Council of Ministers and the European Parliament, and the final decisions are likely to be made in 2012 or even 2013.

We face a lengthy process, and it is vital that we influence it from the beginning to ensure that, at the very least, our key principles are accepted at the earliest possible stage. The Pack inquiry will equip us to influence the policy agenda in Scotland’s interest in advance of the formal negotiations, and to take up detailed positions once the negotiations are under way.

The inquiry is a crucial piece of work, and many farmers have said to me that there is no better person to chair it than Brian Pack. I am extremely grateful to him—as I am sure we all are—for taking on that task, and to his committee of advisers: Wilma Finlay, Johnny Mackey, Davie MacLeod, Steve McLean and Professor John Grace.

The inquiry is at the halfway stage of its work programme, and the interim report sets out its initial thinking. The report is thought provoking; we know that more than 20,000 farmers are working out what it means for their individual businesses, but we in the chamber need to debate what it means for Scotland.

The closing date for written responses is 5 March, although farmers and crofters in the Western Isles have been given longer to respond—until 19 March—to allow for the fact that their public meetings do not take place until 15 and 16 March. I urge as many people as possible to contribute their views to the consultation.

The schedule is arduous and Brian Pack and his committee have a tough job ahead, which involves balancing the interests of Lowlands and

Highlands, east and west, and the livestock and arable sectors, at a time when we do not even know the size of the CAP budgets. We all look forward to the final report, which will, I hope, be delivered in June. Scotland is certainly leading the way in addressing some difficult issues.

One such issue involves deciding on the type of payment system that should replace the historically based single farm payment. The interim report sets out one possible model for a future scheme, which uses area-based payments and activity-based top-up payments, but it makes clear that that is just one illustration. There is no doubt that the current debate will produce many other options. I am sure that we all wish to urge stakeholders to focus not simply on finding flaws in the interim recommendations, but on working out constructive ideas for what the new system could and should look like.

For instance, Brian Pack’s illustration uses the Macaulay Land Use Research Institute’s system as the basis for the area-based elements. Scotland is fortunate to have particular expertise at the Macaulay institute, which gives us options that may not be available elsewhere. However, some people might favour a different method for dividing Scotland up, and comments on that issue would be welcome.

Comments are also welcome on precisely how payments should be distributed under the new system. One thing is clear: if we accept that change is inevitable because the historical system is unsustainable, redistribution is also inevitable. Any new scheme that is based on avoiding change will be a non-starter. Redistribution is a big issue and I am pleased that the industry is taking it seriously. The interim report specifically asks for comments on ways in which to address the impact on particular regions or sectors. It also flags up the important role that is played by other support measures such as less favoured area support scheme payments.

There is a link between those issues and the question of timing. On the one hand, it is understandable that some people want an extended transition period to soften the landing but, on the other hand, the sooner we put the anomalies behind us, the better. The interim report proposes that we wait until the rules for post-2013 are known and that there is change fairly quickly thereafter. That has sparked heated debate and alternative ideas are doing the rounds—ideas that might or might not be permitted by the EU when the rules are agreed. Here, too, comments from stakeholders and MSPs will be extremely valuable and gratefully received by the inquiry team.

The interim report also seeks views on some short-term issues, one of which is the link between farming activity and support payments. The report

sets out what is possible under the current legislation. That is quite limited, but we are determined to address that issue. We have already tightened the rules, for example in the changes to LFASS that we announced last summer, but the Pack inquiry will help us to determine what else can be done. It will equip us to negotiate for stronger rules in the future CAP while respecting the rules of the World Trade Organization.

**Liam McArthur (Orkney) (LD):** What work has been done on the disadvantage that is faced by those who live in island areas, particularly those who are more than one ferry journey away from the mainland and the markets?

**Richard Lochhead:** We are conscious of that. When we have a better understanding of what the options could be, we will want to model them to see what impact they would have on our farming communities on the islands and on the mainland.

We all agree—and the recent discussions in the agricultural press support the view—that there are no easy answers and no quick fixes. This is a key time for farming in Scotland. It is essential that we make the best possible use of the current regime and agree on what we need to argue for in Europe to ensure that Scottish agriculture continues to play its part in achieving our goal of sustainable economic growth.

I wish the inquiry the best of luck and urge all MSPs to express their views today and take part in the debate. I am happy to say that we support all the amendments, with the exception of the Liberal Democrat amendment, which I am afraid is poorly worded. It sets in stone the single farm payment, whereas we might want to have other options available, depending on the outcome of the review that is being conducted by Brian Pack.

I commend the interim report to the Parliament and look forward to the debate.

I move,

That the Parliament notes the publication of the Interim Report by the Inquiry into Future Support for Agriculture in Scotland; acknowledges the considerable work that has gone into producing this comprehensive and considered report, and welcomes the inquiry's continuing commitment to extensive stakeholder engagement on the future application of the Common Agricultural Policy in Scotland.

15:08

**Sarah Boyack (Edinburgh Central) (Lab):** We believe that it is a good time to debate the Pack report. With major changes to agriculture and rural support due to happen in 2013, we need to have the widest possible debate to enable all the key stakeholders to consider carefully and collectively what we need and how we should deliver it. The report contains a good analysis of the challenges

that we face. Its analyses of food security, water supply, energy supply, biodiversity loss and climate change are spot on and provide a good overall framework. It is right to conclude that it is not just our country but the rest of the world that needs to address those issues.

To put the matter in context, there will be two billion to three billion more of us in the world to feed and the countries on which we currently rely for many of our agriculture products, often at the expense of their ability to supply local people, will struggle because of climate change. Water shortages and increased temperatures will make agriculture in some regions on which we currently rely much less viable, or even unviable. Food security is an issue. In the past, EU subsidies made it impossible for farmers in developing countries to compete on fair terms. As we are in the middle of Fairtrade fortnight, we need to join up the debates and think through the linkages. Fair trade has been a lifeline in enabling farmers to profit and to channel their profits into increased productivity, better local water and drainage infrastructure, better salaries and better local services.

The fact that a third of the EU's greenhouse gas emissions come from food production and consumption raises another key issue. When we discuss the kind of agricultural and environmental support that we should have in Scotland, we should also ensure that other European countries are doing the right thing. Yesterday's United Kingdom Committee on Climate Change report highlights the need for us and, in particular, the Scottish Government to provide more leadership in making these kinds of connections and helping our farmers to make the necessary changes to address the challenge of climate change. Although farmers are already making agricultural production more efficient as far as emissions are concerned, we really need to be leading from the front.

As a result, this debate must be about how we feed ourselves, not only affordably, but in a way that provides long-term environmental stewardship and maximum benefit to the communities on whom we rely for our primary produce. All those objectives must be tied in together; we must not simply aim at one objective alone, which means that shifting from current forms of support to new and fairer systems is an incredibly difficult challenge. We should acknowledge the excellent work that is being done both in many of our farming communities and on environmental stewardship. We must find a way of linking those issues while providing the best incentives for our farmers in our rural communities.

I echo the cabinet secretary's comments about the current system's flaws and point out, in addition, that it does not encourage or support

new farmers; that we have gone from having too many sheep on our hills to having not enough; that tenant farmers are under huge pressure from rocketing rents; and that the dairy industry is, as we have made clear in the past year, under major pressure, with some key players deciding that it is no longer economic or worth their while to keep going. Even though it provides major benefits for our economy, biodiversity and landscape, farming in our tougher and more fragile areas still remains in the economic balance.

We should also play in to the debate the fact that our consumers expect strong and clear labelling, providing information about nutritional value, country of origin and so on. It is not good enough to say where the food is grown; we have to identify the whole chain, which will help to incentivise local food production and processing. Something that is grown in Scotland but processed somewhere else should not be described as locally produced, as it clearly is not.

Demand is growing for more sustainably produced food, whether it is genuinely produced locally, is less intensively farmed or is organic. That said, cost is still a huge issue for many people in Scotland. Yesterday's parliamentary debate on tackling obesity stressed the need for healthier eating and exercise patterns, but the fact is that people in far too many of our poorer communities simply do not have a choice of affordable, healthy food. Until that situation changes, exhorting people to eat more healthily will make no difference whatever.

All those issues have to be tied together, and our amendment seeks to add to the Government motion the statement that the system of funding must meet those objectives and that we use policy opportunities to focus on support for not only the production side but the consumption side of land management and farming. That is why we have been keen to support moves in public and private procurement to source more locally. We have also supported the establishment of more farmers' co-operatives to ensure that smaller farming businesses can band together, reduce costs and create economic efficiencies for their businesses. That is why we were keen for the supermarket ombudsman to be established; we want a fair playing field for our farmers and stable, fair prices for consumers. All those issues have to be tied together in any future system of support.

I accept the cabinet secretary's offer to meet Brian Pack before he embarks on the next stage of his inquiry, because we want to tease out with him the funding options that he has identified. We agree that direct payments must be retained and that we should protect farmers from not only the risks of the market but climate change challenges; however, we need to be clear about how we link

together the market risk and food security agendas. We should not use direct payments in the way that Europe has done in the past and end up with too much of the wrong product, and I am keen to hear about the measures that the cabinet secretary thinks would help to shape markets. Moreover, I would like to hear about the relationship between other European countries and developing countries.

We are particularly keen to hear about the cabinet secretary's discussions at a UK level with Hilary Benn. After all, we cannot afford to wait until we reach the end of our process and dot every i and cross every t on our perfect solution. If parallel discussions are taking place in the UK or Europe, we must ensure that Scottish objectives and concerns are fully plugged in to the UK lobbying system.

Given that 2013 is only three years away, we should find out the cabinet secretary's views on transition policies. What are the options for bringing in new entrants now? After all, we cannot have what might be called a falling-off-the-cliff model of change. What assistance will our farmers receive to get them through the massive changes that are being promoted for 2013? The cabinet secretary mentioned options; we would like to hear more about what they are and what his views are. His speech was very light on that.

We have looked at the issue of area-based or land capability analysis, and we have some concerns. We understand about targeting limited resources, but what are the measures of transparency? We are completely unconvinced about the transparency or credibility of the current Scottish rural development programme allocation process, and we want to see how choices will be managed in future. What will the safeguards be, and what does the cabinet secretary see as the necessary trade-offs?

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Will the member give way?

**Sarah Boyack:** I will not, because I have only a minute and a half to go.

We agree that there should be no support for naked areas or slipper farmers, but how would the cabinet secretary see flood management or biodiversity, for example, in places where we do not want the land to be intensely managed or farmed for specified periods? How would that fit into the new system?

We do not disagree with the principle of a top-up fund, but how will it relate to the core funding package? It goes back to the issue of balance. What is in the core package and how do the other support mechanisms link to it? It is difficult for us to comment on that in the absence of information on the rural development funding side. The issues

are inextricably linked and, if we want to incentivise best practice, and to see diversification and the creation of jobs, those issues have to be tied together. We cannot see how one set of funding arrangements can be signed off without looking at the full picture. That would miss the opportunity of taking the vital joined-up approach, which is why we want to have discussions before the next stage of the Pack report goes ahead.

The Rural Affairs and Environment Committee should become involved in the process at this point, before we get to the final stage of the report. We would rather that discussions took place across all parties than everyone getting to the end of the process and throwing up their hands and saying that they do not like it. We would like to hear more about what the cabinet secretary currently thinks.

We hope that colleagues will support our amendment and see it as strengthening the Scottish Government's motion to ensure that we keep the policy context alive and do not develop agricultural policy in a vacuum; it must be linked into our environmental, climate change and rural development policies. We cannot develop such issues in parallel; they must be developed together. We will not solve the problems that Pack identifies if we treat them using separate measures. I hope that we hear more from the cabinet secretary about his views at this stage, as well as get the chance to influence the future debate.

I move amendment S3M-5807.4, to insert at end:

“; recognises the need for any future framework to ensure a sustainable farming sector within vibrant rural communities; acknowledges the challenges posed by climate change and food security, and calls on the Scottish Government to ensure that there is a clear focus on the supply of healthy, affordable food produced as locally as possible with good environmental stewardship”.

15:17

**John Scott (Ayr) (Con):** I begin by declaring an interest as a hill farmer whose interests are very much affected by the contents of the report and the forthcoming reform of the CAP, and by welcoming the announcement of the £3 million storm damage fund. I congratulate Brian Pack on his report and commend him on his bravery in being the messenger who is telling the industry about the probability of fundamental change and, indeed, making us all think about the support structure that is likely to be in place after 2013.

The reform of the CAP is our starting point in today's debate, and the Government is sensible in thinking about that reform early. The interim report is about the beginning of a process that will deliver change, possibly in three to four years, or

preferably over a longer time. It has certainly sparked an industry-wide debate about how future support should be delivered in Scotland, where 85 per cent of the land is classified as less favoured area. One has only to look at the massive snow cover in Scotland as we speak to get an understanding of our disadvantage, with 200-day winters being the norm. I returned from Caithness yesterday, and I recognise the difficulties and costs that are attached to peripheral agricultural production in Scotland, on the north-western tip of Europe.

The Pack report notes that Europe recognises that there will still be a need for a common agricultural policy to ensure future food production and regulate common standards in the environment, welfare, and animal health. It further notes that, notwithstanding likely reductions in European Union budgets, support will have to remain in place, and acknowledges that it will have to be more targeted than in the past. Unsurprisingly, the Scottish Government's objectives are broadly similar and, as we move cautiously towards area-based payments, the problem becomes about how best to equitably achieve the goals within available budgets.

The Scottish Conservatives believe that future support must go to those who are actively involved in the delivery of public goods, including food production and environmental enhancement. Secondly, those new entrants who were not farming in the 2000 to 2002 reference period must be recognised and supported after 2013. If a way can reasonably be found, they should be supported before then, as Sarah Boyack suggested.

The Pack report proposes a four-part model for the delivery of future agricultural support: the continuation of direct payments; the creation and use of top-up funds; the continuation of the rural development programme; and the continuation of less favoured area support. I will deal with a couple of those headings.

First, the industry in Scotland would like the continuation of direct payments through the single farm payment for as long as possible. Although it is recognised that, ultimately, that support will have to be delivered through an area-based system, the industry wants the historical system that is based on the 2000 to 2002 reference period to continue in some shape or form for as long as possible. Of course, that is naked self-interest, but when intensive livestock producers, such as those in the south-west of Scotland, the Borders and the north-east, hear college advisers predicting that returns per hectare will fall by more than 50 per cent when we move to an area-based system, it is no wonder that alarm bells are ringing and heels are being dug in. That is why NFU Scotland and



the Scottish Tenant Farmers Association—although for different reasons—are calling for the current support to be re-based on active farming. Provided that that can be achieved within the EU rules and regulations, that must at least be considered as an interim measure in tandem with the development of an area-based system.

The intensive livestock sector, which forms the backbone of Scotland's agricultural output, cannot be put at risk unnecessarily. Every effort must be made to maintain the status quo for as long as possible and until a satisfactory area-based system can be worked out. Given the fact that only two member states out of the original 15 have moved to an area-based system, re-basing makes sense. In addition, taking a recent year as a reference year and basing support on active farming could create a reserve entitlement pool for new entrants to access. Such a refinement of the historical model, if achievable, would give the industry some breathing space.

Secondly, I understand Brian Pack's recommendation to create a top-up fund post-2013, but we do not yet know whether the EU or the WTO would regard that as being within the rules. Although we may have to consider the use of such a fund in the longer term, a lot of work will have to be done to find an equitable way of redistributing funds through that method. My view is that, should such a fund be created, the top-up amount should be moved from pillar 1 into pillar 2 and be distributed largely through the current LFAS scheme. That would have the benefit of causing the minimum upset while focusing on maintaining and compensating for farming in disadvantaged areas. I suspect, too, that the EU would regard that more favourably. Such a mechanism for redistribution could and should be targeted appropriately to deliver not only sustainable farming and socioeconomic objectives, but continued environmental enhancement, thereby delivering several types of necessary public benefits for each pound that is spent.

Scotland has started on the journey of considering CAP reform, which is to be welcomed. The interim report has, unsurprisingly, opened a can of worms that we all knew had to be looked into sooner or later. I hope that, by adding a political dimension, today's debate will give Brian Pack and his team further pointers on the shape of the final report that will be produced later in the year and I, too, wish him luck in the enormous task that he has undertaken on the Government's behalf.

I move amendment S3M-5807.2, to insert at end:

“, while noting that as Scotland moves to an area-based payment scheme there will be redistribution of existing

support, and therefore encourages the Scottish Government to ensure that the process of redistribution is as equitable as possible and takes particular account of the Less Favoured Areas.”

15:23

**Liam McArthur (Orkney) (LD):** Like other members, I acknowledge the efforts of Brian Pack and his team, and I welcome him to the public gallery this afternoon. The task that the inquiry team was set was far from straightforward, although there was a general recognition back in June last year that the cabinet secretary had at least identified somebody who was more than capable of rising to the challenge. I suspect that, as John Scott implied, Brian Pack has had occasion over the past eight months or so to wonder what on earth he allowed himself to be talked into—perhaps a tough lesson that one should always be wary of ministers bearing poisoned chalices.

An easy consensus was never likely to be achieved. Indeed, that was not the purpose of the exercise, and rightly so. Brian Pack made it clear last month that he intentionally created an Aunt Sally in order to prompt further debate, which throws up the possibility of casting the cabinet secretary in the role of Worzel Gummidge. It is to be hoped that he has his thinking head on.

The cabinet secretary has suggested that the debate is intended to give Parliament an opportunity to respond to the interim findings in the Pack report and offer views. Although I feel that his offer is somewhat hamstrung by the lack of detail in some key areas, I will attempt to enter into the spirit of the minister's invitation.

I have no difficulty with the Government motion and Liberal Democrats will also be able to support each of the amendments that have been lodged this afternoon, all of which acknowledge in different ways the wide contribution that agriculture can and must continue to make into the future. My amendment, however, seeks to make a broader point. I will try to reassure the cabinet secretary, who I know has reservations. We are busy deliberating how the cake should be divided up without assessing what size the cake should be in the first place. I am under no illusion about the pressure on agricultural budgets and indeed, on all budgets now and for the foreseeable future. The serious problems facing numerous economies in the EU at present give cause for concern and only help to reinforce the sense that cuts might be inevitable.

Notwithstanding that grim reality, we must accept that the UK as a whole, and perhaps Scotland in particular, has never been well served by the way in which funding is allocated under the CAP. That is particularly true for pillar 2 funding,

on which we lag far behind most of our European partners. I am not saying that mounting a case for sustaining the CAP budget overall and direct payments in particular would be easy—there are good reasons for believing that finding allies elsewhere in Europe might be difficult—but there is a case to be made. By making that case, we would at least encourage some debate about the size of the cake that we are left trying to distribute, whether by the methods set out by Brian Pack or in some other way.

It would be helpful if the cabinet secretary would say when he winds up what work he and his officials have done or are doing to develop alternative models of how resources might be allocated at EU level. There is no doubt that such work is taking place in other national capitals throughout Europe. We need reassurance from the Scottish Government that it is undertaking a similar exercise. If it is not, we risk being left needlessly disadvantaged in the difficult negotiations ahead.

My amendment acknowledges the strong case that Brian Pack has made for on-going direct support for agriculture and food production. However, there is a general concern among the farming community, much in evidence at the excellent event in St Andrews last week, that there appears to be a serious risk of funding leaking out, potentially in significant amounts, from regions across the country. Without further detail on how the top-up fund might work, or indeed on the SRDP and LFASS, it is impossible to corroborate or accurately quantify that risk, but that does not invalidate the concerns.

Other fears have been raised, as is borne out by the briefings that we received from a wide range of stakeholders. I do not argue that moving from an historical basis for payments to one based more on area is not inevitable or even desirable. However, the NFUS is right to point out that such a system would bring with it a unique set of problems in Scotland, given our geography and reliance on livestock. I echo that sentiment, representing as I do a constituency that is heavily dependent on farming that has an excellent reputation for high-quality beef and lamb. It is hard to see how a flatter, area-based system would address Orkney's needs, despite the fact that the local industry has responded at every turn to some of the issues that Sarah Boyack raised, such as consumer demands for higher quality and environmental and animal welfare standards. The harsh reality is that we have good-quality land, but it is a scarce resource. More pertinent, producers find themselves some distance from markets, accessible only by ferry and sometimes by more than one.

As I said in my intervention on the cabinet secretary, I am keen to see what conclusions are drawn about how LFASS rules might accommodate island status, not simply mountain regions and land types. Again, that is a case that only Scotland has an interest in building and only Scotland can be expected to build.

As the cabinet secretary highlighted, one of the most potent criticisms of the historical basis of payment is that it gives rise to so-called armchair farmers, which should be addressed. I note the argument from the NFUS and the STFA for a rebasing exercise to take place. As John Scott said, that should be considered, although I expect that, at this stage, the chances of success are limited. Certainly, any rebasing would have to be tied to strict time limits and a clear understanding of what more fundamental reforms were to follow in due course. It should not be overlooked that paying landowners for doing little or nothing is a risk that would not disappear simply by moving to an area-based system. Again, that is acknowledged by Brian Pack and his team and must be reflected in any future negotiating position.

I will touch on the short-term options identified by Brian Pack in his interim report. There have been calls by some, including RSPB Scotland, for a change to an area-based system immediately, and certainly before 2013. Although I respect its reasons for arguing that case, it is not one that I support. Nor would I support using article 68 in the ways suggested in the interim report; although the causes to which it could be put are worthy of support, I do not believe that the pain that would need to be caused would be justified by any consequent gain.

I appreciate that Brian Pack has long-held concerns about the beef calf scheme, but I urge the Government to hold fire. I think, perhaps in contrast to Sarah Boyack, that—as I said at the outset—there is a risk of Scottish ministers rushing to show their hand. This is an occasion on which the benefits of being the prime mover are not immediately obvious. Nevertheless, a balance must be struck. Ministers must ensure that the detailed preparatory work is done without boxing themselves into positions too early. In that context, I hope that I have reassured the cabinet secretary and other members, so that they will now be able to support the amendment in my name.

I again congratulate Brian Pack and wish him well in his further deliberations. Likewise, I look forward to continuing to participate in the debate on this crucial issue over the coming months.

I move amendment S3M-5807.3, to insert at end:

“; notes concerns over the possible removal of funding from active farmers and crofters; recognises, however, that the report makes a strong case for the ongoing direct support of agriculture and food production and therefore believes that the overall level of Single Farm Payment funding should be maintained, and opposes any reduction in agricultural spending through the CAP.”

15:31

**Maureen Watt (North East Scotland) (SNP):** I am pleased to speak in the debate on the interim report of Brian Pack's inquiry into how support for Scottish agriculture can deliver on the key objectives for a sustainable, prosperous future for Scotland.

Agricultural support is a hugely complicated issue. Every time it is reviewed, the industry asserts that there are more losers than winners—I presume that the winners keep quiet.

I am delighted that Brian Pack is leading the inquiry. As someone who has had a close association with Aberdeen and northern marts all my life—and, in fact, never seems to be away from Thainstone these days at some event or other—I know that Brian Pack commands huge respect not only in the north-east of Scotland but all over. I have benefited from his sage advice on many an occasion.

I am sure that it is as a result of the high regard in which Brian Pack is held that the report is being given serious consideration by all those who have an interest in this field. Sitting in an audience of 250 farmers at a ring at Thainstone at the beginning of the month, I was impressed by the measured contributions from the farmers present. They are people who I know are not usually reticent and they can be raucous when it suits them.

As the cabinet secretary said, the inquiry team is holding an impressive series of meetings throughout the country. Indeed, the Rural Affairs and Environment Committee, in its consideration of the Crofting Reform (Scotland) Bill, and his team seem to be following each other around the country, as we have visited Benbecula and Stornoway, where his team are still to have meetings, and this week and next the committee is visiting Thurso and Shetland, where Brian Pack and his team have already been. He is getting a great feel for the life and work of a politician—I wonder whether he has caught the bug.

I welcome the fact that, as Sarah Boyack said, the review recognises that agriculture has a pivotal role in tackling the challenges of food security, water supply, energy supply, climate change and protecting biodiversity and that the beautiful

countryside of Scotland is largely due to the sound land management of crofters, farmers, foresters and all the others who are involved in working the land. We must recognise that certain things that are done already contribute to sustainability and the mitigation of climate change—even just grazing the land soaks up the carbon.

Everyone knows that the common agricultural policy is up for review and Scottish agriculture is only one of the many voices that will be trying to influence the policy makers in Brussels. The CAP currently accounts for 41 per cent of the total EU budget, although it is falling and is likely to fall further as there are more pressures on the budget. When 10 new members joined the EU in 2004 and another two joined in 2007, it brought an additional 7 million farmers and increased the area of agricultural land in the EU by 40 per cent, so the pressure on the EU budget is great.

It is important that our negotiators from Scotland speak with one voice in Brussels. Farmers who have approached me hope that the issue does not become an election football in the elections this year and next. In that respect, I am pleased by the consensual nature of most of the amendments for the debate.

I was disappointed that union leaders did not agree last year to top-slicing to help with short-term changes to address immediate problems in our agriculture. I am therefore pleased that the inquiry team regards the top-up fund as a sensible way forward. It will of course mean reduced area payments, so we must take account of the serious concerns of people such as cereal farmers. We must also ensure that reduced area payments do not mean inflated rents for tenant farmers. I urge the Pack team to consider putting a cap on the total amount that can be paid out to individual farmers, estates, farming organisations and landlords in order to encourage them to let their land rather than take it into their home business.

**John Scott:** Would that be a cap on payment per hectare or per holding?

**Maureen Watt:** I was going to say something about the hectare payment. Together with the use of top-slicing, that could go a long way to providing opportunities for new entrants. Top-up and a graded system of agricultural payments, dependent on the type of land, would help to promote the sustainability of sheep and cattle in marginal land and even out the volatility to which farmers are subject through market prices.

I am glad to see that slipper farmers will be no more because of the new basing in 2009 that has been recommended and welcomed by the STFA. The interim report provides a sound basis for further discussion. Most farmers want everybody to look at opportunities to secure the long-term

future rather than focus on the threats to vested interests. Farmers have always been flexible and have adapted to changing circumstances. With the Pack inquiry, they have a fantastic opportunity to influence change, and I hope that they do so with relish.

15:37

**Peter Peacock (Highlands and Islands) (Lab):**

First, I apologise to members, as I may have to leave before the debate concludes or may be in and out of the chamber during the debate as I try to sort out transport arrangements that are affected by the weather.

The Pack inquiry is clearly a very important piece of work, and its emerging conclusions are already proving controversial for many who see their particular interests potentially threatened by what might come about. I am very conscious of the immense complexity and interactions of the different forms of payment. The objective of the Pack report is obviously to have planned consequences from whatever emerges, but the danger is the unintended consequences. That is why the consultation phase is particularly important, because it will flush out the arguments and assess what the alternatives will be. As others have said, there is still a long way to go in the debate.

I speak from a Highlands and Islands perspective. The most marginal and least productive land is probably all in the Highlands and Islands, which holds the largest part of the less favoured areas. However, the area is also a key part of national sheep meat production and cattle production. It is also a key part of the stewarding of our national natural environment in vital habitat protection and delivering in biodiversity. It is also characterised by population sparsity, and it still has a fragile rural economy. In many places, it is still threatened by population decline. In recent times, we have witnessed significant declines in sheep and cattle numbers, although recent price recovery might stop that trend. The falls in sheep and cattle numbers also threaten the vital infrastructure that supports agriculture: transport, feedstuff suppliers, agricultural engineering and the like. That in turn brings further threat to population in these areas.

As I have said, many crofters and farmers see many threats in the emerging Pack report thinking. For example, they see threats from the area payments, with hard-to-achieve minimum stocking densities, and implications from the strong focus on food production for the least productive land area. That is why it is vital that we get the national objectives clear and right. The objectives need to accommodate the particular needs of the Highlands and Islands and the aspirations of the

area to contribute more to the national objectives. Those objectives need to be much broader than just agricultural production; they must include wider rural development and the securing of public goods.

Pack's interim report highlights the need for clear objectives, so let me dwell on those for a minute. Future support regimes can and must deliver a wide range of public goods. In the Highlands and Islands context, the national objective of greater food production to deliver greater food security for the nation means that the Highlands and Islands area needs to be enabled to play its full part in that process. The objectives should also be about building stronger local food markets for environment, tourism and local-value-added reasons. They should also be about managing land in such a way that it contributes to climate change mitigation and increases biodiversity, so that, for example, there is compensation for the loss of set aside. They should be about managing land for its landscape value as a wider part of tourism and domestic leisure strategies.

The national objectives should also be about bringing new entrants and new ideas into land management and food production. They should be about helping to sustain local and rural infrastructure for other industries, such as leisure, tourism, renewables and education. The objectives should be about helping to diversify the rural economy by providing other earning opportunities for people in rural communities. The objectives should be explicitly about securing vibrant sustainable rural communities and should explicitly mention population retention. In that regard, before the Pack inquiry issues its final report, it would do well to reflect on the Royal Society of Edinburgh's worthwhile recent report on those and other matters.

The policy mechanisms need to ensure a good and fair distribution of resources into the rural economy. In that regard, I believe that direct payments to crofters, farmers and other land managers are an effective form of distribution that will remain a vital part of policy well into the future. For me, the Pack inquiry's interim report is strong on that point while also emphasising food production as a core objective. However, I want the inquiry's final report to be much stronger on the need for environmental stewardship, securing biodiversity and managing landscape and habitats. I also want the final report to be much stronger on the need to retain the human population in remote areas.

The interim Pack report suggests four different streams of support. As usual, the devil is in the detail. For example, different balances of funding among those four streams of support will result in

different outcomes being achieved. As I have said, I support the continuation of direct payments. I note that Pack says strongly—and I think that this must be right—that we need to move away from historical payments as the basis for those. However, moving to area-based payments will not be without its own challenges. I can see the logic for minimum stocking levels to address the weaknesses that existed in previous area-based systems and to reduce the prospect of slipper farmers, but it will be much more challenging for those on more marginal land and for crofters with extensive common grazings to meet the proposed levels than it will be for those who are on better land. The tenanted farming sector believes that, depending on the level at which they are set, area payments might also have implications for the release of land for tenancies and for new entrants.

I can see the logic of having a top-up fund, but it also poses difficulties—I concur with what Liam McArthur said about article 68. Many questions need to be answered about that.

The interim report proposes that we should continue with the SRDP, which is an important mechanism for securing public goods. However, the report is disappointingly light on details.

The Pack report will feed into the discussions on the less favoured area support scheme, but Pack is limited on what he can say about LFASS because of considerations that are going on elsewhere. I hope that the cabinet secretary can say what he will do to ensure that we dovetail the outcomes of the LFASS debate into the wider debate on agriculture support so that we have a whole picture of what is happening.

I see that the Presiding Officer is frowning at me, so I will sit down at that point.

15:43

**Dave Thompson (Highlands and Islands) (SNP):** The future of farming, including crofting, is crucial not just for Scotland's rural areas but for the nation as a whole. Agriculture has a pivotal role to play in tackling the challenges of food security, water supply, energy supply and climate change and in protecting biodiversity. That is why the Pack inquiry into future support for agriculture in Scotland is so important. Mr Pack is to be congratulated on giving us plenty of food for thought.

As we move down that road, there is a heartening sense of optimism in the farming and crofting industry, which was elucidated by NFU Scotland's president, Jim McLaren, as he entered his final year in post. In his keynote address to the union's annual general meeting in St Andrews last week, he highlighted the considerable progress that has been made in key policy areas over the

past 12 months, which has given him a sense of optimism both about NFU Scotland as an organisation and about agriculture as an industry.

That is a good starting point for the debate, and it shows that after just three years of Scottish National Party government, things are very much moving in the right direction for our agricultural communities.

I do not want to break the political consensus, but it is a pity that we have to go through Westminster to influence the EU. Of course, the solution to that problem was announced this morning, and I encourage all members to support our referendum bill, so that we can properly champion our farming and crofting communities in our rightful place at the top table in Brussels.

The Pack report is an interim report that has sparked much discussion, but I think that everyone will agree with its conclusion that there is an on-going need for direct payments to farmers and crofters to provide some financial stability against a background of market volatility, and to compensate them for the increased costs that stem from regulation.

Although I am sure that not all will agree that deer farming should be included as active farming, because that would further dilute the money that is available to be paid out, I think that deer farmers have a legitimate claim for support, provided that the definition of deer farming is drawn tightly, so that wild deer are not included. That proposal should be looked at closely.

There appears to be strong support for the report's conclusion that any future direct support system should include an activity requirement, so that people who collect payments for, in effect, doing nothing are taken out of the system. However, the proposed solution of having a minimum stocking rate needs to be given careful consideration, in case it has unintended consequences for farmers on sparse, marginal land, particularly in the north and west Highlands.

Another area of major concern is the effect that the proposed area-based system could have on tenant farmers. Angus McCall, who is chairman of the Tenant Farmers Association of Scotland, has gone as far as to say that the proposal to move towards area-based payments could sound the death knell for tenant farming in Scotland, and I have a great deal of sympathy for his position.

Mr McCall maintains that the proposed level of area-based support will act as a direct disincentive to landowners to rent out land. He believes that the area payment that is illustrated in the report is set too high at £130 a hectare. To illustrate the point, he gives an example of a 240-hectare upland farm that supports 150 suckler cows and 300 ewes, and which employs one man. It will

require to stock only 24 cows and 150 ewes to satisfy the minimum stocking density needed and draw in the basic area payment of £130 a hectare.

That compares extremely unfavourably, from the landlord's point of view, with rental levels of just £86 to £100 a hectare, not to mention the associated costs of providing and maintaining suitable buildings, fences and so on for a new let.

Mr McCall believes that rather than rent out land, landowners will prefer to carry out minimum activity and use short-term grazing or contract farming arrangements, and that that will have an impact on the existing tenanted sector, as tenants come under increasing pressure to quit their farms. He believes that the solution to the problem would be to set the area-based support at 10 per cent of the average single farm payment, according to land grading, which would give about £20 to £25 a hectare on arable and grazing land, with the balance of the SFP being made up through a dynamic top-up payment, according to the level of activity that was taking place on the land, which he thinks must reside with the tenant and not the landlord. I believe that his views warrant serious consideration.

Change is never easy and a sudden massive change is even more difficult, so we must be extremely careful about how the proposals are implemented. A smooth transitional phase over a few years is an attractive proposition and should be considered as a way of minimising disruption for agricultural businesses. I am sure that all those points and many others will be considered fully by Mr Pack and the minister, and I look forward to Mr Pack's final report, which will be published later this year.

15:49

**Rhoda Grant (Highlands and Islands) (Lab):** I welcome the debate. It is right that we think about what happens after 2013. Subsidies have protected our farmers and crofters to the point at which they are now dependent on them. They have skewed the industry's direction, and in many cases that has been detrimental.

It was not so long ago that overgrazing was a big problem in the upland areas of Scotland, because of the headage payment. Then, the LFASS was moved to an area-based payment, which gave big landlords money for nothing, whereas those in need received even less. Then came the single farm payment, which was based on historical payments—and stocking levels have collapsed in the Highlands and Islands. Tinkering with the system and trying to make it easy for bureaucrats to administer simply does not work. I am concerned that Brian Pack talks about a simplified system. We need simplified systems for

the people who farm, but we also need to ensure that the systems are complex enough not to skew the direction of farming.

Back when single farm payments were first discussed, they were linked to single farm contracts. My understanding of the thinking behind that at the time was that people would be able to change the way in which they farmed, moving away from maximising headage to attract subsidy. However, the simple decoupling has led to a huge decline in stocking levels, which has now reached such a point that the knock-on effects will be hard to deal with or redress.

Rural communities are interdependent. One job lost on a farm or croft means that one family will lack spending power in the local shops. They might even need to move away, leaving the school roll too small to sustain. How do local auction marts work without throughput? How will the supply chain work, at a time when we are trying to promote local food? We need local slaughter facilities, but those will be much more difficult to pursue when numbers fall. The situation not only affects the viability of fragile rural communities, but has the same catastrophic effect on our environment that overgrazing had. When communities are no longer viable, who will look after the environment?

We must ensure that whatever scheme is put in place is underpinned by public money for public goods. To my mind, there are a number of public goods that could underpin a scheme: food production, environmental benefit, climate change targets, the creation of sustainable rural communities and job creation. For any scheme, capping must be determined in line with the number of jobs that are provided. Ultimately, people need livelihoods, and the industry must be economically viable. It needs to be based on quality and environmental sensitivity.

Had single farm payments been married with single farm contracts, which can take public goods into account, they could have worked. Challenges arise when the bureaucrats cannot cope. Individual single farm contracts would need to be drawn up, taking into account the land and the circumstances of each unit. The overall public goods provided—such as environmental benefits and food production—must also be gauged.

Our farming industry is interdependent, too. Those who farm the poorest-quality ground in fragile rural areas are at the mercy of those who buy and finish their stock, as they are unable to finish the stock themselves. That means that upland farmers need to co-exist with a stable lowland farming industry, but it does not mean that both should be treated in the same way, as they face different challenges. It is wrong that 85 per cent of Scotland's land is graded as less favoured.

The support must go to those who farm and croft in areas where doing so would otherwise be unviable. We need farming in those areas to provide local food and environmental and social benefits. Those are public goods, and they must be paid for if we wish to protect those areas.

The supply chain is too long to make farmers and crofters in the most fragile areas market orientated. Only by helping them to provide for local or specialist markets will the supply chain be shortened. We need public bodies to purchase locally to make that work.

The Parliament is scrutinising the Crofting Reform (Scotland) Bill, which, in my opinion, does nothing at all to help crofting. What will save crofting is ensuring that the schemes that are in place now provide support to crofters and their communities. The bill piles on further costs through bureaucracy while doing nothing to make crofting more viable. To make all agriculture in fragile areas work, we must consider all schemes in the round, agree on what we want from them and then draw up complementary schemes, along with an overarching policy for rural areas. Farming and crofting form but one element of the rural economy, and policies in other areas should not adversely affect what we are trying to do in agriculture.

We also need understanding in Edinburgh of the restrictions in rural communities. The idea that applications for funding should be made online, when the areas that are most in need of funding have no broadband, is bizarre. Such a suggestion shows an extreme lack of knowledge and understanding of the areas concerned. If we are to get over that lack of knowledge, we must ensure that rural policy decision makers are rooted in their communities and are not just faceless urban bureaucrats.

15:55

**Robin Harper (Lothians) (Green):** I very much welcome this debate and the interim report, which raises important issues. I am pleased by the focus on food security, water supply, energy supply, climate change and protecting biodiversity. Peter Peacock and Rhoda Grant referred to public goods. Agriculture is not simply about food production, and, as the interim report says, we are likely to ask more and more of the sector in the near future.

I think that we all agree that the current support structure contains many serious flaws, one of which is the way in which the structure has often encouraged and rewarded environmentally unsound practices that have caused severe damage through biodiversity loss. It does not have

to be that way. Agriculture can and must be part of the solution.

I lodged an amendment to the cabinet secretary's motion, which called on the Parliament to acknowledge

"the many environmental benefits that sustainable agriculture can deliver",

especially in the context of

"tackling climate change and increasing biodiversity".

The cabinet secretary need only look through the report that the UK Committee on Climate Change issued yesterday to see how reliant we are on the agriculture sector to help us to meet our climate change targets. Sarah Boyack said that at least a third of our greenhouse gas emissions come from agriculture and food production. Globally, if we planted trees on land that is currently used to grow unnecessary surplus and wasted food, we would offset a theoretical maximum of 100 per cent of man-made greenhouse gas emissions. In Scotland, we have 17 per cent forest cover, on the most recent measure, and I am sure that the proportion is moving towards 25 per cent, but there is room for at least 40 per cent forest cover.

**Jim Hume (South of Scotland) (LD):** Will the member give way?

**Robin Harper:** No, I am sorry.

There is huge potential in Scotland, but public goods will not simply follow from the restructuring of support for food production. Future support mechanisms will have to be structured in a way that requires and encourages our farmers to take account of wider societal demands and rewards them for doing so.

Much of the rhetoric in the interim report, especially the first half, seems to acknowledge that, but I have grave concerns that the currently proposed approaches might not deliver. The approach in the interim report still relies too heavily on direct payments. The three other funding streams—the top-up fund, the rural development fund and the less favoured area support scheme—hold the keys to a more sustainable framework of financial support, but the report contains far too little detail on how they will work in practice. I would also like specific mention to be made of the support that organic farmers and producers require—I should have mentioned my membership of the Soil Association. We need a vision of low-impact farming in 2050. We need to know what that will look like.

A crucial aspect is the role of the supermarket in the supply chain. Part of the reason why our farmers need financial support is that they are not paid a realistic price for their commodities. We

must achieve greater equity between what the farmer is paid and what the consumer is eventually charged. Because of the ridiculously strict cosmetic standards that supermarkets impose, some 20 to 40 per cent of all UK food and veg is rejected before it even reaches the shops—but we do not have a measure of that. We also know that between 20 and 30 per cent of the food that we buy ends up in skips for one reason or another, much of it still in plastic wrappers, which is another cruel waste of resources.

Although food security is clearly a challenge that we must address, it is not simply a question of producing more. Around 4 million people in the UK suffer from food poverty, but the bread and other cereal products that are thrown away by UK households alone would be enough to lift 30 million of the world's hungry people out of malnourishment.

The answer is not to continue funding in a way that simply encourages increasing levels of food production.

**Maureen Watt:** Will the member give way?

**Robin Harper:** I am sorry, but I am approaching my last minute.

We need to be smarter about how we produce, market, store and use food. Future support must discourage wasteful and environmentally damaging practices while encouraging sustainable, local and equitable use of our agricultural land. The supports must be designed to complement and enhance biodiversity and climate change policies. They must also be specifically constructed so as not to undermine policies on climate change and biodiversity.

16:01

**Jamie McGrigor (Highlands and Islands) (Con):** I refer members to my agricultural interests in the register of members' interests.

As a Highlands and Islands MSP, I am pleased to be able to speak in the debate, which is incredibly important for crofters and farmers in my region. Achieving the most appropriate future agricultural support system from 2013-14 is crucial not only for farmers and crofters but for businesses in some of the most remote and fragile rural and island communities in Europe.

Agricultural subsidy is enormously important for three reasons. First, it is important for the industry itself, all those it employs and the subsidiary industries that go with it. Secondly, it is important for the social angle, where it plays an important role in supporting remote rural communities. Thirdly, it is important for the distribution of public goods regarding the environment and our scenic, natural and wildlife heritage.

Like other members, I put on record my thanks to Brian Pack and his team for generating much debate within the farming community. It is long overdue. A review of the cross-compliance rules for farmers and crofters is also long overdue. A draft report that I have seen from the European Parliament's Committee on Agriculture and Rural Development suggests that the basic aim of cross-compliance inspections should be to advise farmers and put them on the right track to better meet legislative requirements. The draft report calls for only those who continuously infringe and show reluctance to adhere to those requirements to be punished. It also calls for simplification of the cross-compliance rules and for a telephone helpline for farmers to be set up in each member state.

I mention that because farmers have become fearful of breaking rules that they do not fully understand, and the gap between the farming community and the Scottish Government inspectors has unfortunately widened. Those barriers impede progress. When I was a young farmer in the 1970s, the culture in the agriculture department was to advise rather than restrict. Let us hope that a simplification and clarification of the CAP will bring with it a simplification and clarification of the cross-compliance rules, which will instil a better relationship between Scottish Government officials and working farmers. Recent enforcements, such as those on electronic identification, have left farmers terrified of losing their single farm payments through no fault of their own.

The Scottish Conservatives are pleased that Brian Pack's report has generated debate. Future support for our crofting and farming sector through direct payment is vital, both for food security—a subject that my friend John Scott has worked effectively to highlight in recent years—and for encouraging a vibrant, working countryside with all the environmental benefits that go with it.

Such support is especially important in the peripheral areas of our country, where distances from market, transport costs, land quality and the small-scale nature of many enterprises mean that conditions are even more challenging, not least when markets are volatile and regulations are ever increasing. The single farm payment is simply the bedrock upon which many of the farms and crofts in my region base their continued survival. That must not be forgotten, and I am sure that Brian Pack will not forget it.

Any move towards an area-based single farm payment as suggested by Brian Pack needs to achieve an incredibly challenging balance between supporting new entrants, reversing the decline in stock numbers on our hills and not unduly penalising producers in the most densely



stocked parts of the country—or, for that matter, the most sparsely stocked areas.

That will be no easy task. For that reason, it is necessary that we have a transition period after 2013 that is as long as possible so that future plans can be properly laid and thought out as we move to a clear and simple CAP solution that is understood by farmers and appreciated by the public. The status quo may not be perfect, but it has sufficed, and 2014 may be too early for a change to the area-based payment.

The Scottish Rural Property and Business Association has stated that a

“blanket flat rate payment per hectare would not be any fairer than the current historic system”.

Therefore, Brian Pack’s suggestion about an activity requirement, which would require producers on pasture land to maintain stocking density, seems to be a solution that merits support, although it will take much negotiation to get the details right, and achieving consensus will be hard. In the report, Pack suggested a minimum of 0.8 livestock units per hectare, but he went on to suggest a limit of 0.12 units, under the Macaulay land capability for agriculture classification for inactivity. Will the minister clarify which rate he thinks is right? Too high a stocking rate will be difficult for some areas in the Highlands and Islands.

Much work will also have to be done on the top-up fund, which, it is suggested, will replace current special provisions through article 68. I am in favour of that, but I do not have much confidence that it will happen, because I do not think that it will be politically acceptable. In the UK, the agreement of three other regions will be required, and I wonder whether that will happen.

I am pleased that the report recognises the strong support that exists for the LFASS and its importance to Scotland. The LFASS is crucial to my region, and the European Union rightly remains keen to prevent land abandonment through the LFASS mechanism, although it is likely to become more strictly defined and auditable.

16:07

**Alasdair Allan (Western Isles) (SNP):** With all European budgets under pressure, there is little doubt that the common agriculture policy will have to change. As members have said, the CAP comprises 41 per cent of Europe’s budget, so it is obvious that it cannot be immune to change and scrutiny. Brian Pack’s report is therefore an extremely welcome contribution to the debate about how to direct and cope with changes in the years to come.

As Brian Pack does, I make the case unashamedly that we must in the future continue to offer some sort of European assistance to agriculture. A host of reasons, which members have mentioned, can reasonably be given for such investment. The environmental and social reasons in Scotland include the need to avoid land abandonment, the need to develop our agriculture to cope with our own food needs, and the need to cut down on our food miles. If, for instance, the landscape of my constituency had not been grazed, it would have been almost entirely abandoned many decades ago, not just by its native bird species, but by its human population.

It is not fashionable to make the case for subsidies: perhaps the harshest criticism of agricultural subsidies has come from international aid agencies, which point to the advantage that the CAP arguably gives to some wealthy European farmers over small farmers in developing nations. However, there is probably more common ground to be found on that than is thought, at least if we take the perspective of Scotland’s hill farmers and crofters, to whom the imbalance in how European moneys are distributed remains a source of continuing unhappiness. I do not wish to enter a dispute with Scotland’s wealthier arable landowners, but it must be said that crofters and hill farmers look with surprise at the levels of support that a relatively small number of Scotland’s farmers receive under the system that Europe operates.

For that reason, I will concentrate on elements of the Pack inquiry interim report that consider less favoured area status. As members would expect, the recommendations relating to that most interest my constituents. I urge all crofters and farmers in the Highlands and Islands to engage in the consultation on the report before the closing date. One instance of the unease that hill farmers and crofters feel about the present system is understood when we look at the map of less favoured areas in Scotland. On one level, we should be pleased by the recognition of Scotland’s terrain. Apart from one or two small pockets, the only land that is not under less favoured area status is a relatively thin coastal strip from the Black Isle to Berwickshire. The remaining bulk of Scotland’s land is classed as less favoured, with virtually all of it earning the severely disadvantaged, rather than the disadvantaged, classification.

As ever, I appreciate the risks of special pleading and I understand that there is a limit to the number of classifications that we can have, but it strikes me that the agricultural disadvantages that are faced in places such as Wester Ross or Harris are of an entirely different magnitude from those that are faced in West Lothian or East Ayrshire, but all those places currently have the

same classification. I say that not to diminish the needs of agriculture in lowland Scotland, but to point to the dramatically different travel costs, distances to markets and fuel prices, and the sheer physical difficulty of the landscape in many remoter parts of the country. I believe that those issues will emerge in the consultation. I believe also that Pack's analysis of the situation is fair.

The system of historic payments, through which, as others have said, payments are in some cases based on what land was used for 10 years ago, will not be tolerated for much longer. Agriculture that, shall we say, reaps where it does not sow will not enjoy public support. I welcome the Scottish Government's evident determination to fight Scotland's corner in Europe to ensure that the future shape of the single farm payment reflects Scotland's needs. I am happy that the Government recognises the importance of the relationship between the single farm payment and the LFASS.

Farmers and crofters in Scotland are conscious of the risks that are posed by the likely decline of the single farm payment budget after 2013. There is a growing understanding that historic payments will not be around for ever. The options that are set out in Brian Pack's interim report are not without controversy. They are based on a four-strand option: area-based direct payments, a top-up fund, SRDP funding and less favoured area funding in some shape or form. The interim report's suggestions on how a top-up fund could be spent will doubtless attract debate. However, the fact that reviews of the SRDP and LFASS are taking place in another context does not mean that they can be divorced entirely from the debate.

Brian Pack's interim report has sparked a necessary and valuable debate and I look forward to it developing further in a way that sets out clearer solutions to the problems that he has so perceptively diagnosed.

16:12

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I draw members' attention to my entry in the register of members' interests. I thank Brian Pack and his colleagues for a courageous and very necessary interim report. John Scott referred to the issues as

"a can of worms that we knew had to be looked into",

which was a pretty apt description.

I associate myself with what the cabinet secretary said about the good news, particularly on lamb and beef. He also acknowledged some of the problems that our cereal producers face. However, that good news is set against the railway

train that is coming straight at us in 2013 and the reform of the policy.

My remarks will be broad, but I regard the debate as a broad one, as was reflected in the tone of Sarah Boyack's speech. We have heard a great deal of expert comment on the detail of what might lie before us and the issues that we must tackle when reform is upon us, but I want to carry out almost an audit of the mechanisms that we already have. The questions about what we have already and what will happen in the future go somewhat wider than the issue of payments of EU funding, but that is an issue for ministers when they come to consider the interim report and the report that will be produced later.

I am keenly aware of the variety of agriculture in the large constituency that I represent. That variety reflects the nature of the land and what can be done with it. It is no accident that, historically, barley was exported from Easter Ross and the Black Isle, because some of the best barley can be grown there. That is why malting barley is grown there today. It is also no accident that seed potatoes are still grown in Easter Ross, as well as in other parts of Scotland, as they are relatively disease free and make for good seeds for other parts of the country.

The interest that I declared earlier involves my small number of shares—which deliver no dividend—in a family cheese-making business. It has been some years since I talked about this topic, so I think that some forbearance on the part of fellow members might be expected.

The quality of the milk from which one makes cheese dictates the nature of that cheese. Therefore, my family business is very much associated with the local source of the milk that it uses. I was brought up on a small dairy farm, but the situation in Scotland is very different from how it was when I was a child, as there are now only two dairy farms in my entire constituency, both of which are in Caithness. In John Farquhar Munro's constituency, there is only one. There has been a flight from dairying, which I find concerning because Caithness and other parts of Britain grow extremely good grass, which is ideal for milk production. There is something grotesque about seeing a milk tanker coming up the A9—it would be lucky if it could manage it tonight, of course—when we could be producing milk ourselves. That is an issue for the minister to bear in mind when he considers the Pack report. I recognise, however, that it is a difficult issue.

What happens in other parts of agriculture impacts on what the minister can and cannot do with European Union funding. The funding for Highlands and Islands Enterprise is crucial because that agency can help in diversification and in adding value to farm products. However, if

it is unable to fund that work as effectively as it has done in the past, the best efforts and intentions of the minister will be hindered, as will the intentions behind the EU funding.

Rhoda Grant mentioned the importance of our auction marts. Unfortunately, Dingwall and Highland Marts Ltd has received notice of revaluation of its annual rates from £66,000 to £105,000. Despite the best efforts of Brian Pack and the minister, if the only full-time mart north of Stirling goes down, what we are trying to do via EU funding will be completely undermined.

We must consider the whole of the farming sector and put the final report from Brian Pack in that context, as the issues cut across departments. I think that I am pushing at an open door with regard to the minister's views on these matters, but there will have to be co-ordination with other ministers if we are to maximise the impact and the potential of EU funding in the future.

16:18

**Elaine Murray (Dumfries) (Lab):** The Pack inquiry's interim report rightly recognises the role of agriculture in providing solutions to global challenges such as food security, the need to tackle climate change, the mitigation of extreme events such as flooding, the need to provide sources of renewable energy and the need to enhance biodiversity; it has already been recognised that the goal to stop the loss of biodiversity across Europe by 2010 will not be achieved.

Agriculture is entitled to public financial support for a number of reasons. EU legislation imposes burdens on farming—generally for good reasons, such as animal welfare or environmental sustainability—which increase costs to the producers. Subsidies should promote the production of healthy, environmentally sustainable, locally produced food and, hopefully, should reduce costs to the consumer.

Agriculture delivers public benefits in addition to healthy local food. It contributes to the economy nationally and locally in rural areas, it sustains the economies of some remote rural areas and it is essential to managing the countryside in an environmentally sustainable manner. The decline in numbers of sheep and cattle on Scotland's uplands, for example, has seriously compromised some valuable but fragile habitats.

There is general agreement that the current basis for direct support is well out of date. It is based, of course, on the annual average payments to each farm between 2000 and 2003 and—as others have said—it has continued to provide subsidy for some land that is no longer

producing. In considering how to move on from that model of support, difficult choices will need to be made regarding priorities, some of which have already been flagged up.

The interim report suggests that there will be an on-going need for direct payments in Scotland—a conclusion with which I fully agree. The report further argues that an area-based system of direct subsidy should be developed post 2013, with a top-up fund to support practices that improve competitiveness and sustainability, and a continuation of the SRPD and LFASS.

The definition of the type of land that qualifies for the LFASS may well change as a result of discussions elsewhere, but it is debatable—as others have suggested—that 85 per cent of Scottish agricultural areas would qualify for the LFASS, which would suggest that it is perhaps too blunt an instrument.

I would be interested to hear how Brian Pack and other stakeholders respond to the suggestion from some environmental non-governmental organisations that the LFASS should be replaced with a high nature-value payment. I am not quite sure how those organisations envisage such a system operating, but that will be an interesting discussion.

The report contains an example of a possible area-based system for direct payments, which is based on the Macaulay land capability for agriculture classification, annual qualifying requirements of good agricultural and environmental condition and minimum cultivation and stocking rates. That example is included

“as a basis for discussion only”,

but, as John Scott said, it has opened a can of worms that has, to a certain extent, obscured some of the other content in the report.

There is discussion on how the top-up fund could be used in addition to the rural development programme as—in the meantime—a redirected pillar 1 fund supplementary to direct payments; for example, to provide transitional support while sectors adjust to area-based payments.

There seems to be general support for the idea of area-based payments, but there are a number of areas of disagreement with regard to how and when such a system should be achieved. NFUS would prefer the updating of the historic model in the short term, and a more gradual transition to an area-based system. The Scottish Tenant Farmers Association is concerned that an area-based system with a high base payment would discourage the letting of land, and suggests that payments should be no more than 10 per cent of the average SFP, with top-up payments linked to a rebasing of the historical payment, which the

association argues should be given to the producer rather than the landowner. RSPB Scotland, however, would like progress towards area-based payments to start as soon as possible, rather than being left until after 2013.

It is rather disappointing that, although the section on meeting Scotland's objectives links agriculture to several environmental objectives including climate change policy, land use strategy, water supply, biodiversity, flood risk management and renewable energy production, there is little discussion of funding support for those benefits in the interim report.

In contrast to the detail of a possible mechanism for direct support, there is little discussion on the future of other funding streams. The rural development programme is envisaged as continuing to be the

"prime delivery mechanism for public good benefits from agriculture",

and there is a suggestion that in the future, all the funds that are currently modulated from Scotland's pillar 1 payments should be redirected to the SRDP. However, there is little discussion about its possible shape. I understand that that may be fleshed out in the final report, but we need further discussion on it, as we need it on improving cross-compliance and on how the environmental challenges that face Scottish agriculture might best be tackled.

Today's debate is part of the consultation, which closes on 5 March. I suggest that we further consider how agriculture is supported in the round in its contribution to public benefit. The report is currently a bit asymmetric. The principal purpose of agriculture must be the production

"of healthy, affordable food produced as locally as possible",

as our amendment states.

There is a clear case for supporting efficient and productive agriculture, provided that it is environmentally sustainable, and every effort should be made to reduce its carbon footprint as much as possible. There is also, as others have said, a strong case for supporting agriculture where it sustains remote communities and rewards farmers and crofters for good management of ecosystems.

I urge that in future considerations with stakeholders, some of the areas that have been less considered and less fully debated in the interim report should move to centre stage so that we get a fuller view of the totality of support for agriculture in the future.

16:24

**Rob Gibson (Highlands and Islands) (SNP):** I am delighted to take part in the debate. It is important not only that we recognise how valuable Brian Pack's work has been so far, but that we acknowledge the other imperatives that impinge on the issue as we move forward, not least, as has been mentioned earlier in the debate, the report by the UK Committee on Climate Change—"Scotland's path to a low-carbon economy". We will somehow have to take account of the rural aspects of that report in the support payments that come out at the end of the debates. I want to point out what those aspects are.

On emissions reduction potential, the report includes, under "agriculture, land use and waste", which it states are relatively more important to Scotland than they are to the rest of the UK,

"Changed farming practices and use of new technology on farms to reduce emissions (in particular improved resource efficiency to reduce N<sub>2</sub>O from fertiliser use, improved feed conversion for livestock to reduce CH<sub>4</sub> emissions and increased take-up of anaerobic digestion)".

It also includes increased afforestation and changed waste management and collection processes with the aim of having

"emissions reductions of the order up to 8 MtCO<sub>2</sub>e in 2020."

The report also suggests that the levers for unlocking the emissions reduction potential in agriculture are to

"Provide support for farmers to improve resource efficiency, including advisory services and voluntary agreements, with the option to extend instruments currently aimed at reducing other nitrate pollutants (but also relevant for N<sub>2</sub>O)"

and to

"Provide support for increased woodland cover and improved forest management."

Those have all been contentious issues in farmers' responses to Brian Pack's inquiry so far, but they must be taken into account in the development of sustainable policies.

Others have mentioned that food sovereignty and food security are issues that impact on Scottish farming. We must reduce our reliance on imported animal feed and instead substitute local alternatives. I would like to see farmers showing more enthusiasm for crop rotation, projects such as the green pig project—although that is outside the current support systems—and nitrogen fixing crops. We must consider what effect imported food is having, such as soya on the pampas of Argentina and so on. It cannot go on. Consideration of how our farmers provide the feed for our animals must be part of the solution, as well.

The greenhouse gas mitigation issues for farmers and crofters, which are also mentioned in the UK Climate Change Committee's report, can be taken forward through, for example, a moderated form of the Maitland Mackie proposals. Far more farmers could be producing their own renewable energy and could gain more income from that. We should consider their ability to do that in relation to the point about subsidies.

Maitland Mackie argued that producing renewable energy could provide more income than the subsidies would. I am not suggesting that it is an easy change to get from the current position to there, but we will start feed-in tariffs for renewable energy production from domestic and community sources on 1 April, and in the interest of supporting the delivery of answers through Brian Pack's inquiry, I suggest that we have to get farmers doing such things, which fit the climate change agenda.

On environmental goods with regard to woodlands and how less favoured area support scheme payments are made, it is essential to ensure that people get a fair return. Graded land use can work to some extent in that respect, but we also need to pay special attention to island needs.

I turn to the tenant farming sector, which has been mentioned several times. We cannot have a system in which land is taken out of agriculture by landowners. If a third of our farms are still in tenancies and people who are trying to get started want tenancies, we have to find ways to allow that, otherwise we will have to revisit the land reform legislation and reconsider the issues. As crofters have a right to buy, it might be necessary—unless something is sorted out quickly in the next session of Parliament, or even sooner—to give tenant farmers more rights so that they can produce with some certainty in the future.

The other issue that might inhibit success is the current attitude of the banks. The fact that they are lending on swingeing terms is a huge inhibitor to investment in farming. Indeed, it takes the definition of usury to new heights. Banks are demanding pounds of human flesh—not pounds of sheep flesh or beef—from farmers for their money. Unless we are able to take a cross-cutting approach to supporting farmers in the ways that I have suggested, Brian Pack will not succeed. We wish him every success and look forward to dealing with the details of his report, but the fact is that these areas cannot be ignored.

**The Presiding Officer (Alex Fergusson):** Thank you. This is one of these debates in which I am horribly tempted to call myself, but I had better not. I will stick with convention.

16:30

**Jim Hume (South of Scotland) (LD):** I hope, then, that I can speak for you, Presiding Officer. First, though, I declare a farming interest.

We have had a good debate on an important issue for Scotland as a whole and agriculture in particular. As many members have noted, agriculture is a most important industry for our nation and we rely on it for our milk, meat, vegetables and, of course, that important ingredient, whisky, to which Jamie Stone referred and which is grown in many parts of the north and south of Scotland.

Not only is agriculture important for feeding ourselves, it has many environmental spin-off benefits. Thanks to much good practice, agriculture is, as Robin Harper pointed out, in a prime position to help us to tackle climate change and to promote food security in an ever-growing world.

The CAP budget has recently decreased, but some have even questioned whether such support, which, as Alasdair Allan pointed out, makes up 40 per cent of the EU budget, should be available at all. It is no surprise that the budget is so large, but I point out that each person in the EU pays only €80 per capita per annum to secure food supply and look after the environment. Perhaps, in that light, the CAP does not seem so expensive. That is why the Liberal Democrats are pushing to retain the CAP budget and we hope that the other parties will consider supporting our amendment.

It is not just the Liberal Democrats who consider continued support to be important; the fact has also been highlighted in the Pack report, in recent reports by the Scottish Agricultural College and the NFUS and, indeed, by the much-accredited and non-biased Royal Society of Edinburgh in its report on its inquiry into Scotland's hill and island areas. Moreover, all those reports noted the importance of less favoured area support schemes to the survival of rural communities throughout most of Scotland.

We have heard a lot about the New Zealand approach of providing no support, but we should also remember that, in that country, support is available for developing markets and all the farming debt was written off. Those facts are not so widely heard.

There is little doubt that, due to its historical nature, the existing CAP support system must be changed. I believe that we can work with the Macaulay land classification to a certain extent, but it must be reviewed and tweaked as the present classification itself might be slightly different from the reality on the ground.

Although Mr Pack's interim report is very welcome and represents a starter for discussion, I must say that I have several concerns. Like other members, I am a bit puzzled about why we are debating the subject before the consultation finishes on 5 March. I certainly recall being criticised by Tories and the Scottish National Party for seeking to debate the forestry sell-off while it was out to consultation, but there we are.

I find it questionable that a farmer on good-quality land should get paid more per hectare than a farmer with land on a high hill if both have exactly the same number of stock or are carrying out exactly the same activity on that land. Furthermore, how can we police minimum cultivations? How will such practices be balanced against someone who, for example, puts an expensive crop such as potatoes into the ground? The Liberal Democrats fear that such moves might encourage less activity, which, I am sure, is not the intended consequence of the CAP changes that Peter Peacock referred to. I must sound a note of caution: we do not want to fix the problem of the very few landlords who carry out next to no activity for their single farm payment by positively encouraging all land users to do the same.

As I say, we welcome the report as a starter for discussion but hope that it is not a starter for implementation. A learned farmer in Dumfries and Galloway has already reckoned that the area could lose £30 million if implementation follows what is set out in the Pack report, so care must be taken on this matter.

It is argued that rebasing the payments by taking into account current or recent activity would be a good way of encouraging active farming, and would take away the problems of the current historical model. Perhaps a base area plus a top-up for livestock would be workable, and a good use of public money, and arable units would be freer to plant what suits the market and consumer. There must be certainty that actual work occurs on the farmed land, otherwise we might see landlords take back their land in hand to do minimal cultivation with contractors. That would not be good for communities and would be unhelpful in encouraging new entrants.

We must address as a matter of urgency the encouragement of new entrants to farming, which was not mentioned by many today. That has been left out of the system at the moment because of the high cost of buying single farm payment entitlement on top of all the other entry costs. I am a little concerned about all the money going to one area in particular, to support the lambs in the north west. A quarter of sheep have been lost in the past decade, so I hope that we can have a one-tier support system throughout Scotland and a level

playing field for all. I fear that not to do so would divide rural communities, never mind the nation.

We have had a good debate. The subject is of the utmost importance, especially to Scotland as a whole. There will be change and some redistribution, as the cabinet secretary said. For the points that have been made today, we need to do a lot more work; whatever the results, any changes should be phased in if possible, as was done after the review south of the border a few years ago. That would give businesses and communities the opportunity to adjust and secure our future rural industries and, of course, Scotland's proud countryside.

16:36

**Nanette Milne (North East Scotland) (Con):**

This has been an interesting and useful debate at the start of a long and potentially arduous journey towards 2013 as we try to achieve the best possible deal for Scotland's farmers when changes to the CAP are put in place. Although NFU Scotland recognises that work needs to be done to identify the best means of delivering support to Scottish agriculture from 2013 and beyond, it reminds us that any recommendations made by the Pack inquiry, and any subsequent position taken by the Scottish Government, will have to be taken forward to European negotiations in which Scotland is one region within one European member state, and the UK is one member state among 27. That puts Scottish discussions into context, and it must be recognised during negotiations that Scottish farmers operate in a UK, European and global marketplace.

Tasked with making recommendations on how support for agriculture and rural development can best be tailored to deliver the Scottish Government's purpose of sustainable economic growth, Brian Pack and his small team of experts have produced a well-argued interim report, with some innovative proposals for the agricultural industry to consider. However, when the report was published, Brian Pack stressed that the proposals are not written in stone; they are suggestions to guide discussion and comment and, hopefully, to engender fresh evidence to help to shape the final report, which is expected in June this year.

At the outset, the report states that the purpose of the inquiry is not to rethink the CAP. Rather, it should identify the key issues that we face in Scotland and consider the sort of support that might be appropriate to help us to address them. It should also consider how best to implement the CAP, what direction we should be travelling in within the CAP health check and, given our

preferred direction, what we should be arguing for in European debates about the future of the CAP.

**Jim Hume:** Does the member support the Liberal Democrats' view that we should retain the common agricultural policy at the European level?

**Nanette Milne:** Yes, I do, but not at any price, as my colleague John Scott has just said to me.

The proposals in the interim report have stimulated discussion, with some proving to be more controversial than others. I, for one, look forward to seeing what appears in the final report once all the issues that have been raised during the almost-complete public consultation phase are collated and considered by the expert team. There is a general consensus that, as the report argues, direct support for agriculture must be continued in one form or another to ensure a productive and sustainable agricultural sector in Scotland, to help the industry to adapt and improve, to maximise the delivery of public goods, and to mitigate the disadvantage that Scottish farming experiences, with 85 per cent of its land in the LFA category as we know.

There is also acknowledgement that the CAP budget is under pressure. Currently, it accounts for 41 per cent of the total EU budget but it is likely that, in the long term, the level of support for agriculture will fall and the available funds may have to be more closely targeted than hitherto. There is agreement that future support should be targeted at active farmers, with the so-called slipper brigade losing their entitlement to support, and there is a recognition that the current system of entitlement has made it difficult for new entrants to make their way in the industry, although there does not seem to be a consensus on how we should deal with that.

Brian Pack's conclusion, backed by emergent thinking from the EU, is that the current, historic system of entitlement to the single farm payment should be replaced with an area-based system. That seems to be generally acceptable, although how and when we should progress to that system is proving controversial. The resultant redistribution of support between regions and between farms of the same type will undoubtedly result in winners and losers. The more intensive livestock farms such as we have in parts of Aberdeenshire will be the worst hit—hence our amendment, which encourages the Scottish Government to ensure that any redistribution process is as equitable as possible and takes particular account of less favoured areas.

NFU Scotland suggests that the first step towards changing the Scottish single farm payment system should be the updating or rebasing of the historic model, which it says would better recognise the activity that is currently taking

place on those farms that are likely to benefit from support. John Scott elaborated on that in his speech. Tenant farmers, too, have concerns about the proposed move to area-based payments, about which Dave Thompson told us in detail. They feel that that would discourage landowners from letting out their land.

The report deals with many complex issues, including top-up funds, a new rural development programme, continued less favoured area support and others issues that I, as a layman—one of the few in the chamber just now—rely on the farming community to explain to me in detail. No doubt, the north-east NFUS will do that when it briefs MSPs at our next meeting at Thainstone, which was due to take place tomorrow but has been postponed because of the wintry weather. Getting a consensus on how we can best support our farmers into the future will not be easy. However, I have no doubt that the various concerns and points of view that were put to Brian Pack and his team during the consultation will be considered seriously as they work towards making their final recommendations.

The Scottish Conservatives recognise that, although a market-driven approach to providing a sustainable future for Scottish livestock production is the ultimate goal, continued support for agriculture throughout Europe is vital for the foreseeable future. The way in which that support is provided beyond 2013 must reflect Scotland's unique difficulties, given that most of our land is classified as LFA and given our peripherality in European terms. We very much welcome Brian Pack's interim report, with its realistic and complex analysis of the issues that Scottish agriculture faces, and we look forward to seeing the final report in the early summer. We will support the Labour amendment, but not the Liberal Democrat amendment.

16:43

**Karen Gillon (Clydesdale) (Lab):** It has been an interesting and, on the whole, positive debate, therefore I will resist the temptation to have a go at Dave Thompson.

**Dave Thompson:** Go on.

**Karen Gillon:** Well, maybe later.

There are strong views on all sides of the chamber, reflecting the interests of the constituencies of those members who are involved in the debate. We need to decide what we want agriculture to be about. What are the principles underlying that? What are the opportunities and the threats to achieving those objectives? How can we realise the opportunities and minimise the threats? As Sarah Boyack said, the interim report gives a thorough analysis of many of those issues.

There is support across the chamber for the retention of some form of direct payment, although there will be differences among us about the form that that payment should take. Labour members are supportive of the principle of moving away from a historically based payment to an area-based payment. The historically based payment has encouraged the emergence of slipper farmers, as we have come to know them, for whom there has been no incentive actively to farm the land that they own. At a time of increasing food insecurity, we cannot afford viable agricultural land going unused, never mind the obscene situation in which people are paid for not farming it.

I appreciate fully the concerns that have been raised by the Scottish Tenant Farmers Association, which others have mentioned, regarding the way in which the current proposals in the Pack report may act as a disincentive to landowners letting land for tenant farming. I encourage Brian Pack to look again at that issue, in particular. For many, tenancy is the only way into farming. We should look to increase the availability of tenant farms, instead of doing things that will reduce the opportunities that are available for that.

One of the real challenges facing the Pack inquiry is the fact that there is no simple, one-size-fits-all solution for Scotland. What works for the islands will not necessarily work for the lowlands. Even in a constituency such as mine, there are a variety of farming types that are looking for different things from the common agricultural policy and from the review.

I hope that we all want to see a sustainable future for farming. We need to look at exports and possible markets overseas, but we must also look closer to home. I find myself in the fairly unusual place of agreeing with almost everything that Robin Harper said. Why do supermarkets insist on sheep or pigs being a certain size, so that their chops fit better in a nice packet? Animals, like people, come in all shapes and sizes. So do potatoes, carrots and apples, although anyone who goes to some of our supermarkets today would not realise that.

I am pleased that many supermarkets are moving away from buy-one-get-one-free promotions for fresh produce, which simply led to much greater waste, but more can be done. Only yesterday I was in a supermarket where I could buy four apples in two nicely packaged pieces of paper for 30p. In the same shop, if I had chosen to buy one apple loose, it would have cost me more than those four apples together. That means more waste, but it also acts as an incentive for old-age pensioners to buy more than they need, want or can use. We can do more to encourage moves away from that in our supermarkets.

We can also do more to encourage local production, supply and purchasing in a joined-up way. We have talked about doing that for a long time, but surely it is not beyond the wit of us all to bring it together. I know that making it fit within the rules is challenging, but if we are serious about tackling obesity and climate change, we need to find a way of making production and procurement fit together much better in the local situation. I do not know whether we can use the Pack inquiry process to make that easier, as I do not know enough about European procurement rules to know whether that is possible, but how we link up local production and procurement in the future is worthy of further consideration by the Pack committee.

We all want to see vibrant rural communities. I recognise the role that the SRDP has played, but in my constituency there has been concern that the decision-making process has not been as transparent as we had hoped. If the Pack inquiry is to consider the matter before it publishes its final report, there are a couple of issues that I would like to raise. In my area, there is evidence of applications, especially for environmental improvements, being submitted and being awarded points, but failing to reach the level that would secure support. The applicant goes away, looks at the areas of weakness, does more to make their case stronger and resubmits the application, to find that they get more points in the areas in which they were previously weak but, bizarrely, that their points are reduced in the areas in which they were previously strong, so that again they fail to make the standard. That is not transparent or fair. Farmers put a great deal of work into such applications. For there to be confidence in the system, it must be fair and be seen to be fair.

I want to see some form of SRDP in the future, because that is vital to improve biodiversity, to provide environmental improvements and to support vibrant rural communities. However, the process must be clear, transparent and equitable across Scotland. In my experience as a constituency MSP, that does not seem to be the case at the moment.

This debate is important for us all. All the members who are currently in the chamber have constituencies that, by and large, are farming constituencies. Farmers are looking to the future. Many have come through very difficult times over the past few years. Whatever form of support we introduce from 2013 must ensure the viability and sustainability of farming. It must also ensure that here in Scotland, in future generations, we have the food supply that our country needs and that we can use it effectively to tackle our issues around obesity. However, we must also ensure that we have a vibrant farming sector that will last long into



the future. I do not envy Brian Pack and his team the task that is before them. As some would say, "It's a plague on all your houses," but I am sure that between them they will come up with a system.

The Cabinet Secretary for Rural Affairs and the Environment and the Rural Affairs and Environment Committee must engage, perhaps before the final inquiry report, so that we can all have an input into the process. We must find a way of coming forward with a final report that, as a Parliament, we can unite behind. If we can do that, our case will be much stronger when we negotiate with others on behalf of the farming community in Scotland.

16:51

**Richard Lochhead:** I know that this subject is close to your heart, Presiding Officer, but I assure you that everything I will say is what you would have said in any case. There is no doubt about that.

First, I will respond to the point Jim Hume, who wound up on behalf of the Lib Dems, made. He wondered why we are having this debate, given that other consultations take place in other portfolios and there are not always debates in the middle of the consultations. The key difference is that there has been an interim report and it has sparked a massive public debate, which is taking place throughout Scotland and involves our rural and farming communities. It is only right that Parliament should have the opportunity to reflect on the interim report as we look ahead to the final report. Karen Gillon made a good point about ensuring that there are opportunities for the Parliament to engage with that final report. I assure members that that will be the case. Sarah Boyack's point about the Rural Affairs and Environment Committee engaging on the issue was also good—but that is a decision for the committee. I hope that it will, in some shape or form, address some of the issues that we are discussing.

I am pleased that all the members who have spoken in the debate, from all parties, recognise the important role of agriculture in Scotland's future and the roles that our crofters and farmers play within it. I am also pleased that we have generally recognised that Brian Pack is the right man for the job as far as this inquiry is concerned. As many members have said, he has taken some difficult messages across Scotland and exploded some myths at the same time—but despite that we have not had to allocate bodyguards to him as he has gone around meetings with farmers. They have all engaged thoroughly on this complex issue, which is important for the future of their livelihoods. It is important that they engage.

Brian Pack is dedicated to his role. I heard that his blog on this subject recently showed that when he went on holiday to Tenerife he was on the beach reading his evidence papers on the future of Scottish agriculture. I suspect that he was the only person on the beach in Tenerife who was reading about the future of Scottish agriculture. Robin Harper asked me to paint a vision of the future. Perhaps the vision that we can all paint today is of Brian Pack in his swimming trunks on the beach in Tenerife reading about the future of Scottish agriculture.

I can assure members that when I glanced at the public gallery today, Brian Pack was taking copious notes on their speeches. I hope that that shows us all that this has been a worthwhile debate.

**Nanette Milne:** Will the cabinet secretary take an intervention?

**Richard Lochhead:** Yes, on that topic.

**Nanette Milne:** Brian Pack may be interested to know that I read the Pack report during my ski holiday in the Alps last week.

**Richard Lochhead:** I am sure that that will be reflected in his final report when it comes out in a few months' time.

One key issue has been the need to target the support that is provided in Scotland for public goods, which I will come on to shortly. The debate takes place against the background that we do not know what the CAP budget will be. Negotiations are to take place on the size of the EU budget, then negotiations will take place among the member states on the size of the CAP budget within the EU budget, so there is a degree of uncertainty. Although I agree with the Lib Dems' statement in their amendment that we hope to have a substantial agriculture budget available to Scotland, we cannot look into the future and we must recognise that while farmers understandably want direct support to continue—we all support that—we would rather live in a world where it was not required, so we should not cement it as something that we want to have in place indefinitely in the decades ahead.

**Sarah Boyack:** Has the cabinet secretary had exploratory discussions with the UK Government about ensuring that the Scottish issues that we want to see in the agenda for support will be taken on board?

**Richard Lochhead:** Yes, the discussions have been taking place to some degree, but of course they are largely for the future. Negotiations and discussions between ourselves and the UK, which will include the Brian Pack report once it is published, will largely be for 2010 onwards. Discussions are therefore at an early stage.

Sarah Boyack, Robin Harper and others mentioned the contribution that there must be towards what Brian Pack refers to as the five securities that we face: food security, climate change issues, energy security, biodiversity and water security. The backdrop is the pivotal economic role that agriculture plays, particularly in some of the most fragile communities in Scotland.

Because we will have declining budgets in some shape or form and because we must prepare for that, it is more important than ever that Scotland's farmers produce for the market. We also have an opportunity to influence the market, which is where the national food policy and demand for Scottish produce, which some members mentioned, kicks in. Let us not forget that our two most powerful food and drink brands are underpinned by Scottish farmers. Our Scotch beef brand is in the livestock sector, which is fed by the arable sector, and Scotch whisky is dependent on Scotland's arable sector. That is why we can increase demand for Scottish produce. There has been a 21 per cent increase in demand for Scottish produce since the Government came to office nearly three years ago, so we are making good inroads. Only last week, Simon Howie Butchers Ltd recorded a 20 per cent increase in butchery sales; sales of potatoes by Albert Bartlett and Sons (Airdrie) Ltd are up by 15 per cent; and 40 per cent of Scots visited a farmers market last year compared with only 25 per cent as far back as 2004.

Members have raised a variety of complex issues, but let us be very clear: if there was a silver bullet we would not have needed the Pack inquiry. We are faced with a complex issue. We must acknowledge that. I want to touch on the tensions involved, some of which members have mentioned. First, we want a link between direct support and genuine activity, but we do not want to return to headage payments. How do we do that? We need some answers. We want to get rid of the anomalies to which many members referred, such as no support for new entrants through the single farm payment, but then we hear that we do not want too much change. That is a tension that we must somehow reconcile. *[Interruption.]*

**The Presiding Officer:** Order. Can I have a bit less noise in the chamber, please? I am having trouble hearing the cabinet secretary.

**Richard Lochhead:** We also hear that we want to support the most productive parts of Scotland to maintain Scotland's ability to produce food and other public goods. By the same token, we must bear in mind the challenges that face some of our more fragile communities. We must balance that.

We want an adequate CAP budget to deliver all the outcomes that we want, but we know that the EU is potentially facing financial issues, and we do

not know what the size of the budget will be. Again, that is a tension that we must face. We keep hearing the call to make the CAP simple and less bureaucratic, which we all support, but by the same token we hear demands from different sectors and different parts of Scotland that the CAP should be tailored to their particular circumstances. Again, that is very difficult to reconcile.

I have already explained that we cannot support the Lib Dems' amendment, but we support all the issues that are raised in the amendments of the Labour Party, the Greens and the Conservatives. Robin Harper asked us to lay out a vision. I did that last week when I spoke to the farmers at the NFUS annual conference. I would like to plagiarise my speech last week to lay out that vision again, because if we want to paint a picture for agriculture in the 21st century we should paint one that gives Scotland an outstanding reputation. *[Interruption.]*

**The Presiding Officer:** Order. I repeat that there is too much noise in the chamber.

**Richard Lochhead:** We all want an agriculture sector and a Scotland that has an outstanding reputation for food and drink that commands a premium in the marketplace, at home and abroad. We want to combine that with our unspoilt landscapes, which are home to a rich variety of flora and fauna that attract millions of visitors to Scotland each year. We want all of that delivered by productive, profitable and efficient agricultural businesses that have adapted to a low-carbon future.

I believe that if we work together and get the support of the other member states and the UK Government, whoever that may be—of course, if we had our own voice it would be a lot easier; we have launched a consultation on the referendum today to help us achieve that—and ensure that this nation's voice is heard, we can make our vision a reality. I therefore ask the whole Parliament to rally round the Government's motion and some of the amendments.

## Point of Order

17:00

**Patrick Harvie (Glasgow) (Green):** On a point of order, Presiding Officer. Under rule 6.2, "Functions of all committees", it is clear that a committee may

"examine such matters within its remit ... as it may determine appropriate or as may be referred to it by the Parliament or another committee".

During First Minister's question time today, the First Minister said:

"we also need to consider whether there is a case for a wider review of SPT. I am aware that the Transport, Infrastructure and Climate Change Committee has already proposed such a review as part of its forward work programme."

The Transport, Infrastructure and Climate Change Committee intends, towards the end of the parliamentary session, to conduct an inquiry into the wider aspects of regional transport partnerships, but we have not specifically discussed Strathclyde partnership for transport, although we are certainly aware of the situation and might well discuss it. My point of order—which is purely for clarification—is to ask whether I am correct in understanding that, if such a discussion were to take place at the committee, it would be at our behest rather than as a result of referral by the Parliament.

**The Presiding Officer (Alex Fergusson):** I can absolutely confirm that it is within the gift of the Transport, Infrastructure and Climate Change Committee to dictate its own work programme. The matter is not technically a point of order, but you now have the matter on the record.

## Decision Time

17:01

**The Presiding Officer (Alex Fergusson):** There are 12 questions to be put as a result of today's business. I remind members that, for the questions relating to the debate on justice, if the amendment in the name of Kenny MacAskill is agreed to—whether amended or not—the amendment in the name of Richard Baker will fall.

The first question is, that amendment S3M-5809.3, in the name of Michael Russell, which seeks to amend motion S3M-5809, in the name of Margaret Smith, on education, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-5809.2, in the name of Ken Macintosh, which seeks to amend motion S3M-5809, in the name of Margaret Smith, on education, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**Against**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD) FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP) MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McArthur, Liam (Orkney) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)

Thompson, Dave (Highlands and Islands) (SNP)  
 Tolson, Jim (Dunfermline West) (LD)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 35, Against 77, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-5809.1, in the name of Elizabeth Smith, which seeks to amend motion S3M-5809, in the name of Margaret Smith, on education, as amended, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S3M-5809, in the name of Margaret Smith, on education, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament supports the full and effective implementation of the Curriculum for Excellence; notes the ongoing concerns of teaching unions, education academics and parents' organisations about the lack of clarity and the impact of education budget cuts and reduced teacher numbers and training places on implementation plans; agrees that it is essential that the new curriculum and assessment arrangements, including literacy and numeracy tests, are properly resourced over the full four years and that teachers are given the required continuing professional development and support; believes that if this cannot be guaranteed then the Scottish Government must be prepared to give the implementation process more time; recommends that the Cabinet Secretary for Education and Lifelong Learning take advice about the timetable from the Curriculum for Excellence Management Board with a view to making a final decision about the timetable for the introduction of the new curriculum within a reasonable timeframe over the next few months, and further seeks an assurance from the Cabinet Secretary for Education and Lifelong Learning that the reform of the exam system accompanying the Curriculum for Excellence will provide sufficient academic rigour and skills-based testing so as to ensure the highest possible standards of attainment in Scottish schools.

**The Presiding Officer:** The next question is, that amendment S3M-5808.2.1, in the name of Bill Aitken, which seeks to amend amendment S3M-5808.2, in the name of Kenny MacAskill, on justice, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)

Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

### Against

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hume, Jim (South of Scotland) (LD)  
 McArthur, Liam (Orkney) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)

### Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**The Presiding Officer:** The result of the division is: For 60, Against 16, Abstentions 35.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-5808.2, in the name of Kenny MacAskill, as amended, which seeks to amend motion S3M-5808, in the name of Robert Brown, on justice, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)

Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### Against

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hume, Jim (South of Scotland) (LD)  
 McArthur, Liam (Orkney) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)

#### Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)

Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**The Presiding Officer:** The result of the division is: For 61, Against 16, Abstentions 35.

*Amendment, as amended, agreed to.*

**The Presiding Officer:** That means that amendment S3M-5808.1, in the name of Richard Baker, is pre-empted.

The next question is, that motion S3M-5808, in the name of Robert Brown, on justice, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)

Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### Against

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hume, Jim (South of Scotland) (LD)  
 McArthur, Liam (Orkney) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)

#### Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)

Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**The Presiding Officer:** The result of the division is: For 61, Against 16, Abstentions 35.

#### *Motion, as amended agreed to,*

That the Parliament recognises that firearms legislation is reserved and that Strathclyde Police is entitled to exercise operational discretion over the use of Tasers under this reserved legislation and notes the role of local police authorities and joint boards in scrutinising Scottish police forces; further notes that in 2006-07 there were 12,974 recorded assaults on police officers across Scotland, which was an increase of 58% between 2000-01 and 2006-07; believes that Tasers provide a less lethal option than firearms where police officers are facing violent or armed suspects and need to incapacitate them, and awaits the results of the pilot being run in Strathclyde, which sees 30 police officers being armed with Tasers after appropriate training.

**The Presiding Officer:** The next question is, that amendment S3M-5807.4, in the name of Sarah Boyack, which seeks to amend motion S3M-5807, in the name of Richard Lochhead, on the Brian Pack inquiry, be agreed to.

#### *Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-5807.2, in the name of John Scott, which seeks to amend motion S3M-5807, on the Brian Pack inquiry, as amended, be agreed to.

#### *Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-5807.3, in the name of Liam McArthur, which seeks to amend motion S3M-5807, on the Brian Pack inquiry, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### **For**

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 Hume, Jim (South of Scotland) (LD)  
 McArthur, Liam (Orkney) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)

Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)

### Against

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)

McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 14, Against 98, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The final question is, that motion S3M-5807, in the name of Richard Lochhead, on the Brian Pack inquiry, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament notes the publication of the Interim Report by the Inquiry into Future Support for Agriculture in Scotland; acknowledges the considerable work that has gone into producing this comprehensive and considered report, and welcomes the inquiry's continuing commitment to extensive stakeholder engagement on the future application of the Common Agricultural Policy in Scotland; recognises the need for any future framework to ensure a sustainable farming sector within vibrant rural communities; acknowledges the challenges posed by climate change and food security, and calls on the Scottish Government to ensure that there is a clear focus on the supply of healthy, affordable food produced as locally as possible with good environmental stewardship, while noting that as Scotland moves to an area-based payment scheme there will be redistribution of existing support, and therefore encourages the Scottish Government to ensure that the process of redistribution is as equitable as possible and takes particular account of the Less Favoured Areas.



## Perth 800

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S3M-5459, in the name of Murdo Fraser, on Perth 800. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes that 2010 marks the 800th anniversary of the granting of the Royal Burgh Charter to Perth; welcomes the launch of Perth 800, Perth and Kinross Council's year-long programme of events and activities to celebrate this monumental anniversary; believes that the celebrations will allow Perth to showcase to the rest of the United Kingdom that Perth is one of the best places to live, visit and do business; further welcomes Perth 800 being used to progress Perth's bid to gain official city status; considers that official city status will reflect Perth as being one of Scotland's leading places for business, education, art, culture and sport, and supports Perth's bid to become a city during HM the Queen's Diamond Jubilee in 2012.

17:09

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank all those members who have signed my motion and I welcome to the public gallery the provost of Perth and Kinross, John Hulbert, and other representatives of the local council.

In 1210, King William the Lion granted the royal charter to Perth. The charter declared some of the privileges that Perth could subsequently enjoy and stated various regulations for trade within the sheriffdom. Although there is evidence elsewhere that confirms that Perth was a royal burgh from the 1120s, the 1210 charter is the earliest surviving document that details the royal charter that was awarded to the fair city. It is the anniversary of the granting of that charter that Perth will celebrate this year through Perth 800, a series of events that has been designed to commemorate Perth's prestigious past and to recognise its status as one of the best and most vibrant places to live, work and visit in Scotland today.

I pay tribute to Perth and Kinross Council, which has put together a programme of activities for the year. The overall purpose of Perth 800 is to celebrate the 800th anniversary of the royal charter in 1210, but the year-long programme has other ambitious aims. Perth 800 hopes to develop a sense of civic pride among residents by engaging the local community with Perth's past and present; seeks to enhance Perth's profile both nationally and internationally and to encourage the growth of the local economy through the promotion of Perth as a tourist destination; and aims to entice businesses and academic institutions to the area.

With more than 100 events designed to showcase Perth's culture, sport, heritage and burgeoning economy, Perth 800 has something for everyone to enjoy—old and young, locals and visitors. Events include an exhibition at Perth museum entitled "Skin & Bone: Life & Death in Medieval Perth"; the Perth festival of the arts; and the first geocaching mega event to take place in Scotland. Until this afternoon I had no idea what a geocaching mega event was, but it is apparently a high-tech treasure hunt. There will also be a mini-Olympics, with competitors from the towns of Aschaffenburg in Germany and Cognac in France, with which Perth is twinned. Events will include badminton, swimming, football and gymnastics.

Perth 800 has encouraged local businesses to become involved in the celebrations. The development of the Perth 800 brand is growing in popularity among local organisations, businesses and manufacturers, who are enjoying the promotional opportunities that are provided by the celebrations.

Perth 800 will build the perfect foundation from which Perth can launch its campaign to gain formal city status—a campaign ably led by the provost and the lord-lieutenant for the county, Brigadier Mel Jameson. The campaign hopes that we can achieve that in 2010 for our 800th anniversary, failing which we have a second bite at the cherry in 2012 during the Queen's diamond jubilee. Lord Mandelson has already announced that there will be a competition for a new city to be created.

Many local people are surprised to learn that the fair city is not officially a city at all. When I raised the issue back in 2005 I was even accused by some local politicians of talking Perth down. Fortunately, those sceptics have been won over, and we have a true cross-party consensus in favour of gaining official city status for Perth.

Why should Perth aim to attain that status? For a start, we have only to consider Perth's role in Scottish history. In an age when the capital was determined by where the King held court, Perth was the nominal capital of Scotland. James I spent much of his time at Perth. Of his 16 Parliaments, 13 were held there; only one Parliament was held in Edinburgh. James enjoyed the accommodation at the abbey of Blackfriars in Perth, commenting that it was also a good place for a game of tennis. Unfortunately, it also turned out to be a good place for his assassination, in 1437.

The only time that James VI returned to Scotland after his crowning as King of both England and Scotland, he came to Perth in 1617. The last coronation of a British monarch to take place outside Westminster was that of Charles II at Scone on new year's day 1651, the crown being placed on his head by the Marquis of Argyll.

As well as acknowledging the historical significance of Perth, the award of city status would mean that Perth would be recognised as one of the leading places in Scotland for business, culture and sport. Historically, Perth had an important role in commerce as an inland port. With the lowest crossing point of the River Tay, Perth was exceeded only by Berwick-upon-Tweed in trade. Today, Perth continues to have a role as a European trading port.

Perth is renowned for its gardens and parks. In 2008 it was the gold medal winner of the Britain in bloom competition, and in recent years it has achieved awards in the beautiful Scotland contest.

Perth was the first Scottish town to join, in March 2007, the cittaslow movement—an international network of more than 100 towns and cities, which, through supporting local businesses and protecting and conserving the environment and historic buildings, is dedicated to enhancing quality of life for residents and visitors.

Perth now wants to join the exclusive club of Scotland's six official cities. The prestige that comes from being awarded city status would help to boost tourism and the city would hope to benefit from the targeted campaigns by the Government and VisitScotland that currently promote Scotland's six cities. Although the cities growth fund, which used to promote Scotland's six cities, no longer exists, a future Administration might restore it, and Perth would not want to miss out.

The campaign for city status has had great support from the local media, including the Perthshire Advertiser and Perth FM. The Courier and Advertiser, which is a great supporter of Perth, has produced car stickers so that locals can display their backing for the campaign—I have a supply with me, if members want to display them on their vehicles.

I ask the Parliament to lend its support to Perth's bid to gain formal city status, either this year for Perth 800 or as part of the Queen's diamond jubilee celebrations in 2012. The cause is long overdue.

17:15

**Christopher Harvie (Mid Scotland and Fife) (SNP):** I pay tribute to Murdo Fraser for his motion, which calls for city status for Perth, 800 years after it was granted its charter.

Perth is a fair city and, as Murdo Fraser said, a slow city, which is famous for food and—well—the sort of clothes that I am notorious for liking. It is also famous for courtesy. I remember that a party of us, including the London journalists Christopher Hitchens and Martin Walker, having dined well at the close of the 1975 Scottish National Party

conference, went to the railway station, only to find that our Inverness to Edinburgh train had broken down at Blair Atholl. Owen Dudley Edwards summoned up courage—it was not terribly difficult in the circumstances—and strode off to the stationmaster to demand, Sherlock Holmes-like, a special train. Amazingly, he got one. Two diesel rail cars turned up and five of us travelled to Edinburgh in circumstances that would have made Holmes and Watson green with envy.

Perth figures in music, from Mendelssohn to Bizet and on to Runrig and Perth's MP, Pete Wishart. Bizet made one of Scott's novels, "The Fair Maid of Perth"—not a very good novel—into a much better-known opera. Indeed, the opera is Bizet's best known after "Carmen", albeit with poorer weather.

Within Perth's boundaries is Scone, where the kings of the Scots sat themselves down and proclaimed themselves king on the magic stone. I went there with my girlfriend in 1979. Virginia was descended from the earls of Dysart and Huntingtower, and, further back, from Malcolm Canmore—but aren't we all?—who made Birnam wood walk to Dunsinane, so we scrambled over to Huntingtower and we sort of got engaged there. The place is deeply in my memory.

The Scottish reformation began on 11 May 1559 in St John's kirk, and that is where it took on its democratic character—it was an artisan reformation. It is a pity that Perth did not have city status by the millennium, because that could have led to the commemoration last year of that epochal event. I hope that we do something this year to commemorate the 450th anniversary of the Treaty of Edinburgh, which enabled the reformation Parliament to take place in 1560.

In 1859 there occurred another interesting but not-much-commemorated event, when the German novelist and poet Theodor Fontane moved to Scotland to see the country associated with his beloved Walter Scott and, on looking out over Loch Leven towards Queen Mary's tower, was moved to do for Germany what Scott had done for Scotland. He brought the Scots ballad and the realist novel to Wilhelmine Berlin.

If members want to experience the Perth of its Victorian glory days they should go to the huge and underused station. If we exploited our railways properly, Perth station would be the centre of tourist rail Scotland, which would be an enterprise on a Swiss scale. Members should read Fontane's "North of the Tweed", or go to York to see George Earl's massive painting of Perth station in the mid-1890s, "Coming South", which is in the grand style of W P Frith. This is the world of Anthony Trollope's Palliser novels. It is the world of politicians and magnates, Etonian lairds, and young folk and ghillies heading north for the

glorious twelfth and then back down again, vows exchanged and mobilising telegrams answered.

Members should remember that this is where John Buchan was born and where James Kennaway's "Tunes of Glory"—that great novel of Scots peacetime army life, which was made into a fine film with Alec Guinness and John Mills—was set.

I can even remember—I am old enough—the 1963 Kinross and West Perthshire by-election, an amazing confrontation. The Prime Minister, Sir Alec Douglas-Home, was schlepped round the vast seat, which had more Etonians per square mile than a Cameron shadow cabinet, like a holy icon to be venerated by Tories—remember them?

We should remember above all the theorist of city and region, Sir Patrick Geddes, who was brought up on the slopes of Kinnoull Hill. He was a sociologist, ecologist and town planner, and "maker, mover, mender" to Chaim Weizmann in Israel, to Ghandi and to Nehru. We can have his cosmopolis, and city status for Perth is a necessary first step. The alternative, alas, could well be a necropolis, and we do not want that, do we?

17:20

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** Follow that, as they say. As usual, Christopher Harvie has given us an excellent review of the history and culture of Perth.

I have a lengthy association with the Perth area. I was born in Edinburgh but adopted by a family in Perth. My father was a general practitioner there for 40 years, I trained as a medical student at Perth royal infirmary and the grandfather of my adoptive family was previously head of one of the law firms there—J & J Mailler.

Perth's association with the Black Watch has not been mentioned. My grandfather served with some distinction in the first world war—he was gassed while serving with the Black Watch—and my uncle Fergus was killed at Casino when serving in the second world war.

I am really pleased that Murdo Fraser has secured the debate, because the time has come for Perth's city status to be restored—that is really what we are talking about. It is a royal burgh, as Murdo Fraser said. The campaign that has been launched—which is supported by all the local MPs, MSPs, the council and individuals in the area—is, I hope, gathering momentum on the back of the 800th anniversary celebrations. Jim Murphy, to whom I have written, supports it. My colleague Gordon Banks has also spoken to Jim Murphy and organised a meeting in Westminster. Perth FM and the local papers—The Courier and

Advertiser and the Perthshire Advertiser—have also been supportive, which is welcome.

I will not cover all Perth's history, but I will make one or two observations. The royal burgh status was awarded in the midst of severe flood damage, which is quite an interesting historical note.

Perth is not just about its history, although that history is clearly royal, entrenched and of huge significance to Scotland. It is also a modern place and will, I hope, achieve city status on the back of its modernity and the fact that it is an area of growth. It has industry. Aviva has taken over from General Accident, which has a long and proud history in insurance—a growing industry. Indeed, one of the small local investments that my grandfather's company made was in General Accident. The other was in Pullars of Perth, which Perth people will know is significant.

The city has a rich history of culture and art, which continues today with the new concert hall that was opened in 2005. That important development has led to the renewal of the city centre. Although some shops have closed in the recession, the changes that have created a vibrant, alive city centre since I was a child there are important.

The only time that I have been angling—I am not an angler—my grandfather took me to catch salmon on the Tay. Indeed, I caught an 18lb salmon, though I was allowed to play it for only 10 minutes before he snatched the rod from my hand. Salmon were slightly more prevalent in those days than they are now, but salmon fishing and fishing more generally remain important to the area, as do many other sporting activities. The area is 530km<sup>2</sup>, vibrant and alive with possibilities for tourism in the modern setting.

Time does not allow me to extol all of Perth's virtues, but the time has come for it to celebrate its 800th anniversary. It has a Premier League football club once again—thank goodness—and a rugby club that is not doing too badly; that club is certainly on its way up. It would be a fitting accolade if Perth's city status was restored this year. Perth would be a worthy addition to the cities of Scotland.

17:25

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I stayed back for the debate on a whim and am extremely glad that I did so, because what I have heard so far has been entertaining and interesting.

I give fraternal greetings to Perth. We celebrated the royal burgh of Tain's 900th anniversary in 1966, when I was a very small child—members will agree with me about that. I

have personal memories of Perth. It was where I was first interviewed by my party to see whether I would be suitable to be put on its candidates' list. For some curious reason, it was decided that I was not suitable, but be that as it may.

For much of the middle ages, Perth was, of course, known to many highlanders as a place in the south to which they went for recreation. I am afraid that that involved torching the place from time to time, but that is how things were.

On a serious note, I support the bid that is being made. Murdo Fraser was eloquent.

I want to make a point about going back one step from cities. I would like to dwell briefly on Scotland's royal burghs. I have often thought that we are missing a trick. I am not advocating that we undo local government reform, but along with that reform in 1974, many of the titles and honours of historic royal burghs were put in glass cases in museums. That strikes me as sad. I am not advocating going back to town councils with all their powers, but I remember the chairman of the community council in the royal burgh of Tain, as it has to be known, writing to the Lord Lyon to ask whether he or somebody else could wear the chain and ermine robe of the provost. The Lord Lyon replied that it would be little more than fancy dress, which was a pity, I thought. I say to the cabinet secretary that it could be considered how some of the prestige of communities could be restored at no cost whatsoever. Human beings enjoy a little bit of difference in life; they enjoy unusual and historic things. At the same time, one must not forget that, in the old days of the royal burghs, favours were not necessarily done to the communities around them that did not have the same rights. One must be even-handed and bear that in mind.

What Murdo Fraser said about city status makes me think that there are opportunities—not to create more cities than Perth, but to restore something that would be of interest to our communities and that would reignite a sense of community pride. It should be remembered that, for all the faults of town councils in the past, their members did a lot of things for very little reward. They did those things in the spirit of serving their community by volunteering.

I congratulate Murdo Fraser and wish him every success in achieving city status for Perth. I look forward to going to the party when that is achieved.

17:28

**Aileen Campbell (South of Scotland) (SNP):** I, too, congratulate Murdo Fraser on securing the debate. I understand that my Westminster colleague Pete Wishart lodged a similar early day

motion at Westminster a couple of months back. I also pay tribute to the work of the Lord Lieutenant, Brigadier Melville Jameson, and that of Provost John Hulbert, who is in the public gallery. He has been supported by Pete Wishart, the constituency MSPs Roseanna Cunningham, John Swinney and Murdo Fraser, and many people from other parties, who have done much work in promoting Perth 800 and building the case for restoring Perth's city status. That work is important.

Members may wonder why, as a South of Scotland MSP, I am speaking in a debate about Perth. The reason is that I grew up in Perthshire, I have family who still live there and I went to school in what I hope will soon be the city of Perth. I echo the sentiments in Murdo Fraser's and Pete Wishart's motions, which note that Perth and Perthshire are among many great places to live, visit and do business in, among other things. There are also many places in the South of Scotland that are great places in which to live and work, including my new home town of Biggar.

I was born in Perth royal infirmary in 1980. Around five years earlier, Perth's city status was removed. That was an unfortunate decision. Although Perth is called the fair city, that is not the same as its being formally recognised as a city. That is why I support the bid to make it a city. I hope that the momentum that is built up during the year-long celebrations of Perth's 800th birthday are rewarded by the long-overdue restoration of its city status in 2012. That would make the fair city title ring true once again.

There certainly has been a lot of momentum. The First Minister passed the baton of celebration on to Perth when the curtain came down on the year of homecoming on St Andrew's day last year. The celebrations for 2010 are the perfect way, I hope, to make the city bid a success and to ensure that the philosophy and popularity of homecoming does not end. I believe that the First Minister also signed a declaration of support earlier today. A successful celebratory dinner was hosted by Pete Wishart in Westminster, which allowed people who are involved with the campaign to put their case to members of Parliament and the House of Lords.

The bid is impressive. The brochure that has been presented to members who supported Murdo Fraser's motion is fantastic and gives a wonderful journey through Perth's history right up to the here and now. It showcases what a modern and dynamic place Perth has become, with art trails, excellent shopping, great architecture and, of course, the wonderful concert hall. It is good to see mention of another royal burgh, Lanark, in the fair city guide, because 2010 is also a special year for Lanark, as it marks the centenary of aviation week. That was Scotland's first air show, and was

held in Lanark. I have been working with organisers in Lanark—Ed Archer and Sylvia Russell—who hope to mark that occasion in Lanark. However, because of the absence of an airfield there, they have been working with the aerodrome in Perth. The drome will be home to the centenary show, which makes up part of the Perth 800 celebrations. The 1910 version of the air show had a huge impact in Lanark, so I look forward to enjoying the show and celebrations when they happen in Perth and Lanark.

Although I have not lived in Perthshire for some time, it still holds a dear place in my heart. Browsing through the brochure has rekindled fond memories: summers spent berry picking in the soft fruit capital of Scotland; going to Perth academy, which celebrates its 250th anniversary this year; playing sport in Bell's sports centre; being dragged through McEwens by my mum; Murray's pies; playing in concerts at St John's kirk; and, of course, attending fitba matches at McDiarmid Park. I hasten to add that those latter memories are not all fond.

I am impressed by the events that have been drawn together to showcase Perth and Perthshire, which illustrate how modern and forward-thinking Perth is. I see that my old classmate the incredibly talented Alasdair Beatson is performing several concerts as part of the programme of events. I am sure that 2010 will be an exciting year for Perth. No doubt, the whole place will have a buzz about it and the events will entice many visitors from throughout Scotland and the world. I hope that the icing on the cake will be success in the bid for city status.

The work that has been put into the campaign by many people is to be commended. The campaign acts as a useful blueprint for what other local authorities can do if they choose to be proactive in the same way. I hope to highlight the project to local authorities in the South of Scotland region to show them what can be achieved to boost tourism and profile. I wish everyone in Perth and Perthshire all the best for Perth 800 and I hope to pop up the road soon to enjoy some of what is on offer.

17:32

**Elizabeth Smith (Mid Scotland and Fife)**  
**(Con):** I, too, congratulate my colleague Murdo Fraser on securing the debate, and I congratulate all those who have worked so hard under the guidance of Provost John Hulbert, Brigadier Mel Jameson and Ken MacDonald, who are with us in the public gallery, to ensure that the Perth 800 bid has been so professionally presented. In the world of politics, it is not always easy to find issues that bring politicians together rather than divide us, but the Perth 800 bid is surely one of them. There is

every sign that the campaign has already done much to unite not only members, but the people of Perth, its many close communities and many businesses and institutions, which make up the fabric of Perth and Kinross.

Members will not be surprised to hear that I believe that Perthshire is one of the best places in which to live in Scotland—although perhaps it is not today, with the power cuts and heavy snow. However, generally speaking, it is a fantastic place to live. Perth 800 presents an opportunity not only to celebrate the 800th anniversary of the granting of the royal burgh charter to Perth by King William the Lion of Scotland in 1210, but to celebrate and promote the long and distinguished traditions that the city can boast in local heritage, sport, arts and culture.

Murdo Fraser mentioned several of the 100 or so exciting events that will be held throughout Perth and Kinross during 2010, that will have something for young and old alike. Events such as the Johnnie Walker golf championship at Gleneagles will add the usual international glamour and, we hope, a much-needed boost to tourism and local business, but I particularly congratulate the Perth 800 team on its work to provide an extensive grass-roots sports programme, including the Perthshire festival of rugby, the Scottish orienteering championships and the Perth mini Olympics. For those who prefer a slightly more sedate sport, there is also the international grandmaster simultaneous display, a name which brings up interesting imagery. As a sports enthusiast and someone who has a strong interest in encouraging young people to become involved in sport, I think that these events have a particular importance, and I am sure that they will do much to inspire wider participation in sport and enjoyment of the great outdoors.

One of the most encouraging aspects of the planning stages of Perth 800 has been the enthusiasm of the many local businesses—from the one-man businesses in Perth High Street to the large companies such as Scottish and Southern Energy—that play their parts in stimulating the local economy. Through them, we have been able to ensure that Perth 800 can engage with every part of the community, whether in Perth city itself or its immediate hinterland. That has helped to encourage a sense of civic pride as well as enhancing the national and international profile of Perth and Kinross.

As Murdo Fraser said, Perth 800 also presents an opportunity to progress Perth's bid to gain official city status. I believe that that city status presents an opportunity to bring major benefits by increasing the potential to market the area as one that contains the premier city in Scotland for business, education, art, culture and sport, as well

as putting Perth on the map as Scotland's seventh city.

I hope that Perth 800 will prove to be a great success—the positive signs are already pointing to that. That is welcome in what are difficult economic times in which to plan such a wide-ranging programme of events. As we look forward to the legacy of Perth 800, I hope that we will also be able to rejoice in what will be a successful bid to regain official city status for Perth, which will restore Perth to her rightful place at the heart of Scotland.

17:36

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** I congratulate Murdo Fraser on securing this debate and I welcome to the public gallery the provost of Perth and Kinross, Provost John Hulbert, and his team, who have been in Parliament today promoting their aspirations in respect of Perth 800 and talking about the details of the programme that has been so effectively developed by Perth and Kinross Council.

We have heard a number of excellent speeches. As always, we received a most cultured contribution from Christopher Harvie. I am glad to hear that the flexibility of the rail service is still intact after his experience with the two rail cars in Perth station in 1975. That was a wonderful tale, but not quite as tall a tale as Richard Simpson's story about the one that got away. I am sure that the salmon truly was 18lb and I hope that others will give Dr Simpson the benefit of the doubt on this occasion.

Jamie Stone made an interesting point, with which I have some sympathy, about the loss of identity of many of our burghs. The town in my constituency with which Aileen Campbell's family is associated, Coupar Angus, has a rich history that has left it with a great heritage, including civic robes and provost's chains, and the same is true of many other towns in my constituency and in Jamie Stone's. I very much encourage burghs to rekindle and celebrate that cultural heritage, notwithstanding the discouraging noises from the Lord Lyon King of Arms.

Aileen Campbell made an excellent speech that captured some of the associations of her family with the Perth area and Perth city, and made an important point about the proactive approach that has been taken by Perth and Kinross Council in seizing the opportunity of Perth 800 to celebrate the work of the city and to ensure that the identity and the roots of Perth city can provide strong foundations for the years to come.

I congratulate the council on its creation of a wonderful springboard from which to launch the

city's bid for the restoration of its city status and I make clear my strong support for the council's call for city status to be restored to Perth. I was pleased to hear the First Minister make a similar expression of support earlier today.

Recently, the Minister for Culture and External Affairs, Fiona Hyslop, helped to launch Perth 800 when she opened the major exhibition by Perth museum and art gallery, "Skin & Bone: Life and Death in Medieval Perth", to which Mr Fraser referred.

In a crammed programme of events, the renowned Perth festival of the arts will continue to make a significant contribution in the city of Perth, and Perth day, which has been designated as a public day of commemoration and celebration to mark the 800th anniversary of Perth, will be a centrepiece of activity in the city.

Using the city as a venue, Perthshire past, present and future will be portrayed through a dramatised light trail at light night Perth. Participants can expect bright lights, big sings, concerts, choirs, talks and treasure hunts, and discos and danceathons—I never thought that I would ever get the word "danceathon" into the *Official Report* of the Scottish Parliament, but it has been achieved now.

The Scottish Government is pleased to be able to show its support for the aims and objectives of Perth 800 by approving a proposal to develop a new artwork installation. The installation is to be located on the Broxton roundabout. It will act as a gateway feature at that pivotal entry to the city of Perth from the west, and will be a lasting legacy of the initiative. My officials in Transport Scotland are working alongside the Perth 800 organisers and sponsors to agree the finer details of the installation, which is planned to be constructed later this year.

A great deal has been said tonight about Perth 800's importance as a springboard for the restoration of city status to the city of Perth. We must have, among the key components of a prosperous city such as Perth, the city operating as a true capital of the county, with a demonstrably strong local economy that is supported by the economic activities that are undertaken in the surrounding county areas. Perth is a most beautiful place to live alongside, as I do, and we will see Perth city fulfil its true county capital status.

Perth believes that it is ready to resume the responsibility that goes with the restoration of official city status, and to take its rightful place alongside six existing official cities in shaping the development of modern Scotland. That aspiration is warmly embraced by the Scottish Government, and I congratulate the provost and the leadership

of Perth and Kinross Council for taking the initiative in advancing the case for city status. It is a matter of regret that when city competitions were available in the past, the leadership of the city decided not to take that opportunity, so I am glad that Provost Hulbert and his colleagues have put in place the mechanisms to enable that to happen now. I also warmly welcome the support for the process from Brigadier Melville Jameson, the Lord Lieutenant of Perth and Kinross.

My Westminster colleague Pete Wishart, the MP for Perth and North Perthshire, has been instrumental in drawing together individuals in the House of Commons and the House of Lords to support the city status bid. I am sure that his support, along with the support of Gordon Banks MP, has had a beneficial effect in encouraging the support of the Scotland Office for the bid for city status. All-party support is essential to the bid, so I welcome that work.

I hope that out of tonight's debate, and the focus on the cultural celebrations of Perth 800, we can get some real impetus behind the granting of city status to Perth city. Perth 800 is a major initiative for the council, and it involves an exciting events programme that celebrates the 800th anniversary of the granting of the royal charter to Perth by King William I.

I hope that large audiences flock to Perth to join the local population in understanding that Perth and Perthshire are truly beautiful places in which to have the privilege to live.

*Meeting closed at 17:43.*





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