

MEETING OF THE PARLIAMENT

Thursday 27 June 2002

Session 1

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Scottish Parliament

Thursday 27 June 2002

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 09:30*]

Parliamentary Bureau Motion

The Deputy Presiding Officer (Mr Murray Tosh): Good morning. The first item of business is consideration of a Parliamentary Bureau motion. I invite Euan Robson to move motion S1M-3258, in the name of Patricia Ferguson, which is a timetabling motion on stage 3 of the Scottish Parliamentary Standards Commissioner Bill.

Motion moved,

That the Parliament agrees that, at Stage 3 of the Scottish Parliamentary Standards Commissioner Bill, debate on each part of the proceedings shall be brought to a conclusion at the time specified—

Consideration of amendments – no later than 10.15 am

Motion to pass the Bill – no later than 10.30 am.—[*Euan Robson.*]

Motion agreed to.

Scottish Parliamentary Standards Commissioner Bill: Stage 3

The Deputy Presiding Officer (Mr Murray Tosh): We move to stage 3 consideration of the Scottish Parliamentary Standards Commissioner Bill. Members should have a copy of the bill, the marshalled list containing the amendments selected for debate, and the groupings. I am not going to read out the rest of the rigmarole because members are familiar with the procedure.

Section 11—Withdrawal of a complaint

The Deputy Presiding Officer: Amendment 1, in the name of Mike Rumbles, on behalf of the Standards Committee, is in a group of its own.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Section 11 of the bill allows a complaint to be withdrawn by the complainer at any time before the commissioner concludes the investigation into the complaint at stage 2. If a complaint is withdrawn, the bill at present requires the commissioner to cease the investigation. The complainer does not have to give any reasons for withdrawing the complaint.

During the stage 2 debate on the bill, amendments were made to section 11 to make it clear that when a complaint is withdrawn, the MSP concerned and, if withdrawal occurs at stage 2 of the investigation, the Standards Committee would be advised of any reasons given for withdrawing the complaint. During discussion of the amendments, the ad hoc Scottish Parliamentary Standards Commissioner Bill Committee expressed a number of concerns about the policy on withdrawal.

There was concern as to what happens if the reason for withdrawal is that the complainer considers the complaint to be ill-founded. There was also concern as to what happens if the reasons for withdrawal were damaging, for example if the complainer indicated that they had been pressurised to withdraw the complaint. Finally, the committee was concerned that an MSP should be able to have their name cleared by having an investigation concluded.

Subsequently, the Standards Committee has considered the views of the ad hoc committee. Amendment 1 seeks to give effect to that committee's main concerns. The Standards Committee agreed that there might be some circumstances in which it would be appropriate for a complaint to continue to be investigated, notwithstanding the fact that the complainer wishes the complaint to be withdrawn.

Amendment 1 therefore makes provision for complaints to continue to be investigated in certain

circumstances at stage 2 of the investigation, by replacing the existing provision for withdrawal in section 11(2) with a new procedure dealing separately with stages 1 and 2 of the investigative process. As I mentioned, amendment 1 makes no change to the position in relation to complaints that are withdrawn at stage 1. At that point, the complaint is at a preliminary stage and the commissioner would not have sufficient information to take a view on whether the complaint should continue to be investigated.

The commissioner will continue to cease investigating such complaints following withdrawal by the complainer. The MSP and the Parliament will continue to be informed of any reasons for withdrawal given by the complainer.

Amendment 1 allows a complaint that is withdrawn at stage 2 of the investigative process to continue to be investigated if both the commissioner and the Standards Committee agree that the complaint should continue to be investigated. Allowance is also made for views of the MSP concerned to be taken into account when any such decision is made.

Amendment 1 therefore addresses the concerns that were raised regarding damaging reasons for withdrawal. It provides an opportunity, where it is considered appropriate, for an investigation to continue, perhaps leading to exoneration. It removes some control over the terminating of an investigation from the complainer, which could also lessen the possibility of pressure being applied to complainers to withdraw complaints. It helps to balance the desire of the MSP to confront damaging reasons given for withdrawing a complaint with the right of the complainer to withdraw. Finally, it provides the commissioner and the Standards Committee with the ability to conclude an investigation when there appears to be a matter that requires further investigation.

Separately, concern was expressed during the stage 2 debate about whether the bill required the commissioner to provide the MSP and the Parliament with a verbatim record of the complainer's reasons for withdrawal or whether the reasons could, if necessary, be summarised. Donald Gorrie asked that power be given to the commissioner to blandify the reasons given for withdrawal in appropriate circumstances. There could have been some doubt about that under the bill as drafted. Amendment 1 makes it clear that the commissioner has discretion to provide a summary of the reasons for withdrawal. That may prove useful when the withdrawal is contained in a lengthy communication. It will also allow any potentially defamatory material to be excised, and reduce the opportunity for additional publicity to be given to the views of the complainer.

Where the complainer's reasons for withdrawal

make it clear that the complainer accepts that the original complaint was entirely unfounded, there is no need for any amendment. There is nothing in the bill to prevent the MSP concerned or the Standards Committee from making the reasons for withdrawal public, if that is their wish. It should be remembered, however, that withdrawal can take place only at stages 1 and 2, when the commissioner is involved. That investigation takes place in private and the MSP or the Standards Committee may not wish to make the reasons for the withdrawal of the complaint public if the complaint has never been in the public domain.

The Standards Committee and I are grateful to the ad hoc Scottish Parliamentary Standards Commissioner Bill Committee for the helpful and constructive comments that were made during stage 2. Amendment 1 will significantly improve the bill. It will allow investigations to be concluded where it is considered appropriate both to clear the MSP concerned and to conclude matters where there may be an issue of concern.

I move amendment 1.

Donald Gorrie (Central Scotland) (LD): I support amendment 1. The procedure of having a committee bill and then an ad hoc committee to consider the bill has not been used frequently, but it worked extremely well. All the members of the Scottish Parliamentary Standards Commissioner Bill Committee took their duties extremely seriously, which is not always the case in public bodies when one is put on a committee, because one does not always take it as seriously as one should. The ad hoc committee system worked.

The Standards Committee showed flexibility. It did not get defensive and ownership-minded about the bill, and it agreed to some changes. I commend to the Parliament the fact that the ad hoc committee had two informal sessions with Mike Rumbles, on behalf of the Standards Committee, and the officials. We gave him quite a hard time and, as a result, amendments were agreed to at stage 2. A whole lot of hassle that otherwise would have occurred at stage 2 was resolved in that way, and the amendments that were lodged were satisfactory to the Scottish Parliamentary Standards Commissioner Bill Committee. I recommend to other committees the use of informal discussions before stage 2, because that might resolve a lot of difficulties that arise later.

I welcome the bill and I welcome amendment 1.

The Deputy Minister for Parliamentary Business (Euan Robson): I was interested to hear the views of members of the ad hoc Scottish Parliamentary Standards Commissioner Bill Committee at stage 2 in respect of withdrawn complaints. Members understandably were

concerned that if the reasons given to the commissioner for withdrawing a complaint were tendentious or in effect maintained the complaint while formally withdrawing it, there was no mechanism in the bill for the matter to be resolved. Accordingly, a member might be left with the feeling that wholly unfounded allegations had been made about his or her character or propriety, which the withdrawal of the complaint had left hanging in midair. For those reasons, the Executive welcomes amendment 1, which inserts a mechanism into the statutory framework that allows investigations to be continued and completed in certain circumstances, notwithstanding the withdrawal of the complaint.

I further welcome the fact that members will be given the opportunity to advise the commissioner of their views on whether an investigation should continue. That information, together with the reasons given by the complainer for withdrawing their complaint, will fully inform the commissioner's decision on whether to recommend to Parliament that an investigation should continue.

The amended framework properly respects the rights of complainers and members. It also addresses the valid concerns that members expressed at stage 2. Therefore, the Executive commends and supports amendment 1.

The Deputy Presiding Officer: Mr Rumbles, do you wish to add anything to wind up the debate on amendment 1?

Mr Rumbles: No.

Amendment 1 agreed to.

Section 13—Power to call for witnesses and documents

The Deputy Presiding Officer: Amendment 2 is grouped with amendments 3, 4 and 5. I call on Mike Rumbles to move amendment 2 and speak to the other amendments in the group.

Mr Rumbles: Members are aware that one of the key features of the bill is that it gives the commissioner separate statutory powers to summon witnesses and obtain documents. The committee's policy was that those powers should be equivalent to the Parliament's powers under section 23 of the Scotland Act 1998. At present, that is achieved in the bill through section 13, which gives the commissioner equivalent powers to the Parliament's powers under section 23 of the Scotland Act 1998.

Under the Scotland Act 1998, the Parliament's powers can be enforced by the service of notices under section 24. It is an offence under section 25 of the act for a person to refuse to comply with the requirements of a notice. The bill ensures that the commissioner's powers can be enforced in an

equivalent way to the Parliament's powers under section 23 of the act. That is achieved by adopting the drafting technique of simply applying sections 24 and 25 of the act with appropriate modifications—for example, to take account of the fact that notices will be sent by the commissioner rather than the clerk of the Parliament. That means that a person who refuses to give information or documents to the commissioner will be guilty of an offence under section 25 of the act, as applied by section 13(7) of the bill.

Following further consideration, rather than using that drafting technique, it was considered to be more user-friendly to set out in the bill in full the notice and offence provisions that apply to the commissioner's section 13 powers. That means that the bill can be read on its own and that the powers and offence provisions can be understood without the need to refer to the Scotland Act 1998.

Amendments 3, 4 and 5 make that change by deleting subsections 6 and 7 from section 13 and adding two new sections to the bill. Overall, amendments 3, 4 and 5 make no alteration to the effect of the bill. The notice and offence requirements for non-compliance continue to mirror the equivalent provisions that relate to the Parliament's powers in the Scotland Act 1998. I am happy to provide further details about the exact notice and offence requirements in the amendments if members wish.

Amendment 2 is a minor drafting amendment to section 13(1) to make the wording consistent with the remainder of that section and the equivalent provision in the Scotland Act 1998, which the subsection is intended to mirror. Again, I can provide more details if members wish.

I move amendment 2.

The Deputy Presiding Officer: No member has asked to speak, so we will go straight to the minister.

Euan Robson: Amendments 3, 4 and 5 bring clarity to the bill as to the commissioner's powers in respect of gathering evidence from witnesses. Amendment 2 is essentially a technical amendment that seeks to bring consistency to the bill. The Executive is happy to support the amendments.

The Deputy Presiding Officer: Mr Rumbles, do you wish to respond?

Mr Rumbles: No.

Amendment 2 agreed to.

Amendment 3 moved—[Mr Mike Rumbles]—and agreed to.

After section 13

Amendments 4 and 5 moved—[Mr Mike Rumbles]—and agreed to.

Section 15—Protection from actions of defamation

09:45

The Deputy Presiding Officer: Amendment 6 is in a group on its own.

Mr Rumbles: Amendment 6 deals with the question of privilege for people who communicate with the commissioner during an investigation. At present, section 15 gives the commissioner absolute privilege for all reports, statements and communications on a complaint, whether with the complainer, the witness or the MSP who is complained about. In effect, that places a bar on a person's right to pursue an action of defamation in respect of statements made by the commissioner.

The privilege that is given is consistent with the privilege that has been given to other investigating bodies and the intention was that the commissioner should be able to carry out investigations without being fettered by the threat of legal action. At present, the bill makes no provision for any other person involved in the investigation process to have privilege in relation to statements that are made to the commissioner.

During briefing for stage 2, concerns were raised that the absence of any such privilege in the bill would put MSPs in a better position than other people who are being investigated. A contrast was made with the situation of people who complain about solicitors, where those who provide information to the Scottish Solicitors Discipline Tribunal are protected by qualified privilege by virtue of statutory provisions. Under qualified privilege, individuals can make complaints against solicitors and can assist in the investigation of complaints against solicitors without fear of an action for defamation, provided their statements are not motivated by malice or intent to injure.

It was also suggested that by not having at least qualified privilege for complainers, the bill might encourage anonymous complaints. If complainers were afforded protection in relation to the law of defamation, they might be more willing to reveal their identities. The absence of any statutory privilege in the bill could discourage complaints and might discourage other individuals from communicating freely with the commissioner. It could also lead to complainers being forced to withdraw complaints through the threat of legal action.

The Standards Committee considered the views of the ad hoc committee and considered the

approach taken in other legislation. We found that there was no consistent approach taken elsewhere in relation to the privilege afforded to persons communicating with investigating bodies.

After lengthy discussion, the Standards Committee agreed that some protection should be offered to complainers and others making statements to the commissioner to allow all stages of the investigation process to be carried out without the threat of legal action for defamation. We agreed that it would be sufficient to grant qualified privilege because that would protect those with genuine complaints while providing the possibility of recourse against those whose defamatory statements during the investigation process were motivated by malice or an intent to injure.

Amendment 6 provides qualified privilege to the maker of any statement to the commissioner during the investigation, namely the complainer, any other witnesses and the MSP concerned. If the amendment is successful, a printing amendment will be made automatically to section 15(1) to show the start of paragraph (a). I mention that in the certain knowledge that Kenneth Macintosh, who has taken a keen interest in all drafting matters, will be itching to point out that the amendment appears to contain a paragraph (b) without there being a paragraph (a). In fact, Donald Gorrie collared me just before I started speaking to ask me about the same subject.

We are indebted to the ad hoc committee for raising the matter that the amendment deals with. The amendment enhances the bill by increasing the protection afforded to genuine complainers and others communicating with the commissioner.

I move amendment 6.

Euan Robson: The Executive welcomes amendment 6, which should ensure that all those involved in the complaints process are not in any way restricted in airing their views. I note the comments of Mike Rumbles about qualified privilege. Without such a provision, there might be a danger that the complainant would hold back from making a complaint for fear of legal action. It is important that such a situation does not arise. The protection provided will facilitate the unearthing of all the relevant facts surrounding a case and will therefore assist the commissioner to gather evidence. The Executive is pleased to support amendment 6.

Amendment 6 agreed to.

Scottish Parliamentary Standards Commissioner Bill

The Deputy Presiding Officer (Mr Murray Tosh): Motion S1M-3112, in the name of Mike Rumbles, seeks agreement that the Scottish Parliamentary Standards Commissioner Bill be passed. I call Mike Rumbles to speak to and move the motion.

09:49

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): One of the key strengths of the Scottish Parliament is our committee system and one of the key strengths of the committees is the ability to follow up thorough and searching inquiries with proposals for primary legislation. In September 2000, the Standards Committee recommended that the Scottish Parliament introduce a standards commissioner and a four-stage investigative process to handle complaints against MSPs.

That decision followed a nine-month inquiry that took evidence from a wide range of witnesses. After some two and a half years of work, I pay tribute to my committee colleagues, past and present, for their hard work, commitment and diligence in making the proposal a reality. I also thank the non-Executive bills unit and the legal office for their essential support throughout the legislative process, and ministers for giving the Scottish Parliamentary Standards Commissioner Bill a fair wind.

A month ago, I gave evidence to the Committee on Standards in Public Life in connection with its inquiry into standards of conduct in the House of Commons. The bulk of that evidence session focused on the provisions of the bill and, specifically, on the proposal to give our commissioner statutory powers in the conduct of his or her investigations. The meeting, which took place in Edinburgh, is the only evidence session that the Wicks committee will hold outside London. The committee's interest in arrangements in Scotland, particularly those contained in the bill, may suggest that the Scottish Parliament's approach to standards of conduct reverberates in corridors elsewhere.

I do not know whether the Committee on Standards in Public Life will ultimately recommend that the House of Commons should place its standards commissioner on a similar statutory footing, nor is it my place to suggest that it should do so, but I believe that the Wicks committee's close attention to developments in Scotland represents a recognition that the Scottish Parliament is developing rigorous arrangements that will promote the utmost probity of its members.

I briefly remind colleagues of the bill's key provisions. I have touched on the commissioner's statutory powers to compel evidence. That not only enhances the independence and credibility of the post but ensures that investigations can be carried out thoroughly and transparently. I hope that the commissioner will never have to rely on those powers, but they will be there and will augment public confidence in the handling of complaints against MSPs.

The appointment and removal procedures that are set out in the bill not only provide security of tenure for the commissioner but buttress his or her independence. Although not a matter for the bill, the recruitment process for the post will be open, transparent and consistent with the principles that are laid down by the commissioner for public appointments. The bill also sets out a clear procedure for the submission of complaints and provides that the standards commissioner's investigations will be carried out in private and will be independent of the committee.

Members will be aware from the stage 1 debate that the bill deals only with the first two stages of the four-stage investigative process. Stage 3 is the Standards Committee's consideration of the commissioner's findings. While I expect the committee's initial consideration of such reports to take place in private, all subsequent elements of stage 3 will take place in public. Stage 4 is the Parliament's consideration of any recommendation by the Standards Committee on sanctions, and any such debates in the chamber will be on a motion from the Standards Committee.

Before I conclude, I express my thanks for the work undertaken by the ad hoc committee at stage 2, under the convenership of Bruce Crawford. I particularly commend the constructive manner in which members of that committee approached their task. As I indicated earlier, two of the stage 3 amendments, as well as an earlier stage 2 amendment, were lodged by the Standards Committee as a direct result of the ad hoc committee's meticulous and thoughtful examination of the bill.

The Parliament already has an exacting regime for the registration and declaration of members' interests. The Standards Committee is building on that framework and, later in the year, we hope to introduce new legislation on members' interests to replace the transitional arrangements. Tough, substantive rules are only part of the picture; the public will have confidence in the probity of their elected representatives only if there is a robust means of enforcing those rules. If we appoint a commissioner with statutory powers to conduct thorough investigations into complaints against MSPs, we will do much to secure that public confidence.

Allegations of corruption or sleaze are corrosive. Ultimately, the conduct of individual members impacts on the integrity of the Parliament as a whole. The bill, and the four-stage complaints process that the Standards Committee has developed, will ensure that the Parliament is able to react speedily and appropriately to such allegations. I urge members to pass the bill at stage 3.

I move,

That the Parliament agrees that the Scottish Parliamentary Standards Commissioner Bill be passed.

09:55

The Deputy Minister for Parliamentary Business (Euan Robson): First, on behalf of the Executive, I congratulate the members of the Standards Committee and its staff on their important work on the bill. I believe that the result will be to reinforce Parliament's reputation and public standing. I also pay tribute to the work of the ad hoc committee. I will consult Donald Gorrie and Bruce Crawford to find out precisely what they did to give Mike Rumbles a hard time during the proceedings.

The Executive has been pleased to support the bill throughout its passage. Accordingly, I do not wish to take up much time in the debate. The bill's provisions set out a clear framework for the independent consideration of complaints against members of the Parliament. I believe that that framework will be a worthy successor to the non-statutory arrangements that we currently use, as provided for in the code of conduct.

A statutory footing for our parliamentary complaints system reinforces the Parliament's wish to ensure that its members act with propriety when carrying out their parliamentary duties. The bill also sends out a strong and important message to the Scottish public that Parliament will take action to investigate any claims made against one of its members. The bill will establish a standards commissioner, who will investigate complaints independently and, if necessary, report his or her findings to the Standards Committee. It will rightly be for the committee, and the Parliament as a whole, to decide what action to take on individual cases.

The Standards Committee introduced to the Parliament a bill that provided for a credible parliamentary complaints system, but the bill that is before us for agreement today has developed during its parliamentary passage. I was grateful for the opportunity to attend the ad hoc committee's stage 2 consideration of the bill. The amendments that were made at stage 2 made significant improvements that will ensure the overall effectiveness of the system.

Earlier, I touched on members' concerns about the fact that the bill as introduced did not fully address the issue of complaints being withdrawn, so that, in effect, the original accusations were left in some way hanging in the air. I think that the amendments that have been agreed deal with that.

The primary purpose of the bill is, of course, to provide a statutory forum for the public to complain about members' actions. However, it is also right to ensure that the framework that is established to that end cannot be hijacked by those who wish purely to sour a member's credibility by promulgating claims that cannot be thoroughly investigated.

Earlier, Parliament agreed that the bill should provide for those involved in the complaints process to enjoy qualified privilege when making statements. That reflected the need to increase the accessibility of the system to a degree that ensures that complainers have the freedom to inform the commissioner of all the facts surrounding their complaint, without fear of legal reprisals.

Parliamentary scrutiny has shaped the bill and increased the effectiveness of the new system for the complainer and for members of the Parliament. The Executive is confident that the bill will provide the commissioner with a strong and robust statutory framework that will provide the necessary powers and independence to discharge his or her investigatory duties.

However, the effectiveness of a new system cannot be fully assessed or proofed before it comes into effect. Strengths and weaknesses are ultimately discovered through practical experience. The Standards Committee will, on behalf of Parliament, be best placed to monitor the work of the standards commissioner and to ensure that the measures contained in the bill continue to deliver the aims of the parliamentary complaints system.

The Executive welcomes this important bill, which further cements the accountability of our parliamentary framework.

09:59

Bruce Crawford (Mid Scotland and Fife) (SNP): This is only the second committee bill to be introduced to Parliament. As Mike Rumbles said, the task of scrutinising the bill at stage 2 fell to an ad hoc committee. It was the first time that such a committee had been established in Parliament. I suspect that I now hold the record for serving the shortest time as a committee convener.

I express my thanks to colleagues on the committee. I think that we all enjoyed the

experience of working in the way that we did, which was rewarding, and everyone contributed successfully. I also thank the clerks. We may have been a short-lived committee, but I believe that other, less transient committees might want to consider adopting elements of our approach and practices at stage 2.

We were mindful that the bill is, in places, complex. Indeed, it could be described as a piece of legislative Kerplunk: if one element is taken away, the entire framework could come crashing down. Consequently, before we began to consider amendments, we had, as Donald Gorrie said, informal briefings, which Mike Rumbles and officials from the non-Executive bills unit attended.

The Deputy Minister for Parliamentary Business asked how Donald Gorrie and I had given Mike Rumbles a hard time. Like old cops, we knew where to put the blankets so the bruises do not show.

Mike Rumbles and the non-Executive bills unit were able to throw some light on the policy intentions behind the bill, which enabled committee members to explore the intricacies of the bill's provisions and set those in the wider context of the four-stage investigative process. The briefings were highly constructive. Committee colleagues found them valuable in framing our scrutiny of the bill. Indeed, one of the stage 2 amendments on the admissibility of complaints—to which Mike Rumbles referred—stemmed from those informal discussions.

Although the bill was not subjected to extensive amendment at stage 2, that should not be taken to suggest that the committee did not subject it to thorough examination and scrutiny. In our formal meetings and the informal briefings, the role not only of the standards commissioner but of the Standards Committee in handling complaints against MSPs was thrashed out, picked over and analysed in a frank yet consensual atmosphere.

The bill strikes the correct balance between the right of the complainer to ensure that his or her concerns are investigated thoroughly, and the right of the member not to be exposed to malicious or unsubstantiated allegations. The Standards Committee is right to identify the need for an independent element in the complaints process. By giving the commissioner statutory powers to compel evidence, we send a clear message that the Parliament is serious about accountability. In adopting transparent procedures for appointing the commissioner and in providing security of tenure, the Parliament is saying that it is committed to the highest possible standards of integrity.

Over the past three years, the Parliament has seen much criticism, some of which has been justified, but some of which has been ill-informed

and misplaced. Much good work has also been done, a lot of which has gone unnoticed. The bill represents such a piece of work. I am sure that it will be a model of good practice, which other places may want to follow, as Mike Rumbles suggested. It is a pity that more coverage has not been given to this positive aspect of parliamentary life. More focus on the positive and much less focus on the negative would be good for democracy.

I congratulate the Standards Committee on introducing the bill, and I commend it to political commentators for their summer reading.

10:03

Lord James Douglas-Hamilton (Lothians) (Con): I have had the good fortune to serve on the Standards Committee and the Scottish Parliamentary Standards Commissioner Bill Committee. I pay tribute to Mike Rumbles and Bruce Crawford for convening those committees. It is fair to say that we had a meeting of minds on the issues.

Public appointments have been a matter of considerable debate. The bill sets out transparent appointment procedures. The recruitment process will be seen to be open and fair. The procedure that the bill sets out for removing the commissioner, which we hope will not happen, would be used only if two thirds of MSPs voted for it. That will help to secure the independence of the post and ensure that it is free from unnecessary party-political interference.

The commissioner's independence will also be enhanced by the statutory powers to compel evidence that the bills sets out. Those are significant powers, and their existence will ensure that the commissioner is able to carry out the role effectively and thoroughly.

The bill also proposes arrangements for an acting commissioner, which will ensure that Parliament is able to deal with complaints if the commissioner is unable to do so through illness or conflict of interest.

We anticipate that the commissioner will be appointed on a part-time basis, but the successful candidate would be required to demonstrate the necessary flexibility to be able to deal with a substantial or complex investigation, which might require him or her to work full time. We think that it is likely that the commissioner will be required for between five and 10 days a month.

The Parliament already has in place a rigorous code of conduct and a tough members' interests regime. Indeed, contravention by members of the paid advocacy rules is a criminal offence punishable by a fine of up to £5,000. That may be

regarded as a modern equivalent of the stocks—or perhaps even something more serious. We very much hope that the offence in question will never be committed.

The bill will complement the rules by providing an effective and fair means of investigating complaints against members. It will command the confidence of the public, and I commend it to the Parliament.

10:05

Mr Kenneth Macintosh (Eastwood) (Lab): I want to speak not about the content of the bill, but about the reason for its introduction. We are here not because we are mired in allegations of sleaze, dishonesty or corruption, but because we are introducing a new way of working for a new Parliament. We are not trying to tackle a perceived problem in the Scottish Parliament, but establishing a transparent, robust procedure that will help to maintain the highest standards in public life in Scotland.

It is important to make that clear, because we all remember the unsavoury headlines that accompanied the end of the previous Tory Government. Those headlines were bad for all of us. They were bad not for us as individuals, but for Parliament and democracy. The cynical attitude that many people take to politics and politicians corrodes our institutions. Most worrying is the fact that it is becoming cool among young people to be disengaged from politics. I hope that measures such as the bill will help to reverse that process.

As we all know, trust is difficult to establish and all too easy to lose. The bill is about putting in place a framework that protects the public and the reputation of the Parliament. It will help to restore faith and trust in public life.

The bill establishes an independent commissioner with statutory powers. The scope of those powers can be daunting. I do not think that anyone who has been investigated by the standards adviser or who has appeared before the Standards Committee has found it a pleasant experience. However, the process reflects the high value that MSPs place on their integrity. The cases that have been investigated so far have related not to major transgressions or questions of honesty and probity, but rather to overly political—as opposed to parliamentary—behaviour.

We still need rules and guidelines within which to operate and standards to which to live up. We take our duties, responsibilities and office seriously. People unfailingly treat MSPs with respect. The bill will help to ensure that we do not disappoint them.

I thank my colleagues on the Standards Committee and on the Scottish Parliamentary Standards Commissioner Bill Committee for their work. I am pleased to be able to support the bill.

10:08

Donald Gorrie (Central Scotland) (LD): I am happy to endorse the tributes to Mike Rumbles and the Standards Committee and to Bruce Crawford. If he ever needs a reference when applying to be convener of another committee, I will be happy to supply one.

I draw members' attention to an area that particularly interested me, which is the balance between allowing genuine complaints to advance without obstruction and not deterring whistleblowers, and protecting members from whatever is the correct parliamentary word for nutters—people who have a vendetta against us.

I am that sure members have the same experience that I have of spending many hours trying to help someone who, in the end, because we have not made the earth flat or whatever it was that they wanted us to do, turns against us and tells everyone they know what complete rats we are. There are also the ordinary, rather unpleasant political opponents whom we have all met along with the pleasant political opponents.

We need protection from those people and the wording in the bill copes with the matter well. When the commissioner opens a letter of complaint against a member, he has three tests. First, he must ensure that the complaint is relevant—that it is about our activities as members of the Scottish Parliament. Secondly, the letter must fulfil the technical requirements—it must be signed, for example. Thirdly,

“a complaint warrants further investigation if it appears after an initial investigation that the evidence is sufficient to suggest that the conduct complained about may have taken place.”

That is the first trawl.

The wording was discussed at great length and tries to hold the balance. If there is any sign of a realistic case against the member, the complaint goes to stage 2 and a proper inquiry. If it is clear that there is no evidence worth pursuing at that stage, the commissioner can throw the case out. We all know the argument that there is no smoke without fire and if rumours circulate that a member is being investigated, they are harmful. The wording in the bill can prevent that.

I am happy to support the bill and I hope that I never have to appear before the lady or gentleman.

10:10

Tricia Marwick (Mid Scotland and Fife) (SNP):

It is customary to thank the clerks to a committee for all their work. On this occasion, on behalf of my colleagues on the Standards Committee and the ad hoc committee, I offer my sincere thanks to Sam Jones and her team and to David Cullum of the non-Executive bills unit. The bill is most complicated, as it deals with the relationship between the standards commissioner and the Standards Committee. I pay tribute to the clerks and the non-Executive bills unit for all the help and guidance that they gave us.

As Ken Macintosh said, we are considering the bill at a time of growing concern about people's disengagement from politics, which is reflected in low election turnouts and a general atmosphere of cynicism about the motives of politicians. In reality, that scepticism and cynicism about the ethical conduct of MSPs and the suspicion of endemic sleaze are misplaced. In this Parliament, we are governed by a tough code of conduct, which the members of the Parliament put in place. Breaches of the rules on the registration and declaration of members' interests are a criminal offence. To date, the Standards Committee has never had to recommend the imposition of sanctions on a member. The few breaches of the code that we have identified have related to matters of protocol, not of probity.

However, we cannot afford to be complacent and we must acknowledge that although public cynicism might not be well founded, it exists and has the potential to erode the democratic process. I am sure that I am not the only member to notice that not one member of the press is present for this debate. Perhaps the press simply does not want to report a debate about standards in the Parliament and the good news about the independence of our process.

By passing the bill, we will demonstrate the Parliament's commitment to upholding the highest standards of integrity among members. The appointment of a commissioner will inject an independent element into the complaints procedure. He or she will consider complaints and conduct investigations in private, independently of the Standards Committee. The commissioner will also have the backing of statutory powers to compel evidence.

The four-stage complaints process that we have developed strikes the right balance between the need for investigations to be carried out in private and the demand for transparency. We make no apology for proposing that the commissioner's inquiries take place in private, because we simply cannot countenance trial by the media. Speculation in the press is not only unfair to the complainer and members, but will erode

confidence in the complaints procedure.

I make a plea to colleagues from all parties to ensure that the complaints procedure is not used to settle political scores. The later stage of the investigative process, which is oral evidence to the Standards Committee, will of course take place in public. Both the commissioner's report and the committee's report will also be published, together with any relevant evidence. It is important that the member, the complainer and the wider public see the reasons for the findings of the commissioner and of the committee.

The bill marks the end of a long journey for the Standards Committee, which began in 2000 with the models of investigation inquiry. That concluded that an independent element was critical if the Parliament's handling of complaints about conduct was to have credibility. By enacting the bill, all members of the Parliament will make our commitment to accountability and integrity a reality. I support the bill.

Budget Process 2003-04

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is a debate on motion S1M-3225, in the name of Des McNulty, on the Finance Committee's third report in 2002. Mr McNulty just gave me a severe shock by leaving the chamber, but he has rejoined us. I ask members who wish to speak in the debate to press their request-to-speak buttons now.

10:15

Des McNulty (Clydebank and Milngavie) (Lab): I am pleased to speak to the Finance Committee's report on stage 1 of the 2003-04 budget process. I begin by offering my thanks and the thanks of members of the committee to the Finance Committee clerks and to the clerks of the Parliament's subject committees, who have made substantial contributions to a comprehensive stage 1 review process. This year, we tried to work in concert with the subject committees to assist them in reviewing the Executive's budget proposals. The co-ordination between the clerks and the advisers to the various committees has enhanced the process and has made it much better for everyone concerned.

We should pay particular tribute to Professor Arthur Midwinter, who is the Finance Committee's adviser on the budget process. Professor Midwinter has contributed a great deal of expertise and background knowledge to our work and has been the source of many difficult questions about the budget process, which we have asked the Executive. That has assisted the scrutiny process and has made construction and analysis of the budget much more effective.

Since the first budget in 1999, the Finance Committee has become more effective in scrutinising the budget. We have undergone a learning process and have developed our procedures in a way that will allow us further to improve budgetary scrutiny in future. There will be less concentration on documentation and more focus on priorities and improved output information from the Executive. I thank Executive ministers and officials for assisting the committee by providing improved and better-targeted information. We have managed to generate specific spending recommendations from the subject committees, which is a first. In future, we expect to spend more time on cross-cutting issues; the Finance Committee has initiated two cross-cutting reviews, which we hope will report later in the year.

Angus MacKay, the former Minister for Finance and Local Government, and his successor Andy Kerr, the Minister for Finance and Public Services,

have helped us by improving the presentation of the budget. Although the budget documentation is much more comprehensible than it was, we are concerned that the Executive was not able to produce all the information that we needed on baseline expenditure for new spending proposals. However, we have received assurances from the Minister for Finance and Public Services that that information will be made available in subsequent annual expenditure review documentation, and will include a summary of outputs and data.

One of the themes of our report is that more work is required on certain areas, such as gender proofing the budget. We want the Executive and the Equal Opportunities Committee to agree a working definition of equality proofing and a mechanism for ensuring that the equality strategy is reflected in budgetary allocations. We need greater consistency in that area, as well as greater clarification and definition.

The committee makes the specific recommendation that, when the draft Scottish budget is published in the autumn, the document should illustrate systematically how additional funding will be spent and what outputs will be provided. We want the draft budget to contain an explanation of how the decisions that have been taken advance the Executive's spending priorities, which is particularly important in the context of the spending review. In the past, documentation has focused on tables and columns of figures.

We want to move towards targeting money at particular kinds of outcome, so that we can see how budgetary allocations match up with delivery; the Executive has in its policies made a great deal of wanting to ensure that delivery takes place. It is important that budgetary decisions and allocations match priorities and that they lead to delivery targets being met. We must make that more explicit.

During the Finance Committee's deliberations, we became aware of the need for clarification on how consequentials from the Chancellor of the Exchequer's budget will be dealt with in the context of health. The Minister for Finance and Public Services has made it clear that all the money will not necessarily go to the national health service budget; rather, consideration of allocations will take place in a broader health context. We believe that that is a positive step in the devolution process—we do not have to mirror exactly the way in which money is spent down south. We are trying to develop a more holistic approach.

Subject committees came up with 12 spending recommendations and the Finance Committee tried to consider them in depth and detail. We also tried to reflect the integrity of the work of the committees. This year, the committees considered

the budget process more systematically than perhaps they did in the past. Not all committees were equally successful, but certain committees did an excellent job. As I mentioned to its convener, I would like to highlight the work of the Rural Development Committee, which produced an excellent budget report. However, that was just one among a number of very good reports from the subject committees.

The reports contained concrete recommendations that I hope the committees will pursue, not only in the context of reports to the Finance Committee. The recommendations reflect choices that the committees want to make in their own subject areas. For example, the Transport and the Environment Committee highlighted the need for greater focus on roads maintenance; the Health and Community Care Committee made recommendations on provision of chronic pain services and neurological services and on the need for specialists; the Rural Development Committee focused on the rural development fund and the need for additional resources; and the Education, Culture and Sport Committee focused on school estates. I will not go through them all, but those are the kinds of things that we want committees to do. We want them to consider their remits and the areas where spending is required, to identify where problems lie, and to propose solutions that the Executive can consider.

To be fair to the Executive, it has welcomed the responses from committees and it has considered their proposals. Even in yesterday's statement on end-year flexibility, there were indications that committee proposals were being taken into account. We hope that that will continue in deliberations of year-on-year spending.

In future, we want to move from an input-based budgetary approach to a greater focus on outputs—so that we are clear about what is obtained from spend—and then on towards an outcome-based approach. In the past few weeks, we have been consulting on a major report on outcome budgeting by Norman Flynn. Outcome budgeting is some way off; we will have to build up expertise and understanding. Trying to transform the way in which budgets are put together cannot be done in one, two, three, four or possibly even five years. However, we want to move towards a system that is based on defined outcomes. We want to bring together the different services that can contribute to those outcomes to see how spending priorities and allocations can become less of a barrier to and more of a help in achieving outcomes.

People are interested in whether there will be an effect on them as a result of the way in which the Executive spends its money and the way in which services are delivered. There is sometimes a gap

between budgetary allocations and processes and what happens on the ground. The Finance Committee, the Executive and the Scottish Parliament have a strong interest in trying to ensure that the way in which we spend our money delivers the most that it can. We must ensure that departmental or budgetary structures and boundaries between different organisations and areas of the budget do not form barriers. We have a considerable way to go towards delivering barrier-free budgeting, but that is the direction that we should take. The Parliament and the Government of Scotland have an opportunity to lead the way in barrier-free budgeting. Our new Parliament should do things in new and different ways and our efforts to work with and develop the mechanisms that we have point to an exciting future.

We have moved the budgetary process forward significantly in the course of the year and we have worked more closely with the subject committees. The standard of the reports that we received this year was much higher than was previously the case. Credit for that should go to Arthur Midwinter and the various advisers to the committees, as well as to the committee members and the clerks. We have mapped out the direction for scrutiny of the budget, the organisation of the budget and the data that we need in order to reach better decisions. The subject committees have made recommendations that the Executive will consider systematically. We have identified areas in the process in which there are data gaps or where points of focus—such as gender budgeting—have not been given sufficient attention, and we have identified areas where there is need for improvement.

We want to move towards outcome budgeting; the work that we have done this year has taken us a significant step forward. We have been able to take that step forward partly because the resources that we are receiving this year and next year are a significant step up on what was previously available. We have been experiencing budgetary growth, which has allowed us to make positive allocations and priority decisions more freely than we have been able to at various times in the past.

I hope that the Finance Committee has done its job effectively. We hope to continue to do that, not just over the next two stages of the budget, but in dealing with the spending review and the budgetary process in the years to come.

I move,

That the Parliament notes the 3rd Report 2002 of the Finance Committee, *Stage 1 of the 2003-04 Budget Process* (SP Paper 597) and refers the recommendations to the Scottish Executive for consideration.

10:27

The Deputy Minister for Finance and Public Services (Peter Peacock): I welcome the opportunity to respond on behalf of the Executive to the Finance Committee's report on stage 1 of the budget process. I welcome the constructive approach that has been taken by the whole Finance Committee over the course of the past year. Ministers have useful dialogue with the committee, which helps us to refine our thinking and plans and allows us to move things forward in the spirit that was set out by Des McNulty. I acknowledge that this year there has been wider involvement by other committees of the Parliament. That is to be welcomed and, as Des McNulty said, we expect that involvement to increase and develop as time goes on.

Des McNulty also mentioned Arthur Midwinter. I know him of old—I recognised some of the questions that were put to me—and I gather that he is sitting behind me in the public gallery. The fact that Arthur Midwinter works for the Finance Committee makes ministers extremely nervous, because he is one of the few people who understand public finance. It is said that only three people in the universe understand public finance, but one is mad, one is dead and no one can remember the third. I suggest that the third person might be Arthur Midwinter, who has made a significant contribution to the budget process.

Looking up at the public gallery, I see that some young people have for their end-of-term treat just walked in to listen to the debate—they have my sympathy. This might not be the liveliest debate in the Parliament—[MEMBERS: "Shame."]—but it is certainly the worthiest. I look forward to Alasdair Morgan's speech, because he seems to be indicating that it will be as exciting as ever.

As members know, the annual expenditure report kicks off the annual budget round. This year we are focusing on the 2003-2004 budget. The AER sets out the Executive's initial view on the allocation of resources in the 2003-04 budget. As members are aware, this year we have also undertaken a major spending review, which has examined not just the year ahead, but the budgets for the current three-year period. As a consequence of that spending review, we might well bring forward some additions to the 2003-04 budget and, in due course, we might propose some re-structuring. We have spoken to the Finance Committee about the way in which we might handle the additional input that will come at particular points of the year.

Nonetheless, the AER sets out expenditure details of some £22 billion. It is worth repeating that figure—about £22 billion will be spent on Scottish public services in the year 2003-04. The AER document is a worthwhile tool for

discussion—[*Interruption.*]

Christine Grahame (South of Scotland) (SNP): They are all leaving.

Peter Peacock: I am not surprised that the young people in the gallery are leaving. Their departure demonstrates the quality of our young people these days and how discerning they are in their appraisal of other people.

However, if the young people had stayed to listen to the debate, they would have heard that the AER document is a worthwhile document for discussion, for information and for dialogue with the Parliament and the people of Scotland. The AER document sets out clearly our spending plans, puts expenditure in a strategic context and attempts to make the budget and the budget process much more accessible to wider groups than has hitherto been the case.

We recently completed four budget roadshows in Hamilton, Galashiels, Stirling and Stornoway. The roadshows allow us to consult people on the budget process, its contents and on our priorities.

Mr David Davidson (North-East Scotland) (Con): I will give the minister a rest—especially as he has lost part of our audience. The minister mentioned the budget roadshows. Were the rules about who had access to the roadshows changed this year? We heard evidence that, when the roadshow went to Dundee last year, it was open only to an invited audience. When interested members of the public turned up, they were refused access on the ground that they had not been invited. Will the minister tell us why that happened?

Peter Peacock: I would never refuse anyone access to such meetings. Members might find it hard to believe, but we even allow Conservatives into the meetings. Indeed, a Conservative candidate attended one of the meetings in the south of Scotland. At the end of the meeting, he congratulated the Executive on how well the meeting had been conducted, how open it was, how forthright and frank we were in our appraisal of situations and how much we had revealed of our intentions. We welcome Conservatives to those meetings and we welcome their positive contribution and comments on the way in which the Executive conducts such consultation.

Brian Adam (North-East Scotland) (SNP): Will the member give way?

Peter Peacock: I will happily do so, but I will thereafter have to make some progress.

Brian Adam: We do not wish to miss any of the minister's pearls of wisdom, but will he tell the chamber what changed in the budget as a result of the public consultations that took place this year?

Peter Peacock: As Des McNulty said, in the end-year flexibility that was announced yesterday, the Executive told the Parliament that it had reflected on the views that we picked up in the public meetings. Members—including Des McNulty—told us about the need to improve the way in which we treat local roads expenditure, and that we should try to give councils the capacity to deal with some of the immediate problems that people face, such as problems with litter, graffiti and poor environments. I must say to Brian Adam—I said this at the public meetings, too—that we try to reflect on what people tell us. Some of the thinking behind yesterday's announcement reflected the feedback that we received at those public meetings.

As each year passes, we cover more and more of Scotland with such meetings, at which we explain the budget process, set out our priorities, increase understanding of the budget, encourage engagement in the process and listen to people's concerns, as I have just outlined. As the budget evolves over the course of the year, I suspect that members will see further evidence of that being reflected in our future thinking.

The meetings are useful strategy sessions in which a range of local and national issues can be highlighted. The meetings have broadly confirmed that our priorities match those of the public, which are to tackle health, education, jobs, crime and transport. People are very pleased with the progress that we have made on investing in our schools, teachers, hospitals, nurses and doctors. They are also pleased that we have reduced crime rates, increased detection rates and that we have put in place record numbers of police.

People are in tune with what we are trying to do on all those issues. However, although people are pleased with the progress that we have made, they would like us to do more on a range of fronts, some of which were picked up by the Finance Committee.

As I said, we showed yesterday that not only do we listen, but we act on what we hear. As we announced yesterday, we are making substantial new resources available to local government to take us even further toward meeting people's concerns and ambitions, many of which were expressed at the public meetings.

I want to pick up on some of the improvements that the Finance Committee and the Executive wanted to make to the AER document. As Des McNulty said, the AER document is much more than a list of numbers. We have given some sense of the purpose that we attach to the numbers and of how the spending is allocated. It is the Executive's third AER and, with the Finance Committee's assistance, we have made the report much better; I am glad to say that the committee

acknowledged that in its report. As we did last year, we have published two documents: a summary and a much bigger and more detailed document for those who wish to examine the matter in such depth.

The AER is a pre-spending review document and, as we have largely sorted out the presentation of the numbers, our focus is now much more on targets and objectives. As members are probably aware, many of the changes that we have made reflect what we agreed with the Finance Committee. For example, in order to ensure greater scrutiny, we have reintroduced two tables into the document—tables 0.6 and 0.7—that set out the private sector's capital spend and estimated payments under the private finance initiative contracts that flow from that. Furthermore, in table 0.12, we have started to bring together all the different funding sources. As requested, we have included a separate chapter on the modernising government fund, created hyperlinks to local authorities and health boards and made other improvements.

We have also asked for a much more robust approach to targets and disaggregation of information to allow people more scrutiny of our plans, and we have begun to link policy development to expenditure in the way that Des McNulty suggested in his speech. Finally, we have changed the way we think about the AER by attempting to refocus it to provide a gateway to consultation instead of simply providing information about numbers. I know that the Finance Committee has welcomed all those steps.

Although the Executive's priorities are health, education, transport, jobs and crime, we are also addressing a range of cross-cutting issues that relate to closing the opportunity gap and to sustainable development. In one form or another, those priorities have been central to the Executive's programme since we came to power. We have been criticised for the absence of social justice from the list of priorities that I mentioned; however, that absence is more apparent than real. Our focus on closing the opportunity gap ranges across all our programmes; indeed, it is at the crux of achieving the social justice that we desire. The impact that the Executive seeks to make on health does not include only making available and allocating resources and our other work through the health department; it also includes our work through the social justice programme, housing, transport, jobs, education and so on. All those aspects impact on people's health.

Mary Scanlon (Highlands and Islands) (Con): Does the minister share my concern that, although we are making progress on openness, accountability and transparency in the NHS, we are making very little progress on local

government's accountability in delivering care in the community? Given that free personal care will be introduced on 1 July, will he do something to help the Health and Community Care Committee hold local councils to account for the huge amount of care that they will deliver?

Peter Peacock: Mary Scanlon has raised a matter that is a major and continuing concern not just in Scotland and the UK, but around the globe. There is an inevitable tension between local government and central Government both about matching autonomy and democratic accountability at national and local levels, and about meeting national priorities locally. We are trying to achieve much firmer outcome agreements with local authorities on the promises that the Parliament has committed to keep, but which must be delivered through the local authorities. Although local authorities recognise increasingly the importance of such matters, they also want the local freedom to allow them to fine-tune and adjust their programmes to suit immediate local circumstances. The debate will continue.

Presiding Officer, I am aware that time is moving on—

The Deputy Presiding Officer: As we have a little bit of time in hand, I can compensate you for the interventions.

Peter Peacock: I am glad that you will be indulgent. In that case, I will relax. However, I am very surprised to hear what you said—I thought that we would be under pressure from members wishing to speak.

Turning to the committee's most recent set of recommendations, I want to begin by welcoming the committee's view that although the budget process is not perfect—I doubt that any budget process ever will be—it offers a sound basis for proper scrutiny of financial decisions. The Finance Committee's recommendations fall into two types; those that relate to points of principle and those that are financial.

As some of the recommendations on matters of principle are quite detailed, I want to consult Executive colleagues, consider the recommendations in detail and respond to the committee in due course. However, I am happy immediately to endorse other recommendations. For example, the Executive shares the committee's desire to move the public expenditure debate from inputs to outputs and—more important—to the outcomes that we receive from that expenditure. As Des McNulty quite properly pointed out, what matters to people is what happens to them locally and how their immediate circumstances improve. We need to get a much better handle on that, rather than simply specify inputs.

Such an approach is essential if we are to develop dialogue on the budget fully. It is not just the quantum of money that matters, but what that money buys for the people whom we serve; addressing that issue will require mature dialogue within a fixed budget.

No Government in history has all the resources that would be required to meet all its ambitions. Priorities have to be set—that is the nature and business of government. An outcomes focus will naturally take us away from the much simpler past focus on the amount of money in any specific spending line.

We live in a world where our greatest needs require action in many fields. Achieving better health for our people requires effort not just in the health department, but in education, enterprise, culture, leisure and sport. That emphasises another of the Finance Committee's recommendations on new health funding and the wider definition of what constitutes health spending. It marks a move in the right direction, and it marks recognition of the greater complexities in public expenditure and the need to move from a silo mentality in public service delivery. It recognises that improving health is not just a responsibility of the health service per se.

The Finance Committee further recommends that we agree a working definition of equality proofing for budgets. Des McNulty drew specific attention to that and I want to make it clear that we want to make progress on that. I met the Equal Opportunities Committee recently to discuss the matter. We have established an equality proofing budget advisory group, and key individuals who are expert in such matters are helping us. We have undertaken research and sought expertise from other parts of the world in that work and I am happy to continue to pursue a way forward. None of us should underestimate the challenge or expect instant solutions, but I am confident that we can make progress if we focus on tangible, practical and achievable objectives. The key to equality proofing is ultimately to focus on how the Executive equality proofs policy development, because financial consequences will flow from that. In a sense, to tackle the budget as the means of securing equality proofing is to act too late in the process, although that has a part to play. We must have a clearer definition of how we want to develop that process, and the Executive is committed to that work.

The committee also recommends that the Executive address the cost of national insurance contribution increases that arise from the UK budget. We are addressing that issue in the spending review alongside the many other pressures that we face. There are many financial recommendations that will require more detailed

scrutiny by the Executive over the coming weeks and months. There are recommendations on such varied matters as chronic pain services, neurological services, housing debt treatment, housing improvement, integrated transport funds, diversion from prosecution, the application of the Arbuthnott formula, lifelong learning, transport, education and justice. Des McNulty also drew attention to recommendations on special educational needs and roads. We made provision for some of those areas in yesterday's budget revision statement, but we will consider all those matters as we move through the budget process and the spending review.

The budget for 2003-04 is £22 billion for Scottish public services. That is a lot of money by any standards and represents a significant increase in resources over this year. It is delivered through the fair, stable and transparent Barnett formula, which delivers a good deal for Scotland's public finances. The increases will help us to deliver our major objective of making a difference to the lives of people throughout Scotland. Our AER sets out the framework for how we want to spend that money. The work of the Finance Committee during stage 1 of the budget process will influence the budget and coming budgets. The work of the committee is a major and important part of the scrutiny of the Executive's plans. I look forward to the remainder of today's debate and the speeches from members that will help to inform our thinking. I also look forward to continuing to work with the Finance Committee as we move through stages 2 and 3 of the budget in the coming months.

10:43

Brian Adam (North-East Scotland) (SNP): I associate the SNP with the Finance Committee convener's remarks about all those who helped to produce the report. In particular, I thank all those members of the public and representatives of organisations who engaged with the Parliament's committees, particularly the Finance Committee, and who attended the roadshows. I hope that they feel that their contributions have not been in vain, as such events give politicians the opportunity to engage with the public on how the priorities for Scotland can be delivered.

We hold today's debate against the background of a low growth rate in the Scottish economy, an international corporate financial scandal in the order of billions of dollars, the reputation of commercial auditors in tatters, stock markets in free fall and pension schemes in serious disarray. In all those areas, there are consequences for ordinary Scots—there will be knock-on effects on their daily lives and they will be looking to politicians for answers. In particular, they will expect their jobs and pensions to be protected,

and there is little, if anything, that Mr Peacock and his colleagues can or will do about that. Not only do they lack the will to do anything about it; they and the Parliament lack the powers to do anything about it.

The budget process in Scotland is tortuous largely because the principal components are out of our hands. The total spend is determined elsewhere through the Barnett formula, which determines Scotland's share of UK spending, with adjustments made through the autumn statement and comprehensive spending review increases, to which the minister has referred. What he and his colleagues have done is rearrange the deckchairs regarding end-year finances, of which we heard a little yesterday. Mr Kerr said yesterday that the budget announcements on the reallocation of the end-year flexibility were influenced by advice from, among others, the Parliament's committees, including the Finance Committee. I hope that Mr Peacock will identify a little more specifically than he did in response to my earlier question exactly what changes have come about as a consequence of that advice. It is important that specific changes are identified to give people confidence in the process.

Mr Kerr said that the Government's investment is focused on the five key priorities of health, education, crime, transport and jobs. He went on to say that he has identified three areas for action: investment for results, Scotland's children—clearly, that is education—and our local environment. I do not know whether those are consistent with what seem to be the Government's priorities. It is not obvious how they fit together. Nevertheless, I would like to address a constituency transport issue. I note that the end-year flexibility allocation gives more to transport—something in the order of £16 million. The minister might care to tell us whether, as part of that allocation, any further progress will be made on the modern transport system for the north-east—in particular, the western peripheral route around Aberdeen.

We recognise that the object of the budget process is to allow the Government the opportunity to explain what it has done, what it proposes to do and what outcomes it expects. We have heard much about outcomes in the debate and I suspect that we will hear a lot more. Parliament, its committees and, importantly, civic Scotland are given the opportunity to scrutinise the outcomes and the Government's plans and to suggest changes.

We are still in the early stages of allowing our new Parliament—as well as our third finance minister—to settle in. Early criticisms of the budget process included the lack of transparency; insufficient detail at the level of individual

programmes; what appeared to be cosmetic consultation; and few proposals for alternatives.

Successive ministers promised improvements to address those weaknesses and changes have been made. I am happy to acknowledge that that is the case. This stage 1 report on the Scottish budget acknowledges that progress has been made, especially in relation to the detailed concerns that were raised by the Parliament's subject committees. I will leave most of those concerns to be dealt with by my colleagues later in the debate. It remains to be seen whether the minister and his colleagues will acknowledge those concerns or, more important, act on them. This year, the committees have taken a much keener interest in the budget process. I welcome that and I look forward to their more detailed recommendations on alternatives.

Successive ministers have offered Government help in costing proposals, which is a useful advance. This year, the Finance Committee took evidence from representatives of civic Scotland, which was another significant advance in the process. Their evidence helped to form our views at stage 1 and I hope that we can build on that in the future. The Finance Committee also took evidence outwith Edinburgh. We heard some interesting views from Orkney about the impact of the Scottish budget in general as well as about the way in which it impacts specifically on one of our many diverse communities.

The committee's findings and recommendations have our broad support. I shall focus on those that deal with health. Immediately following the Chancellor of the Exchequer's budget announcement in the spring, the First Minister told us that the increase in Scotland's Barnett share of the budget would be spent on health. Mr Kerr clarified that for the Finance Committee when it met in Orkney. He assured members that the extra money would go to health spending in general, but not necessarily directly to the health budget, as I think Mr Peacock acknowledged today.

The committee acknowledged that that was a sensitive decision and I look forward to having the details of those variations spelt out so that we can see which health outcomes are targeted for improvement as a result of the budget changes and how the Minister for Finance and Public Services will adjust the budget heads to achieve those outcomes.

As a result of the chancellor's budget, there will be increased costs across public services as the rise in national insurance contributions from employers kicks in. Those increased costs will be particularly evident in health, where service delivery is labour intensive. Hence, significant new costs will fall on health authorities—the chancellor giveth and the chancellor taketh away. Those

costs must be funded from allocations made to public bodies and not just through efficiency gains, as has been the previous practice. Will the minister reassure members on those matters?

When the committee was in Orkney, members asked the minister about the application of the Arbuthnott formula to general medical services. In the past, concerns have been expressed about how the McCrone settlement will impact on individual authorities. Some authorities appear to have been allocated more money than they require for McCrone, whereas other authorities have less than they require.

The impact of the funding formulae on individual local authorities must be worked through in more detail. Orkney NHS Board and the Finance Committee expressed the concern to the minister that we must be careful about how we apply the Arbuthnott formula to general medical services, as service delivery in a lot of communities might be significantly affected. I commend to the minister the Health and Community Care Committee's recommendation on that issue.

Finally, if the Deputy Minister for Finance and Public Services wishes to enhance his reputation—and no doubt he does—and that of the Parliament, he must prove that the public consultations, the evidence from witnesses to committees, including the Finance Committee, and scrutiny by MSPs will lead to changes in the budget. Nine of the 12 specific recommendations from the committees are in line with the Government's priorities, so the minister should not find it too hard to accept them.

The minister will be measured by the outcomes and unless he can, at the close of the budget process, demonstrate the specific changes that have been made to the budget as a result of the process, the consultations will have been cosmetic and the scrutiny will have been in vain. I commend the Finance Committee's report to the Parliament on behalf of the Scottish National Party.

10:53

Mr David Davidson (North-East Scotland) (Con): This is the third time since the Parliament began that I have been at such a debate. I thought that we might have had a third minister, but we have Peter Peacock trotting out again as he has done in the past.

We have reached an interesting time. The committee has had three years of considering and focusing on the budget process. I can understand why we had to do that in the first two years. In the first year, the Executive, the committees of the Parliament and the general public were all struggling to understand what the budget process was all about. We concentrated on the process

and we did not concentrate on what was coming out of the budget, how the money was being spent and where it came from.

Now that we have reached this stage, I am beginning to be concerned. We still seem to be concentrating on the process, even though it is more refined. Although we are engaging with the committees of the Parliament, I am not convinced that the time that we are spending and the load that we are putting on the committees are producing the results that we should be looking for at this stage in the Parliament's life.

I believe that the time that the committees are spending on consideration of the budget might be better spent on considering other things. The committees do not seem to be able to use the opportunity that they have to be radical and to reprioritise within the budget or to discuss the structural and process changes that are required to implement spending programmes and to convert them into action on the ground. I will refer to some of the committees' recommendations but, as I know from all the members who have sat in on other committees in the role of reporter, members do their best, but they struggle. The problem is not that they have not been given advice; it is that they would rather spend time discussing other issues. That is another matter that we will have to revisit.

My colleague Mary Scanlon intervened with a point about structure, which is the point that I am making. It is pointless throwing money about like confetti and scattering it in dribs and drabs if there is no strategic focus. The minister cannot answer every query by simply throwing a small amount of money at it when enough fuss is made. If we are to get value for money in Scotland and if we are to justify the amount of money that we take from people's pockets—which includes money from families and money from businesses, in the form of the increased business rate—we have to be seen to be turning that money into something that produces added value.

The Local Government Committee made no suggestions, yet the one debate that the Parliament has ducked out of since the beginning is the debate on what local government should be responsible for. We raise the question every year. There is uncertainty. Some councils interpret their freedoms in a way that allows them to do certain things and it is right that they should be free to do things that are appropriate locally. However, there is no clarity, which, in terms of the budget, makes it difficult to focus on whether Government policy is being implemented. Once it has been decided what local government should be responsible for, local authorities should be given clear tasks, which they should be left to get on with and for which they should be held accountable. Once we have

done that, we can provide a properly guided funding package.

Des McNulty: I accept that some of the committees may not have been as radical as David Davidson would like, but everybody has a responsibility to examine the spending choices that are available. In that context, does David Davidson accept two points that came out of the evidence? First, a number of witnesses, including the Confederation of British Industry Scotland, said that reducing the amount of income tax that is collected would be inappropriate. Secondly, we heard evidence that business rates—an issue that his party has highlighted—make little difference to businesses in Scotland, given the cost element that they represent.

Mr Davidson: The convener of the Finance Committee has not been in touch with business lately, particularly small businesses, which are the engine house of the Scottish economy. We get complaint after complaint asking why businesses are put at an unfair disadvantage by a different poundage rate. Why do we have such an odd system of reliefs, which militate against some of the very businesses that we are trying to maintain, particularly those in rural areas and certain areas of towns? The convener of the Finance Committee is missing the point.

If we have all this spare money at the end of the year and we are fiddling around looking to do something with it, I believe that flattening out business rates so that we are competitive would give a clear signal to small business, because the business rate is a straight tax on employment, a tax on the economy and a tax on investment for the future. If we want a full employment system in Scotland with highly qualified people, we should invest the money in doing that.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I recall that, after the announcement of last year's underspend, David McLetchie suggested that the money should be used to reduce income tax. This year, Mr Davidson is suggesting that it should be used to reduce business rates. Is that a change in policy?

Mr Davidson: Not at all. We have said all along that artificially adjusting business rates upwards was not a clever thing to do, just as we do not believe that student loans should be introduced. We need to ask whether that policy will be helpful to our future, given that we need highly trained people to come through the system.

I have talked about structure, which this debate seems to be about, but another issue is the clarity of documentation. We have all talked about output information, because the purpose of spending money is to get an output. To examine the outcomes of last year's funding, the Finance

Committee has to have accurate output figures. I go further and remind the minister that a previous incumbent of his ministerial post promised to give in-year figures for the roll-out of some of the Executive's programmes.

Cross cutting is an essential part of outcome budgeting. Everybody knows that Scotland is a complex society and that many governmental bodies and agencies have a finger in many pies. However, there is no clarity in the budget process on that and I am sure that much more needs to be done in review work. Not only should the Audit Committee do its piece, but the Finance Committee should go back and see what outputs the moneys that were put through the system achieved. There should be clarity.

Brian Adam referred to Jack McConnell's wonderful statement about money going to health. The Minister for Finance and Public Services refined that statement and said that the money would go to things that might benefit health. The matter is still unclear. It would be helpful if we were told where the money is going. The broad and sweeping statement made for a nice press release and was shown on television. However, I noticed that what Andy Kerr said in Orkney was not terribly well reported. Today, the deputy minister has an opportunity in front of the television cameras and in the chamber to give us the truth about what is going on.

Throwing money at the health service is not a solution. Unless there is reform and aims are clear, there is no point in simply throwing money at it. That is not to say that we do not want health spending. However, we want that spending to produce better health and better access to health care so that the current inequality no longer exists. The Arbuthnott formula and general medical services were mentioned. The Arbuthnott formula causes inequalities. On the same issue, will the minister tell us what will be done to deal with postcode irregularities in access to health care throughout Scotland?

The increases in national insurance contributions arising from Gordon Brown's budget were mentioned. The minister said that the matter will be dealt with under the spending review. Is that a total commitment to cover all aspects of the increases in all the public services, many of which have heavy staff costs? Will the minister be clear about that today so that, when we return at the end of the summer recess and get into the next round of the budget process, we can identify what will be built into the changes?

Alex Neil (Central Scotland) (SNP) *rose*—

Mr Davidson: Alex Neil is indicating that he would like to intervene.

The Deputy Presiding Officer: The member is

over time, but I will allow a final intervention.

Alex Neil: I will keep my question short. The other big budget increase in Chancellor Brown's budget was the introduction of the windfall tax on oil. Will the member tell us whether scrapping that tax is Tory policy, or do the Tories want to keep the revenue and earmark some of it for spend in Scotland?

Mr Davidson: Mr Neil will know that I am on record, as people down south are, as saying that the tax is iniquitous, badly thought out and ill-considered and that it will do nothing but damage, particularly to the economy of the north-east, the area that I have the privilege to represent. It was foolish to implement the tax in such a way. I have said that consistently and I said it in the chamber when the Parliament met in Aberdeen. Perhaps Mr Neil was not there.

I will touch briefly on the committees' comments. The Transport and the Environment Committee made some pertinent comments and I hope that the minister will refer to its report more directly at some point. For example, will he assure us that the committee's proposals for road maintenance will be dealt with properly? There is a 30 per cent revenue expenditure shortfall on what is required to maintain and replace the existing network. The list of proposals goes on.

The deputy minister rattled through all the committees and got their names in, but he did not say anything about what they had put in their reports. He is supposed to address such issues today. All the information is in a wonderfully large document, which I am sure will nicely keep his office door open on a warm day. He needs to look at the print that has come in from the committees—that was the purpose of their activity. If they do the work but the minister does not respond, I suggest to him that the process is failing.

11:04

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Some members will be aware that I am only a recently appointed member of the Finance Committee, so I do not bring the depth of knowledge to the debate that David Davidson does. The convener thanked all those who have helped us and I associate myself with his remarks. In particular, I pay tribute to the clerks of the Finance Committee and the other subject committees and to our adviser, Arthur Midwinter.

As no member has yet done so, let me give credit where it is due and thank Des McNulty, who convened the committee fairly and thoughtfully. That is one reason why we have worked as well as we have done. It is also why Brian Adam warmly supported the committee's

recommendations, although he did so against a rather glum backdrop, referring to the falling stock market and accountancy firms going bust. He began to sound a little like Marvin the paranoid android; he was not his normal sunny self. David Davidson, in his contribution, was interesting.

David Mundell (South of Scotland) (Con): Was he really?

Mr Stone: No—I am so sorry, of course he was not. However, he made an artful trip-up. The CBI was asked about the cost consequence of raising income tax by a penny. The answer was that the cost consequence would be many millions of pounds, as the pay-as-you-earn system would have to be rejigged, there would be an impact on the information technology system and so on. Des McNulty then asked a trick question, which was whether those costs would apply if income tax were reduced by a penny. The CBI answered with an emphatic yes, which brought the sound of David McLetchie, off-stage, tearing up the Conservatives' policy. It is important to bear that in mind.

The level of scrutiny that the Finance Committee and other committees have given to the budget process was much higher than the level of scrutiny that pertained in the days of Westminster. However, the improvement is not only to do with MSPs scrutinising the budget; it also relates to the close relationship that we have built up with the minister and the deputy minister. I thank them and the other members of the Executive for their reasonable and courteous approach at all times. If a question could not be answered at the time, an answer was always forthcoming later. That is a successful way of running the budget process.

In the bad old days when Peter Peacock and I were councillors, when councillors tried to communicate with the Government to ask what the settlement would be or where the money would go and why, they were up against a brick wall and, no matter how hard they tried, it was impossible to get to the answer. Occasionally, a minister would visit a local authority and listen politely, which might give some satisfaction, but the mechanism was not at all clear.

We should not be mean spirited when the minister talks about the budget roadshow and the associated consultation, which has been genuinely open and successful. I have seen evidence with my own eyes that input from ordinary people is going right to the heart of Government decision making. That is right and proper. The process is not only about co-ordinating with MSPs, but about working closely with local authorities and the people of Scotland. Even in the three years of the Scottish Parliament, the system has improved and has become more efficient.

The minister, Des McNulty and every other speaker have referred to outputs. Forgive me for being parochial, but I want to talk about roads, a subject that has been touched on. In the Highlands, non-trunk roads are deteriorating. The problem is major and is made even greater by the fact that, in the remote and far-flung parts of the Highlands, we rely totally on the road network, as we have no railways or airports. If a minor road in Sutherland or Argyllshire starts to deteriorate, that has a marked effect on the local communities.

When we talk about outputs, we are always careful to say that we do not want to ring fence funds. However, in our heart of hearts, we are not all convinced that money that is allocated to local government or local health services goes where it should. I have suggested that at some point—perhaps a year or six months—after an allocation of funding, such as the recent EYF money that has gone to local government, we should examine whether the money is hitting the targets that we want it to. More work has to be done in that regard and, having spoken to the minister, I know that he is receptive to the notion.

We have heard about barrier-free budgeting and cross-cutting, which I am involved with as a member of the Finance Committee.

Mary Scanlon: I am sure that Mr Stone receives the same mail that I do about the roads in the Highlands. Given that bringing the roads and bridges up to normal standard will cost £180 million—and I point out that Highland Council says that it can afford to resurface roads only once every 180 years—how is the council to maintain the critical road network on £6 million a year?

Mr Stone: The answer is, "With difficulty".

As Peter Peacock and I recall, those figures were put together by Philip Shimmin, a splendid official who has retired from the council and who was adept at suggesting that there would be century-long periods before the roads would be done up. To be honest, the Executive should check those figures. Mary Scanlon is no more convinced by them than I am.

I have spoken for quite long enough. [*Laughter.*]

Christine Grahame (South of Scotland) (SNP): Jamie Stone felt the vibes.

Mr Stone: Presiding Officer, you can tell when it is the end of term. This is just like being in a classroom. As a former teacher, you will recall trying to amuse pupils with games or by drawing pictures on the blackboard.

I thank my fellow committee members, the clerks and the adviser, who is sitting in the public gallery. I am thoroughly enjoying my time on the Finance Committee or whatever it is called.

The Deputy Presiding Officer: Alex Neil and I might recall Mr Stone's performance the last time we had a meeting of the Parliament on the day before recess. I would be grateful if Mr Stone would simply do colouring-in for the rest of the morning.

11:11

Alex Neil (Central Scotland) (SNP): Given the level of attendance in the chamber, perhaps some members are already away to Skibo Castle for the golf. Who could blame them?

I congratulate the Finance Committee on another excellent report and on a job well done. I begin by making a couple of process points and then I will try to deal with some issues of substance.

The process points relate to table 4.1 on page 15 of "The Scottish Budget 2003-04", with which I know the minister will be familiar, and to the projected funding for the careers guidance service. Anyone from outside who looks at that table would take from it that we were to spend nothing on careers guidance in subsequent years, although the careers guidance budget is going to be incorporated into the budgets of Scottish Enterprise and Highlands and Islands Enterprise.

I make a plea: in future budget tables, at every stage, we should still highlight the amount spent on careers guidance, albeit as a subsection of the Scottish Enterprise budget. The Enterprise and Lifelong Learning Committee made a major recommendation that the budget allocated to the careers guidance service should continue to be transparent for the obvious reason that that would allow us to measure the budget and to ensure that appropriate investment continues to be made in that service.

My other process point is about the same table and the spend on investment assistance. As the minister knows, the regional selective assistance programme is undergoing a major re-engineering exercise. As part of that work, a venture capital fund has been established with moneys specially laid aside from the RSA budget. The Executive must consider how to present that information, as we must be able to examine the input to the RSA budget and, separately, the input to the venture capital fund and the outputs. That will allow us to see the additional benefits—such as jobs and successful businesses—that are being produced from levering funds in from the venture capital fund. I know that the minister may not be able to give specific answers today, but I would appreciate it if he would consider those process issues, as they are quite important for parliamentary monitoring.

I also draw his attention to the other

recommendations in the Enterprise and Lifelong Learning Committee's report on the budget process. In particular, I draw his attention to the need for further investment in both enterprise and lifelong learning. Everyone always pleads for more money, but one can see from the state of our 46 further education colleges that about two thirds of them face major problems with structural deficits.

Those problems did not arise over the past year or two. They have been building up since the colleges were decoupled from the local authority system. Some of our traditionally well-endowed universities are also facing financial difficulty. We have major problems in that regard. If we are to maintain progress, for example, in increasing the percentage of people who go to university from school, then we are reaching the stage where many of the financial issues will have to be resolved in the next few years.

Having made those specific points, I want to move on to points of substance that are about the context in which the Executive's budget is decided. First, of course, the Executive does not decide the overall amount that is available to it. As members will know, the chancellor in London decides that amount.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): God bless him.

Christine Grahame: That is a lone voice.

Alex Neil: Well, if God blesses the chancellor, he might be the only one who blesses him.

I have several further points. I am not going to labour the first point, which I think is obvious, but I believe that this Parliament should decide the overall level of funding and should have greater responsibility. An additional £7 billion will be extracted from the Scottish economy by the Treasury in London between now and 2010 as a result of the introduction of the windfall tax on oil. I believe that at least some, if not all, of that money should be earmarked for reinvestment in Scotland.

Mr Stone: Does Alex Neil agree that it would be interesting to get an on-the-record answer from the Conservatives to the question that he posed to David Davidson?

Alex Neil: I agree with Jamie Stone that that would be interesting, but it would also be highly unusual. Given that, within our lifetime, the Conservatives are unlikely to be in a position, here or in London, to do anything about those matters, I will treat the issue as purely academic and theoretical, if Mr Stone does not mind.

The other important point is that the minister reiterated, rightly, the five priorities for Scotland. However, if one compares outputs with each of those priorities, the outputs are wholly unsatisfactory. One of the priorities, clearly, is

health. We see what is happening in the health service in terms of waiting times and waiting lists. Another priority is education, but the announcement of the new investment programme for schools represents only one third of the total investment requirement for schools. The outputs for further and higher education, again, are lower instead of higher or better.

Key measurements, such as those for child poverty, show that the situation is getting worse, if anything; it certainly is not getting significantly better. On pensioner poverty, we still have the same proportion of pensioners in Scotland living in poverty as we had five years ago when the Labour Government was elected. There has been a welcome reduction in unemployment during the past five years, but unemployment in Scotland has risen by 25,000 in the past year. Of course, the consequences have still to feed through from the events of this week.

On the transport system, the railways are in one of the worst situations in living memory and we have made no substantial progress in road transport. The A77 upgrade has still not been started and, as Brian Adam said, the Aberdeen western peripheral has not been given the timetable for going ahead. The Borders railway is still a dream, and many other projects besides. The figures show that congestion and traffic pollution are worse today than they were four or five years ago.

Crime is another of the five priorities. We will perhaps hear later today the outcome of the crisis meetings yesterday between the Lib Dems and the Executive in relation to youth crime and youth courts. I believe that the crisis has been partly resolved by the Lib Dems backing down as usual. No matter which of the five priorities one picks, the outcomes are getting worse and not better.

Instead of encouraging the chancellor to pursue a policy of reducing the overall percentage of gross domestic product that is allocated to public investment and spending, we should increase that percentage further. In the key areas, such as wealth creation, in which I am primarily interested, research and development—

The Deputy Presiding Officer: Wind up, please.

Alex Neil: I am coming to a close, Presiding Officer.

I will pick only one of my 10 examples. Consider research and development in Scotland. The rate of spend on research and development is half the UK average, and the UK average is half the European average. In Scotland, we would have to quadruple our investment in research and development to get up to the European average. That is only one of the prerequisites to building a smart, successful Scotland.

The minister should measure the outcomes, but he should not only do that. He should also do something about them and improve them dramatically.

11:21

Alex Fergusson (South of Scotland) (Con): Presiding Officer, I thought for one delightful moment that you might let Alex Neil go on for so long that you might not have time for my speech. I noticed that, at the start of the debate, you asked for those members who wished to take part in the debate to press their request-to-speak buttons. You did not say what those of us who have been pressed upon to participate should do. Nonetheless, I pressed my button and I am pleased to contribute to the debate. I will do so as convener of the Rural Development Committee, whose report has already elicited some praise from the convener of the Finance Committee.

The Rural Development Committee acknowledged strongly the clearer presentation of the budget proposals this year. Despite the continuing complexity of the proposals, that presentation has undoubtedly made it easier for the Rural Development Committee to scrutinise them at stage 1. We have pressed for clearer presentation for the past two years. I am sure that that has been significant in allowing us to produce the excellent report that Des McNulty acknowledged. I had always wondered what it would take to bring out the true Des McNulty—the emotion behind the cool exterior. Obviously, it is a well-worded stage 1 committee report on the budget. How sad.

Nevertheless, an awful lot still needs to be done to identify outcomes and review cross-cutting expenditure in rural areas. The Rural Development Committee supports the Minister for Environment and Rural Development in his concern about the relatively poor evidence base that affects his ability to pursue those matters. We also highlighted the overall expenditure in rural areas as being ripe for cross-cutting review by the Finance Committee.

The rural development budget is interdependent with European policy. The Rural Development Committee was able to examine it in the context of continuing debate on the possible mid-term reform of the common agricultural policy. We were anxious to identify and consider areas in which national discretion could allow the use of European moneys to be tailored in support of Scottish strategic priorities for agriculture.

With that background, the Rural Development Committee drew five main conclusions for the Finance Committee's consideration. First, we sought clarification on the implications for Scotland

should the Curry commission's proposals on increasing modulation be implemented in England. A debate is needed on whether the devolved Administrations can implement such a policy differently from the Department for Environment, Food and Rural Affairs.

Secondly, the committee invited the minister to assess the costs and impacts of introducing enhanced rates of modulation in Scotland, with progressive and discriminatory rates of modulation and with the proceeds matched by UK funds and applied as part of a revised rural development plan through land management contracts or whole farm support and development schemes as envisaged in "A Forward Strategy for Scottish Agriculture".

Thirdly, the committee sought clarification from The minister on his objectives in allocating additional funds to the less-favoured areas support scheme rather than to other rural development measures. The reason is that the figures suggest that the minister has allocated more money to the LFASS than is strictly required by European match funding rules. He therefore appears to have made a policy decision to put extra money into that scheme.

Fourthly, the committee welcomes the minister's commitment to review the crofters grants and loans scheme and has asked to be kept informed of the progress on that matter. In evidence, issues arose about whether the levels of grant available were suitable to secure adequate provision of housing in remote rural areas. We were keen that that issue should be addressed.

Lastly, the committee seeks clarification of the minister's priorities for the expenditure of the Scottish Executive environment and rural affairs department on the agricultural and biological research group programme. Evidence suggested that only 2 per cent of SEERAD expenditure on the programme is devoted to socioeconomic research pertaining to rural economies and communities.

The committee also identified one or two options for the use of increased funding, should that become available following the comprehensive spending review. As Des McNulty indicated, we suggested that the rural partnership fund might be prioritised for enhanced funding. As I hinted earlier, we also suggested that funding an improved evidence base for rural communities and development would be another suitable priority.

We recommended that the minister give serious consideration to three proposals that the Scottish Fishermen's Federation has made. The federation proposes, first, that the Executive should make adequate budgetary provision to attract the proposed European centre for fisheries research and management to Scotland. Secondly, it argues

that a continuation of the programme of research cruises jointly managed by fishermen and scientists would be extremely beneficial and would provide work for underemployed vessels. Lastly, it proposes the establishment of an executive body such as a specialist enterprise company to manage inshore fisheries and related marine resources—to manage and oversee the contribution of the inshore fisheries industry to the general health of the coastal community and economy.

I was very pleased by the way in which the Finance Committee received our report. I record formally my thanks both to the clerks and to Professor Mark Shucksmith, our adviser, who guided us ably through the intricacies and complexities of the budget process. This is a good report and has been acknowledged as such. However, as Alex Neil said, the report will be no use unless it is acted on. I hope that in his summing-up the minister will assure us that that will happen.

11:27

Christine Grahame (South of Scotland) (SNP): As some people know, my engagement with finance is on the fruit level—apples and apples, apples and pears. However, I understand more since Professor Brian Main appeared before a joint meeting of the Justice 1 Committee and the Justice 2 Committee to give us serious and much-needed advice on the shadowy business of considering the budget report.

The report from the Justice 1 Committee and the Justice 2 Committee is covered in paragraphs 10 to 20 of the budget report. It was sometimes difficult to understand where money was being applied. We want budget headings to be revised to be more consistent with programme-based activities so we can find out what happens to the money.

We want to better understand what is meant by "Miscellaneous Categories". We were allocated a miscellaneous category in 2001-02 with approximately £13.5 million of spending. In 2003-04 the category was split in two: "Miscellaneous Projects" and "Support Programmes". What does that mean? I am no clearer about the matter. We require subject committees to state how much money has been spent and on what the money was spent. I understand that there will be changes in the way information will be presented. When spending crosses several parliamentary briefs—for example, in the care and treatment of offenders—the collective sum of money could be co-ordinated to inform us how much was spent where by various departments.

Members will be glad to know that my

contribution will be brief. I do not need 10 minutes. The substance of the budget concerns us, given that crime is one of the Executive's five key priorities. The amount of money spent on justice is decreasing. Managed expenditure is increasing by 3.1 per cent in 2002-03 and 2003-04. However, in the justice department, spending is set to fall by 1.7 per cent in real terms. In order to stay at the same level, we would need an extra £18.5 million for justice. In order to keep in line with the rise in managed expenditure, justice would need an extra £36 million. I do not see how cutting the justice budget balances with the fact that justice, and reducing youth crime in particular, is a key priority.

I say to David Davidson that the Justice 1 Committee made and costed specific recommendations. I will give examples of three of them. We asked for an increase in the diversion from prosecution budget from £1.5 million to £4 million. We asked for an increase in the budget for time-out centres, such as the centre in Glasgow for women offenders, from £0.6 million to £1.2 million. Those are examples of how we could keep people out of prisons, save money, stop people reoffending and get people back into structured lives. It is money well spent at the front end to stop spending excess money at the other end. Finally, we asked for the budget for voluntary through-care provision to be almost doubled, from £3.5 million to £6 million, because that hits recidivism on the head, as we know. Something like 70 to 80 per cent of offenders are back in prison within two years. Money spent on that in the budget would cut the amount of money that is spent elsewhere.

We think that, overall, the justice budget—I should not be doing this; Jim Wallace should do it for himself and I am sure that he does—should be increased. Within that, priorities should have more money spent on them to save money at the end of the sequence of events that happen in people's lives. I draw those priorities to the minister's attention and I hope that he will respond.

11:31

Stewart Stevenson (Banff and Buchan) (SNP): I thank my many colleagues in the chamber for giving me room for a speech of about half an hour. I note the enthusiasm of some members for that prospect.

The Deputy Presiding Officer (Mr George Reid): It is not essential, Mr Stevenson.

Stewart Stevenson: Thank you, Presiding Officer.

We have heard that the underspend is £643 million, which follows the more than £700 million underspend of last year. It is interesting that over the past four years—I move straightaway to one of my obsessions, and one of the obsessions of

members of the SNP—there has been an increase of £250 million in private finance initiative payments. We do not need to worry about underspend, because in a few years' time we will be heading rapidly towards overspend. There will be no end-year flexibility if we continue to adopt the high-cost finance policies that are associated with a PFI approach to funding public projects.

There is another way. I note from today's edition of *Business a.m.* that a not-for-profit company is taking over the rail network. The SNP has been advocating that policy in relation to capital projects for some time. If we are to keep our finances in good order and if we are to remain within our budget, one of the things that should be high on the list of the Executive's priorities is to reconsider how we fund our capital projects. I commend to the minister and the Executive the approach of having not-for-profit trusts that we have been advocating for some years. I would welcome the minister's response as to whether that is under consideration.

I mention that in the light of the fact that Grant Thornton—an accountancy company that gave evidence on the prison estates review to the Justice 1 Committee—indicated that that was a practical way forward that would undoubtedly save money. However, we have to be slightly cautious when we are talking about accountants. Once again, they are not getting a good press. There is a great debate in business as to whether accountants or computer people are the more boring. As a computer person I have my views on that and I need not pursue them further. I will talk more about accountants later.

Business a.m. is the only paper that I read in the morning. We see today that WorldCom is being charged with fraud after that well-known and once highly respected company, Andersen, moved WorldCom's accounts in a way that concealed £2.6 billion of costs.

Mr Davidson: I watched the minister thumbing through the budget documents anxiously, but he cannot find a listing for WorldCom in the Scottish budget.

Stewart Stevenson: If the minister were to examine parliamentary answer S1W-22582—I provide the reference number merely to use up a little more time—he might find that Arthur Andersen was a happy recipient of £381,000 from the 2001 budget. My question is whether the fingerprints of accountants on our accounts have led to such successfully inflated outcomes as the outcome that the shareholders of WorldCom have been subjected to.

No less a luminary than Sir David Tweedie, who was lately the chair of the Institute of Chartered Accountants in England, posed a question about

whether there is a difference between an accountant and a supermarket trolley, to which he gave the answer, "Yes, the trolley has a mind of its own." Accountants have demonstrated considerable imagination in recent times. I am glad to note that the minister enjoyed the joke. The partners in Arthur Andersen are probably not enjoying it.

Are our figures contaminated? Let us look at some of the possible sources of contamination. The Justice 2 Committee discovered that impairment costs were associated with the Scottish Prison Service's costs. What are impairment costs? In business, we would otherwise describe them as depreciation. Business companies properly include such items in their accounts to offset the taxation that they pay. The existence of such items in the Scottish Executive's accounts does not mean that the Executive is spending the money in question or that it is offsetting taxation. The presence of such items is simply confusing.

The problem does not affect only the justice area. Table 8.1 in the annual expenditure report contains a footnote to the entry on motorways and trunk roads:

"Includes capital and depreciation charges for the existing trunk road and motorway network".

We have spent the money already and we will not spend it again. Has that been done just to inflate the numbers so that they look a little better, or have we used accountants such as Arthur Andersen who are as numerically illiterate as the tribe in Papua New Guinea that has only three numbers—one, two and more? As a mathematician, I have the googolplex, which is the world's largest number.

That is what happens when one is given half an hour and one has written a three-minute speech.

The Deputy Presiding Officer: It is absolutely not essential to take half an hour.

Stewart Stevenson: On a serious note, I turn to an issue that emerged from the justice budget and which reveals a lack of joined-up thinking. We welcome the introduction of drug treatment and testing orders and the priority that is being given to people in the criminal justice system who need treatment for their drug habit. The difficulty is that that is happening at the expense of people outside the criminal justice system. An increase in expenditure for drug treatment for people within the criminal justice system should be matched by corresponding increases of expenditure elsewhere.

There is a degree of confusion in the budget, particularly in relation to the handling of depreciation. I look forward to hearing how the

minister plans to handle that in future years.

The Deputy Presiding Officer: Before we move to wind-up speeches, I should say to the whips that we are running about 20 minutes ahead of time, in spite of the efforts of Mr Stevenson. I expect that we will reach the Police Reform Bill shortly after 12 o'clock.

11:39

Iain Smith (North-East Fife) (LD): I am slightly concerned to be winding up so early, as the final 20 minutes of the debate is not happening and I usually spend that period preparing my winding-up speech. I will do my best.

I am afraid that, once again, SNP members have breached one of their promises: they promised to liven up the debate, but they have failed to do so. However, earlier on, I did get an interesting image—of mild-mannered Brian Adam, Independence Man, dashing into a telephone box, stripping off and coming out in a single leap to stop the free-fall of the stockmarkets, clean up the international accounting trade and prevent the bankruptcies of Enron and WorldCom; all with the stroke of independence. Then, after breakfast, he would deal with world poverty and global warming.

In reality, however, the SNP did not come up with any alternatives for the budget. It is disappointing that committees have again gone through a budget process without hearing alternative ideas from the Opposition parties. David Davidson spoke about concentrating on the technicalities, but we do not hear the alternatives so that we can judge them.

Fiona Hyslop (Lothians) (SNP): I am not sure whether Iain Smith was in the chamber when Christine Grahame presented some views that came out of considerations of the justice budget. Those views were constructive and I am sure that Jim Wallace, the Minister for Justice, will want to read them carefully. Once again, we have some SNP ideas to help the Lib Dems on justice issues.

Iain Smith: I do not think that Jim Wallace needs any help from the SNP on the justice budget; he is perfectly capable of working on it himself.

There has been a disappointing lack of radical suggestions on the budget, yet it is up to us—the members of the various committees and of the Parliament—to make such suggestions. That is not happening.

I will concentrate primarily on the Local Government Committee's report. David Davidson criticised it, but it addresses some fairly important issues. There is a mismatch between the present budget process—which was set up as an annual process—and the fact that we now have, in effect,

annual budgeting every three years through the spending review process.

Local government's budgets for the next three years will be fixed by the spending review in the summer and autumn and not by the budget process that we are currently going through, which deals with the details. The committee was concerned because evidence from the likes of the Convention of Scottish Local Authorities and the Society of Local Authority Chief Executives and Senior Managers was actually more about the spending review than about the budget documents. That made it difficult for us to make a proper judgment on the budget process.

I hope that the Finance Committee will consider how the Parliament engages in the spending review process. At the moment, it is an Executive exercise and not a Parliament exercise. The Parliament has to be involved if it is meaningfully to shape Scottish spending over the next three years and over the rolling three years thereafter.

The way in which the local government budget is considered contains a fundamental problem. That budget represents one third of the Scottish spending block and provides some of the key services to the public—education, social work, community care, transport, roads and the police and fire services. All those things are dealt with through the Scottish block, but the Local Government Committee does not have the opportunity to consider how the funding matches the spending needs of local authorities.

It is not the Local Government Committee's responsibility to consider whether the education budget is delivering the Parliament's priorities on education, or whether the social work budget is meeting needs in community care and other social services. Those matters are the responsibility of individual subject committees which, naturally, tend to address the central services rather than the amount of money that goes to local government. We need to look into that, because we are not answering the question whether local government's spending needs are being properly met by the present budget process.

The Local Government Committee has suggested that an additional budget document may be required, to show the match between the spending on services in local government and the funding that is available through aggregate Exchequer finance, rates and council tax.

I wonder whether, when summing up, the Conservatives will explain how they would fund a cut in business rates. Will they demonstrate that they understand that the reason for the uniform business rate being different in Scotland and in England is that, in England, there has been a revaluation?

We are not now on the same base, as we were when the UBR was introduced. Scotland has not had the same revaluation, so the UBR is different here. We should be examining comparisons of like with like premises, not debating whether the rate poundage is the same north and south of the border.

The Local Government Committee also considered concerns about the capital budget. We all welcome the move towards prudential budgeting, which may help to address those concerns, but some serious issues remain. I am delighted with this week's announcement on education spending through the private finance initiative. That substantial boost in education spending will help to address the long-term backlog in capital spending.

The Local Government Committee also raised the important issue of national insurance contributions. I hope that the Executive will address that in its submissions to the Westminster Government on the comprehensive spending review. We welcome the substantial new funding for health, although the mechanism that Gordon Brown has chosen to deliver it will mean that it will be subsidised by other public services—unless the money is found elsewhere.

Local government estimates that, next year, it will cost £40 million to £50 million to meet the increased national insurance contributions. That money might be going to boost health services, but why should other local services suffer as a result of cuts, or increases in council tax? It is not right that we meet increased spending on health at the expense of other essential public services. I hope that the Executive will address that issue and that it will talk to Gordon Brown about redressing the balance before next year's budget comes into place.

I commend the report of the Finance Committee to the Parliament and I hope that the Executive will consider the individual committee reports carefully.

11:46

Mr Davidson: I pay credit to my fellow members of the Finance Committee, especially the newer ones who have worked hard to get themselves up to speed on such a difficult, technical and time-consuming process. We were aided by the work of Arthur Midwinter, to whom I must pay great credit. I agree with members who have said that, this year, we have heard robust evidence from excellent witnesses. The ministers have also been as open as they can be. I do not expect ministers to know all the numbers—or for all the numbers to add up.

Ministers have been robust and honest where they can. There has been a change in culture that

means that senior civil servants are happy to answer sensible questions, as long as there is a minister sitting next to them to take the blame. That is a refreshing development in the process, although, as I am sure Iain Smith will agree, some problems remain.

I want briefly to reply to Christine Grahame. I know that the justice committees made two or three specific costed proposals and that some other committees have taken a similar approach, but I was talking about the principle and whether that is the best way in which to do things. Committees have approached the process in different ways.

The minister opened with the comment that things have changed because we now have three-year budgets that are completely adjusted as the spending review, the Barnett consequential and other money come through. There is nothing new in that. That is what used to happen before we had the Scottish Parliament: the Secretary of State for Scotland, depending on their quality, would go off and fight the cause and come back with some money. I know that the nationalist party did not like that arrangement either.

The minister referred to the consultation process. I repeat the comments of earlier speakers: there is nothing to show that the evidence from the consultation has turned into a policy line spending direction. The Executive has a role in taking all the evidence and being seen and understood to be delivering on what people are seeking. Members who have commented on EYF should remember that EYF is a one-off payment, not core funding. As I said yesterday, EYF is a sticking plaster. Further to the comments of Jamie Stone, Mary Scanlon and others, I must point out that the small amount of money going into the roads budget results in, literally, a little piece of tar on a road. That money amounts to a few pieces of tar on a few roads. The committee reports called for a fundamental move to tackle the maintenance problems of our roads and the transport network.

Like Brian Adam, I am a great fan of getting something done in the north-east. We must invest in serious projects that will—to pick up on Alex Neil's point—facilitate wealth creation. There is too much talk about putting out social spending, which seems to be on the top of everyone's wish list. We must create wealth and it must be sustainable. People will get health benefits and so on from being in employment; they will have money to spend.

I failed to mention in my earlier speech that the Social Justice Committee's report included a comment about investment in the voluntary sector not being transparent enough. We all meet people from the voluntary sector who do a fantastic job. If a value were put on the collective activities of the

voluntary sector in Scotland, the sector would be worth somewhere between £5 billion and £6 billion, which is 25 per cent of the current Scottish block grant. All of that comes down to small amounts of investment that are strategically placed, but the investment has a huge, huge leverage effect.

I am concerned about the voluntary sector. When the health service in Grampian was squeezed for money under the Arbutnott formula, £18 million was taken out of investment in the voluntary sector. I say to the minister that we need joined-up thinking; we need to examine where the money goes and what we get for it.

The oil and gas tax has been mentioned. I regularly advise the shadow Treasury team. When the tax on the oil industry was introduced, I advised the team and it held on to my original advice. My advice on the subject now is that when the team comes to draw up its budgets after the Conservatives have taken power again, I expect the tax to be abolished. At the moment, that decision is in the hands of the chancellor. The recommendation from the Scottish Conservative party and me to the chancellor is to abolish the tax.

Alex Neil: I thank David Davidson for clarifying the advice that he gave the shadow Treasury team, although I have to say that Conservative policy is still not clear. In the meantime, should not the money that is raised from the windfall tax be earmarked for spending in Scotland?

Mr Davidson: The tax should not be raised in the first place. We have to spend money in Scotland on supporting retraining and investment in new jobs in the sector. That money will have to come directly out of the budget for which the minister is partly responsible.

I notice that, for the third year running, Brian Adam told us the recycled joke about shuffling the deck chairs. It is a shame that the SNP does that. We are not in a straight debate with a minister about what he is going to do with his money. If we are to debate the budget process, we have to talk about shuffling deck chairs, but it is possible to do that effectively. The process is about cake cutting, but above all we need to consider investment. When a Government has something to invest, we need to debate the process. I am not sure how the subject of independence can be brought into that particular argument, but at least Brian Adam is consistent.

Alex Neil mentioned wealth creation and Alex Fergusson mentioned the good report that was produced by the Rural Development Committee. All the committee reports flag up issues for the Government. When we return from the summer recess and we move on to the next stage of the

budget debate, I hope that we will debate the substance and not the process. I also hope that the minister will have specific comments to make on all the committee reports and that a full report will result from the massive tome that the committees have produced this year. Such a report should focus clearly on what the Executive has taken from the budget scrutiny process and what it intends to do with the evidence. The three-year budget process gives the Executive an opportunity to discuss three years' movement and not simply to give a knee-jerk reaction for short-term gain in advance of the next election, which is sneaking gently up on us.

Other members have made good comments. I have to accept, grudgingly, that Iain Smith made some of them. It is not his normal style to agree with anything I say, but he made a good comment today about the mapping of local government finance. That could be part of the process of getting into the debate that the Parliament should have about deciding what local government is responsible for. We heard about those problems in the report from the Local Government Committee, but other committees take responsibility for local government services such as education.

A debate needs to be held about where responsibility for certain aspects of delivery of community care lies. Should delivery of community care be more clearly focused on the primary care trusts to make the service more inclusive or should some delivery continue to be made as part of local government services? We need to have that grown-up debate. We expect COSLA to make the comments it made—it is, after all, a bit like a trade union for the authorities that care to join it—but it is concerned deep down about the future and about the building blocks that are laid with the investment that is made.

At the moment, any investment that we might receive from companies, individuals and so on is hard-earned money. People in Scotland are deprived and there are deprived areas even in Aberdeen. We do not acknowledge that, because the current formulaic approach is based on the attitude that nothing can be wrong if the headline figure for unemployment is at a certain level. People want the Parliament to get inside the budget and to find out how we ensure that everyone in Scotland has fair access to facilities and services. That needs to happen on a sustainable basis, not through some weird and wonderful bid for a capital grant that is not backed up by anything sustainable. I hope that some of the committees will address that issue over the next year.

This has been a fairly good-humoured debate. I know that we are all supposed to be going off on a break of some sort or other. I hope that, when we

come back after the summer, we will be sufficiently refreshed to take on board the work that the minister will be carrying out during the recess.

11:56

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Picking up from where David Davidson finished off, I am very glad to speak at this climactic event in the parliamentary year. I am sorry that no Labour back benchers wish to take part in the debate on their own Government's budget. I suspect that they will give us the same reason that Helen Liddell gave after Labour narrowly held the Hamilton South by-election, which was that Labour voters were so happy that they did not bother to turn out to vote. I take it that the same can be said of Labour back benchers and this budget.

Peter Peacock: They were all at a party last night.

Alasdair Morgan: Ah, well. That explains it.

The convener of the Finance Committee talked about the improved presentation of the AER document that is before us. We welcome that, and indeed notice the year-on-year improvement in the document. One of the consequences is that, besides the experience that the committees are now receiving, we have for the first time been able to make suggestions for changes to the budget. It will be interesting to hear the Executive's response to the committees' concrete suggestions. However, although the budget process is beginning to be meaningful, we should not indulge in an orgy of self-congratulation—we clearly have some way to go.

In his opening speech, David Davidson expressed some disappointment with the committees' recommendations. We have to be a bit realistic, especially at this stage in the Parliament. As all the committees have an Executive majority, there is a limit to the extent to which any committee can overturn the Executive's budget rather than adjust it at the margins. The Finance Committee has already received indications from Professor Arthur Midwinter, who has been lauded by the committee convener and others, that year after year we will adjust many aspects of the budget at the margins.

Des McNulty: It is true that the committees are not likely to overturn the Executive's budget, but I refer the member—and perhaps the minister—to pages 254 and 255 of the budget report, which details the Transport and the Environment Committee's response to the budget. That committee has asked some pretty fundamental questions about the links between policy objectives, the financial means of delivery and the

ways in which choices about allocation are made. The document demonstrates that the committees are carrying out very serious work and are asking fairly fundamental and challenging questions.

Alasdair Morgan: I was not seeking to demean the committees' contributions in any way. In fact, I am going to quote from the Transport and the Environment Committee's budget report.

However, I want first to cover the business of public consultation. Although such consultation has been valuable—indeed, the people in Orkney this year made some valuable contributions—it was obvious from meetings in Orkney and last year in Kirkcudbright that local organisations find it difficult to relate directly to the budget documents. Although they might have perceptions about what is right or wrong with their lives and some general idea of the link between that and Government policy, they find it by no means obvious how to relate such perceptions to some of the budget's specifics.

We have a bit of work to do to improve our consultation on a lot of the detail of the budget. In relation to specific recommendations on the budget, the Justice 1 and Justice 2 Committees made some interesting proposals for changes in expenditure. I am keen to see what comes out of that.

The Transport and the Environment Committee is particularly concerned about the underspend in the transport budgets and worried that the Deputy Minister for Finance and Public Services and his officials were unable to provide any accurate estimate of the underspend at the end of 2001-02. That committee said that it did not find the department's approach helpful in that regard, and that

"the Committee is more than willing to champion the cause of the transport budget—provided the evidence exists—but it is difficult to engage in the process when the Committee is in the dark over one of the key variables in the equation, namely the likely level of underspend."

When a committee feels that it is unable to carry out what it feels is its primary responsibility, we have a duty to examine that and see what can be done to help.

Many members have alluded to the recommendation that road maintenance should be taken up and talked over with the Convention of Scottish Local Authorities. We are all aware of the problem with our non-trunk roads in nearly every region of Scotland. It is a bit rich for the Conservatives to complain about that, given the fact that pressure on local government finance over decades, at the behest of Conservative Governments, got us into the current situation.

Mr Davidson: Will Mr Morgan give way?

Alasdair Morgan: No. I think we have heard enough from Mr Davidson today.

The Rural Development Committee talked about the difficulty it experienced trying to identify what is actually going on in the rural development budget, because most rural development activity is not within the budget of the Scottish Executive environment and rural affairs department. The Rural Development Committee asked that the Finance Committee institute a cross-cutting investigation into rural development. I am sure that that is one suggestion that the Finance Committee—at least those of us who are spared after the next election—will take up. I look forward to participating.

Various members of the Local Government Committee mentioned the need for the Executive to address the implications of the increase in national insurance charges. That is something the Finance Committee picked up on, and to which Peter Peacock responded. At least we have had a year's grace to make the adjustments, but the chancellor in London could have made the changes come in this year and we would have had no grace to adjust our budgets to take account of the extra expenditure that would have been forced on our health boards and local authorities by a decision of the chancellor at Westminster. That highlights the need for us to control taxation here in Scotland, so that we can do the full job of budget scrutiny. That is a point that Alex Neil made eloquently and elegantly in his speech.

Peter Peacock talked about the spending review, but any spending review in Scotland is only a consequence of the comprehensive spending review at Westminster. Whatever decisions we make in Scotland are simply a hand-me-down from the people who have the real power and make the real decisions down in Westminster.

The minister referred to the Barnett formula. The phraseology he used seemed to imply that we should all be grateful for the Barnett formula, but we must be clear about the fact that the Barnett formula simply determines how much of our own money we get back from the Westminster Exchequer. The answer is, of course, less than 100 per cent.

Getting back into consensual mode, I would like to draw the minister's attention to the first two recommendations of the Finance Committee's report. In particular, I ask him to consider how the additional funding will be spent this year and what outputs it will provide, and to explain how those decisions advance the Executive's spending review. That is what we want when the draft budget is published this year.

If we are to do our job properly, it is essential that we know about the additional funding and

what specifically it is meant to achieve. That is an essential part of our being able to provide the kind of scrutiny that we are meant to provide. I hope that the minister will respond to that. I commend the report to the Parliament.

12:05

Peter Peacock: Many good points have been made in the debate and I shall try to pick up as many as I can. Several members—Iain Smith, Alasdair Morgan, David Davidson, Alex Fergusson, Christine Grahame and others—have asked for an assurance that we will respond to all the points that are raised in the Finance Committee's report. I give that undertaking. We will look at the report in detail, consider the suggestions and come back over the coming months with responses to all the points that it raises.

Christine Grahame raised a point about the justice budget having declined. It has not declined. One of the technicalities in the budget is the distinction between TME and DEL—totally managed expenditure and departmental expenditure limits. The actual cash spend on justice has risen. I am happy to write to Christine Grahame to explain the detail of that.

Other points were made constructively. Alex Neil made a point about the careers service budget moving to within Scottish Enterprise and about the need to continue to identify that. We will consider that and see whether we can continue to show that in a helpful way. We will also consider the presentation of the venture capital fund. Reference must also be made to Scottish Enterprise's documents and accounts, however. It is not possible to contain every detail in our own budget documents and keep them to a manageable size, but we will do what we can.

I disagree with Alex Neil's point that, despite all the expenditure in the budget, the outcomes are getting worse for Scottish people. That is not and cannot be the case. Waiting times are being reduced, waiting lists are being addressed, crime rates are falling, detection rates are rising, school attainment levels are rising, more jobs are being created and there is less unemployment. Those are exactly the kinds of outcomes that the Scottish people are looking for. Therefore, it is simply hyperbole to suggest that that is not happening.

Jamie Stone made good points about the improvements in the budget process. He said that the process is much more open and consultative than it used to be, that people can get involved and that ministers now engage not just with the local government community but with the public at large. He is right to draw attention to the fact that the process is improving.

Jamie Stone also drew attention to the need to increase investment in roads, bridges and so on, and his comments were echoed by other members. That matter has come up in our recent consultations and it is one of the issues that we will address through the spending review. Nevertheless, we have done a lot on that front already. A couple of years ago, £70 million was added to the local government settlement to increase expenditure on local roads and, at the end of the last financial year, a further £20 million was added to help that process. Yesterday, £95 million of end-year flexibility money was announced for local authorities, in part to address those issues. Those matters are not just being considered; they are being acted on—that is the important thing. Jamie Stone also raised questions about the way in which we monitor that spend and its impact. We are spending time with local authorities, trying to establish outcome agreements so that we can jointly agree what we are seeking for the expenditure and then monitor the progress towards those outcomes.

Brian Adam was positive for fully 30 to 45 seconds in his opening speech before he slipped back into rhetoric about the powers of the Parliament. Instead of focusing on what we can do with the powers that we have and the £22 billion of expenditure that is at our disposal, he chose to focus on what we cannot do. He proceeded to complain that the Parliament does not have control over the world's stock markets. What an extraordinary thing to say. He also said that we are unable to control the effect of the stock markets on international pension funds and that, somehow, international corporate fraud would end if only we had independence. Stewart Stevenson then implied that we are responsible, in some way, for American accountancy standards. It is utterly bizarre to suggest that giving the Scottish Parliament more powers or giving Scotland independence would automatically solve the problems of international fraud, American accountancy standards and the world's stock markets.

Stewart Stevenson: Will the minister give way?

Peter Peacock: How can I resist? It is an enormous thrill to be intervened on by Stewart Stevenson. I can barely contain myself. It is an honour and privilege to be intervened on by one so great, who has had so many life experiences and jobs. For him to intervene on me is beyond expression. I wonder whether, in his intervention, Stewart Stevenson will answer the rumour—one of several that are circulating in the Parliament—that he was the first man on the moon.

Stewart Stevenson: I am sure the budget for that would not have been sufficient if the Scottish Executive had been providing it, as with so many other things.

I have serious questions on two matters that the minister has covered in his speech. Will he assure members that when he says that the justice budget has risen he has taken account of the so-called impairment costs for each of the years to which I referred in my speech? Will the minister also confirm that in employing international accountants—the Executive has employed five companies over the past four years—the Executive and its civil servants took the decision to employ those companies?

Peter Peacock: As I have said, I am happy to give Christine Grahame an answer to her question about justice and I will copy that to Stewart Stevenson. My answer will take account of his point about impairment, which is one of the reasons for the technical adjustment.

On the point about international firms, to suggest that the Scottish Executive is complicit in a conspiracy about international accountancy firms lowering their standards to mask figures in the Scottish budget is ludicrous and beyond belief. It is complete and utter nonsense. That was the implication of what Stewart Stevenson said. Again, it is ridiculous to suggest that if the Scottish Parliament were independent, it could sort out all those problems.

Brian Adam: Will the minister take an intervention?

Peter Peacock: I will come to Mr Adam in a moment because I am just going to refer to something that he said.

Brian Adam gave a critique of—or rather he moaned about—yesterday's EYF announcement. As always happens with the SNP, good news from this side of the chamber resulted in glum faces on its side of the chamber. However, the SNP's record on EYF is riddled with confusion and contradictions. Yesterday Alasdair Morgan issued a statement that mentioned an underspend. There is no underspend in the way he described. Alasdair Morgan knows that there was no underspend and Brian Adam agreed with the evidence we gave to the Finance Committee on what EYF comprises. There was planned provision for future spending from which Scotland benefits.

Alasdair Morgan's press statement also mentioned the figure of £750 million as being the underspend for last year. He got the figure wrong. I have a cigarette packet here that I am happy to pass to Alasdair Morgan to help him to work out the figures. There is plenty of space on the back of it. The Opposition spokesman should be depending on the right figures, although a fruit basket might be more appropriate in view of what Christine Grahame said about apples and pears helping to sort out the budget.

Not only are those things wrong and in contradiction of the facts, but Andrew Wilson—

Mr McNeil: Where is Andrew Wilson?

Peter Peacock: I do not know where Andrew Wilson is and I am no longer clear about whether he is the SNP's finance spokesman. However, in his recent economic paper, Andrew Wilson said:

"The release of finances for re-direction through EYF will be the key to any specific spending commitments."

In others words, while the SNP moans about what we did yesterday to give money to Scottish councils and priority services, and it says that we underspend when we do not, it plans to use EYF more than we have been using it already. The SNP is riddled with contradictions and difficulties.

Fiona Hyslop rose—

Alasdair Morgan: Will the minister give way?

Peter Peacock: I will give way to Alasdair Morgan.

Alasdair Morgan: The minister should have heard what I said yesterday when I was questioning the Minister for Finance and Public Services. I said that we have no problem with the concept that once there is an underspend, it can be carried forward to the next year and used sensibly. End-year flexibility and underspend are entirely different. End-year flexibility is the way in which the underspend is used. The question is whether the underspend should have been so big.

While we are on the subject, will the minister tell members when an underspend becomes a planned underspend? Is it in April, May, June or December? Does the minister even know when it is happening?

Peter Peacock: The point that we are consistently making is that EYF is a positive thing because it allows us to plan for peaks in future expenditure by carrying money forward over a year end. If we were simply to spend all that money in a given year, the money would not be there for a peak in expenditure and, in the year that peak expenditure was required, we would have to cut into baseline expenditure. EYF is a sensible and planned use of resources and that is why we use it.

Alex Neil and Alasdair Morgan also referred to Gordon Brown's budget and its paucity, as they would say. However, Andrew Wilson disagrees with them again. In his economic policy and positioning paper released in April this year, he said that the key to any specific spending commitments that the SNP makes will be

"an assessment to the flexibility of new funds that come on stream following this summer's CSR."

So the SNP is just waiting for Gordon Brown's

bounty of new cash for Scotland to decide how it wants to spend it. The SNP does not have, as Iain Smith said, any alternative thoughts on the Scottish budget, nor do the Tories.

Apart from the helpful suggestions at the absolute margins of the budget, missing from the debate have been SNP or Tory plans on how they would do things differently. Both parties appeal to this country to be elected on the basis that they would manage Scotland differently and better, yet there is no sign of how they would do things differently or better. What items of expenditure would they increase within the fixed budget? How would they finance those items of expenditure, and what other items of expenditure would they reduce? They imply that the system could be run more efficiently, but there has not been a single illustration of where or how it could be run more efficiently. Most of this is a combination of fantasy and fuzzy maths. That is the truth of the matter.

We now have a situation in which Alasdair Morgan feels compelled to argue against the benefits of the Barnett formula. The Barnett formula is simple, fair and easy to administer. It avoids annual wrangling within the UK between the four home countries, which is exactly what the SNP seeks—to have us wrangling with our neighbours and friends across the border. The formula allows Westminster, Stormont, Cardiff and Edinburgh to get on with what they should be doing, which is governing effectively and delivering good public services and not becoming involved in constant constitutional wrangling. The formula gives us the freedom to make our own choices in distributing funding. It provides the same increase pound for pound per head of population as in England, and it delivers for Scotland spending levels per head that are well above those in England.

Our budget proposals, which are the subject of the debate, provide record levels of spending. That spending will address the priorities of the Scottish people. It will make lives better throughout Scotland, through better education for young people, better health care for all our people, improved and improving transport connections, job opportunities and the dignity that work brings, and communities that are safer from crime. Our budget proposals make provisions for those priorities and much more. I look forward to working with the Parliament during the year to refine and deliver on those budget priorities.

The Deputy Presiding Officer: I call Elaine Thomson to wind up for the Finance Committee.

12:17

Elaine Thomson (Aberdeen North) (Lab): As the Parliament moves into its third budgeting

cycle, it increasingly seems like it is summer time, therefore it is the stage 1 budget debate. I dare say that it is a key annual date. I am sure that Jamie Stone has it pencilled in his diary, as he is so enthusiastic.

One of the innovations that were introduced by the Finance Committee two years ago was increased consultation with Scotland outside Edinburgh. One of the benefits that that affords is the opportunity to see different parts of Scotland in the summer, when they look at their best.

This year, the Finance Committee took evidence from a range of organisations in Orkney. A clear message was received by the committee, and no doubt by the Minister for Finance and Public Services, about the issues that affect Orkney. In particular, we heard how transport is becoming ever more important and how the adequacy or otherwise of transport links impacts on almost every aspect of island life. It is vital that the Parliament understands clearly how issues affect communities, in particular when deciding on something as crucial as the Scottish budget. It matters how the budget is constructed and how priorities are made.

For the financial year 2003-04, the Scottish budget has continued to increase in real terms. Over the three-year period 2001-02 to 2003-04, TME has increased in real terms by 6.6 per cent, or £1.3 billion, which gives us a total budget of £22 billion. The Scottish Executive has made clear its priorities for spending—investing to provide effective public services and building an infrastructure in Scotland that is fit for the 21st century.

Significant steps are being taken by subject committees to scrutinise the budget. Advisers are assisting each committee and members of the Finance Committee have acted as reporters on the subject committees to assist them with the budget process. As has been said, increasingly large numbers of witnesses are participating in the budget process, either via the subject committees or this year, for the first time, directly with the Finance Committee. We took evidence from the Scottish Trades Union Congress, the CBI, some economic specialists and the Scottish Civic Forum.

This year, for the first time, we are beginning to move away from presentational issues towards discussing and making recommendations on budget choices. However, a number of issues remain that relate to the timing of the budget process and events that occur subsequent to the publication of the budget documents. Iain Smith raised some of those issues and spoke about how they impact on local government. The budget documents are published and a number of events then happen which, however welcome, have an

impact on the information that is available to the Parliament. This year, there were consequential from the UK budget. Yesterday, extra resources were made available as a result of this year's EYF. Later this summer, there will be the 2002 spending review. All those will affect the stage 2 budget process, as extra resources are added to the Scottish budget. That has led the Finance Committee to make recommendations on having more information about baseline figures. New financial proposals should come forward with more information about outputs.

This year, as a result of the UK budget, some 50 per cent more resources will be available to spend on health. The Scottish Parliament information centre briefing, which was ably prepared by Murray McVicar, makes it clear that that will add a further £224 million in financial year 2003-04 and £858 million in 2004-05, and that that will rise to an extra £3.2 billion in 2007-08. The Finance Committee discussed the proposals for the increased health budget in Orkney and whether health budget consequential should go into health, but not necessarily straight into the NHS budget. The committee welcomes that approach and accepts that it is a Scottish solution to a Scottish problem and wholly consistent with the principles of devolution.

Increasingly, committees are producing more thoughtful and detailed reports on budget issues. The Health and Community Care Committee, for example, has made it clear that there are still issues to do with the transparency of the health budget and the need for the publication of health board allocations and budgets to aid that transparency. Mary Scanlon raised some of those issues this morning.

The Finance Committee has made further recommendations in respect of health that relate to delaying the implementation of the Arbutnott formula to general medical services as a result of problems in the rolling out of the McCrone settlement. I look forward to seeing what happens.

Other committees are coming forward with different budgeting options. The Local Government Committee, for example, is concerned about the implications of national insurance increases. This morning, Alex Neil made proposals on the enterprise and lifelong learning budget and Alex Fergusson outlined clear proposals in respect of the rural development budget to support the Scottish fishing industry. Christine Grahame discussed the need for greater funding for the justice portfolio.

The Finance Committee and I welcome the minister's continued willingness to work effectively with the subject committees and the Finance Committee to discuss and understand issues and to help the Parliament to move towards outcome-

based budgeting, which members have mentioned. I think that we all agree that we wish to go in that direction.

I also welcome the minister's commitment to continue to work towards equality proofing the budget. The committee is keen on the development of clearer definitions and on the development of a mechanism to ensure that the equality strategy is reflected in budgeting allocations. The committee and I look forward to the outcome of the discussions that the Executive will hold with the Equal Opportunities Committee and the results of the work of the equality proofing advisory group and others who are interested in the area, such as Engender. It is clear that instant solutions in that area, as in many other areas, are not available.

Whatever its faults, the Scottish budgeting process is at the leading edge of budgetary processes that are used by Parliaments. A lot of time and effort is going into the Scottish budget process on the part of many people within and without the Parliament. Increasingly, it is building a sound basis for the scrutiny of financial decisions that I am sure will grow and develop. As Jamie Stone and others have mentioned, the level of scrutiny that is possible now is several light years away from what was possible in pre-devolutionary years. As Jamie Stone said, input from ordinary people is vital. That, together with the ability of the budget to deliver for the people of Scotland, will be one of the touchstones for the success of the Scottish Parliament and I commend this year's budget report to the chamber.

Police Reform Bill

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-3237, in the name of Jim Wallace, on the Police Reform Bill, which is United Kingdom legislation. I call Richard Simpson to speak to and move the motion.

12:25

The Deputy Minister for Justice (Dr Richard Simpson): On 30 January, the Scottish Parliament approved a Sewel motion on the Police Reform Bill. Today's supplementary motion concerns some additional specific provisions to close a loophole in the existing sex offender order system and to do so in a way that is consistent across the United Kingdom. The need for that consistency is why it makes sense in this case to deal with this legislation in the UK Parliament. To do otherwise would mean continuation for a period of the current position under which sex offender orders that are made in one part of the UK are not enforceable in another part of the UK, and a delay in changes to introduce greater flexibility to the application process. I do not believe that either of those results would be in the public interest. We have a duty to do all that we can to protect individuals, families and communities. Not to approve these provisions would be to take an unacceptable risk with people's lives.

Members might remember the publicity surrounding a certain case earlier this year. In that case, an individual who was subject to a sex offender order in England moved to Scotland. That order did not apply in Scotland and the police here had to seek a new order. They did so quickly and effectively and with the minimum of fuss. However, suppose another offender, also subject to an order, were to come across the border unannounced. There would be nothing to stop that individual doing in Scotland what he has been banned from doing south of the border. That is the legal loophole that we want to close.

Brian Adam (North-East Scotland) (SNP): Given the nature of the proposal, does the minister regard the matter as urgent? If it is urgent, would it not be better to deal with it in Scotland?

Dr Simpson: I am grateful to the member for raising that highly specious point that is the basis of the SNP's opposition to the motion. If we dealt with this matter with a separate bill, we would go through a consultation process and the committee stages, which would take an equal length of time to the time that is being taken by the UK legislation. More important, if our measure came into effect before the UK legislation and was not wholly consistent with it, there would be an

opportunity for sex offenders to move across the border and we would have to amend the act further. On both those grounds, this is, par excellence, a situation in which the Sewel motion should apply.

The bill offers the quickest way to close the legal loophole in a way that covers the whole of the UK. That is the right way forward. I am pleased that agreement has been reached quickly between the Scottish Executive, the Home Office and the Northern Ireland Office. I point out to Mr Adam that it is important that consistency is achieved not only with England but with Northern Ireland, because, although there are 170 sexual offenders to whom the order applies in England, there could be a small number in Northern Ireland as well and we would have no idea about it. There is no doubt about the fact that dealing with the matter through a Sewel motion is the right way forward.

As members will be aware, a sex offender is defined as someone who has been convicted of an offence to which part 1 of the Sex Offenders Act 1997 applies, or an equivalent offence abroad. Sex offender orders were introduced in the Crime and Disorder Act 1998 and form an important tool in the management of the most dangerous sex offenders who are living in the community.

If a sex offender has acted in a way that gives reasonable cause to believe that such an order is necessary to protect the public from serious harm from him, the police can apply for an order. The trigger behaviour concerned—such as a sex offender talking to children in public playgrounds—may not amount to an offence that could be prosecuted in its own right, but it must give the police cause for concern.

At present, an application for an order in Scotland is made to a sheriff whose sheriffdom includes any place where it is alleged that the offender has acted in a way that gives reasonable cause to believe that an order is necessary. Under the present arrangements, once an order is in effect, a complaint must be made by the police or the offender to the court that originally granted the order for it to be varied or discharged.

The Crime and Disorder Act 1998 created separate provisions for sex offender orders in England and Wales and in Scotland. Orders are also provided for separately in legislation for Northern Ireland. While the existing system works well for the majority of offenders who are subject to a sex offender order, it has become clear that some real problems can arise when the police have to deal with offenders who move from one part of the country to another or between the separate jurisdictions of the UK.

The changes that are now being proposed across the UK will give the police, including the

Scottish police service, greater flexibility in how they apply for sex offender orders and how the orders are amended and discharged. The provisions also extend the jurisdiction of sex offender orders to the United Kingdom as a whole. As a result, the revised system could prohibit the doing of anything anywhere in the United Kingdom, instead of being limited to the jurisdiction in which the orders are created. While some of the prohibitions may relate to specific localities, others may be more general and relevant wherever the offender might be. Breach of any such prohibition, wherever that may occur in the United Kingdom, would be an offence that would be prosecutable in the place in which the breach occurs.

We believe that the use of the Sewel system in this instance is entirely appropriate. It is the best way of achieving our common objectives from the point of view of both consistency and reasonable speed.

I move,

That the Parliament endorses the principle that sex offenders orders made in one jurisdiction within the United Kingdom should be recognised and enforceable throughout the UK with appropriate provisions in place concerning how the orders are applied for, amended and discharged, and agrees that the relevant provisions to achieve these ends should be considered by the UK Parliament in the Police Reform Bill.

12:32

Michael Matheson (Central Scotland) (SNP): I cannot welcome the fact that we are debating the 34th Sewel motion in the Parliament, and the ninth Sewel motion on a devolved area that relates to criminal justice matters. However, I am sure that most members recognise the need to close the loophole that was highlighted in the Steven Beech case, which affected Grampian police. I am sure that most members agree that few issues create greater public concern than how we deal with sex offenders and ensure that there is sufficient public safety.

However, the matter—

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Get to the constitution.

Michael Matheson: I ask the member to bear with me.

The matter highlights not only the inefficiencies of the present legislation but the difficulty of dealing with sex offenders. For the price of an £80 flight ticket to Aberdeen, Cambridgeshire police has been able to rid itself of the costly exercise of having to monitor a sex offender.

Dr Simpson: May I take it from the member's comments that, in an SNP-governed independent

Scotland, the movement of UK citizens would be prohibited?

Michael Matheson: No, that is not the case. The situation highlights the financial implications for local constabularies. I understand that it is costing Grampian police £200,000 a year to deal with that individual, which highlights both the complexity of the matter and its financial implications.

The question arises whether Westminster is using the best mechanism for closing that loophole by using a Sewel motion. The Police Reform Bill is a House of Lords bill; it is not a House of Commons bill. There is considerable uncertainty over the bill's timetable. I repeat that I am sure that all members recognise that that loophole should be closed, but the clerks who are dealing with the bill at Westminster have stated that it will be extremely difficult to ensure that the bill is passed before Westminster gets away for the summer recess. The loophole could be left open until October, when the House of Commons returns from the summer recess, and the Government has no control over the timetable because the House of Lords will deal with the final stage of the bill.

I am sure that the minister recognises that it is important to close the loophole quickly. We have dealt previously with similarly urgent matters by means of emergency legislation. We did so with the Mental Health (Public Safety and Appeals) (Scotland) Act 1999 and the Criminal Procedure (Amendment) (Scotland) Act 2002. We also had emergency legislation on the Erskine bridge tolls. If legislation for reinstating tolls on the Erskine bridge was considered an emergency matter, closing a loophole in dealing with sex offenders is an even greater priority. The minister should have introduced emergency legislation.

To say that there might be inconsistencies in the drafting of legislation in Scotland shows a lack of confidence in the Executive about being able to draft its legislation. Further, the Home Office has confirmed that drafting instructions, which detail exactly what has to be provided for, have been passed to the Executive. Therefore, the Executive has the information that would allow it to act.

Can the minister give members a guarantee that the loophole will be closed before Westminster rises for its summer recess? If not, is he prepared to come back to Parliament, when we return from the summer recess, to introduce emergency legislation that would allow us to close the loophole, which would ensure public confidence in how we deal with sex offenders in Scotland?

12:36

Lord James Douglas-Hamilton (Lothians) (Con): We strongly support the minister on the

Sewel motion. I am sure that we were all concerned to read in the *Daily Record* of 17 June that people who were guilty of sex crimes and the subject of a sex offender order in England and Wales would escape monitoring by the authorities simply by travelling to Scotland. None of us wants Scotland to become some kind of sex offenders' Gretna Green. I am sure that those in Gretna Green would share that reservation.

The problem was highlighted by the case of a rapist with more than 100 convictions who moved up to Scotland. The same loophole exists for offenders travelling south who are subject to orders in Scotland. If someone who is subject to an English order moves to Scotland, the Scottish police must seek a new order, which takes a great deal of time.

It is imperative that that escape route is removed. We believe that a Sewel motion is the most appropriate way of doing that. Sex offender orders can be made against sex offenders whose behaviour gives rise to reasonable belief that an order is necessary to protect the public from serious harm. By amending the Police Reform Bill, it is hoped that a flexible regime will be in place for amending discharge orders throughout the United Kingdom. We feel that we must do everything possible to provide greater safety and protection for Scots people. I support the motion.

12:38

Iain Smith (North-East Fife) (LD): I did not intend to speak in the debate, but I feel that I must respond to the SNP's contribution. The Liberal Democrats support the Sewel motion because we believe in things being done properly and sensibly. The SNP seems to prefer constitutional obsessions to public safety. There is no logic to Richard Lochhead's argument on the subject. However, it is logical for the loophole to be dealt with consistently throughout the United Kingdom.

Even if the Scottish Parliament passed emergency legislation this afternoon—obviously it cannot do so, because no such legislation is on the table—that would not deal with the inconsistencies throughout the United Kingdom. The matter must be dealt with sensibly. The quickest and most logical way of doing that is by Westminster legislation, supported by the Scottish Parliament through a Sewel motion. We should reject the SNP's narrow-minded constitutional obsession on this important matter.

12:39

Pauline McNeill (Glasgow Kelvin) (Lab): I, like Iain Smith, realise that the SNP has a fixed position of opposing every Sewel motion as a matter of supposed constitutional principle. The arguments and guarantees that Michael Matheson

asked for are a smokescreen for the fact that the SNP's only argument is to oppose the Sewel motion in principle.

It is right that Westminster takes the initiative in changing the law to increase its effectiveness, particularly as it concerns the safety of the public at large. Labour and Lib Dem members care about what happens to citizens in England, Wales and Northern Ireland on this issue. Therefore, it matters to us that we legislate consistently throughout the country. It seems that SNP members are not concerned about that. Mutual recognition is a crucial theme of the Police Reform Bill. The provisions that the minister has outlined are provisions with which the Scottish Parliament cannot argue because they protect public safety.

Richard Simpson's answer to Brian Adam's intervention is the most important point. Even if we could legislate this afternoon, what would be the point? If we have different provisions in Scotland from those in England, that means that the provisions throughout the UK will not be consistent.

Brian Adam rose—

Pauline McNeill: That is a point that Brian Adam does not seem to understand. The amendments to the Police Reform Bill are intended to change the law in two ways. First, they will give the police greater flexibility in how they apply for a sex offender order. That is crucial. I do not think that the Parliament would argue with that flexibility. Communities will benefit from the protection whereby a sex offender order that was granted in England for an offender who is resident in Scotland can be enforced in Scotland.

Other things need to be done, and the provisions in the Police Reform Bill—

Fiona Hyslop (Lothians) (SNP): Will Pauline McNeill give way?

Pauline McNeill: I am not taking any interventions as a point of principle, because the SNP has no arguments.

Under the new provisions, sheriffs will be able to hear an application for an order if the behaviour took place in their jurisdiction or if the order has been breached. That provision is fundamental.

The SNP should tell us what provisions would be different from those in the Police Reform Bill if we were to debate a bill this afternoon. Brian Adam makes the point, which Richard Lochhead made in his press release in May, that the cost of monitoring Steven Beech is a problem to Scotland. In case the SNP did not know, monitoring sex offenders is a costly business. It is also time consuming. That is why the Parliament is spending so much time on the MacLean report to ensure that we get the provisions right.

The SNP is missing the point once again. The point is that, just as we have to pay the bill for an English offender who lives in Scotland, if a Scottish sex offender lives in England, England foots the bill. Even if there were an imbalance and Scotland were paying more money than England, it is not beyond the Executive's wit to discuss with the Westminster Parliament—

Michael Matheson *rose*—

Pauline McNeill: It might be beyond Michael Matheson's wit, but it is not beyond the wit of the Scottish Executive ministers to discuss with Westminster how that bill could be better balanced.

I warn the SNP: this is the 34th time that SNP members have stood on their feet and opposed a Sewel motion for the sake of it. Will that be the SNP position for every other Sewel motion that comes before the Parliament? People will be watching. The SNP must be consistent: it must oppose all other Sewel motions. We will be listening to the arguments that it makes. Opposing Sewel motions makes bad law. That is the point that the Parliament should take on board.

On the time that the Police Reform Bill will take, we could not legislate any more quickly. The SNP is arguing that important parliamentary business—some of the business for which the Justice 1 Committee, of which Michael Matheson is a member, wanted parliamentary time—would have to go. What would be the point of that?

12:44

Richard Lochhead (North-East Scotland) (SNP): I begin by apologising for missing the minister's opening remarks. I was delayed in getting to the chamber today, having returned from Shetland. I will take great delight in responding to some of the comments that the minister's Labour colleagues have made.

I welcome the debate. The issue is sensitive not just for the Parliament but for those in communities throughout Scotland who are concerned about how the Parliament and the Government respond to sex offenders and former sex offenders in our communities.

Let us make no bones about the matter. The bill is before us because of the case of Steven Beech, which is an extreme and high-profile case. Steven Beech has 115 convictions and was front-page headline news throughout England. He was described as England's most notorious sex offender. In spite of that, Cambridgeshire constabulary gave Grampian police 24 hours' notice that it would provide a one-way ticket for that individual, who had chosen to live by the seaside and had chosen Aberdeen on the map.

That is not a satisfactory situation and I do not think that any member of any political party would think that it is.

Mr McNeil: So?

Richard Lochhead: One of the Labour members is shouting "So?" It is an extremely important point. The matter gave Grampian police an enormous headache. They received a phone call telling them—

Mr McNeil: Will Richard Lochhead give way?

Richard Lochhead: Will the member let me finish the point that I am making? This is an enormous issue for Grampian police, who were given 24 hours' notice of the fact that Steven Beech would be in its patch. Steven Beech is still deemed to pose a risk to the public. Surely that is an important aspect of the debate.

Mr McNeil: Does the member not agree that the only issue for the SNP is how to get itself out of a hole? The SNP has consistently opposed Sewel motions, even when they have benefited the disabled. Today the SNP is in a hole and is trying to get out of it.

Richard Lochhead: I will return to the point that the member makes about Sewel motions. Today we are here primarily to debate an extremely important and sensitive issue relating to sex offenders and how the Parliament should respond.

The arrival of Steven Beech has created headaches not only for the police. The people of the north-east of Scotland were terrified when they read in the papers that Beech was coming to live in the area. There was a complete outcry—almost every MSP representing the north-east was contacted by members of the public who were concerned about the issue. Huge public concern was expressed, not least by women's organisations in the north-east.

Mr McNeil: Has the SNP faced those concerns?

Richard Lochhead: I ask the member to let me finish.

We welcome any attempt to close a loophole and protect the public interest, but there are wider issues that the Parliament must address, such as cost. It has been revealed that it may cost the north-east of Scotland £200,000 a year to look after Steven Beech. No one is arguing that a penny of that £200,000 is wasted; it is important that we spend the money. However, is it right that the situation should be allowed to arise without the public authorities in the north-east of Scotland being notified of it? We must take account of the fact that the individual concerned is receiving treatment in the north-east—treatment that he did not receive south of the border. We should discuss with the authorities in England the treatment that is

provided to sex offenders.

Michael Matheson argued that the Scottish Parliament should legislate in this area. The Parliament was elected by the people of Scotland and is responsible for justice. Surely we are obliged to legislate on issues such as this, which are important to communities the length and breadth of Scotland. Sewel motions have been abused. They were supposed to be used only rarely. This is an emergency situation, and the Parliament should pass emergency legislation. The man Sewel himself says that he is extremely surprised by how often the Executive uses Sewel motions to get Westminster to legislate on Scotland's behalf.

This is a very sensitive issue on which we should legislate here in Scotland. The people of Scotland elected us to do that, and we should do it today. We owe it to the people in the north-east of Scotland, who continue to be extremely concerned that Steven Beech is living in their community. Despite the fact that his offences were committed south of the border, Scotland is expected to pick up the tab for looking after Steven Beech, who is still deemed to be a risk to the community. We owe it to the people of Scotland to legislate on such matters in the Scottish Parliament.

12:48

Dr Simpson: I welcome the contributions from two thirds of the chamber. The common sense that members have displayed in their interventions and speeches demonstrates that this is an area in which a Sewel motion is entirely appropriate and should be used.

The fact that the bill is in the House of Lords is irrelevant, because that is where it began. The intention is to complete by the end of July, but even if there were slippage—

Michael Matheson: Will the minister take an intervention?

Dr Simpson: No, I want to finish my point.

The member should remember that although the Scottish Parliament is going into recess now, it is probable that the Westminster Parliament will not go into recess until the end of July. We return in September and Westminster returns in October.

One point that the SNP has failed to address is that of consistency. I am glad to hear that SNP members would be happy to take drafting instructions from the Home Office, which was the implication. However, drafting instructions do not mean that there will not be amendments at a later stage at Westminster, which means that we could end up with an inconsistency between our law and the law there. If there was such an inconsistency, and if a single sex offender got through it, the SNP

would be responsible for it, not us. The SNP has failed to answer that point.

Michael Matheson: Will the minister guarantee that the loophole will be closed before October? If not, the Executive will allow people in Scotland to be exposed to sex offenders for four months. I believe that the Executive can deal with the matter more quickly. It has failed to address that point.

Dr Simpson: I cannot give an absolute guarantee. The SNP's assumption that the Northern Ireland Assembly and the UK Government are any less concerned about the situation than we are is an affront to those Assemblies. The SNP has failed to understand and answer the question of consistency and it has failed to address the situation. I challenge the SNP to vote in favour of the Sewel motion. The SNP should understand that if it does not, we will tell every community in Scotland that it is putting constitutional wrangling before the protection of the public, because that is the truth of the matter.

For Michael Matheson to compare the Erskine bridge tolls with the protection of the public and issues relating to sex offenders is an affront that will not go unnoticed or unchallenged. I suggest to the SNP and its leadership that they stop addressing Sewel motions on the same basis every time and consider each Sewel motion individually. We could then have a rational discussion. The SNP should not oppose this Sewel motion and if it does, we will make it pay.

Scottish Public Services Ombudsman

The Deputy Presiding Officer (Mr George Reid): The next item of business is consideration of motions S1M-3244, S1M-3245, S1M-3246 and S1M-3247, on the appointment of a Scottish public services ombudsman and three deputy ombudsmen. Trish Godman will move all four motions en bloc and will speak to them all together.

12:52

Trish Godman (West Renfrewshire) (Lab): On behalf of the cross-party group of members who formed the selection panel, I speak to the motions in my name, which invite members of the Parliament to nominate for approval to Her Majesty the Queen the first Scottish public services ombudsman and three deputies.

The Scottish Public Services Ombudsman Act 2002, which the Parliament passed recently, makes provision for a Scottish public services ombudsman, who is independent of the Parliament and the Scottish Executive. The new ombudsman is to be appointed by Her Majesty on the nomination of the Parliament and will take over responsibility for the services currently provided by the parliamentary, health service, local government and housing association ombudsmen. The one-stop shop will also take over complaints against Scottish Enterprise, Highlands and Islands Enterprise and the mental health complaints with which the Mental Welfare Commission for Scotland deals.

Under our standing orders, a selection panel, under the chairmanship of the Presiding Officer, was set up on behalf of the Parliament to consider the appointments. Also on the panel were Brian Fitzpatrick, Lord James Douglas-Hamilton, Donald Gorrie and Andrew Welsh. I was on the panel in my capacity as the convener of the Local Government Committee, which scrutinised the passage of the Scottish Public Services Ombudsman Act 2002.

An extensive recruitment process was undertaken and I am pleased to report that it attracted a wide range of applicants. The panel was involved in the recruitment process from the outset and I hope that other members will have an opportunity to sit on such a panel. Much work is involved in ensuring that we have candidates who are able to fill such high-profile posts.

As a result of the process, I am pleased to recommend, on behalf of the panel, that the Parliament nominate Professor Alice Brown to be appointed by Her Majesty as the new Scottish

public services ombudsman. Professor Brown is vice-principal and co-director of the institute of governance at the University of Edinburgh. She brings to the post extensive knowledge of the public sector, vast experience of community and public life through her membership of many committees and personal attributes that allow us to recommend that she be appointed the first Scottish public services ombudsman. I point out that the terms and conditions of Professor Brown's appointment as ombudsman and of the appointment of her deputies are a matter for the Scottish Parliamentary Corporate Body.

The Scottish Public Services Ombudsman Act 2002 also provided for up to three deputy ombudsmen who will undertake their duties on a part-time basis. The calibre of the field was high and it was not easy to make decisions, but I am pleased to recommend, on behalf of the panel, that the Parliament nominate the Rev Lewis Shand Smith, Carolyn Hirst and Eric Drake as deputy ombudsmen.

The Rev Smith, who is the rector at St John's church in Dumfries, brings to the post extensive knowledge of local government, which he has acquired through many years' service as a councillor and convener of Shetland Islands Council. Mr Eric Drake is an employee of the Scottish parliamentary and health service ombudsman. He brings to the post extensive knowledge of complaints about national health service services in Scotland and of the Scottish Executive and other agencies. Ms Carolyn Hirst is Edinvar Housing Association's director of housing services. She brings to the post extensive knowledge of the housing sector.

We believe that the team that we have proposed will prove to be formidable in undertaking a particularly responsible role in helping to shape the complaints system for the people of Scotland. I am sure that all members will wish them every success for the future.

I move,

That the Parliament nominates Professor Alice Brown to Her Majesty the Queen for appointment as the Scottish Public Services Ombudsman.

That the Parliament nominates Mr Eric Drake to Her Majesty the Queen for appointment as Scottish Public Services Deputy Ombudsman.

That the Parliament nominates Ms Carolyn Hirst to Her Majesty the Queen for appointment as Scottish Public Services Deputy Ombudsman.

That the Parliament nominates Reverend Lewis Shand Smith to Her Majesty the Queen for appointment as Scottish Public Services Deputy Ombudsman.

12:56

Lord James Douglas-Hamilton (Lothians) (Con): I warmly welcome Trish Godman's motions. I understand that the successful candidates will have to give their existing employers a period of notice. I express the hope that they will be in a position to start in earnest not long after the recess.

It was extremely refreshing that there were so many applicants of immense ability, talent and expertise. I not only support the motions, but wish those who will be appointed every good fortune and success in dealing with the tasks that lie ahead in their new role.

12:57

Tricia Marwick (Mid Scotland and Fife) (SNP): I add my support for the motions to appoint Alice Brown and the candidates who have been nominated for the post of deputy ombudsman. The process has been good and it has commanded all-party support. I am not aware of the other applicants or of their talents and expertise, which Lord James Douglas-Hamilton described.

I am certain that Alice Brown, with all her experience of governance in Scotland, will be a welcome choice as the Scottish public services ombudsman. I have no doubt that she and her deputies were chosen on merit.

The Deputy Presiding Officer: Trish Godman has the opportunity to sum up, although she may waive that right if she wishes to.

She has waived that right.

12:58

Meeting suspended until 14:30.

14:30

On resuming—

The Presiding Officer (Sir David Steel): Before we begin this afternoon's proceedings, I invite members to give a warm welcome to the speaker of the Norwegian Parliament—the president of the Storting—Mr Jørgen Kosmo. [Applause.]

Point of Order

Mr Duncan Hamilton (Highlands and Islands) (SNP): On a point of order, Presiding Officer.

The Presiding Officer: Is the point about question time or could it wait until the end of questions?

Mr Hamilton: My point of order is about question time.

The Presiding Officer: Go on.

Mr Hamilton: I seek your guidance on the fact that, at 12 o'clock today—the last plenary day before the recess—the Executive announced the new ferry services for the Clyde and the Hebrides. That announcement is extremely important to many members' constituents. Will you confirm that, under rule 13.8 of standing orders, an emergency question for today's question time would have had to be lodged before 10 am, and that, as the announcement was made at 12 noon, that was impossible? Given the seriousness of the issue, with the removal of services to areas such as Dunoon, is that an appropriate way for the Government to behave? Will you give guidelines for how the Government should behave?

The Presiding Officer: The member is correct to say that it is too late to lodge an emergency question. The Presiding Officers have considered guidance on Executive announcements; we finalised a paper on the issue only yesterday. The paper will be issued shortly, so I hope that that will please everyone.

I have read the written answer about the ferry services. It leaves open a consultation period until the end of September, during which any member or parliamentary committee can deal with the matter.

Question Time

SCOTTISH EXECUTIVE

National Health Service (Violent Patients)

1. Mrs Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive whether it plans to extend proposals to allow NHS boards to withhold medical treatment from repeatedly violent patients to include patients who threaten violence. (S10-5437)

The Minister for Health and Community Care (Malcolm Chisholm): The draft guidance on violence and aggression covers the threat of violence and intimidation towards NHS staff.

Mrs Smith: The issue affects not only health care professionals in the NHS. Studies have revealed that violence and the threat of violence are most commonplace against pharmacists. Does the Scottish Executive plan to do anything about that? As I said, general practitioners, nurses and social workers are not the only people who are affected by the problem. Does the Scottish Executive plan to change the law to make an assault against a member of the public sector work force an aggravated assault?

Malcolm Chisholm: The question is not a matter for me as Minister for Health and Community Care. However, having spoken to the Lord Advocate, I know that violence against NHS staff is taken seriously. I was pleased to launch the guidance last week; it was part of the larger guidance on health at work, which covers many issues. The guidance was developed in partnership, which is a strong feature of the way in which the NHS is run in Scotland.

A key point is that, in the last resort, the right to withhold treatment is available, following warnings in most cases. Obviously, exceptions can be made for people who are not capable or who have serious mental health problems. The last resort measure is to withhold treatment. The announcement last week was widely welcomed.

Drug Misuse

2. Ms Margo MacDonald (Lothians) (SNP): To ask the Scottish Executive whether it plans to introduce a certificate in the management of drug misuse in conjunction with the Royal College of General Practitioners Scotland. (S10-5428)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): We are aware of the certificate in the management of drug misuse that the RCGP Scotland has developed. We are considering its relevance to Scotland, in

liaison with professional, training and educational organisations.

Ms MacDonald: I press the minister to move on the issue as quickly as possible. The National Assembly for Wales and the Westminster Parliament have adopted the certificate. It is entirely reasonable that GPs in Scotland should have the same access to the required training, because a huge percentage of people who present for primary care services are suffering from drug abuse.

Mrs Mulligan: I assure Margo MacDonald that we take the matter very seriously. Scottish training on drugs and alcohol, known as STRADA, is developing a certificate on addiction. That scheme will start in September and will be for all front-line staff who deal with drug problems; it will not be restricted to GPs. Addicts who are looking for a service will have a range of professionals to contact, rather than just a GP.

Mr Keith Raffan (Mid Scotland and Fife) (LD): I join Ms MacDonald in pressing the Executive to act on the matter. Does the minister agree that we must do anything that we can to improve GP training to ensure that the methadone programme is implemented in each health board area as uniformly as possible and that we do not have the kind of variation that currently exists? That is where the certificate and any extra training would be of great help.

Mrs Mulligan: The STRADA certificate will encompass as many professionals as necessary. It is crucial that we do not restrict the service to GPs, because it is important that addicts have as many places to go as possible to access services.

Agriculture and Environment Working Group

3. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive what action will be taken following publication of the agriculture and environment working group report. (S10-5424)

The Minister for Environment and Rural Development (Ross Finnie): There are 29 recommendations in the agriculture and environment working group's report, which I received last Thursday. The recommendations are varied and wide-ranging and the Scottish Executive will study them with great care. I expect to engage interested stakeholders directly in addressing the issues that the report raises and to ensure its implementation through the work of the agriculture strategy implementation group.

Nora Radcliffe: One of the recommendations is that the rural stewardship scheme should be extended to allow access improvements to qualify for funding. Given the support from all sides for the provision of a core path network, does the minister support that recommendation? Is he aware that

not only is the rural stewardship scheme heavily oversubscribed, but the situation is even worse than the statistics show? I am told by my local farming and wildlife advisory group officer that she could put forward at least as many applications again as she does, but does not do so because of the perception that the scheme is so oversubscribed.

Ross Finnie: The member asks at least two questions. We must put into perspective the total funding that is available under the Scottish rural development programme, which is worth about £685 million over a four-year period. Expenditure on agri-environment improvement schemes has increased from £3 million just before the Executive took office to more than £21 million in the current year. Although I appreciate and acknowledge that there has been a huge increase in demand, the Executive has certainly been putting more money towards the project. Additional moneys are now available through the matched funding in the modulation programme.

On the first question, which was about access, the only difficulty with extending the programme is that currently the rural stewardship scheme and the rural development programme are available only to those who are engaged in agriculture. Any amendment to the scheme would have to take account of that.

Bruce Crawford (Mid Scotland and Fife) (SNP): Page 34 of the agriculture and environment working group's report states:

"We recognise that the potential use of GM crops is contentious."

Is the minister aware of the European Environment Agency's report No 28 on genetically modified organisms? It states in its conclusions:

"The risk of hybridisation between oilseed rape and some wild relatives, particularly ... is high ... Oilseed rape can be described as a high risk crop for pollen mediated gene flow from crop to crop and from crop to wild relatives."

Will the minister tell the chamber what specific advice he has sought from the Advisory Committee on Releases to the Environment on the findings in the working group's report, given that the GM crop trials that we have in Scotland involve oil-seed rape?

Ross Finnie: The agriculture and environment working group report states that GM crops are contentious and supports the Agriculture and Environment Biotechnology Commission's recommendation for a full, devolved debate on the issue. The report does not rule out GM crops, however—the whole paragraph should be quoted.

Bruce Crawford refers to the two reports. As I have made clear, before ACRE advises ministers on specific crops and locations for which

permission is sought, it examines and takes into account all relevant published research material on those crops.

Sarah Boyack (Edinburgh Central) (Lab): I acknowledge the work that has gone into the agriculture and environment working group's report, but I ask the minister to ensure that Scotland is not left behind on organics. Given that work on action plans on organic food and farming is already under way at the United Kingdom and European levels and that our sister Administrations in Wales and Northern Ireland already have action plans, there is a real danger that consumers and producers in Scotland will lose out. Will the minister commit the Scottish Executive to producing an action plan on organic food and farming?

Ross Finnie: I am not about to make a policy commitment in an answer to a supplementary question, but I can say that the working group's report contains a useful passage on organic farming. As I intend to implement the recommendations of that report, organic farming is one matter that will have to be taken seriously.

Community Councils

4. Mr Keith Harding (Mid Scotland and Fife) (Con): To ask the Scottish Executive whether it remains committed to supporting community councils. (S10-5427)

The Deputy Minister for Finance and Public Services (Peter Peacock): Yes.

Mr Harding: I thank the minister for that honest answer. However, if that is so, why has the Executive reduced its support in grant funding to the Association of Scottish Community Councils?

Peter Peacock: We have supported the Association of Scottish Community Councils for three years through a grant of around £81,000. Originally, that was designed as a tapering grant, but when I spoke at the association's annual conference a couple of weeks ago I said that, because we support community councils, I am sympathetic to considering a further grant application and to extending the funding. I hope that detailed discussions about the matter will take place in August.

Dr Sylvia Jackson (Stirling) (Lab): The minister obviously recognises the important role of community councils, but is he aware of the work of Stirling Council, which is committed to extending local democracy through area forums and the Stirling assembly? That gives local people the opportunity to have a strategic overview of services and to have an input into decisions within their communities.

Peter Peacock: Where there are strong community councils, local councils tend to engage with them and to use them appropriately, as Sylvia Jackson points out. However, the pattern varies enormously. Where the community council network is not so strong, local councils seek to use organisations such as tenants associations and other community groups to engage with communities. The important issue is to find appropriate means of involving community bodies; community councils have a big part in that.

Shona Robison (North-East Scotland) (SNP): This afternoon, we will debate the document "Better Communities in Scotland: closing the gap". Given the important role that community councils have in community planning and other matters, will the minister explain why there is no mention of community councils in that document?

Peter Peacock: The white paper on renewing local democracy, which is currently out for discussion, refers to community councils. We see those councils as part of the local democratic structure. As I said, community councils are—and will remain—a significant method for councils to engage with communities about matters that concern them and their priorities.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Many community councils cover areas that were formerly royal burghs. Has the minister considered restoring the rights and privileges of historic royal burghs? In particular, will he consider restoring the title and style of provost?

Peter Peacock: I know where the question comes from. In Jamie Stone's home town of Tain, there is one Roddy Robertson, who argues consistently for the restoration to Tain burgh council of the fire, police and education services. On a serious note, in my time as a council leader, I encouraged the use of the term "provost" in communities that wanted to use it. In Dornoch, which is a neighbouring town to Tain, the term "provost" is used—I think that the title is given by the local community council. Indeed, in my home town in the Borders—Hawick—the same title is used for ceremonial purposes. It is possible to use the term and that is to be encouraged when people want to use it.

Robin Harper (Lothians) (Green): Has the Executive considered extending the powers of community councils by giving them proper budgets and the kind of money-raising powers that parish councils in England have?

Peter Peacock: That was one of the issues that was debated at the annual conference of the Association of Scottish Community Councils. There is a clear difference of view about it among community councils. Community councils were

established on the basis that they did not carry local responsibility for the delivery of services. That was to leave them free to ascertain, co-ordinate and express the view of the local community to the Government or local council. If they deliver services, they may become the subject of criticism for the way in which they do so. There is by no means a consensus among community councils that they should be granted new powers. However, some local authorities have sought to bestow powers on community councils. Much more power is devolved to local community councils in Shetland and Orkney, for example. It is a matter of local choice.

Optometrists (Fees)

5. Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive whether it plans to revise the fee payable to optometrists in order to take account of extra time needed to conduct an eye test for an adult with learning disabilities. (S10-5406)

The Deputy Minister for Health and Community Care (Mr Frank McAveety): No. To date the Scottish Executive has not been approached by the profession or any other body about that issue.

Brian Fitzpatrick: The minister will be aware of the sterling work that is undertaken by RNIB Scotland's Springfield day service at Bishopbriggs in my constituency. The service helps multiply disabled adults to live as independently as possible. The specialist staff there have a number of times raised with me their concern that the table that currently applies does not reflect the extra time that eye tests for adults with learning disabilities take, with the result that those adults are often overly dependent on the good will of certain optometrists. Does the minister agree that that is unacceptable, given our ambition to ensure that adults with multiple disabilities should have their needs met just the same as his or mine are met and that unidentified visual problems should be reduced and, eventually, eliminated?

Mr McAveety: I am happy to agree with Brian Fitzpatrick on his last point. I would be happy to open up discussion on how to address the concerns raised by the staff at the Springfield service. In addition, the independence of the opt—optomet—opticians—[*Laughter.*] That will teach me for trying to use the appropriate word.

We want to address the issue, which needs to be handled sensitively. Many opticians are capable of addressing the needs of adults with learning difficulties in the same time as they take to deal with the needs of other adults. The issue is to share and extend that good practice to all opticians. I am happy to open dialogue with organisations such as the RNIB to address those concerns.

Mary Scanlon (Highlands and Islands) (Con): When the minister opens up dialogue with optometrists, will he consider revising the fees for domiciliary visits for eye tests, particularly for elderly patients in remote or rural areas?

Mr McAveety: When I open up dialogue, I will get the pronunciation correct, too. We are happy to receive any evidence that professional bodies can gather to address the issue of the fees that are payable; we are happy to consider any deliberations on that. In the round, the aim is to address the way in which services are provided for those who enter an optician's. We need to share and extend good practice. Much of the issue is to do with some opticians' uncertainty in dealing with adults with learning difficulties. There does not seem to be any substantial evidence to suggest that, once the initial test is undertaken, any greater time is taken. We need to address the issue of what time threshold to apply initially and I reiterate that I am happy to receive views from professional organisations.

Police Bail

6. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive what consideration it is giving to amending police bail conditions. (S10-5413)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): The police in Scotland have no powers to grant bail. Only the courts or the Lord Advocate can do so. Mrs Grahame may be referring to the powers available to the police under section 22 of the Criminal Procedure (Scotland) Act 1995, whereby the police may liberate a person who

"has been arrested and charged with an offence which may be tried summarily".

Christine Grahame: I thank the Minister for Justice for correcting me on that. A court bail order can have a curfew condition attached, prohibiting someone who has been charged with an alcohol-related offence from being out between the hours of 7 pm and 7 am, thus denying them the opportunity to reoffend. Will the minister consider attaching a similar curfew condition to police bail, which the police have indicated to me would be a simple but effective measure?

Mr Wallace: Police liberation is at the discretion of the officer in charge of the relevant police station, with or without an undertaking by the accused to appear at a specific time before a specific court. That is very different from the standard conditions attached to bail as issued by the courts. The Lord Advocate issues the police guidelines on the subject. I am not aware that he currently has any plans to change those guidelines in any material way.

Lord James Douglas-Hamilton (Lothians) (Con): Will the Minister for Justice kindly confirm that priority will be given to witness protection from intimidation and violence when the persons accused of violent offences and crimes are released on bail?

Mr Wallace: Giving protection to witnesses and victims is an important part of our criminal justice system. We are evaluating the work of our police forces in extending adequate protection to witnesses and to victims of crime. For instance, the Strathclyde police unit that deals with such issues has been commended for its work.

Pauline McNeill (Glasgow Kelvin) (Lab): Does the Minister for Justice agree that we should generally be more adventurous in the use of bail conditions? For instance, in my constituency, exclusion orders have been successful in excluding shoplifters from the entire city centre; the absence of those shoplifting offenders has made whole shopping centres easier to police.

Mr Wallace: As Pauline McNeill knows, a number of standard conditions are attached to bail. For example, the person must not commit an offence while on bail and must not appear with witnesses or otherwise obstruct the course of justice. Of course, the courts or the Lord Advocate can specify additional conditions, such as those that Pauline McNeill has suggested. Given those circumstances, I do not think that there is any limitation on what conditions of bail can be issued as long as they are appropriate to the particular case. However, that is a matter not for the justice department but for the Lord Advocate or the courts. I am, of course, always willing to entertain Pauline McNeill's suggestion that the justice department should be more adventurous.

Loan Sharks

7. Trish Godman (West Renfrewshire) (Lab): To ask the Scottish Executive what action it is taking to support the work of local authorities and the police in respect of loan sharks. (S10-5433)

The Minister for Social Justice (Ms Margaret Curran): The Executive is committed to tackling financial exclusion in all its forms. Illegal and extortionate money lending and the threatening behaviour that often accompanies such lending are unacceptable in modern Scotland. We are therefore fully supportive of moves by the Department of Trade and Industry to tighten existing credit law and strengthen the powers of local authority trading standards departments in this area. We will work with all key partners to tackle that crime.

Trish Godman: Does the minister agree that the strengthening effect of the Criminal Justice (Scotland) Bill will be to encourage local

authorities and the police to pursue non-harassment orders against loan sharks? Does she also agree that last night's debate in the chamber on how we can rid Scotland of the scourge of loan sharks gave much room for thought?

Given that debate, does the minister intend to encourage more community banking agreements, such as that which is provided by the Bank of Scotland in Wester Hailes, where targeted products, including savings and loan assistance, are provided for low-income families? That is one way of addressing the vile trade of these loan sharks. Will the minister encourage the establishment of such community banking agreements all over Scotland?

Ms Curran: I am happy to give that confirmation. I support the community banking agreement model that has been developed in Wester Hailes. We congratulate the Bank of Scotland on that work and fully support such a move. The Scottish Executive is working in partnership with Communities Scotland to develop that.

Last night's debate was significant as a number of the actions that we need to take were outlined. I congratulate Trish Godman on her efforts in securing that debate.

Mr Kenneth Gibson (Glasgow) (SNP): What assessment has been made as to how widespread the practice of loan sharking is? Will the Executive consider the proposal from my esteemed colleague Fergus Ewing that the ill-gotten gains of loan sharks should be subject to legal attachment proceedings?

Ms Curran: Obviously, we are giving great consideration to the legal issues. A number of matters relating to the subject are reserved, but the Protection from Harassment Act 1997 already gives the police powers to protect victims from loan sharks. As Trish Godman said, the Criminal Justice (Scotland) Bill, which is currently under consideration, will reinforce those abilities.

Phil Gallie (South of Scotland) (Con): What discussions has the minister had with the police on the links between the financing that loan sharks receive and forms of criminality such as drug dealing? To some degree, the question links with the point that Kenny Gibson made.

Ms Curran: I have had many discussions with the police on a number of criminal matters—both linked to me personally, I hasten to add—both as a constituency MSP and as a minister. In particular, the discussions have concerned drug trafficking, which Phil Gallie mentioned. I can only refer the member to my earlier answer, when I said that a range of actions need to be taken to tackle such illegal practices. As Minister for Social Justice, my emphasis is on the prevention of such

practices; I leave justice matters to the Minister for Justice. However, the Executive recognises that a comprehensive approach is needed if we are to tackle such serious issues. I congratulate the *Daily Record* for highlighting the seriousness of the loan shark problem in Scotland's communities.

Schools (Improvements)

8. David Mundell (South of Scotland) (Con): To ask the Scottish Executive what progress is being made in evaluating local authority bids for funding for school improvements. (S1O-5405)

The Minister for Education and Young People (Cathy Jamieson): Before answering the question, Presiding Officer, I hope that you will allow me a second or two to record our condolences to the families of the children and teachers from Largs Academy who were involved in a tragic accident in France this morning. They come from a close-knit community and I know that they will appreciate our thoughts being with them.

In response to the question, the member may be aware that Nicol Stephen and I visited Queen Anne High School in Dunfermline on 25 June to meet the local authorities that made bids in December 2001. Details of the financial support for capital investment totalling £1.15 billion for those 15 councils and the £26.7 million allocated to local authorities through the school buildings improvement fund are set out in the written answer given to question S1W-27026 on 25 June.

David Mundell: I am sure that everybody in the chamber recognises and responds to the minister's remarks about what happened earlier today in France.

It would be disingenuous not to welcome the significant investment in schools in areas such as Dumfries and Galloway. However, can the minister finally confirm that the improvements and new school build will not be at the cost of the closure of small rural primary schools and that the Executive remains committed to rural children being educated in their communities, even at a one-teacher school?

Cathy Jamieson: I welcome the member's enthusiasm for the announcement that was made; it represents a significant investment for Dumfries and Galloway. I confirm that it is a matter for the local authority to decide how best to provide schooling in its area. The local authority is required to undergo the correct consultation processes. The fact that a project is a public-private partnership has no relation to the need for statutory consultation in certain circumstances. I know that the local council will have to look at that again and propose plans that will be developed in consultation with local communities.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): The minister will be aware, however, that one of the consequences of large PPP projects is that a substantial proportion of the education revenue budget is committed for 25 to 30 years. Can the minister say what steps will be taken to ensure that that does not lead to a two-tier system of new or refurbished PPP schools, and other schools whose maintenance will suffer even more than it does at present because of increased constraint on budgets?

Cathy Jamieson: It is important to recognise that the significant investment that we have made covers not only the PPP projects, but a significant amount of money to every local authority in Scotland for the repair and maintenance of school buildings. I expect local authorities to use that money wisely and to ensure that urgent repairs are done and that the worst problems are tackled first.

We should also recognise, of course, that PPP projects are not simply about refurbishment or rebuild, as maintenance contracts are involved over the projects' long-term period. This is about a step change in investment in Scotland's schools and I think that everybody in the chamber should welcome that.

Fishing Rights

9. Stewart Stevenson (Banff and Buchan) (SNP): To ask the Scottish Executive what steps it is taking to protect Scotland's historic fishing rights. (S10-5411)

The Minister for Environment and Rural Development (Ross Finnie): The Scottish Executive engages with the Commission at ministerial and official level and is an integral part of the United Kingdom negotiating team on fisheries. In those respective capacities, we are working to ensure that Scotland's interests are fully represented during the current review of the common fisheries policy.

Stewart Stevenson: Does the minister recall saying in the plenary debate on the CFP on 13 June:

"The Commission is not proposing to disrupt existing relative stability shares." —[*Official Report*, 13 June 2002; c 9718.]

Is the minister aware that on 19 June, John Farnell, speaking on behalf of the Commission, said at the European Parliament Fisheries Committee that although we have relative stability today, the Commission believes that one day we should not, and that the question was how and how quickly we got there? Is the minister not guilty of breathtaking complacency in not demanding the lead role in Europe on the UK's negotiations on the CFP in order to defend Scottish fishermen?

Ross Finnie: There was a lot of sound and fury there, but I do not know whether it added up to much. Mr Stevenson will recall that in that plenary fisheries debate I made clear the Executive's position, which I will repeat. We will defend relative stability, just as we will defend the interests of the Shetland box and the Hague preference. Those matters are all fundamental to Scotland's historical fishing rights. I made that clear during the debate and I repeat it. What John Farnell, the commissioner and others say is important. I do not dismiss it. However, the crucial issue is what the Commission finally decides on the document that will revise the CFP.

I cannot be clearer about where I and the Scottish Executive stand on those matters. We are absolutely committed to protecting Scotland's fishing interests.

Tavish Scott (Shetland) (LD): I agree with the minister's comments. However, will the minister reflect further on the deep frustration that local fishermen feel at the Commission's handling of deepwater species—particularly at the lack of science to back up the deal that the Commission negotiated with the Spanish presidency? Will he undertake to ensure that, in future negotiations on CFP reform, it will be at the heart of his agenda that science will underpin stock assessment details?

Ross Finnie: I could not agree more with what Tavish Scott said. One of the fundamental reasons why we voted against the compromise that the presidency suggested and that the Commission—regrettably—supported was that it was wholly unsupported by science. I say to Tavish Scott that I made that position very clear to the commissioner and his cabinet. I find it unacceptable that, when we are trying to have a rational debate on proceeding with CFP reform and on how we deal with the conservation of stocks, we do so other than on the basis of good scientific advice. Such advice must be at the heart of any CFP review proposals on how to deal with conservation.

Mr Jamie McGrigor (Highlands and Islands) (Con): Does the minister agree that total allowable catches and quotas are not the right tools with which to manage deepwater species? What is his comment on the fact that Scottish fishermen are left with 2 per cent of the quotas, whereas French fishermen apparently have 80 per cent of the quotas for those species?

Ross Finnie: As Jamie McGrigor ought to know, the Scottish Executive's position, which was endorsed by the UK, was that we were opposed to using TACs in deepwater fisheries. We made that position very clear to the Commission when the proposal was first debated. I can only repeat that I find the final settlement highly unacceptable and

that that is why we voted against it.

Dennis Canavan (Falkirk West): Will the Executive protect Scotland's historical freshwater fishing rights by setting up a democratically constituted Scottish anglers trust to administer all freshwater fishing rights in Scotland and to ensure more opportunities for ordinary anglers instead of protecting the privileges of the big landowners?

Ross Finnie: I am not entirely sure that that forms part of the common fisheries policy review, Presiding Officer, and I am not entirely sure that Mr Canavan would wish the European Union's common fisheries policy review to extend that far.

Dennis Canavan: No.

Ross Finnie: I thought that we might be agreed on that at least.

I take Mr Canavan's point on the need to protect the freshwater fisheries. That is what the strategies that we are implementing seek to do and also what the legislation that we are promoting seeks to do. I assure Mr Canavan that the Executive is as concerned to protect our rights in freshwater fishing as it is concerned about sea fisheries.

The Presiding Officer: The question was about historical fishing rights. It was not confined to Europe. [*Applause.*] Order.

Maureen Macmillan (Highlands and Islands) (Lab): I believe that, for the first time, aquaculture will be included in the revised CFP. There is some anxiety among fish farmers about the amount of support that they can expect and the amount of protection from non-European Union producers that they will have. Will the minister make a commitment that all the stakeholders in the industry will be consulted on the aquaculture section of the revised CFP so that we can achieve an outcome that allows us to continue to develop that high quality industry of ours, but do so in an environmentally responsible manner?

Ross Finnie: While the Presiding Officer is contemplating whether aquaculture is a historical fishing right, I will leap in to answer the question. I assure Maureen Macmillan that the Commission's draft proposals contain an important section that highlights the significant and integrated role that aquaculture will play in the future of our fisheries policy. I assure her that, as the Scottish Executive will consult all fishing sectors before we come to a view on how to respond to the definite proposals on CFP reform, the aquaculture sector will be included in that wide consultation.

The Presiding Officer: The minister got his own back—aquaculture cannot be a historic fishing right.

Alcohol-related Deaths (Women)

10. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive what steps it is taking to reduce the number of alcohol-related deaths in women. (S10-5444)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): The Executive's plan for action on alcohol problems incorporates several measures to reduce alcohol-related deaths. Those include local prevention, support and treatment activities, and funding for the Health Education Board for Scotland and Alcohol Focus Scotland to raise awareness of alcohol problems and undertake preventive activities with women in particular.

Murdo Fraser: Does the minister acknowledge the importance of family support groups for people suffering from alcohol problems? If so, what support does the Executive provide to such groups throughout Scotland?

Mrs Mulligan: HEBS and Alcohol Focus Scotland are setting up a women and alcohol network, which will examine initiatives to support women with alcohol problems and their families. The network will involve the provision of services by a range of professionals.

Victim Support Scotland

11. John Scott (Ayr) (Con): To ask the Scottish Executive whether it is considering increasing core funding to Victim Support Scotland, given the increasing number of referrals to Victim Support Scotland following changes in data protection arrangements. (S10-5407)

The Deputy Minister for Justice (Dr Richard Simpson): The Executive is delighted that the agreement that we reached with the information commissioner is resulting in an increase in referrals to Victim Support Scotland. The Executive has given a commitment to monitor funding, against the background of the steady increase in funding that VSS has received year on year.

John Scott: The minister will be aware that, because of its success, Victim Support Scotland does not have the resources to provide the level of support for victims that is expected of it. Will the minister assure me that, in future, core section 10 funding will be made available to train volunteers to help those who have suffered from crimes such as murder and rape, in particular.

Dr Simpson: Victim Support Scotland receives the largest section 10 grant awarded by the Scottish Executive. Last year core funding was increased by 5 per cent. Funding for local services was increased by 10 per cent, bringing total funding to £1.37 million. The training budget was

increased by 23 per cent. That illustrates the fact that we are working in partnership with Victim Support Scotland. I ask the Parliament to acknowledge the work that volunteers throughout Scotland do in this extremely important area.

Free Personal and Nursing Care

12. Alex Johnstone (North-East Scotland)

(Con): To ask the Scottish Executive how it is monitoring the introduction of free personal and nursing care for elderly people in the run up to 1 July 2002. (S10-5418)

The Deputy Minister for Health and Community Care (Mr Frank McAveety): All local authorities have indicated that they will meet the regulatory and legislative requirements to implement free personal care for people currently in receipt of care in their area. The several visits that I have made to discuss implementation with front-line staff have confirmed that.

Alex Johnstone: Is the minister aware of allegations that Angus Council social workers have been using bullying tactics in an attempt to implement free personal care by forcing elderly people who currently pay fees into council care? Will he seek from Angus Council an explanation of the behaviour that has led to those allegations being made?

Mr McAveety: We have been made aware of the concerns that have been expressed by individuals in the Angus area, and we are happy to investigate those. It is fundamental that across Scotland we work in partnership with independent care home providers and local authorities in the assessment process to ensure that the individuals who are at the heart of the personal care for the elderly strategy are supported and that their rights are respected. Many local authorities are following the guidelines and are happy to work within them to ensure that individuals receive the support and advice that they require.

Mr Duncan McNeil (Greenock and Inverclyde)

(Lab): It is right that at this time the Executive and local authorities should focus on introducing free personal care for the elderly. However, will the minister assure the chamber that he will also take a keen interest in the level of provision by local authorities of aids and adaptations? As he knows, those are vital in allowing older people to stay in their own homes for as long as they want.

Mr McAveety: I thank Duncan McNeil for that contribution. He raised the critical issue about personal care for the elderly that we must address in the long run. Much of the evidence that we have heard is that people want to stay at home and we have to try to ensure that there are support mechanisms for them in the community. Within the resource allocation to local authorities is an

enhancement to ensure that the authorities can meet their obligations. We can meet those obligations and that is why I was disappointed this morning to hear the comment of the convener of the Angus Council social work committee, who tried to claim that there are not enough resources to meet the needs of personal care for the elderly. Perhaps if the parties involved had a dialogue about resource allocation we would be able to ensure that we can deliver.

I was delighted to visit the Inverclyde area last week to meet Trish Godman and other members, and to consider how Inverclyde Council is addressing the proper provision of aids and adaptations, which is fundamental. I am sorry that the SNP members do not want to hear that, but that is the issue that we will address over the coming year.

Mr Andrew Welsh (Angus) (SNP): In contradiction of statements that Alex Johnstone made in yesterday's debate, will the minister confirm that no complaint has been made to the Scottish Executive or Angus Council by Fordmill nursing home in Montrose, its parent company or any relative? Does he know that in the Angus Council area five times as many elderly people are in care homes that are run by private or voluntary organisations than are in Angus Council's care homes? Alex Johnstone's delusions do a disservice to a new system of care that we all want to succeed.

Mr McAveety: I will ask others to refer to how to address alleged delusions that Alex Johnstone may have about assessment procedures. The member raised the question of centrality. As I understand it, the care home provider organisation has sent an e-mail that expresses concerns that have been raised in Angus Council, but we have not had any formal applications from the client or the individual.

The Presiding Officer: I apologise to the two members whom I could not call, but we must move on, because we are late in getting to First Minister's questions.

First Minister's Question Time

Prime Minister (Meetings)

1. Mr John Swinney (North Tayside) (SNP):

Before I ask my question, I associate the Scottish National Party with the remarks that Cathy Jamieson made about the coach crash in France today and I express the SNP's sympathies to everybody involved.

To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to raise. (S1F-2005)

The First Minister (Mr Jack McConnell): I have no immediate plans to meet the Prime Minister.

Mr Swinney: I thank the First Minister for his reply.

Five years ago the former First Minister Henry McLeish said:

"We, in the ministerial team, give youth crime the highest priority and I am sure that in the next two or three months, we shall develop policies that go to the heart of the issue".

Since then we have had a review, a strategy session, an advisory group, another strategy, an assessment of the strategy and now an ad-hoc working group that has produced a pilot scheme, a feasibility project and—no process in the Executive would be complete without it—another review. After five years of promises by new Labour, when will the First Minister take action on youth crime?

The First Minister: The Executive has been acting on youth crime since 1999. In January or February this year we produced a comprehensive across-the-board strategy for youth crime that will tackle a range of issues including the children's hearing system and activities and programmes for young offenders and young people, which are already a success in communities in different parts of Scotland. There is a specific problem, which lies with 800 or so persistent serious young offenders—perhaps another 1,500 or so could fall into that category. It is very important that we listen to those who make representations to us and that we act on those representations.

I have to say that Mr Swinney has demeaned himself today with his description of the 10-point action plan. That plan includes the development of youth courts, the development of fast-track specialist children's hearings, a national system of warning for young people, action to ensure greater parental responsibility and national standards on relationships between local authorities, children's hearings and the police. It also includes other measures, such as improvements in secure accommodation, which John Swinney has been

calling for. All those matters will be addressed in one action plan, the implementation of which will begin immediately and very little of which requires new legislation. Those actions will make a difference. They were warmly welcomed by the police officers at Torphichen Street police station in Edinburgh, whom I met this morning and who told me six months ago that such action is exactly what they wanted Jim Wallace and I to take. We have done what they wanted. They welcomed that—the member should do so, too.

Mr Swinney: There we have it—an admission of failure. The Executive has been in office for three years and it has failed to deliver any of the initiatives that the police forces in our country have demanded.

Let us consider secure accommodation. The seventh recommendation of the 10 recommendations that the First Minister launched today says that there is

"no systematic evidence to support a definitive conclusion"

on whether the number of secure accommodation places should be increased.

The First Minister: Read the rest.

Mr Swinney: That is what is in the document.

On 1 May, the convener of the Association of Directors of Social Work said to one of the Parliament's committees:

"there is a shortage of secure accommodation places".—
[*Official Report, Justice 1 Committee and Justice 2 Committee (Joint Meeting)*, 1 May 2002; c 171.]

In a parliamentary answer, Cathy Jamieson, who is nodding sagely next to the First Minister, said that demand for such places had doubled. If the minister who is in charge of youth crime produces evidence to show that demand for secure accommodation is rising, why does not the First Minister get on with it, instead of having more reviews of the matter?

The First Minister: Unlike the Scottish National Party, we want to be consistent, thorough and absolutely right on the issue before we act. We are hearing from a party that said five weeks ago that the ad hoc ministerial group on youth crime would deliver no action. Today we have delivered a 10-point action plan. Mr Swinney's deputy Roseanna Cunningham said that we already had juvenile courts in Scotland; we do not. He claimed—I think that it was three weeks ago—that we should double secure accommodation in Scotland, without outlining how we might pay for that.

We need to know exactly what is required in relation to secure accommodation. The point is serious and SNP members should perhaps listen to it, because they might formulate better policies as a result. [*Interruption.*]

The Presiding Officer (Sir David Steel): Order. Let us hear the First Minister.

The First Minister: There are serious secure accommodation issues, which are not all about the total number of available places. Among those issues are the number of places that require teenage boys and girls to share the same hallways or corridors, the locations of the secure places and the inability of the programmes that go on inside our secure accommodation to stop young people reoffending when they come out.

When an advisory group that has been set up by ministers tells us that it cannot prove the need for additional secure accommodation places, we must go out and find such evidence. We believe that such evidence exists. We will find it and we will make the right decisions but, in the meantime, we will reconfigure, reorganise and improve the existing provision.

Kay Ullrich seems to believe that it is right and proper that the area that she represents in the Parliament to have a secure accommodation unit in which boys and girls share the same corridors. I want that situation to be sorted out by the provision of girls-only secure accommodation. I want serious offenders to be kept separate from those who are in such establishments because they are at risk from their families. I want to ensure that the secure accommodation places are in the right locations. That is responsible government; it is not sloganising. Mr Swinney can stick to sloganising, but we will act.

Mr Swinney: None of what the First Minister said is new. He has done nothing to address the core issues that concern communities around Scotland. However, in recent weeks he has taken one piece of decisive action in relation to the justice element of the Scottish Executive's programme—he has cut £13 million from the Executive's justice budget. If fighting crime is at the top of the First Minister's list of priorities, why is he cutting the justice budget, which is designed to protect the public?

The First Minister: Five weeks ago, Mr Swinney criticised us for a situation in which the Minister for Education and Young People continued to be the minister responsible for youth justice. Today he is managing to relate youth justice to the justice department budget, but youth justice has an entirely different budget. If the member paid a bit more attention in the Parliament, he might at least know which departments have which responsibilities.

Anybody who cares about the issue, anybody who wants communities in Scotland to be safer and anybody who wants young people to be locked up when they need to be locked up, but who wants them also to have the right

programmes to turn round their offending behaviour and make them better adults, will welcome yesterday's statement from the Minister for Finance and Public Services that £15 million will be available to tackle youth crime and associated issues before the end of this financial year. That money will make a significant difference if we can spend it on the right things. We will make the right decisions first, rather than spending the money willy-nilly as Mr Swinney clearly wants us to.

Cabinet (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S1F-2010)

The First Minister (Mr Jack McConnell): Perhaps not surprisingly, the Cabinet will discuss issues that are of importance to the people of Scotland.

David McLetchie: I hope that one of those important issues will be the recommendations of the ministerial group on youth crime, which the Executive published today and which I consider, in the now immortal words of Dr Richard Simpson, to be "an absolute disaster".

I want to explore some issues with the First Minister. He promised us some tough action, but what does he actually do? He transfers persistent 16 and 17-year-old offenders from the adult courts to his new youth courts and, instead of sending persistent offenders of 13, 14 and 15 to the new youth courts, he keeps them in the children's hearing system. In the meantime, in some parts of the country, persistent 16 and 17-year-old offenders will not stay in the adult courts and they will not go to the youth courts: they will go instead to the children's panels. That is a complete and utter mishmash. Is not it the case that the First Minister has run up the white flag on youth crime and that he has lost out to all the doves in his Cabinet?

The First Minister: Dear, oh dear, oh dear. The Conservatives are disappointed that we are taking action to tackle youth crime. They would rather complain from the sidelines than see action being taken by the Government. We intend to take that action.

I can only assume that Mr McLetchie has not read the submission that was put in the parliamentary library this morning. First, the action plan on youth crime builds on all the existing policies and programmes that we have put in place. Secondly, it includes: the feasibility project on youth courts; the specialist children's hearings to fast-track persistent offenders under the age of 16; a review of the scope of restriction of liberty orders—[*Interruption.*]

Some people in here would clearly prefer Governments to make their decisions on the hoof, without consulting the police, social work departments or even those who run our courts—*[Interruption.]*

The Presiding Officer: Order.

The First Minister: We in Scotland live in a democracy and we will not tell sheriffs in our courts what they should do. We will first discuss with them exactly how we plan to implement our proposals. That is what democracy is all about. It might not work in the Scottish National Party, but it works in Scotland.

I will get back to my list from the action plan. It also includes: a Scotland-wide system of cautions and warnings; a safer Scotland police campaign with higher police visibility; the introduction of best practice and firm standards for community projects and for the operations between local authorities' hearings and the justice system; and more parental responsibility. All those measures taken together will tackle youth crime in Scotland and will make a difference. For once in his life, Mr McLetchie should welcome them.

David McLetchie: I would welcome the youth courts if they were going to do something effective. However, we now have the rather bizarre situation in which the only people who will not be sent to youth courts are youths, while the people who will be sent to youth courts are people who are presently dealt with in the adult system. Against that background, it is no wonder that the First Minister's so-called action plan has no credibility with the public. They all have 10-point action plans in the Scottish Executive; can we never have an eight-point action plan, or a six-point action plan, or even a one-point action plan that was actually implemented? That would be a refreshing change.

The Executive has no credibility because, for instance, only last week we learned that crime figures in Lothian and Borders are apparently being massaged to the extent that some 50 per cent of crimes are being ignored. Many of those crimes are committed by young offenders.

In his action plan, the First Minister says that youth crime is falling, but how can the public trust the First Minister on that when the police admit—as a result of their internal investigations—that crimes are not being recorded? Regardless of whether it is waiting lists for hospital treatment or crime figures, it seems that the Executive does not solve problems; rather, it simply reclassifies them. Perhaps the Scottish Executive should rename itself the Enron executive—it has more dodgy accountants than Arthur Andersen.

The First Minister: I am tempted to give up trying to reply to some of those points. However,

there are important points to be made and Parliament is the place to make them. The recorded figures for youth crime in general appear to show that youth crime is on the decline, but I believe that there is a problem with persistent serious young offenders and with youth disorder, which is not always recorded as crime. We must deal with those problems.

Persistent youth offenders and youth disorder are matters that have been raised with me. Mr McLetchie and Mr Swinney might not be listening, but we are. When police officers, MSPs in the partnership parties, communities such as Ardler in Dundee and communities in any other part of Scotland raise such issues, they demand and deserve action from the Executive. That is what they will get. The rate of persistent and serious youth offending has increased by 50 per cent in 10 years. That demands action from the Executive and action is what will happen.

It is important that we have range of options. The adult courts—at the moment there are already dozens of under-16s in the adult courts—will continue to deal with the most serious young offenders. Youth courts will deal with offenders under and over 16 as appropriate. Specialist children's hearings can fast-track children who require quick action, and other forms of cautions, warnings and programmes in the communities will get our kids off the streets and into sport and other activities that will give them a chance in life. It is not just about taking action to tackle youth crime; it is about preventing youth crime in the first place. That is the comprehensive programme that we will implement.

Youth Crime

3. Johann Lamont (Glasgow Pollok) (Lab): I find myself in fine company today.

To ask the First Minister what progress is being made by the ministerial group on youth crime, with particular regard to persistent young offenders and the effectiveness of the children's hearings system. (S1F-2013)

The First Minister (Mr Jack McConnell): I will not repeat the various points that I have already made. I believe that significant progress is about to be made—*[Interruption.]* Perhaps we need MSP courts, given some of the behaviour in here.

Significant progress is about to be made on persistent and serious youth offending and youth disorder generally. That will improve and enhance the work that is already under way to tackle youth crime. That progress is due in no small part to the efforts of Johann Lamont and other MSPs who have in recent months raised those issues on behalf of their constituents; Johann Lamont and those MSPs deserve credit for the action that we are now taking.

Johann Lamont: Will the First Minister note—I do not say this lightly—that I regard the action plan as what is known as “getting a result”? The action plan acknowledges the central concern of my constituents that youth disorder is a grave problem that deserves the attention of the Government and the judicial system. It also shows a willingness to look beyond what is claimed for the system to the reality of that system.

Will the First Minister comment on the view that I share with many members that, by taking persistent offenders seriously we can challenge what might be described broadly as a culture of lower-level offending among some young people? That offending is often unrecorded, but its cumulative effect leads to fear, anxiety and real restrictions—[*Interruption.*]

The Presiding Officer: Please carry on.

Johann Lamont: The cumulative effect of that offending leads to fear, anxiety and real restrictions on the way in which people are able to lead their lives.

The First Minister: I agree with Johann Lamont. Youth disorder on our streets—a difficulty that has been with us for generations at different levels at different times—is an issue for Government. It is not an issue that we should leave communities to deal with themselves or for the police or other authorities to tackle.

We need to have in place systems of cautions and warnings that the police can use, and programmes that can tackle those who are in danger of becoming regular offenders to get them out of that pattern of offending for the rest of their lives. However, we also need the programmes, policies and leadership to say to parents that the problem is partly their responsibility and that they must take action to ensure that, in their community, people who live near them are given a decent chance to live a decent quality life.

We also say to young people, “Choose a better lifestyle; not just a healthier lifestyle or a more active lifestyle. Choose a lifestyle that gives you an opportunity in your life.” The real challenge for modern Scotland is not to lock up persistent serious young offenders, but to ensure that young people have real opportunities that give them a decent start in life so that they can avoid offending in the first place.

The Presiding Officer: As we started late, I will take question 4.

Highland and Islands Fire Brigade

4. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the First Minister what plans the Scottish Executive has to address the need for capital investment in Highland and Islands fire brigade. (S1F-2007)

The First Minister (Mr Jack McConnell): From 2000 to 2003, capital investment in our fire services will increase by 56 per cent from £15.1 million to £23.6 million. Since 2000-2001, Highland and Islands fire brigade has received £8 million in capital consent, of which 40 per cent has been to assist its upgrade programme.

John Farquhar Munro: The First Minister will appreciate that there is considerable concern in the Highlands and Islands that the proposed public-private partnerships are an expensive option for the fire brigade. Recognising that the borrowing powers of the Scottish Executive and of the local authority restrict the options that are available to fund much-needed public works, will the First Minister undertake to make representations to Westminster to secure for Scotland extra powers to borrow money for publicly funded schemes? To do so would allow local authorities to make real choices when they are assessing the right option to deliver best value.

The First Minister: Never have more resources been made available to the public sector in Scotland than are available today. There has never been as big an increase year on year in capital investment programmes, public-private partnerships and mainstream capital borrowing than there has been this year and last year. I am sure that that will also be the case next year. Those are vital priorities that redress the balance of capital investment, which has been so lacking under successive governments over the past 20 or even 30 years. We are working to turn that situation round in Scotland and we will use a number of means to do so. We are working in a way that is appropriate and that gives best value for money. Sometimes that will be through mainstream capital borrowing and, at other times, through public-private partnerships.

Back in the 1980s when I sat on a council with Keith Harding, which he described as a “looney left council”, we leased vehicles for the council to use for its public services. If that is an option that might help the fire service today, it is an option that is worth examining, but only if it offers value for money. It is not possible to discover whether that is the case unless a feasibility study is undertaken to test that option. Highlands and Islands fire brigade should do that and it should make a decent assessment of the options once the feasibility study is complete.

The Presiding Officer: That concludes question time.

Dennis Canavan (Falkirk West): On a point of order, Presiding Officer. More than 80 per cent of the time that was allocated for questions in First Minister’s question time was taken up by questions from John Swinney and David

McLetchie. During the summer recess, will you give serious consideration to that matter? Will you consider steps that you might take to ensure that all members are given equal treatment?

The Presiding Officer: I sympathise with you, but as you know, some members are more equal than others. The convention has been that the party leaders get more of the shots. However, I take your question seriously and I will reflect on it over the summer recess. It is a matter of regret that a large number of members were not called this afternoon.

We come to the major debate of the afternoon, which is on "Better Communities in Scotland: closing the gap". Margaret Curran will introduce the debate.

Community Regeneration

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-3256, in the name of Margaret Curran, on "Better Communities in Scotland: closing the gap", and two amendments to that motion.

15:35

The Minister for Social Justice (Ms Margaret Curran): I am very pleased to speak in this afternoon's debate. We know that it is the in thing nowadays to question the language of regeneration and community empowerment. Indeed, anyone who mentions the word "strategy" at all is in for a hard time. However, I want to say at the outset that the document "Better Communities in Scotland: closing the gap" is meant to lay out briefly the development of a strategic approach that has been missing in Scotland for some time.

I am well aware that there is a determination across the chamber to deliver practical solutions. Indeed, I would go so far as to say that there is an energy to tackle poverty and deprivation in a decisive way, although we might well disagree about how we do so.

I want to remind members of the scale of the issue and of the enormous cost to individuals, families and neighbourhoods when they are caught in areas that lack any access to work, services and basic facilities. Such a situation exacerbates and compounds the experience of poverty. Furthermore, we are aware of—and are beginning to understand more completely—the nature of poverty and deprivation in Scotland, particularly in the rural areas, and to realise the real impact of geographical isolation and its consequences for work, services and basic facilities. As a result, any policy in this area must be informed by such an approach, and the document makes a case for an area-based regeneration policy.

We will never adequately close the gap unless we begin to address the level of provision and service delivery in some of the most deprived areas in Scotland. That is why closing the gap is a key priority for the Executive and why the regeneration strategy under discussion is part of our answer to the problem.

Lest we forget, I should remind the chamber of some of the statistics for Scotland. Someone who lives in the most deprived areas of Scotland is almost three times as likely to die young of a heart attack than someone who lives in the least deprived areas. Around 3 per cent of babies in the most deprived areas are born low weight,

compared with 1 per cent of babies in the most affluent areas. In the most deprived areas, about one in six leavers from publicly funded schools go on to higher education, compared with one in two leavers in the least deprived areas. In schools in the most deprived areas, 22 per cent of children attain five or more Scottish credit and qualifications framework awards at level 5 or better, compared with 59 per cent of children in the least deprived areas. As a result, we can clearly argue why addressing that gap is the Government's proper focus.

We must also ensure that we sign up key players to deliver the changes that we want. However, the absolutely killer question is how we achieve that and what lessons we have learned from the past. Although we might think that we can simply bring together and deliver an easy collection of policies, I have to tell members that it is not as simple as that.

By way of introduction, I want to outline three points that we are already aware of from previous regeneration strategies and which are advanced as fundamental arguments in the process. The first relates to people and place. Although we know that individuals and families need support, it is critical that we change the environment around them and the services that are delivered to them. We know that community involvement works, but it needs sustained support and cannot be tokenistic. Furthermore, we know that we need the big players and spenders in local areas to buy into the process.

I hope that two very clear messages emerge from today's debate and I assure members that we will be very forceful about driving the policy towards both ends. First, it is no longer acceptable for any attempt at regeneration to be marginal and to consist merely of grant making. We expect all the big agencies to put regeneration at the centre of their strategies, which will affect education, health, enterprise and housing. Secondly, community involvement must be systematic and sustained, and funding will be directly to the evidence of such involvement at various levels. Those themes go to the heart of our new policy on regeneration.

The statement that we published on Tuesday does not represent only the views of the Executive. The direction that we propose to take and the changes that we want to make are endorsed by a range of organisations involved in regeneration, including the Convention of Scottish Local Authorities, Highlands and Islands Enterprise, the Scottish Urban Regeneration Forum, the Scottish Community Development Centre, the Scottish Adult Learning Partnership and social inclusion partnerships such as those that I visited in North Lanarkshire on Tuesday.

We must be committed to building a Scotland in which people's potential, not their background or their postcode, is what determines their futures and offers them real choices. We know from experience that we can turn around deprived communities. We have succeeded in doing it, but we have to do it better and faster than we have done before if we are to close the gap between our disadvantaged communities and the rest of the country. In putting together our community regeneration statement for Scotland, we have been guided by the past and by the lessons learned from both our successes and our failures.

I have referred to some of the lessons that we have learned, but I would now like to refer to some other critical lessons that have influenced the direction of our thinking. We must improve the delivery of public services in deprived areas in Scotland. We know that people in those areas rely more on public services than the rest of the population does. However, despite the millions of pounds that our public services are spending in deprived areas, that spending is not yet leading to the changes in the quality of people's lives that we all want to see. All too often, public services are not closing the gap in the way that they must. We must ensure that the money that core public services spend in deprived areas is better targeted and more responsive, and achieves better outcomes for the people they serve.

Mainstream spending must be planned and delivered in ways that take account of people's needs and priorities rather than the operational convenience of the providers themselves, and public agencies must become more accountable. It is now not enough for individual agencies to work more effectively on their own. They must work more effectively together. We need joined-up approaches, streamlined budgets and more involvement and consideration of alternative approaches, using the voluntary sector, community groups and even the private sector where appropriate, so that all can work together.

Making that happen is not an easy task, but a highly complex and long-term one. It is a formidable challenge for all of us involved in regeneration in Scotland. It requires changes in policies at all levels, including the reallocation of resources, changes in spending patterns, reshaping of service provision and improvements in access. If we do not do that, we will not fulfil our commitment to narrowing the gap. If we are to have concerted and co-ordinated action at all levels, we must link local, regional and national priorities together more coherently. There is little point in investing substantial sums in one estate while households two or three streets away face exactly the same problems but have no extra help. That has been one of the big criticisms of recent regeneration policies.

The Local Government in Scotland Bill, which is currently going through Parliament, paves the way for a reinvigorated approach to community regeneration through the statutory provision for community planning. Community planning, as most people will know, encourages local authorities, other agencies and communities to work together, not just on preparing plans and strategies, but on implementing and delivering those plans. It provides the catalyst for all agencies operating in a specific local authority area to start thinking seriously about how to co-ordinate resources and streamline services. It also offers new opportunities to better link the local, regional and national priorities, so that they are all pulling in the same direction.

There is a need for a strong national steer, but community planning offers communities and local agencies the scope to tailor solutions to their own areas. That can only be good news for the people in those deprived areas. Community budgeting, which is out for consultation, also offers opportunities to allow us to develop the tools to implement that approach. As I said, Scotland has a strong record in area-based approaches to community regeneration, and we remain convinced that we must continue to invest in them. They provide critical resources to fill the gaps and to top up services. Currently, 80 per cent of SIP and better neighbourhood services fund resources that are used for those activities.

Targeted regeneration approaches also act as levers to help engage local people and get agencies round the partnership table, but SIPs are not the only models for delivering responsive, locally based regeneration. There are other models, and we and our partners must constantly be looking for what works best. Whatever mechanisms we use to tackle poverty at a local level, we must place them in a clear strategic context. We must also reduce the complexity of regeneration funding streams. We intend to do that by migrating the management of SIP funding to community planning partnerships.

The Deputy Presiding Officer: You have one minute, minister.

Ms Curran: Oh dear. Members can see that I am very interested in this subject, as I am carrying on regardless. I will summarise the rest of my speech.

We must mainstream SIP resources, although we recognise that that will take some time. We must work with the agencies that are responsible for doing that, to ensure that there is a smooth and clear transition. I reassure all those who are concerned that that may lead to less community ownership of the process that we are building in levers to guarantee that that does not happen. If anything, there will be more enhanced and

strengthened community involvement, especially as we are putting great emphasis on support for community learning and development to ensure that we deliver community involvement. We recognise the closeness of people to their communities and the contributions that they make. We are investing in better monitoring and evaluation. As we roll the policy out throughout Scotland, the equality strategy will be central to its delivery.

I move,

That the Parliament warmly welcomes the publication of the Scottish Executive's community regeneration statement *Better Communities in Scotland: Closing the Gap*; agrees that despite past successes in community regeneration more needs to be done to improve the quality of life of people in Scotland's deprived areas; fully endorses the policy proposals for improving public services in deprived communities, placing community regeneration more firmly within the strategic framework of community planning, giving more priority to community learning and development and improving monitoring and evaluation, and agrees that these measures will make a significant contribution to closing the gap between deprived areas and the rest of Scotland.

15:46

Mr Kenneth Gibson (Glasgow) (SNP): The amendment that I will move is not the one that I wanted to move. Constrained by our standing orders, I could not lodge an amendment that made clear the SNP view that this document is a hastily flung together, ramshackle, tedious, repetitive and pointless publication that is written in the jargon of Execspeak. No wonder, then, that the minister did not speak with her usual panache.

Let us look at the content of the document. In paragraph 19 of chapter 1, we read:

"Communities are well placed to be able to develop and put into practice solutions to local challenges, and by working in this way we can build communities where ... people do not have to rely on public services".

However, on page 26 core public services are defined as

"the services that all people need for a decent quality of life and wellbeing. These include health, education, transport, jobs, and crime prevention."

Those are, coincidentally, the First Minister's five key priorities. So, in paragraph 19 of chapter 1, the Executive is saying that we can build communities in which people do not have to rely on health, education, transport, jobs and crime prevention. Where will those mythical, unhealthy, uneducated, stranded, unemployed, crime-ridden communities be? St Kilda? The moon? Does the minister propose the adoption of Pol Pot's concept of year zero? Whatever happened to social inclusion?

No wonder that even sympathetic media commentators are becoming exasperated by the

Executive. On Tuesday, the normally pro-Labour Glasgow *Evening Times* made clear its frustration at the failure of the Executive ministers and their Westminster colleagues to act decisively to reduce poverty in our most deprived communities, especially in Glasgow, where the gap is, if anything, widening rather than closing. Tuesday's *Evening Times* editorial stated:

"For all her skilful delivery of exec speak theories and strategies, the Minister for Social Justice has failed to start moving Scotland's shameful mountain of social injustice."

To be fair to Margaret Curran, she has not been in the job for two months. However, the fact that we have had three social justice ministers in barely half a year and four in 18 months shows how instability in the Executive has impacted adversely on its ability to deliver, with the increase in child poverty from 29 to 30 per cent last year an obvious symptom.

Of course, poverty remediation is not one of the First Minister's fabled five priorities. Perhaps he sees no votes in it or it detracts from new Labour's "We are all Thatcherites now" philosophy, which is nakedly espoused by the architect of new Labour, Peter Mandelson MP.

It is astonishing to read in the minister's foreword to the document phrases such as

"The time for talking is over".

It may well be, but we are now five years into a Labour Government at Westminster and three years into this Executive. Should not the talking have ended years ago? There are some classic motherhood-and-apple-pie statements in the document. On page 6, the Executive says:

"we want to build communities ... where people want to live; where people have the opportunity to learn, work and play; and where people can grow up, work, bring up children and retire."

This woolly, long-winded, hand-wringing document is full of all the usual Executive phrases, which appear to have been culled in an afternoon from a variety of more glossy predecessors to be presented in the graveyard shift on the last afternoon before the recess. It is full of words and phrases such as "prepare", "consult", "plan", "strategy", "shared vision", "develop potential", "partnership working", "flexible solutions", "building confidence", "framework", blah, blah, blah. There is plenty of rhetoric about

"good examples of joint working and community involvement"

on page 11 and

"significant successes in some communities"

on page 3. However, little evidence has been provided to back such claims. I will quote some more classic lines from this estimable publication.

Ms Curran: Will the member give way?

Mr Gibson: In a second.

How about:

"We will work in a way that means that decisions are made by those best placed to make the decision"?

I would go along with that. The document says:

"We need to know where action is needed most."

Who could disagree? The minister's introduction to the publication says:

"For the first time we will properly measure the success of local initiatives."

Why is that for the first time?

Ms Curran: That is because anybody who is familiar with regeneration knows that debate on it needs to be more sharply focused and streamlined. Does the member agree with the substance of our proposals? What would the SNP do with regeneration?

Mr Gibson: If the minister waits, she will hear answers to some of her questions.

The document has a deep sense of urgency. Page 23 says:

"Publishing this document is the beginning of the process".

Page 25 says:

"we will develop a detailed work plan to take forward this action plan ... by the end of 2002."

Such a headlong rush to produce a plan to take forward the plan.

The document shows how important it is to

"develop a set of indicators that reflect the main issues that are important to our communities and which will allow us to track progress over a range of **variables**".

Overleaf, it says:

"We have yet to decide what indicators we will include".

Mañana, mañana. As the *Evening Times* pleaded in its editorial on Tuesday:

"Stop wasting time and too many lives."

Lives have been ruined by the grinding, hopeless poverty that afflicts hundreds of thousands of Scots, day in, day out, year in, year out. A quarter of the population in the minister's constituency of Glasgow Baillieston is affected.

New Labour has made matters worse by switching resources from Glasgow, Inverclyde and Lanarkshire to more prosperous suburbia. For example, Glasgow's share of aggregate external finance has fallen year on year from 15.74 per cent to 14.71 per cent since new Labour came to power. If the city's share had remained constant, the city would have £64.923 million more to spend

this year on vital services. Glasgow City Council would not have had to cut £17.8 million from this year's budget, close more than 100 community facilities in the past five years, reduce the number of teaching posts—despite the lowest level of educational attainment in Scotland—or sack 4,500 council workers since 1997, while raising council tax to be the highest in the country. No wonder Glasgow City Council's director of finance, George Black, described that as a double whammy, and council leader Charlie Gordon said that it was a denial of social justice for Glasgow by the Executive.

Of course, a cynic might suggest that closing the gap for Glasgow is less important than buying votes in the new Labour frontiers of East Renfrewshire and East Dunbartonshire. Members may care to note that while cuts in resources for Glasgow amount to £315.17 per Glasgow council tax payer this year, the £11.003 million extra for East Renfrewshire equates to a remarkably synergistic subsidy of £297.08 for each of its council tax payers this year. That is a case of Robin Hood in reverse, if ever there was one. If the Executive is serious about closing the gap, resources must be tailored to meet need, not the search for suburban votes.

I do not doubt that some reactionaries in the north British Labour party will moan and groan about my robust critique and lack of positive alternatives and detailed solutions. In the day-long debate on regeneration in May 2000 and the three-hour debate on regeneration last year, we provided solutions. Members will find that the SNP's urban regeneration statement is about five times the length of the Executive's and that it is more detailed and contains more direct solutions to the problems of regeneration.

If the Executive continues to insult the Parliament by cramming debates on important social justice issues into 90 or 105 minutes as they have in the past year, with the emphasis on regurgitation of previous statements and allowing the SNP only seven minutes to respond, should we play ball? I think not. Give us a proper three-hour debate, and we will give Labour the answers that it appears still to desperately seek.

Finally—

The Deputy Presiding Officer: And very briefly.

Mr Gibson: Finally, I wish all members around the chamber a pleasant and relaxing summer recess.

I move amendment S1M-3256.1, to leave out from "warmly" to end and insert:

"notes with disappointment the content of the Scottish Executive's community regeneration statement *Better Communities in Scotland: Closing the Gap*; believes that community regeneration is a topic worthy of serious

consideration, and demands that the Executive go back to the drawing board and come back when it has some well thought out, workable solutions to the problems faced by Scotland's deprived communities."

15:54

Mrs Lyndsay McIntosh (Central Scotland) (Con): I hesitate to say, in the spirit of consensus, that the Conservative party associates itself with Kenny Gibson's good wishes for a prosperous recess. That may be the only time that we agree with him, for the moment.

Poverty used to be about material needs. Strong resilient families and communities helped people to cope with income shortages. Today, the situation has almost been reversed. Most people have more income and wealth, but that material well-being cannot compensate for the new fragility of families, public order and sometimes failing public services.

Community fragmentation means that an increasing number of individuals and families cannot cope when misfortune strikes. I am not questioning for one moment the sincerity of ministers in their desire to tackle those problems, nor even am I questioning some of the social justice targets that have been set. Instead, I question the chosen means of getting there. I do not question the destination; I question the route. For every social problem, Labour and its Liberal Democrat partners appear to have only one answer, which is to spend more taxpayers' money on the same old levers of public policy. The document that is before us mentions past success in regeneration, but in many places persistent problems remain that are immune to state intervention. We need a new approach.

All but one of the Executive's social justice targets, for instance, focus on Government-centred action. Families, faith-based groups, community-based charities, professionals and other good neighbours in Scotland are useful only in so far as they do their paymaster's bidding. The document talks about building social capital, but does not allow for many new approaches and relies on the old methods of community education based on statutory services.

Our approach would be radically different. I am sure that we could agree throughout the chamber that our long-term stability depends on good schools, strong families, active citizens and charities, and on public services that are run by trusted and well-rewarded professionals.

Conservatives stand first and foremost for neighbourhood policing, which gives crime-ridden areas a constant, visible police presence. We must ensure that the police get better support from the criminal justice system. Social justice must be

built on genuine justice for all our communities. I am sure that ministers have been made well aware by their own back benchers how important that is. At the same time, we must strive to build a neighbourly society that has strong relationships within and between communities, which link children to sources of care and discipline. That will reduce the likelihood of children drifting into patterns of anti-social and self-destructive behaviour, about which we have heard so much of late.

Throughout Scotland, there are charities and good neighbours who are, for example, helping a family to deal with a debt problem or mentoring a child who is at risk. Faith-based groups and self-support groups provide friendship to the very elderly and comfort those who are suffering. Smaller groups, which have deep local roots, are often the most innovative and personally compassionate. They are often led by local people, who understand the needs of their area. They are values-based groups and see people as neighbours rather than as clients. They tend to be peopled by men and women who have in-depth experience of the problems with which they seek to deal. Those networks of good neighbours are not equipped to meet every social challenge, but too often they are shut out from the current bureaucratic and politically correct funding arrangements.

Scotland's public services have become worse under Labour. Scottish Conservatives will seek to work closely with public service professionals to eliminate bureaucracy, which hampers and demoralises them. We would like to empower professions and make them properly accountable to the communities that they serve, rather than being driven by arbitrary and changing targets that are set by remote politicians.

We would ensure that schools educate children to the highest levels and equip them with the practical skills that they will need for the world of work. They cannot all be academics. We would not pay lip service to empowerment as the minister does, as one of the members of the most centralising Government in decades—particularly in health, where the Scottish national health service is now under ministerial command and control. In education, Labour's equality means the same for all, irrespective of need. Yesterday, we heard that the Government overloads teachers with more and more bureaucracy. Police officers and NHS staff make the same complaint.

Am I dangerously close to running out of time, Presiding Officer?

The Deputy Presiding Officer: You have 25 seconds.

Mrs McIntosh: Thank you. Perhaps I will come

back to this subject later in the debate.

We would like to promote greater diversity in education. Schools should prepare children for the whole of life, not just for paid work. That is why we would encourage more parental involvement in education and stand up for parents' values.

I would like to mention measurement, but I will leave that until my summing up. That is one issue on which I am sure that we will disagree. Perhaps Mr Gibson will pick up on that point.

I move amendment S1M-3256.2, to leave out from "warmly" to end and insert:

"notes the publication of the Scottish Executive's community regeneration statement *Better Communities in Scotland: Closing the Gap*; agrees that despite past successes in community regeneration more needs to be done to improve the quality of life of people in Scotland's deprived areas; notes the Executive's worthwhile aim of empowering professionals and communities to resolve local problems but considers that its bureaucratic, centralising approach fails to shift the emphasis of regeneration away from traditional government-imposed structures; notes that *Better Communities in Scotland: Closing the Gap* contains no meaningful proposals to measure the success or failure of regeneration initiatives, and calls upon the Executive to implement a genuinely diverse approach, independent of government, to empower families, communities, local voluntary organisations and professionals to take action to resolve the difficulties faced by Scotland's deprived communities."

16:00

Robert Brown (Glasgow) (LD): There is no magic wand for community regeneration. If there were, the successive Governments that have tried to find it for a number of years would perhaps have done so. There will be not a single solution, but a web of different solutions provided by different agencies. I was slightly surprised by the tenor of Lyndsay McIntosh's speech because, in general, the Executive's policies seek to take on board the range of available facilities—private, public and independent.

Last night, Margaret Curran spoke at an event that was chaired by Paul Martin, which marked the success of the St Rollox project in Springburn. The project is a highly successful enterprise that provides quality employment for local people. It is based on the commitment of Tesco—a private enterprise—working in partnership with the various public agencies to provide financial muscle, job guarantees, targeted skills training and community regeneration. That is not the only way to bring about regeneration, but it is an interesting and innovative approach that fits well with the Executive's policies. The key point about the St Rollox project, which is echoed in "Better Communities in Scotland", is the recognition that social injustice cannot be tackled unless decent long-term employment is taken up and sustained by local people. Failure to deliver that has been

the crucial failure of previous regeneration strategies.

Most members agree that poverty, deprivation and lack of opportunity have a damaging effect on individuals and communities and that there is a hopelessness in many urban communities. Although there are issues in rural areas—which other colleagues will mention—as a member for Glasgow, I want to concentrate on urban issues. Even if we forget about the problems with older people, there is something particularly unappetising about the waste of talents and opportunities for young people. The concentration of urban deprivation in Glasgow is damaging and difficult.

One privilege of being an MSP is seeing at first hand the immense efforts of individuals and communities at all levels to build a better world. I give as examples the quiet confidence building of the staff and students at John Wheatley College and the achievements of Reidvale Housing Association in linking first-class housing, a pioneering play centre and an innovative sheltered housing project.

I warmly welcome the publication of “Better Communities in Scotland” because it builds on the lessons that have been learned from examples such as those that I have mentioned, particularly with the key roles of confidence building and raising skills, and because it aims to build from the bottom up. It is right that we should evaluate what works, but I have been struck time and again since the Parliament started by the poor state of our national statistics. The establishment of the Scottish centre for regeneration is an important step in trying to research and provide materials with which to judge the success of projects.

Building from the bottom up is easier said than done. The record of the SIPs in that respect, and the effectiveness of the considerable spend that has been committed to their care, is fairly patchy. The community planning framework must be enabling, not restrictive. It must allow genuine talent to flourish and genuine local independence to grow. Local authorities and other agencies must not strangle local communities by regarding local people and groups as pawns to be moved about on a regulated chessboard. Local people and groups must be given their head and allowed to make mistakes and to win victories. I ask the minister to say how local communities are to be empowered and how the lack of accountability of some SIPs to their communities or to the Scottish Executive is to be overcome.

How is success in regeneration measured? I am concerned about the imprecision of social justice targets and the impossibility of measurement. We should rely on a small number of key statistics that are intelligently analysed and researched. We

should not measure the success of projects against artificial and inappropriate targets. One project that succeeds in sustaining employment for 10 people who have failed elsewhere, or a 20 per cent success rate for a particularly difficult client group, is worth a hundred other statistically more impressive arrangements.

Against that background, I would say that the publication of “Better Communities in Scotland” is a significant step forward. On behalf of the Liberal Democrats, I wish the initiative success. I support the Executive motion.

The Deputy Presiding Officer: We have 32 minutes for open debate and eight members who wish to speak, so if everybody sticks to four minutes, all will be called.

16:05

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to contribute to this important debate on community regeneration and “Better Communities in Scotland: closing the gap”. I am disappointed that Kenny Gibson and, to a lesser extent, Lyndsay McIntosh, chose to be so uncharacteristically non-consensual in their approaches. When I read the amendment that was lodged in Kenny Gibson’s name, I had thought that it seemed a little hyperactive. The main course was obviously going to be his actual speech, however, which met new bounds of hyperactivity—and phlegm.

I make a serious point here: we have the opportunity to analyse how effective the current strategies have been, but it is absurd to suggest that we should simply stop and start all over again. When we seek real and lasting solutions to problems, they have to be developed in partnership with the community—as opposed to Kenny Gibson’s view—and not on some faraway drawing board in some corner of the Scottish Executive. Some of the accusations that are being made are denying the important work that has been done in communities such as my own, particularly by local people in those communities who are working hard to make the process effective.

I will highlight a number of areas that I think are worthy of some consideration. The minister has commented on and acknowledged the importance of economic regeneration and community regeneration, and the fact that the two are intrinsically linked. There needs to be visible improvement in our communities’ environment, as well as a visible increase in economic activity. People in communities should have a real say in shaping the decisions that are made. Apart from anything else, if they shape the decisions, the action that is taken is far more likely to be right.

We need to look beyond what public agencies can do in the way of economic regeneration. We need to use imaginative ways to harness the community and economic activity that is going on in our communities to the betterment of local people. Organisations—from the Glasgow Housing Association, which, in building and improving houses, must have at the heart of its work the building and improving of communities, to private sector businesses that plan to do business in our communities—can play a part in training people and supporting them as they enter work. They should view themselves—and we should view them—not just as being sited in communities but as playing a part in shaping them.

In particular, I highlight the Scottish Council Foundation's report on Glasgow, "Full Employment City", which revealed that, of every two jobs that are created in Glasgow, only one goes to a Glaswegian. I ask the minister to reflect on the report's recommendation that more be done to support social enterprise and the social economy. There is real evidence that jobs that are created in that sector are far more likely to be taken up by members of the local community.

In relation to social enterprise, I make a particular plea for attention to be given to the co-operative or mutual sector, which often brings together commercial effectiveness and democratic accountability, a connection that delivers for communities and that gives appropriate regard to them, drawing on their talents and experience.

I emphasise the importance of joined-up working, particularly in relation to the cities review. There is no point in supporting local economic regeneration in Glasgow if we do not address the logic of the economic imperative and what happens when people become economically active—they move outside the city boundaries.

We have to acknowledge a range of local solutions and initiatives. I do not have time to make a lengthy point about this, but I ask the minister to address the question of community transport and remedy some of the important gaps in provision. I refer in particular to the initiative taken by the Community Transport Association. I also wish to reflect on the importance of the process of community regeneration, which brings together agencies and the local communities. They must, however, be brought together to a purpose.

There are two challenges before us: to facilitate the involvement of the community—I welcome Glasgow City Council's recent initiative in giving extra support to community councils—and to ensure the accountability of those who represent communities in various organisations. It is essential that this process is a living and challenging one, which we engage in not for form,

but because we seek to make a real difference to those communities that most desperately need regeneration.

16:09

Mr Andrew Welsh (Angus) (SNP): In government, there is action; there is also the appearance of action. Those two realities are very different. The Scottish Government calls itself an Executive, and Scotland's Parliament has a right to expect action, not merely words, from an Executive. In "Better Communities in Scotland: closing the gap", the people of Scotland have every reason to be disappointed by the new Labour-Liberal Government. The document may talk about some of our nation's long-standing problems, but it provides no solutions for tackling and defeating them. As ever, the Labour Executive provides spin, press releases and propaganda, when the people of Scotland want solutions to the inherent and on-going community problems.

Over the past three years, the Labour Government's tactics and approach have been clear. The response to every problem that affects real people has been to set up a task force. Task forces may define and identify the problems, but they do not tackle them. Targets and aims are set, but they are almost never delivered and are quickly forgotten. Debates and strategies then follow. If all else fails, things are simply renamed. Scottish Homes is now called Communities Scotland, which makes neither grammatical nor common sense. How low Scottish Government housing policy has sunk since we moved away from the pioneering, dynamic and innovative Scottish Special Housing Association to the shrivelled-up and inadequate shell that is Communities Scotland.

If Governments will the ends of policy, they must also provide the means to fulfil those ends. The fact that the Executive's recent report on homelessness received a massive caveat from the Convention of Scottish Local Authorities, Shelter and the Scottish Council for Single Homeless shows that Labour's sleight of hand and lack of resources have been well and truly rumbled by the organisations that deal with the problems.

I was a co-sponsor of the Housing (Homeless Persons) Act 1977—indeed, I got the act to apply to Scotland—yet here we are in 2002 and the problems stubbornly remain. We still have a problem with our poor housing and environmental record. The task is clear enough. There is an unacceptable and growing gap between wealth and poverty within Scotland. A total of 409,000 homes suffer from critical disrepair. In other words, due to the neglect of basic repairs, those homes are not windtight or watertight.

Johann Lamont: Will the member give way?

Mr Welsh: I am sorry, but I will finish my point.

There are 118,000 homes—and thus many more families—that have lead in their water supply. A total of 208,000 homes have poor energy efficiency. That is the reality of the problem, which affects both urban and rural areas, and all of that takes place in an aging housing stock.

None of those problems is new to Scotland; they are all of long standing. We compare badly with our neighbours in other parts of Europe. I remember raising the problem of lead in the water supply in debates when I was at university. What kind of Government allows 118,000 homes daily to poison the people who live in them? Over 30 years ago, in my maiden speech in Westminster, I highlighted the problem that one third of Scotland's children were born to fail simply because of the social and economic environment into which they were born. Yet, although we have reached the 21st century, a third of our children are still born to fail, as the document makes clear.

Westminster never tackled the problems, but the Scottish Parliament must. We have problems of poor housing, of homelessness and of failure that is determined at birth. In such a wealthy country, we have a lack of opportunities and a too large and growing gap between the wealthy and the poor in our society. Those problems require strong, firm, committed and well-resourced action, yet the well-meaning waffle of "Better Communities in Scotland: closing the gap" is all that the Labour Government can offer. It is typical of new Labour that it talks about coping with the symptoms yet fails to deal with the underlying problem. The price of that failure will be paid by the poor and increasingly vulnerable, but new Labour will also have a price to pay when it faces the electorate, as surely and inevitably it must.

16:13

John Young (West of Scotland) (Con): In all fairness, I think Margaret Curran probably has one of the most difficult jobs in the Scottish Executive. Anyone who held her portfolio would face immense problems. It is symptomatic that, of 129 members, there have been on average only 23 members in attendance at the debate. Perhaps there is a sense of helplessness or of boredom because we have heard the debate before, but that is no excuse not to participate.

The *Evening Times*, which has been referred to, has recently mentioned Margaret Curran a number of times. On 25 June, it stated:

"As MSP for Baillieston, Social Justice Minister Margaret Curran is better placed than most to deliver solutions to the degradation and misery of poverty."

The problems are difficult, but we have faced them before in history. In 1840, things were considerably worse than they are today and in the 1930s things were worse in many ways. At the end of the 1930s, the second world war came along and we partially turned the corner—although I do not suggest that we want another world war, or any other type of war.

One of the problems is that although members unanimously want to get things done, there is uncertainty about how to go about that. There is staunchly worded rhetoric, but we need more than that as so many different groups of people are involved. Lyndsay McIntosh said that it is not the destination that is in question, but the route that we follow. Members will recall that, in 1933, Franklin Roosevelt faced immense problems all over the United States. He brought in the new deal, which was a mechanism that set about curing the problems over several years.

I worry about the approach of simply pouring money into all the different groupings. I would like to hear Margaret Curran, or whoever winds up for the Executive, expand on the idea of measurement to which she referred.

There is not enough time to illustrate this but I urge members to read the *Evening Times* of 25 June, which highlighted the problems of three locals from the Baillieston and Easterhouse areas of Glasgow. If parliamentary regulations allowed it, I would like half a dozen people or more from such areas to be invited into the Parliament to tell in their own words what it is really like out there. They face crime—

Karen Whitefield (Airdrie and Shotts) (Lab): Does John Young agree that the Social Justice Committee plays a valuable role in doing exactly what he suggested? We genuinely engage with many groups from throughout Scotland and give them the opportunity to help to shape our work programme.

John Young: I accept that, but I would like those groups to be able to address the Parliament. My point is that not every member is on or attends the Social Justice Committee.

We were told that a lot of Scotland's youth are unemployable, which is true. That is no fault of theirs, but is perhaps because of a lack of education or opportunity. They subsequently turn to crime and drugs and suffer rotten housing conditions and much more besides. If we had found ourselves in such situations at the ages of 15, 16, 17 or 18 we would probably have done the same as those youths, who face a bleak outlook.

Every member in the Parliament wants action; it is not a question of political point scoring. Members want to get something done, but we might disagree about the best way to go about

that. We should seriously consider casting aside party prejudices to find a solution, in the way that Roosevelt in the 1930s managed to persuade most United States politicians, even from the Republican party, to cast aside their party prejudices. We should do that and aim for an ultimate decision that would give some recompense to unfortunate people all over the country, not just in Glasgow. I have no doubt that there are people in England and other parts of the country who could stand up and say the same things as the people from the areas to which the *Evening Times* referred.

I will conclude because I think that I have completed my final minute. I want to make a point on that, if I may, Presiding Officer.

The Deputy Presiding Officer: No. We are tight for time.

John Young: We are allowed only a matter of seconds or minutes for speeches in debates such as this, which is a problem.

The Deputy Presiding Officer: You are taking someone else's time. Thank you. I call Karen Whitefield, to be followed by Irene McGugan.

16:18

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the publication of "Better Communities in Scotland". I particularly welcome its central aim of improving on partnership work and community involvement by integrating community regeneration into the community planning process. I welcome its commitment to ensuring that mainstream services contribute effectively to the fight against social exclusion.

As this is the final debate before the recess, I thought that I would shock some members by acknowledging the previous contribution of the Conservative Government in this area. That Government's documents "Progress for Partnership" and "Programme for Partnership", which were published between 1993 and 1995, marked the start of a proper and nationally consistent partnership approach to community regeneration.

The establishment of the four pilot partnership areas set the scene for the social inclusion partnerships of today. Therefore, I was saddened that Lyndsay McIntosh did not acknowledge the success and hard work of communities and the Executive in developing the work that Ian Lang started.

The reality is that a lot has been learned since then. The theory of partnership rarely lived up to the practice. Too often, partner agencies would not agree on common goals and were overly protective of the resources that they could bring to

the table and community involvement was merely tokenistic.

I am therefore pleased that the Scottish Executive has set out the steps that it will take to ensure that new partnerships work more effectively to assist in community regeneration. I welcome the Executive's commitment to improving training for staff and members of partner agencies. I welcome the commitment to ensuring that community representatives are properly trained and supported so that they can be active and informed partnership members. I also welcome the move towards more local decision making. Plans to link SIPs to the local community planning process, to examine the feasibility of local budgeting and to introduce neighbourhood management are all positive.

Another key element of improving our communities is safety. We all know the disruption that a small minority of anti-social people can cause an entire community. New housing developments and improved educational and employment opportunities are pointless if people feel that they cannot bear to live in their community any longer because of the disruption and fear that a small number of anti-social people cause. We must ensure that, where possible, the people who cause that disruption are given the opportunity to change their ways, especially where children are involved, and we must provide support and constructive alternatives to such behaviour. However, where such people persist with anti-social behaviour, we must find ways of protecting the wider community from their actions. We must ensure that local authorities and the justice system use current legislative powers effectively and speedily to exclude those people from vulnerable communities. We should also examine options such as professional witnesses.

Many communities throughout Scotland, such as Petersburn in my constituency, are in the process of substantial housing redevelopment that has been actioned by the Labour-led Executive. Improving the quality of housing stock is important. However, communities are made not of bricks and mortar but of flesh and blood. If we are to regenerate our communities, it is vital that we provide community members with the necessary support, training and resources and that we allow them to participate meaningfully in and to shape the regeneration process.

The plans that are set out in "Better Communities in Scotland" acknowledge that and build sensibly on the community regeneration work of the last 10 years. I look forward to their implementation.

16:22

Irene McGugan (North-East Scotland) (SNP):

I am sure that no one would take issue with the statement that people need the core services of health, education, transport, jobs and crime prevention for a decent quality of life and well-being. However, all over Scotland, concerned people are at their wit's end because they are without basic services from the local police, youth services or housing department, for example. That is because, for some time, it has been difficult for major service providers such as local authorities to continue to deliver those core services and meet anything like the rising level of demand. It is also difficult for the voluntary sector because short-term project funding for initiatives is not the way to root much-needed services in local communities. I suggest that both sectors need more core funding to provide the core services.

Like other cities in Scotland, Dundee has too many areas of deprivation. When I hold surgeries there, I am left in no doubt about the stark realities of social inequality. The desperate people who come to the surgeries highlight the extent of poor housing in the city which, in some cases, is an affront to decent society. One man goes camping every weekend to escape the horrors of his multi after being 10 years on the waiting list for a council house. Others talk about the lack of facilities for young people, the vandalism that means that their children cannot play out on the grassy areas around the buildings, the elderly people who are terrified to go out and—most of all—the despair of those who are affected by drug misuse. They are desperate, desolate souls who have no hope of anything better and some of them have given up altogether.

That is the extent of the problems that face us in the long-overdue attempt to create better communities. The difficulties in addressing all that should not be underestimated. Increasing the confidence of individuals and communities is mentioned throughout "Better Communities in Scotland". That is valid, but there is not much indication of how the Executive will achieve that.

Poverty is a factor in all that. In last night's excellent members' business debate, initiated by Trish Godman, we heard that Scotland must not be a country in which it is a crime to be poor and in which people such as loan sharks make profits out of other people's precarious financial circumstances. However, the continued existence of citizens advice bureaux and independent advice centres, which play a crucial role in providing support and information to vulnerable people who are living in poverty, is itself often precarious.

Underfunding of grass-roots projects, which take responsibility for providing local services, is a real issue. When the council holds the purse strings, it

usually holds all the power. Independence and self-determination are important principles, both generally and in creating better communities. The voluntary sector will be under threat if only the Executive priorities are funded and there is little room or opportunity for other—perhaps better—ways of reducing child poverty or providing decent, affordable houses and safer streets to be tried.

We need to energise communities again, in Dundee and elsewhere. There are motivated people around who can offer motivation and hope. They are people who have lived in their area for a long time, who have seen it become run down and who are aware that a sense of community is almost non-existent. I worry about whether there are young people coming up behind them to continue their good work, because without serious help there is a limit to what they can do.

We need to support communities to take responsibility and action on their behalf. For too long, there has been very limited investment in communities. The Executive has not done enough to break down a culture of dependency and hopelessness. To some extent, its actions have retarded community development. Communities must get better soon.

16:26

Donald Gorrie (Central Scotland) (LD): I am very happy to support and to try to develop the excellent points made by Robert Brown, who—as usual—made a thoughtful contribution to the debate.

Karen Whitefield referred to the four partnership areas, which are very important. One depressing fact forms the background to the debate: research conducted recently on the four partnership areas showed that in all four there was less community involvement in 1998 than in 1988. We must reverse that tide.

My normal boring speech is about bottom-up activities, which—as Robert Brown correctly said—are very difficult to bring about. However, we must try to help people to help themselves. That is far harder than doing something for their benefit.

The Executive document contains two particularly good lines. The first states that we should "give up power", and the second, which follows it immediately, refers to resources. Giving up power is vital, but Governments, the civil service, councils and others do not like doing that. It is possible to have a partnership and to talk about having one. However, some marriages are genuine partnerships, whereas others involve one person telling their partner what to do. We must have a genuine partnership. That means that people must be able to disagree with us and to do

things that we do not like.

In many council areas there are problems—problems that have led to the decimation of community education, for example. Although some of the people who worked in community education were not great at what they did—as is the case in any activity—many of them helped local groups to mobilise against councils, which councils did not like. We must accept behaviour of that sort and take on people who belong to different parties. Such people may be a nuisance, but they may also get things done.

It is fundamental that there should be core funding of voluntary organisations. We choose incessantly to fund projects, rather than to provide core funding. Local boys clubs, girls clubs, citizens advice bureaux and pensioners clubs must be kept going with basic, core funding. They must be helped to participate in the social economy. Yesterday we discussed organisations such as credit unions. There is a range of similar initiatives that can be taken.

I agree entirely with the document's assertion that we should measure outcomes. Often it is hard to do that, but we should stop measuring what we put into services, as we have done hitherto.

The last point that I want to make is about encouraging local enterprise. Some of that enterprise might take the form of people earning money and not always telling Gordon Brown about it. For some people, the only outlet of enterprise is to sell one another drugs. We should help them and develop ways in which they can make probably less but at least reasonable money by starting up and developing a wee business. Some of the businesses will fail, but some will succeed and grow considerably. That is much better than hoping that all those people will get jobs in a big imported factory a few miles away, which will close down in a few years. I do not suppose that in Parliament we can officially endorse the black economy, but we want to encourage local enterprise. Some people might cut corners. If someone cuts a big enough corner in the City, they become a knight. If someone cuts a small corner on a housing estate, they get into trouble. Let us stop people getting into trouble and let us encourage them in their enterprise.

16:31

Helen Eadie (Dunfermline East) (Lab): I, too, am happy to support the motion in the name of Margaret Curran. In doing so I want to echo many of the points that Robert Brown made—I am sure that he will polish his halo any minute now, given all the accolades he has had for what he said. He clearly understands the essence and complexity of community planning, what the terminology means

and how the strategy enables and empowers people to tackle this vital issue meaningfully.

The Opposition has outlined a litany of problems, but fails to see how the strategy that the minister proposes will cope with the many problems that it has outlined. In Benarty, which is in the northern part of the Dunfermline East constituency, there are a high number of claimants for incapacity benefits—15 per cent compared with 8 per cent in the rest of Scotland. The percentage of children in households in receipt of income support is 46 per cent, compared with 22 per cent in the rest of Scotland. Seventeen per cent of people of working age claim income support, compared with 7 per cent in the rest of Scotland. The number of patients who use broncho-dilators is 50 per cent greater in Ballingry than it is in similarly deprived areas. The increase in the incidence of cancer is greater than it has been in other parts of Scotland and the percentage of the population in Ballingry who claim due to limiting, long-term illness is 21 per cent, compared with the Scottish rate of 12.7 per cent.

My purpose in highlighting that area of my constituency is to say, "Here is a classic case of deprivation." The scale of the deprivation does not match the deprivation that is found in the west of Scotland, but that does not diminish the need for the Executive to focus attention on other areas of deprivation in Scotland. A case could be made for saying that it is easier for the Scottish Executive to measure the difference it can make by piloting targeted work in areas such as those in my constituency.

I praise the Scottish Executive for its work on community planning. With my experience in local government, I support and appreciate how vital it is to ensure that there is a much more collaborative approach to working in every public service agency, voluntary organisation and, if possible, in the private sector, to shape our homes and futures and the places where we work and go to school, university, the hospital or the doctor.

On page 9 of the report, the Executive talks about improving literacy and numeracy to improve individual skills, community learning and development to build skills and confidence. I urge the minister to consider proofing the Executive's community planning policy and legislation for its impact on mental health and well-being, and I ask her to discuss with colleagues in the Scottish Executive the principle of similarly proofing all the Executive's policies and legislation.

I appeal to the minister to have early discussions with the Scottish public mental health alliance and, in particular, commend to her a report called, "With Health in Mind", on improving mental health and well-being in Scotland. I ask her to speak to her colleague Cathy Jamieson, the Minister for

Education and Young People, and consider developing policy that will ensure that having emotionally literate young people is a core objective in schools.

Well-being needs to be an overarching priority for government. Some countries, including Norway, are implementing universal access to parenting programmes. School-based emotional literacy programmes are part of Australia's efforts to improve mental health and well-being.

In chapter 4 of the Executive report, clear direction is given on the action plan for developing the strategy and there is clear acknowledgement of the value of benchmarking outcomes. I ask the Scottish Executive to make the identification of the sources of frustration and suspicion that undermine community mental health and well-being in all decision-making processes an explicit goal and to ensure that it seeks to rebuild trust where it is weakest. As a nation, we are wracked by self-doubt—we dwell on what might go wrong rather than on what might succeed. For Scots, success is met with indifference or jealousy, confidence is labelled as arrogance and risk is avoided for fear of failure.

According to ConfidentScotland, a new movement that is dedicated to improving Scotland's self-confidence, our national well-being is damaged by low self-esteem. ConfidentScotland was formed when the broadcaster and communications specialist Bill McFarlan and the psychiatrist Dr Alex Yellowlees had what they described as a meeting of minds. I hope that the minister will meet their minds.

16:35

Colin Campbell (West of Scotland) (SNP): I make no apology for focusing on one of the services that is referred to in the glossary of "Better Communities in Scotland: closing the gap". Page 28 states that

"other organisations such as the police"

are part of the solution to the five core issues of health, education, transport, jobs and crime prevention. Members will agree that every citizen, rich or poor, should be entitled to a safe environment and, where possible, if they suffer a criminal act, to a quick investigation and a prosecution. Unhappily, that is not always the case.

Like most members, I speak frequently to the police. I spoke to them recently at a closed-circuit television meeting in Bridge of Weir and a couple of months ago at Strathclyde police headquarters. Every time I meet a police person, I ask them whether they want more communications, better cars, better equipment or more CCTV. No matter

what rank of officer replies, I inevitably receive the answer that more people are needed. The answer usually concludes with an explanation of how badly and thinly staffed their division is, especially at night.

I have asked written and oral questions on the matter and the Executive repeats the litany that it is spending more on policing than it has ever done before. That is fine, but it is hard to explain to a frightened old lady that the police did not come to help her because they were prioritising more serious crime and had moved her down the list. That situation befalls many people.

It is unfortunate that the Executive has no intention of improving the levels of service in 2002-03. I will quote from a reply by Jim Wallace to a parliamentary question that I asked in May. He said:

"To arrive at the distribution of Grant Aided Expenditure for 2002-03, forces were invited to submit detailed estimates of their needs for the current year assuming no change in the levels of service provided by the police."— [Official Report, Written Answers, 28 May 2002; p 799.]

No change in the levels of service means a service that is no worse and no better. A service that is no better is not good enough.

The service is suffering because the police are under-staffed and overstretched. The increase of 300 officers in three years, of which the Scottish Executive boasts, amounts to about one person per shift, which is totally inadequate to meet the needs of law enforcement, leave, illness and courses. It is also insufficient to create the atmosphere of safety and security that is so conspicuously absent in some areas.

We are all subject to crime. I live in a row of four houses and, over the past few years, three out of four of us have been the victims of walk-in, walk-out crimes, housebreakings or the pinching of wheels from cars. Although those experiences are unhappy, they do not bring with them the violence, overt threats and mindlessness that characterise crime in areas in which the gap needs to be closed.

One of my pupils—a girl—stumbled over a corpse in a close on the way to school one morning. On a separate occasion, she saw a friend bleed to death from a severed jugular on a supporters' bus that had been bombarded with bricks. That was before the drug trade, competing drug empires and addicts' desperation became major factors in crime.

The Executive's document says that it wants to make more core services, of which the police are one, as effective as possible in deprived areas. To do that, it will have to increase police force strength and put its money where its mouth is.

16:39

George Lyon (Argyll and Bute) (LD): I have listened closely to the speeches from members of Opposition parties and I am amazed that no mention has been made of the challenges that face some of our rural communities. Regeneration and closing the gap involve not only urban communities; the challenges that the Executive faces are just as big in rural communities.

I want to highlight some of the challenges in the island communities that I represent. The biggest challenge is depopulation. Figures in the structure plan for Argyll and Bute show the likely populations in the islands in 10 years' time. On Tiree, a 17.8 per cent drop is expected; on Mull, 18.2 per cent; on south Kintyre, 11.9 per cent; on Coll, 14.3 per cent; and on Bute, where I live, 19 per cent. If we cannot arrest those steep declines, many of the islands may empty completely. A critical mass can be reached below which the population is no longer sustainable.

What common causes underlie the challenges that such communities face? I would say that they are transport and jobs, both of which are highlighted in the document that we are discussing. A major problem is the high cost of ferry travel and air transport to the islands. Another major problem is the lack of jobs. The island economy is a low-wage economy with a narrow base—usually tourism, agriculture and fishing. That leads to seasonal employment. People cannot get jobs for 12 months: they are taken on in summer and then laid off in winter.

A linked issue is poor access to public services. It is extremely difficult to deliver the same quantity and quality of public services to small island communities as can be delivered elsewhere. That can lead to the loss of our young people, which exacerbates the problem of rural depopulation. Young people leave because of a lack of opportunity; a lack of jobs does not encourage them to return. On islands, we also have a problem because of our inability to compete with people who want to buy holiday homes. Those people constantly outbid the local island population.

What is the answer? The Executive is doing quite a lot to intervene and rescue some island populations from what has been a clear market failure. We are taking action on transport because we need lower costs and a more flexible transport system. I hope that the tendering process that was announced at lunch time today will deliver a service that is not only better but cheaper. We need action on employment. We need to widen the industrial base of the islands and move away from the reliance on tourism and the primary industries. We have to exploit the opportunities that the knowledge economy provides, basing

employment on a good communications infrastructure. Through Highlands and Islands Enterprise, the Executive has funded such measures over the past nine or 10 years. More has to be done.

It is important that we address unemployment so that we can encourage young people to come back to island communities. We must also consider flexible and more innovative ways of delivering public services.

The Scottish Executive has taken action. The better neighbourhood services funding that was allocated to the Argyll islands is one measure that has tried to improve our public services. The modernising government programme has led to funding to provide more innovative ways of delivering services to the islands. That is welcome, but I call on ministers to take more action.

There is a real challenge out there. On islands such as Tiree we are reaching a critical point. We have lost 15 per cent of the population in the past two years. If further action is not taken, the population could implode and the island's very future could be threatened. I ask ministers to acknowledge the rural dimension to this debate.

16:44

Mrs McIntosh: A number of people have commented on measurement and in my opening statement I said that I would come back to the issue. Helen Eadie, Kenny Gibson and Robert Brown all mentioned the difficulties with measurement. From the minister's statement, one would think that proving the worth of the plan was the main reason for change. However, the "Better Communities" document says little or nothing about measurement.

Outcome measures are yet to be set and no one knows how that will be done. One has to question what the minister and civil servants have been doing. The document contains warm words, but they take the Scottish people no further forward. As the minister said earlier, the time for talking has passed—it is time to measure and walk the walk.

Ministers set targets and make 10-year plans that are opaque and for which no one is directly accountable. The community planning approach simply ties in the innovation of the voluntary sector to the work of the statutory agencies, so that voluntary organisations spend their time looking for grants that come with conditions, rather than being able to get on with helping people in need. Many members are familiar with that argument. That approach has also created a professional poverty industry, driven by the socialist ideals of income redistribution rather than by self-help through families and communities.

It is time for a change in Scotland's deprived communities. Change for the better can come only by ending the current approach and by building genuine autonomy, self worth and aspiration in individuals and families. Those values allow good communities to look after one another and reduce the reliance on failed state systems of intervention.

George Lyon: Will the member give way?

Mrs McIntosh: George Lyon should keep it quick.

George Lyon: I question whether the recipe that Mrs McIntosh suggests will address the needs of my constituents. It is clearly the market failure and inability to influence their own situation that means that our communities need public services to step in. We need public intervention to turn such communities around.

Mrs McIntosh: I have to question whether George Lyon listened to my opening speech. I did not say that public services were not making the effort. I said that some public services—not all—were failing.

Donald Gorrie and others mentioned local enterprise and communities helping themselves. I would like to bring to the Parliament's attention the Camelon Boat Company, an organisation that is trying to do something in its community. In the context of one of the biggest things that has ever happened in Scotland, the Falkirk wheel, the Camelon Boat Company is trying to bring jobs to the area and is receiving no encouragement whatever.

Robert Brown mentioned the St Rollox partnership. I wish that I had been there to add my congratulations. Instead of attending the St Rollox partnership event last night I went to the Ministry of Defence event. Robert Brown commented on urban deprivation and the difficulties faced by some people. There are opportunities there to take the children who are the mini crime waves and give them a challenge that will turn round their lives. I have spoken to the minister about that.

I could not possibly let Karen Whitefield comment about Ian Lang and the social inclusion partnership pilots that have been developed so much further without saying something. No one is questioning the fact that good can be done in SIPs, but as the minister mentioned, there are difficulties about people who are just a few streets apart and do not get assistance because of the fine line that is drawn between them. SIPs must develop and move on. I am sure that the minister is well aware of my interest in that.

Karen Whitefield: Will the member give way?

The Deputy Presiding Officer (Mr Murray Tosh): No, the member must wind up.

Mrs McIntosh: Fine.

16:48

Linda Fabiani (Central Scotland) (SNP): On Tuesday night, I rushed home from a social occasion because I was so looking forward to reading "Better Communities in Scotland: closing the gap".

Ms Curran: Linda Fabiani must have a sad life.

Linda Fabiani: I was sadly disappointed. I cannot improve on Kenny Gibson's critique of the document, although I disagree on one point. I found one phrase that had an absolute ring of truth. On page 8, paragraph 15 says:

"We must also be smarter".

That is straight from the horse's mouth.

Jackie Baillie (Dumbarton) (Lab): That was a killer point.

Linda Fabiani: Never mind. I know that it takes Labour members a long while to get such things.

The minister churned out the statistics on poverty and we heard Helen Eadie rehearse some local ones. We know the statistics—we hear them over and over again in the chamber. However, some people are living those statistics every day of their lives and nothing has changed for them since 1999 or 1997. The statistics remain the same. Indeed, child poverty is up 1 per cent from last year. However, the minister is still talking about the development of a strategic approach. As Lyndsay McIntosh said, there are no aims, targets or time scales in the document.

SIPs were introduced in 1999. In her speech, the minister assured us that SIPs would not be the only model to be used under the new strategy. That is just as well, as only five out of 50 SIPs—or 10 per cent—did not underspend over the past two years. All over the country, there are examples of SIPs that underspent their budgets. Dundee Xplore underspent by 46 per cent, Glasgow Smaller Area SIP underspent by 99 per cent, Moray Youthstart underspent by 77 per cent and West Lothian SIP underspent by 66.9 per cent.

Ms Curran: In the Parliament some weeks ago, Linda Fabiani raised the same issue with me. With all due respect, I have to say that she fundamentally misunderstands what regeneration is about. She also fundamentally misunderstands what the Executive is trying to do. I wish that she would pay the issue some serious attention.

When the Executive works with communities, as Linda Fabiani tells us to do, there are times when it is necessary to go at their pace, to allow them to work at their own pace and to give them time to develop the models about which Donald Gorrie

spoke. Working in that way can lead to SIPs being underspent. The SNP's approach would mean that the Executive frittered the money away at the end of the year. That used to happen, but we now take a managed approach.

Linda Fabiani: I did not ask for a speech; I allowed the minister an invention. It is clear from the fact that SIPs have underspent so badly that the minister does not understand how communities work. The minister is changing the parameters and the monitoring of partnerships. She is doing so because she now realises that she did not set up the system properly in the first place.

Andrew Welsh raised the issue of poor housing. Shelter sent us a briefing, setting out its view of the Executive's glossy document. Shelter rightly says:

"There is insufficient focus on housing in this statement."

It went on to ask how

"regeneration can occur without a focus on the provision of decent, good quality housing".

On Tuesday night when I was at home, I also read an article in *Inside Housing* magazine, which explained the enigma of why housing is not a central part of the regeneration strategy and why the housing improvement task force is still to produce its second report. The report is due fairly soon but, as the magazine reported, Ms Curran cites the work of the task force, which she chairs, as "the big issue" between now and the election. The article notes:

"Ms Curran is enthusiastic about its work and says that the recommendations it is due to make next spring will form part of Labour's manifesto commitments at the next election."

The Deputy Presiding Officer: The member has one minute.

Linda Fabiani: We are talking about a Scottish Executive task force, not a Labour party focus group. We are talking about politicisation of the worst kind. I do not know the politics of the members of the housing improvement task force, but can the minister tell me whether John Spencely, Robert Rennie, Martyn Evans, Allan Ferguson—

Ms Curran: Will the member take an intervention?

The Deputy Presiding Officer: No, the member is in her last minute. There is no more time for interventions.

Linda Fabiani: Those people think that they are part of a Scottish Executive task force, but would they be happy to be on a Labour party manifesto think-tank?

Ms Curran: On a point of order, Presiding Officer.

The Deputy Presiding Officer: It had better be a point of order and not a point of politics.

Ms Curran: I rarely raise points of order in the chamber. I do so much less often than other members do and I expect consistency of approach from the Presiding Officer.

Linda Fabiani is misleading the chamber when she says that we have politicised the housing improvement task force. I have to get that on the record.

The Deputy Presiding Officer: I am sorry, but that is not a point of order; it is a point of political disputation. I ask Linda Fabiani to quickly close her speech.

Linda Fabiani: The recommendations—

Ms Curran: On a point of order, Presiding Officer. How do I clarify such misleading information?

The Deputy Presiding Officer: You have already done so, as what you said is on the record. If you want to write to the member, you should do so.

Linda Fabiani: I close by repeating the quotation:

"Ms Curran is enthusiastic ... the recommendations it is due to make next spring will form part of Labour's manifesto commitments at the next election."

The Deputy Presiding Officer: I call Hugh Henry to close the debate for the Executive. I am sorry to inform Mr Henry that he has only six minutes.

16:53

The Deputy Minister for Social Justice (Hugh Henry): Oh dear! Thank you, Presiding Officer.

The debate this afternoon has shown clearly the difference between the partnership parties in the Executive and the Opposition. We heard a passionate indication from Margaret Curran of the Executive's commitment to trying to improve the quality of life for people in our most disadvantaged communities. Robert Brown made a thoughtful and caring contribution. However, the SNP and the Tories made contributions that were fatuous and vacuous. To be frank, what they said was completely irrelevant. Half the time of most of the SNP contributions was spent on issues that were nothing at all to do with the focus of the document that we are debating. The SNP contribution was utterly irrelevant. Colin Campbell spent more time talking about Bridge of Weir than about the communities that are directly under threat. SNP members clearly do not understand the issues.

We recognise that we still need to spread some important messages throughout Scotland. We

need to ensure that public services, which account for the lion's share of spending in deprived communities, are more effective, responsible and accountable to the people in those communities. It is a disgrace that, in the 21st century, people in such communities suffer from a lack of opportunity to contribute to life when compared with others in Scotland. That is why we are determined to do something about social inequality and why social justice lies at the heart of the processes and measures that the Executive has proposed.

Lyndsay McIntosh and other members said that those communities are under stress. However, we know that more needs to be done in those communities than in others simply to redress the balance. Indeed, we have introduced many measures in all Executive departments because we recognise that closing the gap is fundamental to the Executive's work on transport, education, health and everything else.

We also recognise that service delivery is only part of the equation. As many members have pointed out, we have to examine how we raise the skills, confidence and expectations of people whose lives are blighted by poverty and disadvantage. That is why, as Margaret Curran pointed out, we are giving a high priority to community learning and development and to ensuring that those measures support local people's involvement in the community planning process.

I want to address some of the specific points that have been mentioned. However, it is hard to comment on Kenny Gibson's speech because, like other members, he would have said what he had to say irrespective of anything else that was said in the chamber. He felt that he had a point to get across, despite the fact that that point was extraneous and irrelevant to the whole debate.

Mr Gibson: Does the minister not accept—

Hugh Henry: I am sorry, but—[*Interruption.*] Presiding Officer—[*Interruption.*]

The Presiding Officer (Sir David Steel): Order. Mr Gibson, we must excuse the minister—he is very tight for time.

Hugh Henry: Kenny Gibson said that we must work with those who are best placed to make decisions. I recognise that, given the events of the past few weeks, John Swinney and others in the SNP have a new-found interest in trying to change the decision-making process, but Kenny Gibson should not bring his party's private grief into the chamber.

By and large, other members spoke about urban issues. As George Lyon pointed out, Kenny Gibson and others failed to recognise that rural poverty also forms a major part of our strategy.

Indeed, the policy document that Kenny Gibson mentioned was the urban regeneration document and had nothing to do with the widespread problems of poverty across Scotland. He made the strange comment that the SNP document was five times the length of ours, which is a clear illustration of the expression, "Never mind the quality, feel the width."

Mr Gibson: On a point of order, Presiding Officer.

The Presiding Officer: It had better be a genuine point of order.

Mr Gibson: It is. The minister should be aware that it is possible to have both quality and width.

The Presiding Officer: That is not a point of order. Minister, you must begin to wind up.

Hugh Henry: I find it hard to address some of Lyndsay McIntosh's comments. She claimed that the Conservatives' approach would be radically different. However, we know what is meant by a radically different Conservative approach: we have seen it in Easterhouse, Ferguslie, Foxbar, Drumchapel, Wishaw, Craigmillar, Vale of Leven, Dundee and Falkirk. It means destroying communities across Scotland. We know what radical Toryism is all about and we are not going back to it.

Robert Brown was absolutely right to say that there is no magic wand. He spoke about the need to consider social justice as well as long-term employment opportunities.

Robert Brown, Lyndsay McIntosh and others also mentioned monitoring and evaluation. We recognise the need to improve monitoring and evaluation. The Scottish centre for regeneration, which we are setting up within Communities Scotland with funding of £3 million over the next three years, will help us to produce a solid framework for evaluating projects and programmes and will be at the forefront of developing best practice in community regeneration. We want to know what that money is being used for and we want best practice applied across Scotland.

Because of lack of time, I do not have the opportunity to comment on other contributions, but the Executive's document is a clear indication of the Executive's determination to make a difference to the quality of life of people who have for far too long been excluded. I therefore commend it to Parliament.

Parliamentary Bureau Motions

17:01

The Presiding Officer (Sir David Steel): There are two Parliamentary Bureau motions. I call Euan Robson to move motions S1M-3250 and S1M-3251.

Motions moved,

That the Parliament agrees that the following be approved—

Draft Code of Recommendations for the Welfare of Livestock: Laying Hens (SE/2002/100);

Draft Code of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens (SE/2002/101); and

the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2002.

That the Parliament agrees that the Local Government Committee be designated as Lead Committee in consideration of the Public Appointments and Public Bodies etc (Scotland) Bill at Stage 1 and that the Health and Community Care Committee, the Education, Culture and Sport Committee and the Justice 1 and 2 Committees be secondary committees.—[*Euan Robson.*]

Decision Time

17:02

The Presiding Officer (Sir David Steel): There are 12 questions to be put as a result of today's business, so I ask members to follow proceedings carefully.

The first question is, that motion S1M-3112, in the name of Mike Rumbles, on the Scottish Parliamentary Standards Commissioner Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the Scottish Parliamentary Standards Commissioner Bill be passed.

The Presiding Officer: The second question is, that motion S1M-3225, in the name of Des McNulty, on behalf of the Finance Committee, on its third report in 2002, be agreed to.

Motion agreed to.

That the Parliament notes the 3rd Report 2002 of the Finance Committee, *Stage 1 of the 2003-04 Budget Process* (SP Paper 597) and refers the recommendations to the Scottish Executive for consideration.

The Presiding Officer: The third question is, that motion S1M-3237, in the name of Jim Wallace, on the Police Reform Bill, which is UK legislation, be agreed to.

Motion agreed to.

That the Parliament endorses the principle that sex offenders orders made in one jurisdiction within the United Kingdom should be recognised and enforceable throughout the UK with appropriate provisions in place concerning how the orders are applied for, amended and discharged, and agrees that the relevant provisions to achieve these ends should be considered by the UK Parliament in the Police Reform Bill.

The Presiding Officer: The fourth question is, that motion S1M-3244, in the name of Trish Godman, on the appointment of the Scottish public services ombudsman, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)

Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Canavan, Dennis (Falkirk West)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Elder, Dorothy-Grace (Glasgow) (Ind)

The Presiding Officer: The result of the division is: For 100, Against 3, Abstentions 1.

Motion agreed to.

That the Parliament nominates Professor Alice Brown to Her Majesty the Queen for appointment as the Scottish Public Services Ombudsman.

The Presiding Officer: Members will want to commend Alice Brown on the start of her work in that important job. [*Applause.*]

The Presiding Officer: The fifth question is, that motion S1M-3245, in the name of Trish Godman, on the appointment of the Scottish public services deputy ombudsman, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)

Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)

Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Canavan, Dennis (Falkirk West)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Quinan, Mr Lloyd (West of Scotland) (SNP)

The Presiding Officer: The result of the division is: For 99, Against 1, Abstentions 3.

Motion agreed to.

That the Parliament nominates Mr Eric Drake to Her Majesty the Queen for appointment as Scottish Public Services Deputy Ombudsman.

Tommy Sheridan (Glasgow) (SSP): On a point of order. Would you agree to take the next two votes together?

The Presiding Officer: I am grateful to you for the suggestion, but unfortunately I cannot do that. I must put the questions separately. However, you might wish to record your objection to all Trish Godman's motions and allow them to go through.

Tommy Sheridan: I record my objection to all of them.

The Presiding Officer: Thank you. That is extremely helpful.

The sixth question is, that motion S1M-3246, in the name of Trish Godman, on the appointment of another deputy ombudsman, be agreed to.

Motion agreed to.

That the Parliament nominates Ms Carolyn Hirst to Her Majesty the Queen for appointment as Scottish Public Services Deputy Ombudsman.

The Presiding Officer: That is agreed to, but Mr Sheridan's opposition is recorded.

Similarly, the seventh question is, that motion S1M-3247, in the name of Trish Godman, on the appointment of another deputy ombudsman, be agreed to.

Motion agreed to.

That the Parliament nominates Reverend Lewis Shand Smith to Her Majesty the Queen for appointment as Scottish Public Services Deputy Ombudsman.

The Presiding Officer: The eighth question is, that amendment S1M-3256.1, in the name of Kenneth Gibson, which seeks to amend the motion in the name of Margaret Curran, on "Better Communities in Scotland: closing the gap", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Mackay, Angus (Edinburgh South) (Lab)

Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Grn)
 Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 29, Against 68, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The ninth question is, that amendment S1M-3256.2, in the name of Lyndsay McIntosh, which seeks to amend Margaret Curran's motion, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Davidson, Mr David (North-East Scotland) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)

Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Russell, Michael (South of Scotland) (SNP)

Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Elder, Dorothy-Grace (Glasgow) (Ind)
 Harper, Robin (Lothians) (Grn)

The Presiding Officer: The result of the division is: For 13, Against 89, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The 10th question is, that motion S1M-3256, in the name of Margaret Curran, on "Better Communities in Scotland: closing the gap", 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Davidson, Mr David (North-East Scotland) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Harper, Robin (Lothians) (Grn)

The Presiding Officer: The result of the division is: For 59, Against 41, Abstentions 1.

Motion agreed to.

That the Parliament warmly welcomes the publication of the Scottish Executive's community regeneration statement *Better Communities in Scotland: Closing the Gap*; agrees that despite past successes in community regeneration more needs to be done to improve the quality of life of people in Scotland's deprived areas; fully endorses the policy proposals for improving public services in deprived communities, placing community regeneration more firmly within the strategic framework of community planning, giving more priority to community learning and development and improving monitoring and evaluation, and agrees that these measures will make a significant contribution to closing the gap between deprived areas and the rest of Scotland.

The Presiding Officer: The 11th question is, that motion S1M-3250, in the name of Patricia Ferguson, on the approval of statutory instruments, be agreed to.

Motion agreed to.

That the Parliament agrees that the following be approved—

Draft Code of Recommendations for the Welfare of Livestock: Laying Hens (SE/2002/100);

Draft Code of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens (SE/2002/101); and

the draft Welfare of Farmed Animals (Scotland) Amendment Regulations 2002.

The Presiding Officer: The 12th question is, that motion S1M-3251, in the name of Patricia Ferguson, on the designation of lead committees, be agreed to.

Motion agreed to.

That the Parliament agrees that the Local Government Committee be designated as Lead Committee in consideration of the Public Appointments and Public Bodies etc (Scotland) Bill at Stage 1 and that the Health and Community Care Committee, the Education, Culture and Sport Committee and the Justice 1 and 2 Committees be secondary committees.

The Presiding Officer: I wish members who are not staying for the members' business debate a very productive summer recess.

Peebles Sheriff Court

The Deputy Presiding Officer (Mr George Reid): The final item of business is a members' business debate on motion S1M-3207, in the name of Christine Grahame, on Peebles sheriff court. The debate will be concluded without any question being put. I ask members who wish to participate to press their request-to-speak buttons now.

Motion debated,

That the Parliament notes with concern the threat of the permanent closure of Peebles Sheriff Court; further notes that the Minister for Justice is currently considering a report into the expenditure required to make the courthouse fully operational and intends to make his conclusion public soon, and further notes that the retention of the sheriff court at Peebles is supported by, *inter alia*, the Sheriff Principal of Lothian and Borders, the two sheriffs who sit there, the Society of Solicitors in the Shires of Selkirk and Peebles and the Faculty of Solicitors in Roxburghshire.

17:10

Christine Grahame (South of Scotland) (SNP): I am mystified as to why everybody is clearing the chamber. The debate will be startling and stunning. I have heard this called the graveyard slot, but I do not adhere to that view.

Seriously, I thank the Deputy Minister for Justice for his letter of yesterday, which clarifies why no formal response was made to the sheriff principal's report on the previous review of the courts system in the Borders and East Lothian. In a debate two years ago, the former Deputy Minister for Justice, Angus MacKay, said that a formal response would be made. In his letter, the current deputy minister says that no formal response was made because

"Ministers accepted the recommendations of the Sheriff Principal in their entirety and there were no further matters to report to the Parliament at that time.

It is unfortunate that we have to re-visit the future of Peebles Sheriff Court once again but, as I will explain in the Debate, the situation with which we are now faced is very different from that which applied in January 2000."

I feel that I should sit down and hear what the minister has to say, so that I can respond, but I will press on to say why I think that we are in the same situation as applied in January 2000. I speak not only because I represent the South of Scotland, but because I have an interest in justice matters from my days in practice and as convener of the Justice 1 Committee.

The press release on the debate to which I referred reported that Angus MacKay said:

"I am able to advise the Parliament today that Sheriff Principal Nicholson's Report was received by officials in the Scottish Executive last week ... Ministers will need a little longer to consider the Executive's response to the Sheriff

Principal's Report. But I have listened to what members have said in this debate and I have a good deal of sympathy for the principle arguments which underlie the motion. The Minister for Justice and myself will reflect on what has been said today. But I think I can assure Members now that there is no prospect of this administration bringing forward proposals for closure of Duns and Peebles Sheriff Courts. I end with an undertaking that our formal response"—

I referred to that—

"to the Sheriff Principal's Report will be made known to the Parliament in due course."

Of course, I focused on the words "no prospect". If there is no prospect, there is no prospect. I ask Richard Simpson, who is, unfortunately, present, whether that has the same ambiguity of meaning as the phrase "absolute disaster" does. Will we see something different?

In his letter of 15 May to me, on the survey of Peebles sheriff court, the Minister for Justice said:

"I hope to reach a conclusion on this matter before the summer."

It appears from press releases from other members that a consultation is to be held of the Borders people. Unfortunately, the Minister for Justice did not share that information with me, for some reason. Perhaps I have different lines of communication—let us put it like that—from those that my Liberal Democrat colleagues have. If a consultation is to be held, it will mark a change from conclusion to consultation. It would be nice to have been told that by a source other than the press.

That said, I welcome a proper consultation—I hope that it will be that. However, to suggest, as the press releases to which I referred do, that the public should come up with alternative venues is ridiculous. That route has already been explored and rejected. A letter of 18 January from the Scottish Court Service to Andy Crawley says:

"As you narrate, alternative local venues for the hearing of Peebles court business were considered and all regarded as unsuitable. Alternative accommodation must be suitable for the hearing of criminal and civil court business and as you will be aware this extends to more than a decent sized courtroom. With your experience as a practising Solicitor I am sure you will agree that ancillary accommodation is required for the Sheriff, Clerk of Court, Procurator Fiscal, Solicitors and Witnesses. Secure accommodation for prisoners in custody is paramount."

I do not know where we will look in Peebles for that alternative accommodation, because a courthouse is a specialised venue—more so these days.

Even at the moment, the position in Peebles is very unsatisfactory. Prisoners are being escorted in handcuffs from the police station across the main road and into the courthouse—innocent until proven guilty—in full view of the public. We are not

back at the turn of the century. That must end.

In the legal fraternity, the opposition to the closure of court facilities in Peebles is unanimous, as detailed in part in the motion. Those opposed to closure include the sheriff principal, the sitting sheriffs, the Sheriffs Association, the Faculty of Solicitors in Roxburghshire, the Society of Solicitors in the Shires of Selkirk and Peebles and the Peebles citizens advice bureau. To enable a different slant to be given to the matter, I will quote from a letter from the CAB, dated 27 May, which gives its support for the keeping of the sheriff court. The letter states:

“The judicial process is stressful enough for lay people with little or no experience of court appearances, without the added strain of difficult and expensive journeys to unfamiliar surroundings.

We have always seen it as one of the additional advantages of a local court that we can advise clients to prepare for a hearing (of whatever kind and whether they are defender, pursuer or witness) by attending the court beforehand to see how it operates.”

When I was in practice, I did that with people in civil cases, who were perhaps in a reparation action and found themselves at the Court of Session. It was invaluable to take the client to look at the courthouse, to show them where they would be standing and tell them about the procedures. People are often put into those situations completely unprepared. They think that it will be like something that they have seen on the television, either from the States or in a drama. They do not know what is going to happen and, if they have seen the courthouse, it makes a huge difference to their confidence in appearing.

The letter from the CAB makes another serious point about small claims actions. It states:

“Although the CAB represents in Small Claims actions, our resources are also very restricted. As you know, Small Claims often require several appearances at court and we have reluctantly had to refuse representation to clients recently because of the time (and expense) required on the 20 mile round trip to Selkirk. However helpful the sheriff is in explaining court procedures to litigants, as the CAB rep, I know from personal experience that having a representative or adviser can make all the difference”.

Those are very serious matters. I have a letter from a solicitor, which cites the case of three defence witnesses who all live in the Broughton area. On average, they would have to travel 40 miles to and from the court to Selkirk. Public transport is impractical in the Borders. It might be half-reasonable for someone to get to Selkirk if they live in Peebles, but not if they live on the outskirts and have to get to Peebles in the first place. The solicitor goes so far as saying that

“the fabric of the Court building in Peebles was deliberately neglected in a period of years running up to the review.”

I must be quick. Do I have two minutes?

The Deputy Presiding Officer: A minute and a half.

Christine Grahame: I challenge the figure of £1 million for the refurbishment. My understanding—no doubt the minister will address the matter—is that a substantial part of the money is to do with bringing the facilities into compliance with requirements of the Disability Discrimination Act 1995, so that money would have had to have been spent no matter what.

There are other costs to people; there is not just the stress of travelling. People on benefits would require additional funding to get to a court elsewhere. Costs in legal aid, both civil and criminal, would have to go up. There are also costs in additional police time. The minister completely misunderstands the position with public transport in the Borders.

The strategy statement in the guidance leaflet from the Scottish Court Service says:

“Our purpose is to help secure ready access to justice for the people of Scotland, delivering a high quality service to all who use the courts.”

There is no ready access if there is no court in Peebles. I ask the minister three questions. Will the minister stand by the balance outlined in the Minister for Justice’s parliamentary answer to me? He stated:

“In addition to the cost of repair and upgrading, consideration will be given to the level of business transacted at the court and the impact on court users will be taken into account in determining the most effective means to provide court services”.—[*Official Report, Written Answers*, 3 April 2002; p 352.]

I focus on “impact on court users”. Will the minister confirm that, whatever the case with the current building, a court facility will remain in Peebles? Finally, will he advise whether he has ruled out new build in Peebles?

17:19

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I do not mean to be personal, Presiding Officer, but I am sorry that Sir David Steel is not here. He and I have had the honour of being selected as warden of Neidpath, one of the principals in the Peebles Beltane festival, whose duties include making a public address, which often involves comments on community matters. Last week, this year’s warden, Hugh Gilmore, picked out two issues that threaten the status and identity of the royal burgh of Peebles. The first was the proposed redrawing of parliamentary boundaries, which will put Peebles in an amorphous and incoherent constituency. The new constituency will yoke Tweeddale with communities with which it has only tenuous links. The second issue was the threat of permanent

closure that faces Peebles sheriff court. On both those issues, it seems that bureaucrats are at work and are making recommendations that allow crude numbers and administrative convenience to take precedence over the essential nature of the service that they are charged with providing. That appears to be the case, although I hope that it is not.

Those two matters are of great substance and importance for the people of Peebles and the district of Tweeddale. It is not acceptable if what we inelegantly call the numbers game becomes more important than issues of democracy and justice. At the heart of the debate is the principle of accessibility to justice for the people whom it is designed to serve. The Executive is committed to that principle. When Elish Angiolini spoke recently to justices of the peace in the Borders, she emphasised the importance of local justice. I know that Jim Wallace values that principle and that he would not happily make any decision that would impair the accessibility of the service that he oversees.

Members might be aware that only three years ago, Sheriff Principal Gordon Nicholson oversaw a consultation process that reviewed sheriff court provision in East Lothian and the Borders. In his final report, Sheriff Principal Nicholson rejected the proposal to close Peebles court. Murray Tosh and I contributed to that consultation, although I do not think that Christine Grahame did.

I will quote from the report. It stated that there was

“an unanswerable case against the closure of Duns Sheriff Court”

and that similar comments had been received about Peebles. The report stated:

“Those comments raised considerations such as the need for accessible local justice, transport problems, the desirability of having the same boundaries for district courts and sheriff courts, the extra costs”

and

“the loss of local press reporting of court cases”.

The report points out the increasing size of the local population, the fact that court users are less likely to have cars and the

“difficulty in finding suitable accommodation for the district court.”

There was also a problem with storing records that are presently stored in Peebles sheriff court. Sheriff Principal Nicholson mentioned “the many adverse considerations” that consultees had brought to his notice and concluded:

“Peebles Sheriff Court should remain open.”

The arguments that held sway at that time still apply today. I highlight the difficulties of using

public transport, such as the distances and the difficulty of making connections. There are problems of time and expense for police, solicitors and witnesses. We must also take into account other activities that are carried out in the building, such as means inquiry courts, and the requirements of the district court.

The new element in the equation is the discovery of dry rot in the sheriff court building. At a recent meeting with the Minister for Justice and Scottish Court Service officials, the problems that arise from the dry rot were made clear to me. A substantial expense is involved: the building will be difficult and expensive to renovate in a way that will provide a court facility that meets the highest modern standards. As Christine Grahame said, the way in which prisoners are taken across the road is not acceptable. The court is a listed building and is important for the visual amenity of the High Street; repairs will have to be done, for which grants might be available. It would be utterly wrong for the Scottish Court Service to walk away from its responsibilities to the building.

Peebles sheriff court is not the busiest court in Scotland—perhaps that should be a source of congratulation and pleasure—but I stand firm and four-square on the issue of accessibility to local justice. The sheriff court as an institution and a service must continue to exist and work in Peebles. I welcome the decision to issue full documentation, which will allow an informed consultation process. I hope that the minister will give us details of the timing and scale of the consultation.

I welcome Jim Wallace’s categorical assurance—which he gave to me in person—that he has no plans to establish a central court in the Borders. Such a court would threaten the existence of local courts. I also welcome the minister’s assurance that every possibility to secure a continuation of local delivery of the sheriff court service in Peebles can be explored. I assure him that he will receive strong representations from all stakeholders, including community organisations, to secure a positive outcome.

I remind members that not only is Peebles in my constituency, it is my home town. Since the threat to the sheriff court arose, I have repeatedly made it clear that I cannot accept a decision that impairs the quality and accessibility of the delivery of justice to the people of Peebles and Tweeddale. I urge the minister to allow us to engage in a genuine dialogue. We must secure something positive from the consultation, or it will be worthless and counterproductive.

17:25

Mr Murray Tosh (South of Scotland) (Con): I am pleased that Christine Grahame has managed to secure a debate on this topic, at the tail-end of

term. It is a matter of great regret to me that it is necessary again to debate the matter, because we discussed it fully at the beginning of 2000. At that point, we were discussing—in a rather different context—the possibility that closure of two of the courts in the Borders might give rise to revenue savings, which I think detailed scrutiny proved was likely to be at best optimistic and at worst outweighed by the additional costs that would be imposed on other stakeholders. All members who participated in that debate, as well as communities throughout the Borders, were delighted when, at the end of the debate, Angus MacKay, then the Deputy Minister for Justice, gave the assurance:

“there is no prospect of this Administration bringing forward proposals for the closure of Duns and Peebles sheriff courts.”—[*Official Report*, 12 January 2000; Vol 4, c 63.]

Today we discuss that proposal in a rather different context. We are no longer considering revenue costs, but capital costs. I do not quite agree with the point that was made by Ian Jenkins—although I respect his argument—because I do not think that the discovery of dry rot in the courthouse makes any impact whatever on the situation.

The court is not a listed building because it enjoys Crown immunity, but if the Executive were ever to attempt to dispose of a surplus property, it would find that, if it did not itself undertake the £400,000 of work that is needed to combat the dry rot in the building, that cost would have to be imposed on the prospective purchaser, which would inevitably impact on the purchase price. In fact, someone would probably have to be paid to develop the site.

Therefore, the Executive will, in one form or another, pay for the dry rot costs. The issue is the £1 million or so of works that are necessary to bring the courthouse up to standard. That has to be placed in the context of the work that the Executive is doing all over Scotland to bring sheriff courts up to modern-day standards, whether in respect of disability legislation or in respect of other factors.

I remember from when I was a councillor that there were identical issues around the district court that was situated in the chamber of the listed building in the Sandgate in Ayr, which then belonged to Kyle and Carrick District Council. We spent about £200,000 bringing that court up to standard—providing proper access, separating defence and prosecution witnesses, creating separate entrances and providing for people with disability. How much is £1 million for providing justice of a modern-day standard to the community of Peebles? Bearing in mind that comparison with the courthouse in Ayr, that is the question that the Scottish Executive must ask.

Ian Jenkins challenged the Executive on the issue of having a central Borders courthouse. I do not think that the Borders community would accept that. If the Executive were to consult on that, it would find absolute resistance to such a proposal.

If the Executive is not prepared to consider the issue strategically, I challenge it to do what is necessary: to secure the continuation of the administration of justice in all communities in which it is administered at the moment. Such sheriff courts are essentially the centres of the former counties of the Borders, and their jurisdictions respect the identities of the former burghs of the Borders. Ministers and other members must appreciate and understand the extent to which the buildings, the services and the institutions belong to the respective communities, and they must understand the bitterness and frustration that would be felt there if the services were withdrawn.

I appeared in Peebles sheriff court once. I am delighted to say that it was closed at the time—it was the caretaker who showed me round. I thought that it had a certain charm and attractiveness. However, I appreciate the fact that it is quite unsuitable for modern requirements, and that what looked a quaint piece of Scottish vernacular architecture, both internally and externally, must be brought up to date.

I do not have the local knowledge or connections of Ian Jenkins, but I would be prepared in principle to consider the argument that a different facility might be developed in Peebles if an alternative venue could be found. The critical thing is not the building but the continuation of the service, which would recognise the community status of Peebles and Peebles-shire. The £1 million would be well invested because it would confirm that the Executive shares in that respect for the town. I hope that the absence of the Minister for Justice, who was present on the previous occasion, is not an ominous sign. I also hope that the junior minister will be in a position to give the guarantees that were given then.

Let me conclude by reminding the minister that, on the previous occasion, the Executive clearly said that it would not look at the alteration of court services except where movements in population and other demographic changes came into play. Peebles is in an area of population expansion that is under some pressure in other respects. If the Executive were to lift that pressure by respecting the viability of the community and valuing its history, we would all support and applaud such a gesture. I hope that the minister will ultimately be able to deliver that.

17:30

Mr Kenny MacAskill (Lothians) (SNP): I fully support my colleague Christine Grahame's motion and endorse the sentiments that she, Ian Jenkins and Murray Tosh have expressed. As Ian Jenkins rightly pointed out, the fact that Peebles sheriff court is not the busiest court does not necessarily mean that it should be denigrated. As one who has appeared in many courts, I can say that the busiest court is probably Glasgow district court or Glasgow sheriff court. Glasgow district court is certainly not a court that I would want to be replicated elsewhere in the country.

Murray Tosh made an important point about revenue and cost. The fact is that democracy does not come cheap. The potential closure of Peebles sheriff court is not simply about the judicial process or expediting the way in which petty or serious crime is dealt with. Fundamentally, the issue concerns how a democratic society works. Sheriff courts are part of the apparatus of state at the local level. A visible court presence gives citizens a clear sense of security. Such things are not simply about how we deal with those who transgress the law. People must have the opportunity to make representations on things such as housing matters within the court, where they can have their rights redressed. The issue concerns how we bring democracy home to people and down to the roots. The fundamental tenet of any democratic society is a judicial system that is not only affordable but accessible and visible. Such a system gives reassurance and satisfaction to residents.

Clearly, nothing can be written in tablets of stone. As Murray Tosh pointed out, the Executive's position was that consideration would need to be given to any clear demographic shifts. As one who grew up in Linlithgow and practised in the sheriff court there, I am aware of the shift in population from the north of that county to the south of that county. Quite correctly, that has resulted in the opening of a sheriff court in Livingston, to which the resources will doubtless move in due course. We recognise that. However, the growth in the population of Peebles, to which Murray Tosh referred, shows that the situation in Peebles is quite distinct from that in West Lothian.

Peebles and its environs will grow, although it is unlikely to become a high crime spot. The crime used to come mainly from those who were passing through the town, whom I used to denigrate when I appeared as a practitioner in the sheriff court. I remember one particular time, when the clientele that I was appearing for came down and suggested that a cordon might solve some of the problem. At the end of the day, the people in Peebles and Tweeddale are entitled to a court on their doorstep.

There is more than one way to deal with the court's method of operation. Although the current position is that the resident procurator fiscal has moved out, courts should not be run on the basis of what is best for the prosecution service. The position of the procurator fiscal is but one factor in an array of things that must be taken into account. Indeed, the procurators fiscal in Edinburgh are able to deal with such matters and the sheriffs are able to come down from Edinburgh to Peebles. Moreover, if further security is required for serious offenders, we have the ability to move people to various courts if security is not adequate in Peebles.

We need to recognise the importance to the community of retaining the sheriff court in Peebles. Not only does the court's presence give the town a gravitas that would be denigrated if the court were removed, but the court provides the area with a symbol of justice in a democratic society. Obviously, we need to take cognisance of the growth in communities and demographic change elsewhere, but that does not affect Peebles. If the question comes down to pounds, shillings and pence, we must do what we can to recognise that no judicial system can have an infinite budget but, ultimately, affordable steps can be taken that would allow the court to remain open to continue serving the local population. Any questions of security costs for a particular case could be dealt with by removing such a case to another court.

I endorse the cross-party points that have been made and ask the Executive to take cognisance of them. Perhaps the minister, who indicated that the Executive would take cognisance of clear demographic matters, will bear that in mind.

17:35

The Deputy Minister for Justice (Dr Richard Simpson): I congratulate Christine Grahame on obtaining this members' business debate. We welcome the opportunity to discuss the future of Peebles sheriff court, which is clearly a matter of local concern. The debate provides an opportunity for those concerns to be aired and the facts of the matter to be discussed.

Before I respond to some of the direct challenges from members, I will establish some facts about the matter that may help us to set the issue in context.

It was some three years ago that the sheriff principal of Lothian and Borders undertook a consultation exercise on sheriff court provision in East Lothian and the Borders. His concern was the organisation and distribution of court business in the area. One option covered by that consultation was the closure of Peebles sheriff court and the transfer of business to Edinburgh.

However, in the light of the representations that he received, the sheriff principal concluded that the court should remain open. The potential limited savings from closure did not, in his view, outweigh the disadvantages. I believe that the projected savings were about £114,000 to £120,000.

The Scottish Executive accepted the sheriff principal's recommendations. As members have said, in a debate on 12 January 2000 my predecessor, Angus MacKay, made it clear that Scottish ministers would not close the court. Court business has continued to be dealt with in Peebles until recently. However, circumstances can and do change and when they do we sometimes have to reconsider previous decisions.

In the case of Peebles sheriff court, a routine maintenance inspection in November 2001 revealed an infestation of dry rot in the building. On further examination, it was confirmed that that was sufficiently extensive to call into question the safety of parts of the building. The suggestion that the building was deliberately neglected was not worthy of the debate.

Christine Grahame: A solicitor made that comment.

Dr Simpson: I know that Christine Grahame quoted someone else, but I think that the job of MSPs is to filter such remarks. I think that that particular remark is a slur on the court service and I rebut it.

Given the threat to the health and safety of those using the courthouse, the Scottish Court Service had no choice but temporarily to close the court and transfer the business elsewhere. Having examined the available options for continuing to run the court in Peebles, the Scottish Court Service concluded that a transfer of the business to Selkirk sheriff court was the only viable alternative that allowed access to all necessary facilities. Thus, since December 2001, all Peebles business has been successfully dealt with at Selkirk.

The Scottish Court Service commissioned a full investigation of the problem at Peebles to determine the extent and potential cost of remedial repairs. It also commissioned a feasibility study to examine the cost of bringing the courthouse up to modern standards as far as the building allows that to happen. Murray Tosh suggested rightly that that interesting building—which, I gather, is B listed, although I accept the point about it having Crown immunity—is not amenable to the full extent of the modern standards that we seek. The issue is not just about disabled access, to which Christine Grahame rightly alluded, but about the separation of witnesses, appropriate custody arrangements and several other matters that are important to a modern custodial system.

The detailed examination of the building confirmed that considerable work would be needed to bring the court back into operation and that the cost of work to remove and eradicate the dry rot and prevent its recurrence would amount to some £400,000. However, that would not secure any improvement in court facilities, but would simply make the building workable again. The cost of a scheme for the full renovation and repair of the building, including better facilities for witnesses and other court users, some provision for disabled access and a limited custody suite, would amount to about £1 million.

Given the nature of the building, which severely limits the options that are available, even that substantial investment would not deliver a modern courthouse. The courthouse would still lack a number of facilities that are considered essential nowadays for the safe and secure operation of court business.

The simple reality is that Peebles sheriff courthouse—although it is a fine historic building—no longer meets the requirements of a modern court and cannot be adapted to that standard. That may be a matter for regret—I am sure that it is; Ian Jenkins indicated that the citizens of Peebles will regret that fact—but it is a fact that we must consider. The building will remain and will, I hope, be used for other purposes.

Members have argued strongly for the continuation of court business at Peebles. I understand their concern that justice should continue to be delivered locally. However, although it may be convenient to call for more investment at any price, the Scottish Executive cannot ignore its responsibility to ensure that the funds that the Parliament makes available are used in ways that provide value for money. We have a duty to balance local interests with the more general interests of taxpayers. In light of the volume of business that the Peebles court conducts, it is very difficult—not to say impossible—to see how investment on the scale that is required to re-open it can be justified.

As members know, the justice department has been given some money, which the Minister for Finance and Public Services announced yesterday. That money includes £3 million for modernising the courts. However, there are really serious problems at some of the courts—such as Stirling and Kirkcaldy, which are very busy courts—and in other parts of the estate that need to be addressed. The broader requirements of providing justice to all our citizens sometimes have to take precedence over the understandable desires of local citizens to maintain the tradition of justice being served in their immediate locality.

I fully understand the situation that local members present. However, change is a fact of

life and an unwillingness to consider any change does not justify substantial public funds being spent to maintain the status quo. If the level of business at the court were significant, one would have to consider seriously the possibility of a modern court. A crucial fact to consider is that the courthouse operated significantly under capacity, even in its present condition, until it was closed in December. It sat one day per week for less than two hours on average. In 2000-01, it sat for a little over 100 hours in the full year.

I estimate that, including capital charges, the costs of running the courthouse, if £1 million was spent to bring it close to, but not actually up to modern standards, would approach £200,000 for 100 hours of justice. That is a hugely expensive undertaking.

The court heard only 10 summary trials and two jury trials in 2000-01. In 2001-02, Peebles sheriff court business took up some 80 hours of court time, with seven summary trials and no jury trials being heard. Even the amount of court time used has been reducing, which—as Ian Jenkins said—is to be welcomed.

Christine Grahame: I simply say that I have from the sheriff clerk's office the court time figures from 1999-2000 through to 2001-02. I do not know whether we are talking about the same figures. It looks to me as if the amount of court time used has been pretty static over that period, apart from criminal summary complaints, which went up from 12 in 1999-2000 to 20 in 2001-02. The amount of court time used has not fallen. According to the figures that I have from the sheriff clerk, it has been static or has risen.

Dr Simpson: I will write to Christine Grahame on that once I have clarified it. However, I have been advised that the amount of court time used was a little over 100 hours in 2000-01 and some 85 hours in 2001-02.

Other court business is also well below the levels that are needed to justify the continued presence of a courthouse at Peebles. I have examined the distribution of courts. Dumfries and Galloway, which is a large area, has three courts. The Borders, respecting the tradition of the county boundaries, has four courts. They are there because of the history, but if we were starting from scratch, would we have four courts in the Borders? I confirm that we have no intention of developing a supercourt. That is correct. We intend to maintain Jedburgh sheriff court, the Duns extension from Jedburgh and the Selkirk sheriff court.

Given the change in circumstances and the low level of business transacted at the court, it is only right that the question of how court services are delivered to the people of Peebles and Tweeddale should now be re-examined. As I said, the volume

of business at the court does not justify the investment that would be needed to bring the current courthouse back into operation. Neither would it support the provision of a new full courthouse in Peebles. Instead, we need to examine other options and to consult the local community, so that its views can be taken into account before a final decision is made.

Accordingly, the Deputy First Minister has asked the Scottish Court Service to consult on three options for future provision: first, transferring the full business of the court from Peebles to Edinburgh sheriff court; secondly, transferring the full business of the court permanently to Selkirk sheriff court; and thirdly, providing for summary criminal business to be heard at Peebles, if suitable alternative accommodation can be leased for that purpose, with the remainder of the business being transferred to Selkirk or Edinburgh. If I interpreted what he was saying correctly, Kenny MacAskill appeared to suggest that the third option should be considered.

The options recognise that the capacity exists in both Edinburgh and Selkirk sheriff courts to take over Peebles business. The temporary arrangements at Selkirk have worked successfully since they were introduced and could continue. Such an approach would have the advantage of retaining business within the Borders, rather than displacing it to Edinburgh—which was a concern when this issue was raised previously.

On the other hand, ministers recognise the strong local feeling that sheriff court cases should continue to be heard in Peebles, if possible. As Christine Grahame pointed out, investigations have not yet revealed a suitable venue that would provide the space and security that is necessary to hold trials. However, if the local community can identify such a venue, the Scottish Court Service is willing to discuss with Scottish Borders Council, the police and other partners in the justice system whether that venue can be used as and when required by the court.

The Minister for Justice has asked the Scottish Court Service to issue a consultation paper as soon as possible setting out the background to the problem, detailing what the court requires of an alternative venue in Peebles, and seeking the views of court users and the public more generally on the options available. I assure members that we will give very careful consideration to the views that are expressed.

On the previous occasion that this issue was debated, Angus MacKay said:

“At the same time, the principle of value for money has to be a factor in this part of the public service, as it is in any other. Sheriff Principal Nicholson has acted responsibly in undertaking a thorough review of the provision of courts in the Borders and East Lothian, which both come within his

sheriffdom. I strongly commend his approach"—[*Official Report*, 12 January 2000; Vol 4, c 62.]

Ian Jenkins: The minister appears to be ruling out absolutely the retention of the current courthouse. What assurances can he give us about the future of that building? I am reluctant to accept what he says.

Dr Simpson: I do not know Peebles very well, although I have been to the Peebles Hotel Hydro on a number of occasions. I should not advertise in the Parliament, but I enjoyed my time there. I have, however, examined photographs of Peebles and know that the courthouse is situated at the bottom of the high street, next to a church, and that it has a very prominent view. The courthouse is an important building for Peebles. I cannot give the member any guaranteed undertakings, but I know that the Scottish Court Service will want to ensure that the building is marketed in a way that will allow it to be brought into effective use. As Murray Tosh indicated, we understand that the cost of dealing with the dry rot will be offset against the purchase price paid by any future user. However, Ian Jenkins is right—in effect, we are saying that the courthouse cannot be brought up to standard.

There are no plans to centralise court provision in the Borders. The recent speculation in the press is without foundation and tantamount to scaremongering. When people whinge all the time about the Borders, instead of talking about the good things that are happening down there, that undermines the confidence of people in the area.

The Scottish Executive is committed to improving access to justice. Contrary to the impression that some members have given, the problem in Peebles does not lend itself to an easy solution. We need to take a realistic and hard-headed approach, and to show a willingness to seek innovative solutions that continue to provide cost-effective services to all court users. We will carry out the consultation to which I referred.

The Deputy Presiding Officer: That concludes this debate on Peebles sheriff court. I wish everyone a good and productive summer.

Meeting closed at 17:49.

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