

MEETING OF THE PARLIAMENT

Thursday 2 October 2003

Session 2

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Scottish Parliament

Thursday 2 October 2003

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

Antisocial Behaviour

The Presiding Officer (Mr George Reid): The first item of business is a debate on antisocial behaviour, which will be concluded without any question being put.

09:30

The Minister for Communities (Ms Margaret Curran): As the second session of the Scottish Parliament gets into its stride, it is highly appropriate that one of the first issues that we should debate is antisocial behaviour and how to tackle it. If the Parliament is about anything, it is about discussing and finding solutions to the real-life problems that affect Scotland's communities—the real problems faced by real people.

It is incumbent on me to honour the commitment that I gave to local communities during the summer recess to present their issues to Parliament. The clear message from our communities is that antisocial behaviour is one of the biggest blights that they face. Day in, day out, the unacceptable behaviour of a small minority has an impact on the lives of the majority. Let me be categorically clear: antisocial behaviour is not just a problem perpetuated by young people; it covers many other sections of the community. The Executive has always said that, and will continue to do so.

Why is antisocial behaviour such a big issue for the Executive? One of the most distressing aspects of my work on antisocial behaviour in recent months has been the way in which some commentators and organisations have dismissed the seriousness of the issue by suggesting that we are overreacting to the normal antics of young people or grossly exaggerating a minor problem. Those perspectives completely misunderstand what happens in our communities and downgrade the seriousness of the violence, intimidation and harassment that takes place.

Antisocial behaviour is a big issue because it holds us back as individuals, as communities and as a country. It damages lives, reduces opportunities and undermines the positive impact of the significant investment in the past four years at national, local and community levels to raise standards, increase safety and generate

prosperity. We cannot let the behaviour of a small minority compromise those efforts.

Antisocial behaviour is a big issue simply because it makes the lives of people throughout Scotland a misery. In part, the evidence can be seen in statistics and surveys, which indicate the serious and persistent problems of disorder, vandalism, graffiti and other forms of antisocial behaviour in communities. Aside from the statistics, the evidence can be heard at first hand in communities throughout the country in what ordinary people say among themselves and to their councillors and MSPs about the difficulties that they have to live with. People are angry and frustrated and we must listen to them.

We should never countenance the argument that we do not have to respond to the realities of victims' experience. Our concern emerged as a direct result of the experience of constituents who came to us in despair. I make no apology for responding to their plight, because that is what we were elected to do. As a group of residents not far from here in south Edinburgh put it to me, "The Parliament needs to listen and take on board the views of local people in communities. Those are the people who are affected and who have to suffer the heartache." As one resident from Clydebank said, "Ordinary decent people need to be supported, not overlooked." If that is what people think, we must listen. A group of tenants from Dundee said, "We just want to be able to live a normal life, but that seems to be impossible."

The *Daily Record* presented me with a dossier that brought together its readers' experiences of antisocial behaviour. The readers' response to the issue was immediate and overwhelming. They did not exaggerate their concerns and they were not being unduly populist; they simply highlighted their experiences and concerns, to which we should be prepared to listen.

Patrick Harvie (Glasgow) (Green): Does the minister accept that the presentation of the issue in the *Daily Record* was unnecessarily populist and exaggerated the situation?

Ms Curran: I do not accept that. The *Daily Record* responded to issues that its readers raised.

Members may not agree with our proposals for dealing with antisocial behaviour, but they should not tell the mother with a three-year-old daughter who has to climb over vomit, blood and urine every day, and has to live with threatening intimidation in the evening if she complains, that that is okay. I have met that woman. What about the family who are under constant bombardment from the family next door because they had the temerity to ask them to stop the noise from an all-night party and who have had their car tyres

slashed, their children threatened and their teenagers assaulted? Do not tell them that we are exaggerating. Do not tell the young people in Shettleston who cannot use a state-of-the-art sports facility because they will be attacked by a local gang that that is a normal part of growing up—it is not.

We must challenge the culture of complacency in Scotland that leads us to accept antisocial behaviour as our lot. The issue is a big one for the Executive because we can tackle it more effectively and we will not be defeated by it. Antisocial behaviour takes many forms and has complex causes and symptoms. To respond effectively to both the symptoms and causes, we need a sustained effort across a wide front involving a range of local and national agencies. As well as tackling the consequences of antisocial behaviour, we must change behaviour. The challenge is tough, but the Executive is determined to rise to it. That is why we made tackling antisocial behaviour our first priority after the election and why we immediately set about a vigorous consultation process on the new strategy.

From the outset, we were determined that the consultation should not be the classic paper-driven exercise that does not resonate with ordinary people. During the summer, ministers went to more than 30 constituencies to talk to people on the ground. I am grateful to the MSPs who invited us to do so. We talked to people who are in the front line of dealing with antisocial behaviour; we visited specific projects and initiatives that are aimed at dealing with the consequences of such behaviour; and, above all, we listened to ordinary residents who live with the problems.

From the response, which has been strong, it is clear that people have been waiting a long time for the debate. We received hundreds of formal responses to the consultation paper, together with piles of letters, petitions and other correspondence. The responses are being analysed by independent experts whose report will be published as soon as possible, at which time we will have ample opportunity to discuss the details.

John Scott (Ayr) (Con): I was delighted to welcome the minister to Ayr constituency during the summer. The minister says that the response to the consultation has not yet been produced. The Executive is considering the introduction of a warden scheme in South Ayrshire, but the role for the wardens must be defined before the end of November. Does the minister agree that that is a short time scale?

Ms Curran: I enjoyed my visit to John Scott's constituency. With all due respect to him, he raises two separate issues. The warden scheme was initiated last year and a lot of work has been

done on its implementation. I will mention details of that scheme later. However, that issue is distinct from the consultation and the bill on antisocial behaviour, which will be published in the autumn. I am happy to talk to John Scott about the implementation of the warden scheme at the appropriate time.

I will highlight some of the points that came through most strongly in ministers' meetings in communities during the summer. The first of those points is the role of alcohol, and specifically under-age drinking, in fuelling antisocial behaviour. There is clear evidence that off-licences sell alcohol to young people and that adults collude in buying alcohol for young people. That is a major contributory factor to the problems that communities face every weekend and with which they are fed up.

Johann Lamont (Glasgow Pollok) (Lab): There is an issue about off-licences selling alcohol, but does the minister recognise the problem for shop workers, who are often put under considerable pressure? Indeed, adults who go into off-licences can be subject to intimidation if they do not purchase drink for others when asked.

Ms Curran: That is a serious issue. I ask MSPs who support strongly the action by trade unions to stop the bullying of workers to support us as we try to stop bullying in the community. That approach is entirely consistent.

As a result of ministers' work during the summer, the First Minister has announced an urgent review of the regulation of off-licences. More effective action on that issue will make a real difference to the efforts to tackle disorder and crime in our communities.

Miss Annabel Goldie (West of Scotland) (Con): Does the minister accept that we already have rigorous laws on the sale of liquor from licensed premises, which cover the retail of alcohol to under-age people and which mean that the licence holder risks the loss of their licence? Why are those laws not implemented more rigorously?

Ms Curran: I offer to take Annabel Goldie to meet some of the people whom I met over the summer, and I will tell her why I think more action is needed. Those people and the police will tell her that the current arrangements are not strong enough to deal with the problem. We must listen to communities and acknowledge the serious problems that exist with off-licences. The current arrangements are not working properly, but we will tackle that.

Brian Adam (Aberdeen North) (SNP): Will the minister take an intervention?

Ms Curran: I must move on, or I will run out of time.

The second recurring theme is frustration with the time that can be taken to pursue actions through the courts or through children's hearings and with the lack of feedback to communities on actions that are taken. I am discussing with Cathy Jamieson and Peter Peacock how those issues can be tackled in the context of the work that is being undertaken to review the operation of the courts and the children's hearings system. It is important to recognise that some progress has already been made, particularly in the context of the fast-track pilots. We must give a clear signal to the communities that raised those issues that we take their concerns seriously and that we will move swiftly to address them.

Thirdly, private landlords have a role in tackling unacceptable behaviour by their tenants. It is clear that not all landlords are taking their responsibilities seriously, and that communities are fed up with that. We have to do something about that.

In addition to those specific points, a number of wider themes have come out of our many meetings and discussions. The responsible agencies need to join up their work better, and a wider range of tools is needed to deal with the problem. There needs to be wide acceptance of the need for early intervention, but strong support for tough action where that is needed to deal with persistent offenders, to provide relief to communities and to act as a deterrent to others. It is against that background that we are developing our strategy.

It is not appropriate to anticipate today the discussion of the specific proposals that we will be presenting this autumn. I will, however, take the opportunity to talk about the principles underlying our approach; to try to dispel one or two myths that have emerged in recent media comment; and to talk about delivery and resources.

We do not want simply to deal with the consequences of antisocial behaviour, and just pick up the pieces. That is not to say that sanction and reparation are not essential parts of the overall picture; they are, but they are not enough. We want to change behaviour and that is essential if we are to succeed in the longer term. To do that, we need a range of measures, including prevention, education and early intervention. In addition, we need tougher measures where patterns of unacceptable behaviour are emerging that are resistant to change through support alone. Those who argue that prevention is the answer should look to the work that the Executive is doing on it. We are doing what those people asked us to do; we are just saying that we need to go further.

Our strategy reflects that principle and is intended to promote a graduated response—a ladder of intervention. Our aim is not solely to tackle antisocial behaviour, but to promote social behaviour. We want to challenge and change behaviour that falls short of the standards that communities have a right to expect.

I repeat that our policy is not about stigmatising young people—those who think that it is misunderstand the policy. The Executive is, and has always been, clear that Scotland can be proud of the great majority of her young people, who are a credit to the country and the hope of our future. However, just as a minority of adults cause misery for their neighbours, there is a small minority of young people whose behaviour causes distress and misery for the communities in which they live, and there are gaps in the framework for dealing with them. We cannot pretend that that problem does not exist, and we cannot wish it away.

We should remind ourselves that young people are often the first victims of antisocial behaviour. As one young woman in Cumnock said to me, "It's not just old people; we're the victims. We're the ones who are afraid to walk the streets. Something needs to be done for us."

Mr David Davidson (North East Scotland) (Con): Will the minister give way?

Ms Curran: I really must move on—I apologise.

I do not believe that it stigmatises the majority of young people if we deal effectively with the minority, any more than I believe that it stigmatises the majority of men if we take action to tackle domestic violence. As a society, we have a responsibility to give clear messages about what we will and will not tolerate, and to ensure that those messages are understood. To do nothing is to fail all our young people.

We recognise that good parenting is vital in establishing appropriate standards of behaviour. I am sure that we all understand the challenges and difficulties that face parents today—many of us face them personally. Many of us confront those challenges and will fail to meet them all, and I hope that we get the support that we need. However, we cannot be blind to the impact of some parents, who persistently and profoundly fail their children.

I emphasise the need for communities to get involved in the collective effort to tackle antisocial behaviour. Communities are in the front line in facing the problems, and they must be in the vanguard of developing the solutions. After all, those who cause the problems are often part of those communities. That is why we need to encourage greater community involvement in developing strategies for tackling antisocial behaviour; to support and protect those

communities that are facing problems; and to make agencies responsive, and ultimately accountable, to the communities that they serve.

Over the summer, there has been a lot of debate about our consultation paper. That is very welcome: the fuller the discussion, the better. However, some of the comments that have been made about our proposals have muddied the waters. I would like to take this opportunity to dispel some of the myths that have arisen. Some people have said that our proposals would mean sending more young people to secure accommodation. That is not true. Secure accommodation is, and will have to remain, an option for the very small core of serious, persistent offenders who refuse to modify their offending behaviour.

Nicola Sturgeon (Glasgow) (SNP): I am interested in that point. Does the minister accept that, if secure accommodation is to serve as a penalty against people who breach antisocial behaviour orders and electronic tagging orders, demand for secure accommodation could increase? The Executive has a responsibility to say how that potential extra demand would be met.

Ms Curran: The Executive has made its position clear. We are increasing the secure estate by a third, from 96 to 125 places, and we are increasing, through the intensive support fund, the number of places that are available through alternatives to secure accommodation by 105. I think that Nicola Sturgeon misunderstands the point. We intend to introduce a range of measures aimed at tackling behaviour before it reaches that degree of seriousness. That is why our principles are important. Those measures will provide new opportunities for young people to change, before it is too late. We will never solve the problem by saying that everything can be achieved through secure accommodation. Our measures should mean that fewer young people will face a future in secure accommodation—with all the consequences that that can entail.

Some people have suggested that we are proposing to jail parents. That is just not true. We are proposing, however, to introduce parenting orders to deal with those parents whose persistent neglect is a contributory factor in their children's offending behaviour. If anything emerged consistently from the responses of stakeholders and victims to our consultation in the summer, it was the need to involve parents more. We cannot simply ignore the terrible damage that bad parenting can cause. If parenting orders help to avoid even a few cases of young people being taken into care, that is good enough. For one or two parents who still refuse to face their responsibilities under an order, imprisonment

could be the ultimate sanction, but the needs of the young person and their wider families would always be taken into account when such a decision was made. We think that the deterrent effect and the consequences of inaction make parenting orders worth considering.

There has been some discussion about police powers. We asked in the consultation whether the police needed a new, explicit power to deal with groups of people causing problems for residents in areas with a history of serious and persistent antisocial behaviour. We heard a wide range of views over the summer. Initially, police organisations expressed the view that the existing general powers were sufficient; communities and others, including some front-line police officers, were less convinced.

There is a general feeling in communities that existing action is not effective. We remain of the view that, in principle, and in certain circumstances, it would be useful to have a tightly targeted power to allow the police more effectively to disperse groups from particular hot spots, so that residents could have at least some temporary respite. We want to work with the police to devise a practical proposal to that end. We do not intend, and never have intended, to introduce a sweeping or indiscriminate new power. We do not want to undermine good relations between police and communities—we do not want to reinvent the wheel. We are, however, determined to ensure that there is an effective way of dealing with acute situations.

I turn now to delivery and resources. Our strategy recognises three simple, fundamental truths. First, there are no miracle solutions or overnight cures. We believe that our focus on tackling antisocial behaviour and the impetus that we want to create will deliver early benefits. It would be foolish, however, to pretend that we can eradicate a deep-seated problem with the wave of a magic wand. We are currently at the first stage of an action plan for the whole of the second session of the Scottish Parliament.

Secondly, an effective solution will require more effective joined-up working by a range of agencies, and we will ensure that they engage in that. Antisocial behaviour is not a problem that the police can solve alone, and the police would be the first to say that. We need the local authorities, the courts, the hearings, social work departments and youth organisations to work together. That is why local strategies, information sharing and joint working are essential and why we will work extremely hard with all our partners to make that a reality.

Thirdly, we recognise that there will be resource implications. Those who say that resources are the answer should look at the considerable

resources that have been spent. We already spend a huge amount of money on policies that contribute—directly or indirectly—to tackling antisocial behaviour. We need to ensure that the money is put to best effect and we will work hard to ensure that it is.

However, we accept that more is needed. We have made available £30 million over the next two years for community wardens and other local authority initiatives to tackle antisocial behaviour. As John Scott mentioned, authorities have just submitted outline bids on how they propose to use the money, and an announcement will be made on that shortly. In addition, we will provide an extra £30 million over the next two years to strengthen action on the ground. That is a considerable investment and it is proper that communities will want to see the outcome of that investment.

That is not all. We have set aside an additional £35 million over the next two years for action that falls within Cathy Jamieson's portfolio. That will provide the additional infrastructure that is needed to support our strategy of prevention and sanction. We will decide the detailed allocation of those funds as we develop our strategy and specific proposals in the light of the consultation process. We are putting new money—as well as existing investment—where our mouth is.

Rosie Kane (Glasgow) (SSP): The minister has not mentioned anything about putting money into community centres. Will there be any money for those?

Ms Curran: There are many details that I have not mentioned in my speech, which has been very general. I could spend a lot of time listing all our investments, but I would need a number of hours to do that. Considerable investment is being given to local authorities for a range of local services, including community centres.

Fiona Hyslop (Lothians) (SNP): Will the minister give way?

Ms Curran: No. Let me go on.

Let me emphasise one key point. I believe that the consultation process and the bill that will follow will mark a significant step forward. They will fill gaps in the legal framework for dealing with antisocial behaviour, strengthen local involvement and joined-up working and ensure that individuals and agencies are given a fair opportunity to meet their responsibilities while also being held accountable. They will provide a sound platform for delivery.

I conclude by echoing what was said by many of those who were consulted: "At last, the Parliament is dealing with the issues that it should. Just get on with it." I suggest that that is what the Parliament should do.

09:53

Nicola Sturgeon (Glasgow) (SNP): I welcome the opportunity to debate at some length the problem of antisocial behaviour. There is no doubt that antisocial behaviour is the area of policy in which the Executive's talk is toughest. As tough talk raises expectations in the communities that are daily affected by antisocial behaviour, it is important that the policy is closely scrutinised.

We all know that antisocial behaviour is a problem. The statistics—such as they are—speak for themselves. Breaches of the peace, petty assaults, vandalism and fire-raising are all offences that are on the increase. Of course, a lot of antisocial behaviour goes completely unreported. That is because often the most pernicious effect of such behaviour is that it intimidates and disempowers individuals and entire communities and instils in them a sense of utter hopelessness.

None of us should need statistics to tell us of the misery that is inflicted by antisocial behaviour. We know from our experience in our constituencies that antisocial behaviour destroys communities and turns the lives of too many individuals into a living hell. The Executive is right to make the issue a priority. It is time to give the decent law-abiding majority the support that they need to reclaim their communities.

However, if we are to be successful in doing that, and if the tough talk is to be translated into effective action, it is important that we all have a proper understanding of the nature of the problem—both of its causes and of its effects. It is only from that understanding that we will develop solutions that are likely to contribute to the safer more secure communities in which we all want everyone in Scotland to have the opportunity to live.

I want to make a number of preliminary points about the nature of the problem before turning to address some of the specific possible solutions. We know that the term antisocial behaviour covers a multitude of sins. It covers everything from intimidation to playing loud music and from lack of respect for the physical environment through to violence and abusive behaviour. There is no single problem of antisocial behaviour, so it stands to reason that there can be no single solution.

Determining whether particular conduct amounts to antisocial behaviour inevitably involves a degree of subjectivity. Some things are obviously antisocial behaviour, but others are less obviously so. Behaviour that might cause genuine fear or alarm to one person could be water off a duck's back to someone else. Often, behaviour that is not in itself objectionable and is in no way criminal is nevertheless intimidating and disruptive to others.

For example, a group of kids hanging around a bus stop may be doing no one any harm. They may simply be doing what young people do, but they may still make the old lady feel nervous about walking past them. I do not suggest that we should ignore the old lady's fears—far from it. If the effects of antisocial behaviour are to be tackled effectively, we must have regard not only to the nature of the behaviour but to its impact on other people.

Johann Lamont: Does the member agree that one reason why the old lady may be frightened of the young person is that she may have seen half a dozen other young people who were intimidating without anything apparently happening to them?

Nicola Sturgeon: That might or might not be the case, but I will come on to that point.

In incidents such as the one that I have outlined, the behaviour is not always the thing that we should have a go at. We need to consider the environment in which the otherwise harmless conduct becomes intimidating for the old lady. I think that that is the point that Johann Lamont made. For example, the old lady might not feel so bad walking past the kids if she knew that there was a regular police patrol in the area that could do something about antisocial behaviour if it occurred.

I share the concern that has been expressed by the Association of Chief Police Officers in Scotland that the proposals to give police the power to disperse groups of young people might be both unnecessary and counterproductive. They might be unnecessary because if the kids are committing offences, drinking, shouting, swearing and being abusive, the police already have the power to move them on. The police should have no hesitation in using that power. If the power is not being used, we should want to know why. If the kids are committing no offence, having the police on their backs might serve only to alienate them from the police and from society as a whole.

I will wait to see what the tightly targeted measures to which the minister referred amount to. Surely, if the problem is not the behaviour itself but the perception of that behaviour by others—which might feel very real—we should concentrate on making the others feel more secure and less intimidated. Among other things, that means more police on the streets of our communities.

On the subject of young people, other points must be emphasised. Not all people who display antisocial behaviour are young. In my experience, most of them are not young. However, if all that people knew about antisocial behaviour was what they read in the consultation paper, that fact might pass them by. Not all young people behave antisocially; only a tiny minority do so. Many more

young people are victims of antisocial behaviour than will ever behave antisocially.

We should remember those facts. The minister is getting a bit jumpy in her seat, but it is important that we point out those matters. We should not stigmatise all young people—either deliberately or as the result of lazy over-generalisations—because of the behaviour of a minority.

Ms Curran: Will the member tell us which recommendations in the consultation paper stigmatise young people? Can she not see the rest of the work that we are doing to tackle antisocial behaviour on a community basis?

Nicola Sturgeon: I will come on to all those points, but I say that what runs the risk of stigmatising all young people is the rhetoric that the minister and her colleagues have indulged in all summer about young people and the problems that they cause. [*Interruption.*] No. I agree that we need to get tough on the tiny minority, but—

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member give way?

Nicola Sturgeon: No, let me finish. I seem to have struck a raw nerve among those on the Executive benches.

The important point that I want to make—some members would do well to listen for a minute—is that if we continue to indulge in that rhetoric, we run the risk of alienating a whole generation from the society in which we want them to play a responsible and constructive part.

The Minister for Justice (Cathy Jamieson): In her speech, the Minister for Communities laid out clearly that we are talking about a ladder of interventions to divert young people from trouble in the first place, deal effectively with those who get into trouble and, yes, tackle that very small group of young people at the sharp end. That is absolutely what the communities that we represent expect us to do.

Nicola Sturgeon: I accept that, but the points that I am making require to be emphasised because this is the first time that I have heard the minister articulate the idea in such terms.

If we spread the blame among all young people, the minority who are responsible and whom we should—

Cathie Craigie: Will the member give way?

Nicola Sturgeon: No. I have been quite generous although I might take some more interventions later. Labour members should just calm down.

If we blame all young people, the young people who are responsible will get off the hook. If we limit our wrath to kids, the many adults who cause

misery will also escape responsibility. I realise that that might make it harder for all of us to formulate easy soundbites or grab the tabloid headlines, but if we are to get anywhere, we must understand the problem in all its complexity and be aware that we need to have a range of measures that can be used by local authorities, the police, the courts and other agencies as appropriate. We do not need politicians vying with one another to see who can talk toughest. All ministers, particularly the First Minister, would do well to bear that in mind.

I turn to some of the specific measures proposed in the consultation paper. Some have said that the consultation paper concentrates too much on enforcement and not enough on the kind of support and intervention that is needed in order to change behaviour. I do not agree with that, but we have to get the balance right. Local authorities, the police and other agencies must get the support that they need so that they can develop effective methods of preventing antisocial behaviour.

There are many reasons for antisocial behaviour, but there are no excuses for it, because there are no excuses for making other people's lives a misery. There are reasons, such as poverty, bad housing, poor diet, and low educational attainment. Effort must be directed at tackling those underlying causes as well as the effects of antisocial behaviour. That is where the consultation paper is at its weakest although I accept that there are other initiatives and consultations that might cover some of those points.

We must acknowledge that some people, albeit a tiny minority, behave badly and offend for no understandable reason but simply because they have no regard for their communities, their neighbours or their environment. All the support in the world might not make a difference to those people. For that minority, there must be effective measures to enforce good behaviour, punish bad behaviour and, in appropriate circumstances, deliver restoration for the communities and individuals affected.

Many of the proposals in the consultation paper are uncontroversial and deserve support. If the minister started listening, she might welcome that support. We support the sensible and commonsense measures in the consultation paper, such as community reparation orders, acceptable behaviour contracts, the greater involvement of communities in the development of strategies, banning the sale of spray paint to under-16s and tougher action against landlords.

Other measures merit more discussion, although that is not to say that we will not support them. I am not opposed to the idea of extending antisocial behaviour orders to under-16s because it could be a useful part of a bigger package of measures.

However, we must be careful not to see the measure as a panacea. ASBOs as they already apply to adults have been a largely ineffective measure in combating antisocial behaviour.

Cathie Craigie: It is amazing to hear some of the misinformation that Nicola Sturgeon has given this morning. She should accept some of the responsibility for the misinformation that has been carried in the press. In relation to ASBOs, she is in danger of giving more misinformation. Will she acknowledge the success of ASBOs and interim ASBOs as operated by some councils? For example, in North Lanarkshire, the council, working with communities, has had real success with ASBOs and people have seen that ASBOs are working to protect them in their local areas.

Nicola Sturgeon: The member made the point that I was going to make. ASBOs are successful in some local authority areas, but not all local authority areas make use of them. For example, only three have been applied for and granted in Glasgow, which is astonishing. ASBOs take a long time to be granted or rejected, although I accept that interim orders might make a difference to that.

Perhaps it is because only local authorities and other registered social landlords can apply for ASBOs that in some local authority areas ASBOs tend to be used only for housing-related antisocial behaviour. I note that the consultation paper has ruled out extending the right of application to other agencies, but it does not give reasons for that. I am interested in debating that issue because there should be more consideration given to it, especially if ASBOs are to be extended to cover under-16s. Young people are more likely to behave antisocially in the street than in their houses, and local authorities might not always be the best-placed agency to apply for ASBOs in such cases.

Court orders should not be seen simply as a way of controlling behaviour. They should always be accompanied by support—I am referring specifically to one of the questions in the consultation paper. There should always be support that is aimed at changing behaviour.

Electronic tagging is undoubtedly one of the most controversial proposals in the paper. As with the extension of ASBOs, I am not opposed to it.

Ms Curran: I will ask the member the same question that I asked her earlier but, for the record, I have to say that her insulting behaviour is no substitute for argument. What specifically does the member think that we are doing to stigmatise young people?

Nicola Sturgeon: I bow to the master of insulting behaviour. I have answered her question. The rhetoric of the minister and her colleagues during the past few weeks is a specific action that

has stigmatised young people. I am sorry if she does not understand that, but maybe she can go away and think about it.

Ms Curran: Will the member give way?

Nicola Sturgeon: No. If the minister would just sit down and listen, she might find that the debate is a bit more instructive.

Ms Curran: Answer the question.

Nicola Sturgeon: I have answered the question. The minister's rhetoric stigmatises young people. What part of my answer does she not understand?

I do not oppose electronic tagging in principle, but children should be tagged only as a last resort. There should be more clarity about the circumstances in which tagging will be used.

Cathy Jamieson: Will the member take an intervention?

Nicola Sturgeon: I am running out of time. I have been more than generous with interventions and I hope that the Presiding Officer will take account of that.

The Presiding Officer: But of course.

Nicola Sturgeon: The consultation paper gives two options on electronic tagging: first, that it will be an alternative to secure accommodation; and secondly, that it will be used in support of intervention measures. Those options should not be mutually exclusive. No child should be tagged simply as a way of controlling their behaviour. Any child who has their liberty restricted in that way must be provided with support so that they can change. We must never write off a young person by sticking a tag on them and hoping that the problem will go away.

The Scottish National Party has already expressed its concern that community wardens amount to little more than policing on the cheap.

The Deputy Minister for Justice (Hugh Henry): Will the member give way?

Nicola Sturgeon: I have allowed almost every member in the chamber to intervene and I am sorry if Mr Henry was not one of them.

Hugh Henry: The member is out of tune with her SNP colleagues.

The Presiding Officer: Order.

Nicola Sturgeon: It will not be the first time that I have been out of tune with some of my SNP colleagues.

We believe that the £20 million that is earmarked for community wardens would be better spent employing the 400 extra police officers that that money would fund. If community

wardens are to be successful, they will only be so if they have the trust of the communities. To give them enforcement powers, as suggested in the consultation paper, will put them into what the Scottish Police Federation described at the joint meeting of the justice committees this week as "confrontational situations". We should not expect community wardens to do the job of police officers. If we want more police officers, we should pay for them; it is as simple as that.

Antisocial behaviour in our communities is a problem created by a minority and tough action should be targeted at that minority. By action, I mean effective action and not just the rhetoric of which the Executive has been guilty. Effective action will marry prevention with punishment and restoration, and will make life better for people in every community in Scotland. In this area more than any other, tough talk is easy. The difficult bit is living up to the tough talk and that is how the Executive will be judged. We will give the proposals a fair wind, but we expect action and not rhetoric, because action is what people in communities all over Scotland expect and deserve.

10:10

Miss Annabel Goldie (West of Scotland) (Con): This debate is aptly entitled. Can there be many more antisocial, anti-fruitful or anti-functional forms of parliamentary proceedings than occupying MSPs for a whole day with no motion to address, no opportunity to lodge amendments reflecting different views and no vote to decide anything anyway? That is not a snide pop at you, Presiding Officer, because the topic is hugely important. It is a genuine comment on whether time in the chamber is being used for qualitative purposes or simply just to pass the time.

On the matter of antisocial behaviour and the current consultation process, the public may want to ask why the Scottish Executive seeks views on 21 proposals to deal with antisocial behaviour when we lack adequate policing and prosecuting resource to enforce existing laws. The public will certainly want to ask why politicians are wasting time talking instead of using time to do something. The Minister for Communities talks about a graduated approach and a ladder of intervention. She should tell that to the fed-up communities, the frustrated victims and the frightened pensioners who want action now.

Cathie Craigie: I am surprised that Annabel Goldie holds that view. The Parliament is about consulting people and bringing power closer to the people. Far from folk saying that they are fed up with the length of the consultation, people in my constituency of Cumbernauld and Kilsyth have eagerly taken part in the consultation exercise and

have welcomed the opportunity that the Executive has given them to have a say on an issue that has gone on long enough. That is something that we should do more often; we should consult people on how to tackle problems that are deep-rooted in our communities.

The Presiding Officer: I should also make it clear that this is the second of the looser debates that should encourage more conversation and more dialogue between members of this Parliament, and we should judge it as such.

Miss Goldie: Well, let that dialogue begin, Presiding Officer. I think that Cathie Craigie has misunderstood the objective of my criticism. I do not fault the consultation process or the undoubted desire of people in Scotland to play a part in it. However, as everyone here has been elected to take action, I question whether a debate such as this is the most sensible use of parliamentary time for a whole day. I am expressing a personal opinion, and clearly the Presiding Officer will have his own views on that, but I think that anyone watching these proceedings so far might have a degree of sympathy with what I am saying.

Hugh Henry: On a point of order, Presiding Officer. Is it the function of this debate to resolve a procedural issue about how the Parliament's time should be spent? I believe that it was agreed to hold debates such as this at the instigation of the Procedures Committee. If there is an issue, should that not be discussed and resolved elsewhere, rather than taking up time for debating antisocial behaviour?

The Presiding Officer: You are quite correct, Mr Henry.

Miss Goldie: I shall continue, Presiding Officer.

On their pre-election crusade, Executive ministers may have become latter-day converts to addressing antisocial behaviour, but the rest of us have been living in the real world for slightly longer. It is a real world inhabited by vandalism, graffiti, deliberate damage to property, the dumping of rubbish and litter, drunken and abusive behaviour, drug abuse, intimidation, harassment, nuisance from vehicles and sporadic acts of fire-raising. The question that has to be asked and which the Executive really needs to answer is, where has the Executive been? Antisocial behaviour did not just happen in the past few months. There has been an escalating situation—

Karen Whitefield (Airdrie and Shotts) (Lab): Will the member give way?

Robert Brown (Glasgow) (LD): Will the member give way?

Miss Goldie: I have taken a significant number of interventions so far and I need to make some progress.

How can it be that the Executive has presided over a situation in which, in 2002, there were 94,924 acts of fire-raising and vandalism in Scotland, which is 20 per cent higher than in 1999, when the Executive took charge? Even more depressingly, the clear-up rate for those acts in 2002 was only 22 per cent.

Antisocial behaviour is not some manifestation that came winging out of the ether in April this year, which is when the Executive seemed to stagger into awareness of what was happening. It has been there and has been getting worse. With latter-day converts, the danger is that the zeal of the conversion induces an ardour of passion to do things, to blame people, to see ogres and demons where none exists and to be utterly blind to such presences where they do exist. The Executive, predictably, has behaved true to form.

Let us start with the urge to do things. There has been positively frenzied activity over the summer. The strategy for tackling antisocial behaviour was put out to consultation on 26 June. Ministers, with commendable nobility, gave up their summer recesses to race across Scotland visiting communities and discovering the novelty of listening, and of listening as they had never listened before, so we are told. It is no surprise that the consultation document has 21 proposals covering a multiplicity of activity, but there is one interesting omission. There is no considered analysis of existing law, whether that law is being adequately enforced and whether the range of powers available to courts, children's panels and social work departments is currently being fully deployed. Nicola Sturgeon has already alluded to that to some extent.

My first criticism of that frenzied activity is that the Executive did not do the one thing that it ought to have done. I am not alone in holding that view. Julia Kennedy, antisocial behaviour manager at the City of Edinburgh Council, said:

"It is pretty hopeless introducing even more legal mechanisms and blocking up the system even more, if you can't get the ones you already have working as efficiently as you could."

Ms Curran: Miss Goldie has given us an interesting quotation. She will know that Julia Kennedy now works for the Glasgow Housing Association, which has made an interesting submission to the consultation paper. I met Julia Kennedy, who commended me strongly for the proposals that we have introduced. Does Miss Goldie recognise that?

Miss Goldie: In that case, the minister needs to discuss Julia Kennedy's use of language with her. To me, what Julia Kennedy said does not reflect a very warm view of the proposals in the consultation document. She is not alone. Grainia Long, the parliamentary officer for Shelter

Scotland, whom the minister may have met in some other manifestation, has said:

“There are already enough legal remedies to deal with anti-social behaviour—the Executive’s own research shows that. What we see now are quick solutions that were presented before the election. We already have anti-social behaviour orders, which are very positive, but we are moving away from what is necessary.”

I would like to pick up on a point that Cathie Craigie made about antisocial behaviour orders during Nicola Sturgeon’s speech. Between 1 April 1999 and 30 November 2001, only 127 antisocial behaviour orders were granted, many taking a very long time to be conferred by the court. Let us not get carried away by the dream that they are an instant solution to the problem.

Let me now consider the second trap for the zealous convert: blaming people. The Scottish Executive, as is clear from the proposals, is pinning a significant amount of blame for antisocial behaviour on young people. It proposes to

“encourage wider use of Acceptable Behaviour Contracts for children and their parents ... extend Anti-Social Behaviour Orders to those aged 12 to 15 ... strengthen the range of options available to Children’s Hearings for dealing with cases of anti-social behaviour ... introduce flexible Parenting Orders ... extend the availability of electronic monitoring for under-16s ... ban the sale of spray paint to under-16s”,

and, with reference to under-age drinking, it proposes to

“give the police tougher powers to enter and close licensed premises.”

With reference to her response to my earlier intervention, I have to tell the minister, as someone whose family ran licensed premises for many years, that the greatest fear my parents had as licensees was that they might lose their licence because of breaching the law in relation to the terms and conditions under which the licence was granted.

Cathy Jamieson: I am sure that, because of her interest in the recommendations of the Nicholson report, Miss Goldie will be aware of the criticism that it takes too long to deal with such circumstances and that there should be powers to deal much more quickly with premises where there are problems. I see one of her colleagues nodding.

Miss Goldie: There are two issues. One is the current system of granting liquor licences, which is a local authority responsibility. The other is enforcement by police of the law as it stands. Many existing crimes and offences by licensees or by other people acting under their authority and instruction can be dealt with, but the police have to be on hand to be alert to offences that may be taking place.

Not for one moment do I think that all young people under 16 are law-abiding little angels—some are not—but neither do I accept that the predominant perpetrators of antisocial behaviour are such young people. Much of the behaviour so rightly deplored by people in communities throughout Scotland, and graphically referred to by the Minister for Communities, is attributable to people over 16. When the Executive’s woolly analysis descends to such dubious populism as giving the police power to disperse young people just because there is a group of them, I think that we are getting into very dangerous territory. Young people are as entitled to their freedom as anyone else is, and only if they are committing an offence should the police intervene. Otherwise, politicians are becoming no more than the licensed harriers of young people, with the police as hapless intermediaries. That is a recipe for festering resentment.

Of course, if those young people—or any group of persons—are committing an offence, before they can be dealt with under the existing law the police, rather than sitting remotely, have to be there to deal with the matter. The Executive clearly had no difficulty in conjuring up ogres and demons where none existed but, disturbingly, has been blind to where the real ogres and demons exist, which is in the failure to resource the police adequately and let them be a neighbourhood presence, responsive to local needs and demands, and in the failure to resource the prosecution facility adequately, to ensure that crimes that are detected by the police are prosecuted.

Ms Curran: I want to be clear about Annabel Goldie’s position. Is she saying that we are exaggerating the extent of antisocial behaviour—through the mythical ogres that she says we are creating—and that she disagrees with the actions that we are taking? Does she honestly think that a police officer on every street in Scotland could solve all the problems? Does she think that policing is the only solution? Does she think that we are exaggerating the problem?

Miss Goldie: The minister has misunderstood what I identified as an ogre and a demon. As will be clear from the *Official Report*, the lack of adequate policing is an ogre and a demon. Antisocial behaviour is a huge problem. Like other members, I have been the victim of antisocial behaviour. When such behaviour has been dealt with, it is the local accessibility of the police that has been the sole determining factor in enabling it to be dealt with. I recently referred to the compelling example offered by neighbourhood policing in New York. When police are part of, are known to and work with the community, crime is more readily detected, criminal activity is more effectively deterred, and the willingness of

members of the public to report and be witnesses in the prosecution of crime is more pronounced.

My party has costed and demonstrated where we would find £25 million of new money to be made available to police forces as a supplement to police grant. In addition, we would give the police access to the £20 million allocated to the wardens scheme within the securing safe communities fund to facilitate neighbourhood policing. That alone would dramatically cut antisocial behaviour, without requiring consideration of even one of the 21 proposals in the consultation document. Doug Keil, the general secretary of the Scottish Police Federation, is quoted as saying:

“From everything we know and understand about the public’s desires, there is no call for community wardens. There is no public call, there is no police call. The call is for additional police officers.”

Hugh Henry: Will the member take an intervention?

Miss Goldie: I am sorry, but I have to make progress. I am getting near the end of my remarks.

The call is for additional police officers. Doug Keil said that the proposals—£20 million for community wardens—

“will not put an extra uniformed officer in the street and that is a missed opportunity.”

In considering whether the police, the prosecution services, children’s panels and courts, if fully resourced, need additional powers, the Executive is once again ambivalent. Having raised its hands in horror at the prospect of electronic tagging being extended to under-16s, the Executive is apparently now at ease with proposing it. Of the 21 proposals, that is one that my party does support. However, it must not be used as an alternative to placing young criminals in secure accommodation, if that is deemed the most suitable way of dealing with the worst offenders.

There are other disposals that could be considered. Weekend and evening detention, community service, and supervised attendance orders all need to be explored.

Presiding Officer, I have been very generous with interventions—

The Deputy Presiding Officer (Trish Godman): I have been very generous with your time.

Miss Goldie: One of the most important influences in dealing with young offenders is early intervention. I think that the minister and I are in agreement on that. Before the Executive clutters up the statute book with new laws and burdens all our agencies with new responsibilities and obligations, all requiring more resource from the

Executive, will it carry out a radical assessment of what laws are currently available that are not being used, and consider how the existing agencies can better be used? That will result in a dramatically improved capacity to deal with antisocial behaviour.

10:24

Donald Gorrie (Central Scotland) (LD): I welcome the chance to debate the important issue of antisocial behaviour on an occasion when individuals and parties can set out their stall, their philosophy and their attitude, and we are not tied down to piddling motions and amendments.

Everyone in the chamber agrees that antisocial behaviour is a problem and that we want to improve the quality of life in our communities. The dispute is over how we achieve that. The Executive has done some good things already, and there are some more good things in “Putting our communities first: A Strategy for tackling Anti-social Behaviour”. I pay tribute to Margaret Curran, who gave a good speech today and who is open to intelligent discussion on the subject—that can be rare in politics. However, Ms Curran and her colleagues have still to produce the bill. I am sure that all members will scrutinise the bill carefully, because often good intentions come to a sticky end in the wording of a bill.

That debate is for another day, however. Today, we are discussing the whole policy issue and why people behave as they do. I will show my open-mindedness and innovative spirit and, for the first time, quote Tony Blair, who said, “Are we being tough enough on the causes of crime?”

There is one word that I hope will not characterise my speech or the debate but which characterises the issue: boredom. Young people are bored and get into trouble. They either do bad things or they just wander about in groups, not really doing anything wrong but still causing some sort of harassment to others. We must consider, therefore, why those causes of problems exist and then balance preventive measures against punitive measures.

Johann Lamont: I agree that we have to consider the causes of crime. Let us consider the example of domestic abuse. While it is interesting to discuss why somebody behaves in that way—we address that through questions of attitude and so on—we still want the behaviour to stop. The big shift in relation to domestic abuse is the recognition that, while we might wonder why somebody abuses, the first priority is to ensure that the woman in that situation is protected and that the abuse stops.

Donald Gorrie: We certainly have to take that action, but we also have to change the attitudes of

lots of men; otherwise, the abuse will continue, and in future other men will batter other women. I am not saying that we do not need the punitive side, which is absolutely essential, especially for the small minority, but we also need the preventive side—that is, to create a society in which fewer people get into trouble and groups of young people have something to do.

The Executive has put more money into various good things in the community but, despite that, my impression is that there are fewer facilities for communities and young people—whether youth clubs, football pitches, swimming pools, or any sort of outlet for young people's legitimate activity—than there were 10 or 20 years ago. The Executive must reverse a big tide that is going in the wrong direction. We must invest not only in facilities but in people. We need people to run things. It is no good producing a nice all-weather football pitch if there are no adults to organise youth teams and to get things going. If we are to help people to help themselves, we need good people, whether they are volunteers or paid.

We also need to listen more to what young people want. There is no point in spending a lot of money on one facility if what young people really want is something else. Many of them want a simple, indoor place where they can gather and chat and which does not necessarily need to be in ritzy accommodation. We should listen to the community and, in particular, to young people, and provide them with what they want.

Karen Gillon (Clydesdale) (Lab): Does the member acknowledge that such facilities exist in many communities but that a small minority of young people still choose not to use them and, for whatever reason, cause havoc in local communities?

Donald Gorrie: Yes. I agree that that is the case with the small minority that causes much of the trouble, but if better facilities were available, many young people would use them and not cause trouble. If no indoor place is available, people wander about the streets, because there is nothing else to do.

The Minister for Communities said that the Executive has invested money, but if we are to reverse the tendency to close facilities—which takes us in the wrong direction—serious money needs to be invested. We also need to invest in developing existing successful schemes that help people not to get into trouble or which sort them out if they are in a bit of trouble so that they do not get into worse trouble and end up in jail.

The gamut of schemes to tackle offending behaviour as early as possible costs money. Those schemes will repay that investment, but not immediately. They will tackle many of the people

who would, unfortunately, get into worse trouble if left alone, but who would not get into such trouble if they were sorted out. However, hard-core offenders must be dealt with differently.

Rhona Brankin (Midlothian) (Lab): The member said that he agreed that a twin-track approach was needed with preventive work and punitive measures. Will he give us an idea of his thoughts on the punitive side of the approach?

Donald Gorrie: Yes. I will give members one or two thoughts about that, but I will concentrate on the background to the problem. We must examine how the issue relates to families and communities. We are focusing on possible punishment of people who get into trouble, but we must consider the whole of life, including nursery education and support for families. Even before children go into nursery education, we must consider support for parents who do not know how to parent. More support is needed for advice to prevent partnerships from breaking down. More thought must be given to what happens in schools, and more youth clubs and similar organisations need to be provided. Early intervention is required. We must consider training for jobs and whether that should start with people aged 14. Job prospects are another factor. People need hope, and many communities do not have hope.

We need enough social workers. It is not popular for politicians to say that we need more social workers, but we really do need them. There is no point in having a nice children's panel system if not enough social workers are available to deliver what a children's panel says should happen with young people.

We also need to deal with alcohol. I have bored people endlessly about alcohol, so I will not go on, but that is a serious aspect to the situation. Drugs are another aspect. A range of Government, local government and other activities in the community must be brought together to deal with the problem.

Ms Rosemary Byrne (South of Scotland) (SSP): Does the member agree that, in many circumstances, joint support teams in schools and children's panels are left toothless because not enough facilities or social workers are available? Often, their recommendations cannot be implemented because local authorities will not pay for alternative placements for young people in places that are not secure establishments, but which are good establishments that do good work with families and young people and eventually bring those young people back to school with support. Local authorities use few of those places.

The Deputy Presiding Officer: Could we have a question, please?

Ms Byrne: Instead of all the punitive stuff that we are hearing about, it would be better to focus

on education and what we do with our young people in school.

Donald Gorrie: Yes. That is what I was saying. There is not enough support to ensure that the disposals that children's panels propose are implemented.

We must consider the family as a unit. Roughly half of the young people who are in trouble have been in residential care—because of family break-up, I presume—and roughly half have a family member who is or has been in prison. We must consider the family as a whole and not focus only on the young person. Various people who are knowledgeable about such work have suggested that if we had intensive work with the hardline, small minority of young people who cause a huge percentage of the trouble and if we gave resources to individuals who work hard with those young people, we would make better progress.

Cathy Jamieson: On that point and in relation to Rosemary Byrne's comment, does the member accept that the Executive has recognised that issue? As part of the 10-point action plan on youth crime, we have invested £9 million over four years in intensive support places for projects such as those to which Donald Gorrie referred and £11.9 million over four years in a youth crime prevention fund to do such diversionary work. This summer, £1 million from the justice budget was provided to community safety partnerships.

Donald Gorrie: I accept that. As I said, the Executive is doing many good things. However, I question whether what it does is adequate to deal with the problem. As the Minister for Justice suggested, if we focus resources on people to do heavy work—not necessarily in residential accommodation, but in the community—to sort out those who are in trouble, that will work with quite a lot of people.

I do not know how to say tactfully that Mr Blunkett is a problem for the Executive. Many people in Britain think that some of the Westminster Government's proposals are not well thought out and could be troublesome. They might transfer those thoughts to the Scottish Executive, which I am sure has much more enlightened views. It is important that we are not seen to copy the worst aspects at Westminster.

Fiona Hyslop: Will the member give way?

The Deputy Presiding Officer: I am sorry; the member is in his last minute.

Donald Gorrie: Licensing law reform has been mentioned and is important. I hope that we will proceed with that.

I will make a final constructive suggestion. As we have a chief inspector of prisons, we need an inspector of non-prisons—of all the schemes that

help to keep people out of prison. We need not a person to run all those schemes, but a person to inspect and co-ordinate them and to spread good practice. Those schemes are not coherent. People in one scheme do not seem to know what is happening elsewhere.

We must create communities with cohesion, which has been lost in many communities. We must talk to one another in our communities. It is clear that different groups of the population do not talk to one another and demonise one another. At least we in the Parliament talk to one another, even if what we say is not always all that brilliant.

The essence of dealing with the problem lies in creating communities with which people are happy and where people have self-esteem and esteem for their communities. The result will be much less trouble, which must nevertheless be dealt with when it occurs.

10:38

Patrick Harvie (Glasgow) (Green): Nicola Sturgeon mentioned fear and I will speak more about it. Fear is at the heart of the issue. On Monday, I and other members of the Communities Committee went to Stirling as part of our pre-legislative scrutiny of the Executive's proposed antisocial behaviour bill. We spoke with people about their fear of going out on the streets at night, of speaking to strangers on local streets and even of knocking on a neighbour's door. Their lives were made a misery by fear, as much as by the reality of the situation.

What is the fear? Where does it come from? How proportionate is it? As a society, we are becoming more accustomed to living in fear. We allow our television screens and our newspapers to engulf us in fear. The ideas of neighbours from hell and child crime waves have almost become clichés, but the hype of the fear is not limited to antisocial behaviour. How many more times must I see clips of police officers in biohazard suits marching through the empty streets of London? How many more times will those clips be reused, usually as moving wallpaper to a report on what is called the international terror threat? The clips never come with a disclaimer explaining that the image was nothing other than a little propaganda exercise. If one paid attention to our news media, one might be forgiven for thinking that the country was under regular attack from deadly biological weapons.

Of course, that activity is taking place in the aftermath of a war that was justified, at least half of the time, on the basis of fear. Should we not fear a vicious dictator with weapons of mass destruction—sorry, let me put that another way—weapons programmes, or evidence of

programmes, or the potential capacity of the vicious dictator to pretend not to have quite got rid of all of his programmes?

Cathie Craigie: I am sure that Patrick Harvie will move on to talk about the meeting that we had in Stirling on Monday, where people told us that some of the fear that they felt was real. People could not get into or out of their own homes because of their fear of the actions of an antisocial neighbour. I am aware that he is dealing with the exaggerated aspect of fear, but can we move on to discuss the real fears of people in our communities?

Patrick Harvie: The point that I want to make is that the perception and the reality of fear are not always the same. In a few moments, I will move on to address aspects of the reality of fear.

Johann Lamont *rose—*

Patrick Harvie: I have dealt with that point. I want to move on.

Johann Lamont: Will the member give way?

Patrick Harvie: I will take a quick intervention.

Johann Lamont: What should be done when, even if physical violence is not involved, the perception of intimidation and harassment is real?

Patrick Harvie: As I said, I will move on to address that point in a few moments.

Another incident in which fear and reality did not coincide happened yesterday in the chamber when an MSP was almost shouted out of the chamber for expressing the fears of a community. Our response to that was the right one. It is important that politicians give a lead, and I hope that Mary Mulligan remembers saying yesterday:

"We know that people have fears, but we should answer those fears and tell people what the reality is, not feed their fears."—[*Official Report*, 1 October 2003; c 2233.]

I will remember those words, which related to fears about people with mental health problems and which I found sincere and profoundly important. I only wish that such thoughtful leadership was evident on the issue of antisocial behaviour.

Karen Whitefield: Will the member give way?

Patrick Harvie: No, thank you.

It is not for us simply to express the fears that are expressed by others and, in so doing, to endorse them. It is for us to challenge fears where they are unfounded and to confront them where they are real.

Karen Whitefield *rose—*

Patrick Harvie: As I said, I want to move on.

I have no doubt that some of those fears are well founded. I have no doubt that there is

behaviour that could rightly be called antisocial; I see it on my streets on a daily basis. I also have no doubt that that behaviour has a profoundly damaging effect on communities and individuals. I did not need to go to Stirling to find that out, although the visit gave me a new and useful perspective on the issue.

Not just hundreds, but millions of Scots are in agreement with the Executive that something must be done. However, their agreement does not justify the assumption that anything will do. The measures that will work are those that are designed to support people to change their unacceptable behaviour rather than those that stigmatise and brutalise them, and the measures that will do more in the long term are those that are designed to get to the root of the problem.

We need resources to develop quality facilities and pleasant local environments that are fun to be in, to enforce existing laws and powers, to make existing systems function as they should and to replace the substandard housing stock that causes the forced intimacy that was at the heart of many of the complaints that we heard about in Stirling's Culterhove area on Monday. We also need resources to support people at the times in their lives when they feel vulnerable, in need of help and alone.

Some of those measures are being implemented, and credit is due to the Executive for taking that action. However, the impact of some of the measures that are being contemplated risks undoing some of that work. The emphasis on control rather than support flies in the face of what is working in Scotland today. Although that emphasis is unfortunate, there is time to change it. I hope that, when the Executive introduces the antisocial behaviour legislation, it will be open to constructive amendments from all sides of the chamber.

10:44

Colin Fox (Lothians) (SSP): I cannot help but be cynical about the Executive's motivation behind the debate. If I thought that it was genuine in its attempts to improve life in the schemes, I would be the first to applaud it. I fear, however, that the Executive's motivation is more about play acting. It wants to sound tough because the spin-doctors and focus-group team leaders say that that plays well with the *Daily Record's* readership. They tell the Executive to exaggerate the scale of the problem, but not to address the underlying causes; to stigmatise Scotland's youngsters, especially some of the most vulnerable and damaged in society; to speckle a fistful of dollars over enforcement agencies; and to walk away. If that is the Executive's motivation, it is shameful. However, only time will tell.

Hugh Henry: Will the member give way?

Colin Fox: I will give way to the minister in a second.

Doubtless, the Scottish Socialist Party will be portrayed in the debate by ministers and deputy ministers as bleeding heart liberals. Nonetheless, we will focus on the underlying causes of the problems that arise, because things happen for a reason. The Scottish Socialist Party champions communities, not only because we believe in them but because we live in them, we understand them and we try to mobilise them.

I live in the Inch. The Minister for Communities talked about her visit to south Edinburgh during the summer.

Hugh Henry rose—

Colin Fox: Just a second—I anticipated that the deputy minister might want to speak to me.

The Minister for Communities said that people told her, “The Parliament needs to listen and take on board the views of local people in communities.” Why does she not say that she will take on board the views of our communities on other issues; why simply on this issue? The minister has to consider that. She needs to understand why people think that they are seeing a certain amount of grandstanding on the issue.

I offer the deputy minister an opportunity to intervene, but he does not want to take it.

Hugh Henry: Colin Fox has spoken about living in a community and reflecting the aspirations and views of that community. Is it not his experience, and that of other members of the Scottish Socialist Party, that people are crying out for action on the issue? In my constituency, more than 500 people gave an almost overwhelming amount of support for the Executive’s proposals. Is Colin Fox saying that, in the SSP’s experience of representing constituents in various parts of Scotland, people do not raise the issue of antisocial behaviour?

Colin Fox: I know that Labour members are anxious. They have the smell of blood in their nostrils and want to get on to punishment, punishment, punishment. I will address enforcement later in my speech.

As I am sure the chamber recognises, the debate has the stamp of Mrs Thatcher all over it. It has the stamp of someone who believed that there was no such thing as communities or society. Unfortunately, her legacy continues. It is at the heart of the political establishment, with its agenda of privatising local services, abandoning municipal support and supporting the idea that we are all individuals.

I hold the passionate belief that we rely on one another—we are all connected to one another and

we must all look after one another. I do not believe in a society where the devil can take the hindmost. Like everyone else, I respect and rely on the bin men, the nursery nurse, the electricity supply worker, the firefighter and the train driver. Recently in Edinburgh, all of them have, by virtue of withdrawing their labour, reinforced how much we need them. No man, woman or child is an island.

We rely on the contribution that our youngsters and our senior citizens make—in equal measure—to the life of our communities. Their contribution makes our communities decent places in which we can live alongside one another.

Johann Lamont: Will the member give way?

Colin Fox: No. I have given the member a chance to come in already.

I would like the Executive to introduce plans to encourage youngsters and senior citizens to get to know one another. On the fear of crime, we should encourage youngsters to understand what senior citizens have contributed to society and, vice versa, we should encourage senior citizens to understand how difficult it is to be 15 or 16 today.

As the minister is aware, the deputy chief constable of Lothian and Borders police has made it clear that

“Young people today are no worse than they were 20 years ago.”

He also said that the level of youth crime is no worse than it was 20 years ago. The figures show that 3 per cent of youngsters in Scotland get into trouble and 0.17 per cent reoffend, yet we are repeating the big grandstanding debate in the Parliament. In *The Scotsman* today, the Minister for Justice makes the point that we are talking about 150 kids across Scotland—that is the scale of the problem.

The Minister for Communities posed a question about the choices that young people unfortunately make. Given the choice of going to the Fountain Park leisure complex in Fountainbridge, the Warner Village in the Omni Leisure building or Ocean Terminal, or seeing Hibs or a rock concert, or hanging around penniless outside the local off-licence on a wet Wednesday night, most youngsters, if they had the money, would make the same choice that we would make. The trouble is that the Executive does not give youngsters the opportunity to make that choice and, by virtue of the minister’s speech today, the opportunity is not likely to come any time soon.

Ms Curran: Will the member give way?

Colin Fox: I am sorry—I have only a minute left.

In her opening speech, the minister seemed to disregard the issue of prevention. I recognise and welcome the work of the Dundee families project and the Edinburgh neighbourhood support scheme that she and other members have cited as good examples of a multi-agency approach that tries to prevent the problem from arising in the first place. If the Executive is honest in its attempts to deal with the causes of antisocial behaviour, there will be resource implications. People in my community and in the community that the Deputy Minister for Justice referred to will be dismayed by the comment made by the Minister for Communities that resources are not the answer. It is clear that resources are the answer and that the £30 million that she earmarked today is chickenfeed, because it is all targeted at enforcement. Moreover, the money will fund more custody places, taggings and evictions, extra police and a punishment bureaucracy that people in my community, the deputy minister's community and everyone else's communities do not want.

As for the issue of enforcement and tagging, I understand from speaking to the minister that tagging is seen only as an option in her consideration of alternatives to custody. However, it is a brutal and uncivilised option and we should have nothing to do with extending it. Similarly, evictions are no answer. The way forward is to understand that we should support enforcement procedures that encourage young people to put something back into the community, not those that take something from them.

10:51

Paul Martin (Glasgow Springburn) (Lab): I do not know whether Patrick Harvie lives in Glasgow, but if he lived in Viewpark Avenue, where an elderly gentleman has had to board himself up in his own home, he would want the *Daily Record* to report that story and the Parliament to take action on it. We have to acknowledge that people live in such conditions. I mean no disrespect to those who compile statistics, but we do not need statistics to tell us what is happening—the evidence is in front of us. The minister was born and bred in the Dennistoun area and has seen how that community has deteriorated. Its people want action and are quite happy with our rhetoric if it amplifies their concerns.

Nicola Sturgeon: Will the member give way?

Paul Martin: I will be quite happy to give way to the member in a minute.

Nicola Sturgeon mentioned the example of the old lady passing a bus shelter. We do not have bus shelters in Springburn because the local neds burn them down. We have lost two bus shelters in the Wallacewell Road area of Springburn because

of the absolutely unacceptable behaviour of a tiny minority. I am the former youth convener of Glasgow City Council and no one is more committed than I am to ensuring the delivery of youth services in my constituency; however, a tiny minority is being allowed to rule our constituencies. That cannot be allowed to continue.

Nicola Sturgeon: I agree absolutely with Paul Martin. I have seen people repairing a bus shelter in the morning only for it to be smashed up again by night time. I agree that people want action, but why has it taken Labour six years—and Labour-controlled Glasgow City Council decades—to get round to doing something about the situation? Every member in the chamber is asking for a bit less talk and a bit more action.

Paul Martin: I am quite happy to deal with that point later.

I thank the minister for visiting my constituency. She has shown genuine concern about many of the issues that the community raised. However, she will recall that my constituents expressed concern that existing legislation was not being enforced. I share some of the Conservative party's concern that we should ensure that existing legislation—

Ms Curran: The implementation of existing powers was one of the issues that emerged strongly from the consultation. In the consultation paper, we propose to ensure that agencies that are responsible for implementing antisocial behaviour measures—by which I mean not just housing agencies, but a much broader range of agencies—will be required to publish what they are doing and will be held accountable. They can no longer say that they choose not to take action on antisocial behaviour; instead, they will be required to take action.

Paul Martin: I welcome the fact that we are moving away from what I call the database of excuses in our communities and away from the situation in which police officers who attend public meetings simply say, "I'm afraid there's very little that we can do at the moment. We try our best but the existing legislation isn't effective." Would those police officers have such a database of excuses if they lived in Viewpark Avenue, the Red Road flats or Burnie Court? They would not; instead, they would ensure that the issue was dealt with. The people who live in the leafy suburbs of Bearsden would not put up with graffiti in their community. The Parliament has to face up to the fact that existing legislation is not being enforced.

However, we must also point out that our communities welcome the proposed additional legislation. Not one person has said to me, "I don't want you to take any action to deal with unruly

young people in our community.” Indeed, they said that unruly adults should also be dealt with. No one has said that we should not ban the sale of spray paint to under-16s. One per cent of 600 people from Springburn said that we should not consider the possibility of tagging under-16s. We are simply amplifying the genuine concern of the communities that we represent. It is not rhetoric; we are facing up to reality. Fergus McCann once told a famous Celtic player to get a reality check. Opposition members should get a genuine reality check, examine the difficulties that we face in our communities and realise that this is not rhetoric, but a genuine attempt to deal with the issue.

I ask the minister to ensure that we face the challenge of enforcing existing legislation, and that police officers and all other authorities that deal with the problem are aware of existing powers. Police officers and housing officers have asked me to explain interim ASBOs to them far too many times and that should not be happening in our communities. We must train those people to ensure that they can make a difference. I hope that the proposed legislation can do that, too.

10:57

Stewart Stevenson (Banff and Buchan) (SNP): The minister asked why we think that the Executive is trying to stigmatise children. There are 72 pages in “Putting our communities first: A Strategy for tackling Anti-Social Behaviour”, but we need to read only the 21 bullet points on the first three pages to find 12 direct or indirect references to children’s being the source of the problem. No other issue approaches that level of comment and that is why we think that the Executive is picking on our youngsters and why we will attack it for doing so. The problem ain’t that simple.

Rhona Brankin: Is the member aware of statistics that show who the main victims of crime are?

Stewart Stevenson: The main victims of crime are young people.

Rhona Brankin: And who are the perpetrators of that crime?

Stewart Stevenson: I thank the member for making clear the fact that the problem is not just to do with children. Children are victims; they are also a cause of crime, but not to the extent that we should pick on them as “Putting our communities first” does.

I pose the question, “What is antisocial behaviour?” because that theme has run through the debate. In response to Paul Martin, I accept that the minister’s evidence was correct when she outlined many examples of antisocial behaviour

and I accept unreservedly that the experiences that she described are valid, that the behaviour to which she and Paul Martin referred is antisocial and that we need to fix the problem. Section 19(1)(a) of the Crime and Disorder Act 1998 defines antisocial conduct as that which

“caused or is likely to cause alarm or distress ... to one or more persons not of the same household”.

We face difficulties if we begin to compile lists of what we think are examples of antisocial behaviour. When we try to define the phrase, we find that different age groups have different views. We find that circumstances have to be coupled with behaviour before it becomes antisocial behaviour. I visited Lossiemouth on Tuesday with other members of the Communities Committee. We found that almost universally the people of Lossiemouth think that the major cause of antisocial behaviour is drink. However, agreement broke down over what form of post-drinking behaviour was antisocial.

Last night I was in Fiona Hyslop’s home town, having a social drink in the Four Marys in Linlithgow. Incidentally, the verb social drink conjugates thus: I have a social drink; you have had enough; they’re guttered out their skulls. When we drink is not it always someone else’s problem? Four young lads, who had their arms round one another’s shoulders, passed noisily by in the other direction. There were snatches of songs and loud conversation, but they made no attempt to engage or harm anyone outside their group. Was I alarmed or disturbed? I was certainly not alarmed, but I was perhaps mildly disturbed. On the other hand, if I lived on Linlithgow High Street and such a noise occurred every night just after I had fallen into a well-deserved sleep, I would probably think that that was antisocial behaviour. There is a grey zone, where the context as well as the behaviour is important.

However, an assault—verbal or physical—on a private citizen or public servant is clearly the dark side of society and alcohol is a key factor in that. When that is established as a regular pattern of behaviour it becomes a clear case of antisocial behaviour. Could antisocial behaviour really be fully defined in law, as is perhaps being considered by the Executive, or is that a surrogate for creating criminals when there is not criminal evidence? If so, it would drive a coach and horses through civil liberties.

I gained insight in Lossiemouth this week into one part of the problem. Youngsters told me that although a decade ago there were five places that they could go to sit in, today there is one, despite the population’s having grown in the period. To make youngsters who do not have somewhere to go move on from one street corner so that they congregate in another will not make a difference. I

agree with Donald Gorrie that more facilities must be provided for youths.

We also need to give the police the facility to deal with the problem. A couple of years ago in Lossiemouth there was a serious problem with a group of youngsters, nicknamed the "Lossie Posse". The problem was not solved by changing the law; it was solved by directing resources, under the existing laws that were available to the police and others, into that community. The perpetrators were tried and found guilty; if they were youngsters they were put into the appropriate accommodation.

The Minister for Communities will have to work hard to justify her belief that changing the law rather than upping the resources is the way to solve the problem. Get off the backs of our young people—they are our future and they deserve and demand our support. I say to the minister that we put our communities first when we provide resources that support them. Persecution of one category of our society—youth—is no substitute for prosecution of offenders. It is necessary to give society and society's defenders the tools that will enable them to do the job.

11:03

Bill Aitken (Glasgow) (Con): It is little short of astonishing how times and attitudes change. The Minister for Communities spent a considerable time in her introductory speech highlighting the problems of antisocial behaviour. She outlined those and identified the issues very well. I take no issue with her in that respect. However, I ask myself: is this the same Margaret Curran who voted against a provision that we tried to introduce, when we were dealing with the Housing (Scotland) Bill, whereby people who were making life miserable for their neighbours would be compulsorily removed from that environment? Is this the same Margaret Curran who, allied with Cathy Jamieson and Hugh Henry, voted against measures that we would have introduced and which were the same as those that the Executive is now attempting to introduce? Not since Saul went on his celebrated excursion to Damascus has there been such a change of mind, change of view and change of attitude.

Robert Brown: Is this the same Conservative party under whose aegis 73,000 more crimes were committed by 1997 than were committed in 1979? Does that reflect another journey to Damascus?

Bill Aitken: Not at all. Mr Brown seeks yet again to introduce a history lesson into the debate. The fact is that the Labour Government has been in charge since 1997 and the Executive, of which he—when he has occasional delusions of grandeur—claims to be a part, has been in control

for the past four and a half years. His point is spurious.

Let us consider some of the Executive's proposals. We will obviously determine whether we will support them in due course, but some are decidedly interesting. The ideas that have been put forward by Cathy Jamieson about the diversionary approach—to give kids something to do to keep them out of trouble—undoubtedly have their attraction. If kids are occupied they are not misbehaving. We can certainly go along with that idea.

However, other aspects of the proposals are worthy of further inquiry. We certainly agree that the powers of the children's panels require examination, strengthening and resources. However, approximately a third of those who give so willingly of their time to serve on children's hearings resign every year; it is clear that they have identified a problem. That is why it is all the more surprising that the Executive opposed, when we suggested them, the very measures that it now seeks to introduce. Another matter is restorative justice and children's being forced to confront their misdeeds and to make good the damage that their vandalism has caused.

Scott Barrie (Dunfermline West) (Lab): Is Mr Aitken aware of the exit report that was conducted by the children's hearings system? It suggests that far from panel members leaving the children's hearings system because they are frustrated by the system, the main reason they give for leaving the hearings panel after one year is that employers are reluctant to give them adequate time off to conduct panel activities.

Bill Aitken: I find that surprising, because the last time that I investigated the background of people who served on children's panels I found that a large number of them worked for public bodies and local authorities; local authorities have always been enthusiastic about staff contributing in that direction.

Let us consider some of the other measures. We can go along with tagging—it was after all our idea, although Labour pooh-poohed it at the time. The proposals on ASBOs also have a degree of cogency, but I would be grateful if the minister could address a particular difficulty on ASBOs and parenting orders, in relation to which she is being a little disingenuous. She said that the proposals are not about locking up parents and children, but the Executive does not seem to have a strategy in place because the fact is that, regrettably, many ASBOs and parenting orders will be breached. What is the Executive's solution to that difficulty? It will, inevitably, be custody.

I must also say that in my view—I am open to contradiction—it is not appropriate under article 6

of the European convention on human rights to impose custody upon parents as a result of the misconduct of their children. That is almost the equivalent of my being caught speeding and Mary Scanlon having her licence endorsed. No one can be punished for the activities of another person.

Ms Curran: I apologise for not being in the chamber during the early part of Bill Aitken's speech. I had to go to deal with a genuinely urgent matter. I apologise, too, to Stewart Stevenson for missing his speech.

In response to Bill Aitken's point—I hope that I have got right the gist of his comments despite my having missed the earlier part of his speech—parents would not be rebuked for the failures of the children; they would be rebuked for their own parenting failures if they were asked to do something. For example, the children's hearings panels would be grateful if they could get parents much more involved in the care and welfare of their children, in particular if children are involved in offending.

In relation to ASBOs and parenting orders, we envisage that many things would happen before someone gets to the very sharp end. The sharp end would be only for people who persistently refuse to comply. I will be happy to talk the issue through with Bill Aitken, perhaps in committee.

Bill Aitken: I will consider that offer. There is a real issue here, and I would not like the minister to misdirect herself in law with regard to what would happen in the final analysis.

A number of members have highlighted the difficulties, but the matter has been out for consultation. Why was it necessary for the minister to put it out for consultation? Why did she not ask Paul Martin and Johann Lamont, both of whom have made cogent speeches about the extent of the problem? It is time for action: the talking has gone on for far too long.

11:10

Janis Hughes (Glasgow Rutherglen) (Lab): I am delighted to be given the opportunity to speak in the debate. I fail to understand why my colleagues on the Conservative benches are so much against consultation. My constituents welcomed whole-heartedly the opportunity to contribute. They know that I can speak on their behalf and that other MSPs do so as well, but they welcomed the opportunity to get involved in the specific details of the proposed legislation and to help to shape something that will be of great benefit to their communities in the longer term.

There is a great deal to be welcomed in the proposed bill. The extension of ASBOs, parenting orders, community reparation, electronic

monitoring and the banning of the sale of spray paint to under-16s are some examples of ways in which the bill will make a difference. However, I will focus on some specific areas that we still need to address if we are to tackle antisocial behaviour.

I agree whole-heartedly with my colleague Paul Martin that we must ensure enforcement of existing legislation. That will be enhanced by new powers in the proposed bill. As the minister stated, much antisocial behaviour in our communities is fuelled by alcohol, and anecdotal evidence suggests that much of that alcohol is purchased illegally either by, or on behalf of, people who are under 18. There should be extremely tough penalties for off-licences that sell alcohol to under-age drinkers and there should be much greater focus on those who purchase it for under-18s. That could perhaps be done through targeted advertising aimed at preventing the problems, and through much tougher penalties for those who are convicted.

Mr Davidson: Does the member agree that there is a huge problem with alcohol that is illicitly brought in from the continent in vans, which is duty free and is sold on out of the backs of vehicles in car parks to anybody who is prepared to buy it? Is not that another issue that the Executive needs to address in partnership with the UK Government?

Janis Hughes: That matter is being dealt with by our colleagues at Westminster. The problem that we have here is the fact that there are still people who feel that it is acceptable to buy alcohol for people who are under 18, thereby encouraging them to participate in drinking alcohol, which can lead to antisocial behaviour. We must also think about the location of off-licences. In my constituency, far too many off-licences are located in the centres of residential areas. We must bear that in mind when it comes to future planning applications.

The proposed antisocial behaviour bill will give us a chance to address parental responsibility, which is a major factor in the problem of antisocial behaviour. Parents must acknowledge their responsibility to be aware of their children's behaviour, but that does not always seem to be the case. Other mechanisms must also work alongside the bill to ensure that support is offered to parents who need help with, for example, parenting skills or substance misuse problems. Community schools have a part to play, as does partnership working between health departments and social services. However, legislation should be put in place for last-resort situations in which, despite full support being offered, parents refuse to take responsibility for the actions of their children.

I would also like the use of closed-circuit television cameras to be extended. There is no

doubt that use of such systems acts as a deterrent to antisocial behaviour in some communities. That has been demonstrated in Rutherglen and Cambuslang, where cameras have been in place for some time and have produced excellent results. The main obstacle to continuing and expanding such facilities is usually financial. Although the Executive has provided finance for the establishment of new systems, revenue funding is always a barrier when it comes to maintaining and expanding those systems. Some thought must be given to that in the bill.

I welcome the proposals to support and protect the victims and witnesses of antisocial behaviour. I have heard at first hand in my constituency about the fear that is felt by those who are called as witnesses and the intimidation that they experience. Sometimes it is so severe that it has an adverse effect on their health. I welcome the proposal that greater use be made of professional witnesses in order to address that problem.

The minister recently visited my constituency to hear at first hand about some of the problems that are being experienced by the communities of Rutherglen, Cambuslang, Toryglen and King's Park—stories that I and my councillor colleagues hear all too regularly. I have consulted widely on the proposed bill, and my constituents welcome its aims.

There is no doubt that antisocial behaviour is on the increase, but it will be some time before the bill is fully effective—as I believe it will be. However, that does not mean that nothing is being done at the moment. We have heard about the role of community wardens; I welcome warmly the initiative in South Lanarkshire where 32 such wardens have been recruited. We welcomed some of them to Rutherglen recently. Although it is early days, the wardens are making themselves known in the community and I am sure that they will play a valuable role. Annabel Goldie seems to be unwilling to accept the concept of community wardens; however, I assure her that she is doing the people of Renfrewshire a disservice by discouraging any efforts that may help to address antisocial behaviour.

We have heard calls for more police and I welcome initiatives such as the proposed High Court reform bill, which will free up more police time. However, the issue is not only about policing. I warmly welcome the proposed antisocial behaviour bill's emphasis on partnership working, but with stronger punitive measures to be used when necessary. That is the way forward in addressing antisocial behaviour. The proposed bill offers us a real opportunity, which we must grasp with both hands if we are to tackle antisocial behaviour in our communities.

The Deputy Presiding Officer (Murray Tosh): I point out to people in the public gallery that photography is not permitted on the premises.

11:17

Fiona Hyslop (Lothians) (SNP): There has been a bit of sad triumphalism from the Labour ministers in the debate. It is as if they have just discovered this issue, although Labour has been in power for six years.

Many of the points that Paul Martin and Janis Hughes made are policy issues that could be addressed without legislation. No one underestimates the problems of antisocial behaviour, but we have been completely underwhelmed by the Executive's response to it. The Executive is dealing with the consequences of antisocial behaviour, not the causes. The minister wants to be seen to be doing something—she laboured that point herself—but her solutions are flawed. There is a serious point to be made. If the minister raises expectations—as she has done in visiting those 30 constituencies—there is a risk that she will fall very flat unless the proposals deliver. Policy solutions, not legislation, will resolve the issues.

Ms Curran: Will Fiona Hyslop tell us which proposals she thinks are flawed?

Fiona Hyslop: The problem is the fact that the Executive wants to leap to legislative solutions. Antisocial behaviour orders, for example, face serious problems. Three years ago in this chamber, the same minister trumpeted ASBOs as the big thing that would deal with antisocial neighbours. Let us consider the situation three years on.

Karen Whitefield: Will the member give way?

Fiona Hyslop: In North Lanarkshire—where Karen Whitefield's constituency is—14 ASBOs have been applied for and five have been granted. In West Lothian, one order has been applied for and one has been granted.

Karen Whitefield: That is not true.

Fiona Hyslop: I am sorry if Labour members do not like to hear this. The orders were the Executive's big solution, but they have not worked in the past three years, since they have been available.

The First Minister came to West Lothian to launch his latest salvo on antisocial behaviour. However, the problem in West Lothian—as the Deputy Minister for Communities will know—is that police officers are having to go out on their own. If the Executive wants solutions to the problems, and if it wants the police to deal with gatherings of young people, it must address the issue of single-handed policing in the Lothian and Borders region.

The Deputy Minister for Communities (Mrs Mary Mulligan): Does Fiona Hyslop accept the fact that Lothian and Borders police force has more officers than it has ever had in the past, especially in West Lothian?

Fiona Hyslop: Let us consider the strategy for Edinburgh and ensure that we have more police in Lothian and Borders police. That is a big safety issue that must be addressed.

I now turn to the content of the bill and the definition of antisocial behaviour. The minister has not addressed the issue of children with disabilities. Is the minister going to stigmatise not only young people but young people with disabilities, to whom many of the antisocial behaviour issues relate? I hope not. If the minister had read the responses as I have, she would know that that is one of people's serious concerns.

Are we talking about a Scottish solution to a Scottish problem? I would like to think that we are, but—

Johann Lamont: Will the member give way?

Fiona Hyslop: No.

I think that Donald Gorrie was right when he talked about David Blunkett's bill. The problem that we face is that, instead of seeking Scottish solutions to Scottish problems, the Executive saw what was happening down south and decided to import the Anti-social Behaviour Bill wholesale.

The thing that is different about Scotland is the children's hearings system, which has been mentioned by one or two members but, interestingly, not particularly by Labour members. That is part of a deliberate policy to downgrade and run down the children's hearings system, which is one of the most serious problems with the Executive's policy. The under-resourcing that was mentioned and the problem with the lack of social workers to deal with the disposals suggest to me that the Executive might like the children's hearings system to fail so that people are pushed into the youth court system. That is extremely worrying.

I know that a review is under way, but the Kilbrandon report said that the children's hearings system had to be more dynamic and to evolve. In that case, why are we rushing to legislate before the report of the review has been published?

We have to recognise that our children's hearings system is precious. Perhaps supporting that system is the way forward.

Cathy Jamieson: Will the member accept that some of the responses to the consultation from people involved in the children's hearings system suggest that members of the children's panels want the opportunity to consider different disposals?

Fiona Hyslop: I am sure that they want different disposals under the children's hearings system, but not if they have to get a court referral for a hearing after an ASBO has been granted. It is worrying that, in his recent lecture on this issue, the First Minister said that hearings were useful only for very young children. That is an extremely worrying policy emphasis.

We have heard reference to acceptable behaviour contracts, which were piloted in Edinburgh and are now being rolled out across the city and in Falkirk. They might be a way forward. Safeguarding Communities and Reducing Offending in Scotland—SACRO—has found that 77 per cent of the young people with whom it has worked on restorative justice programmes did not reoffend within a 12-month period.

For the benefit of the minister, I point out that the community planning system is meant to be at the heart of the proposals that are before us. However, as some areas are just setting up such a system, what guarantee can the minister give that it is an appropriate delivery framework?

One of the Executive's big ideas is its proposal to ban the sale of spray paint to the under-16s. If that is to be done, why not deal with it along with high hedges, fireworks, litter and so on in a civic governance bill? A young person who took part in the consultation said of the proposal:

"I think this is stupid cos you could be using it for stuff like skateboards. You could stop selling everything like pencils in case we shove them through each other's eyes."

We need to get a bit of common sense into the debate. We have to use the existing licensing laws and police resources properly. Also, we have to resource the children's hearings system properly. The Executive has had six years to do that but has not. Legislation will not solve the problems.

11:23

Robert Brown (Glasgow) (LD): In her opening speech, Margaret Curran gave a vivid and heartfelt description of the problems of disorder and antisocial behaviour that she has identified through the roadshows that have taken place across the country. Most of us recognise the situations that she described vividly but, as ever, describing the problem is one thing and prescribing and implementing effective solutions is another. I am sure that the Executive accepts that. That is what this debate should be about.

I commend the thoughtful and excellent speeches that were made by Donald Gorrie, Stewart Stevenson and Janis Hughes in particular. From a variety of perspectives, they outlined constructive contributions to the debate. I regret that I cannot say the same of Bill Aitken, who is no longer in the chamber. He called for action without

consultation and without a clear idea or any suggestion of what action he was talking about. He was high on negatives but not particularly good on positives.

Crime—whether serious crime, nuisance crime or antisocial behaviour—is not caused by the level of policing or by the existence or otherwise of specific criminal offences or public powers. After all, police numbers are at an all-time high and the police have far more powers than they did 30 years ago. Effective policing can inhibit the level of criminal activity and give a measure of protection to the public, but the root causes of criminal and antisocial behaviour are complex and interrelated, as the minister made clear.

Brian Adam: Does the member agree that it is difficult for politicians to tell the police how they should operate and, indeed, that we are advised that we should not interfere in that way? Does he further agree that the public are concerned that they do not see police on the streets as often as they would like and that, often, having given help to the police in relation to activities such as people dealing drugs on the streets, they do not perceive any action to have been taken by the police? Regardless of the numbers of police that we have, the reality is that policing is not seen to be effective.

Robert Brown: I think that Mr Adam makes my point for me. We can have as many police on the street as we like but, at the end of the day, the propensity to commit crimes and antisocial acts has to be tackled at the roots.

From my experience, I would say that, in many areas of our communities, there are more police on the street than there were a few years ago. There is a greater emphasis on community policing, which is to be welcomed, but it is only part of the solution. The causes of criminal and antisocial behaviour include: social attitudes; poor parenting; low self-esteem; drug and alcohol abuse, which Donald Gorrie and others mentioned; parental criminality and conflict; and mental health problems. I say to all members that there are no short-term, simple or populist solutions to those problems. As the minister made clear, tackling the root causes requires longer-term strategies and effective harnessing of public and voluntary sector resources.

I suggest that there is huge significance in the fact that many of those who cause trouble in communities at the age of 15 or 16—who are characterised as neds, hoodlums and so on—are the same people who were before children's panels at the age of five or six because of a lack of parental care or protection at that stage. We ignore that point at our peril.

The Scottish Executive has done and is doing a great deal to put in place longer-term strategies to

tackle this frustrating and damaging issue. Rightly, it is a high priority for us all. I commend in particular the investment made in early intervention and diversion from crime and the proposals for strategies that involve and support children and which place antisocial behaviour in a wider context through, for example, the innovative acceptable behaviour contracts, which are being tried out in Edinburgh but which were tested by the Liberal Democrat-controlled authority in Islington earlier. Incidentally, acceptable behaviour contracts cost about one twentieth of the cost of ASBOs.

We have to be careful that we do not end up creating criminals. According to the information from SACRO, people who are labelled as criminals are more likely to reoffend. For example, tagging can be used as a badge of honour by criminals.

I am a great supporter of the children's hearings system. It is Scottish jurisprudence's unique contribution to dealing properly with the problems that we are discussing. I welcome the review that is about to take place after 30 years of the system being in operation, but my view is that the children's hearings system has to be backed up and reinforced by resources and new alternatives and options. If those are not in place, which can be the case, children's hearings, youth courts, tribunals or whatever are doomed to failure.

Youth services are improving, but they are fragmented. There are too many pilot systems and there is too much difficulty involved in following implementation across the country. There are also too many failures to put in place the social workers and youth workers who are required to make the services effective.

There is a considerable cadre of trained youth leaders in the uniformed and non-uniformed youth organisations. We should make more effective use of that valuable resource. Are we giving those organisations adequate resources?

We need a wide range of measures to reduce a multifaceted problem. However, let us not fall into the trap of placing too much emphasis on punishment and enforcement and too little on the support structures, good projects and early interventions that will ultimately make the difference. Criminal and children's hearings procedures must feed back into those interventions and trigger effective and speedy responses that have at their core the objective of changing criminal and antisocial behaviour.

I hope that those comments are of some help to the debate.

11:30

Scott Barrie (Dunfermline West) (Lab): I thank the minister and her deputy for taking the time to visit my constituency during the summer recess to meet community representatives, councillors, professionals from Fife Council's housing, social work and community services departments and the reporter to the children's panel, to hear about their experiences and about what they think should be done about antisocial behaviour in its widest sense. I hope that the ministers and their officials got as much from the meeting as I did.

Before making substantive points about young people, I will describe a successful community-based project in my constituency called booze busters. It originated in the Abbeyview area of Dunfermline, which is a large estate on the edge of the city, with a population larger than that of Cupar, the former county town of Fife. The community has been blighted by many of the social problems that are associated with peripheral estates in our larger cities. The project commenced in February 2001 as an initiative of Fife Council, Fife Primary Care NHS Trust, Fife constabulary and local licensees. It was set up due to the increasing incidence of under-age drinking, vandalism and the rise of a general antisocial behaviour culture. We all know of the causal link between excess alcohol consumption and antisocial behaviour.

Two and a half years on and with an excellent evaluation already completed—which I would be glad to share with ministers—booze busters is moving on to its third stage. Reports of youngsters committing petty crime are down. Vandalism is down. Reports from local people of off-sales selling to under-age drinkers are also down. The evaluation report was warmly endorsed at a meeting yesterday at the headquarters of Fife constabulary, at which I was glad to speak to an audience of police officers, councillors and Fife Council officials. The report is, I hope, being used as a blueprint for other parts of Fife to follow. I hope that their communities experience the same benefits that my community in Abbeyview has.

Johann Lamont made a point about staff in off-sales often being intimidated by people pressing them to sell alcohol. Because off-sales staff have been involved in the project and have been able to point to it, and because the project was so welcome in the community, booze busters has had the good effect of staff being able to reinforce the message that under-age people should not be sold alcohol.

Because of my association with and interest in children and young people, I will address that aspect of antisocial behaviour. The minister said in her opening speech that, when we discuss antisocial behaviour, we should not fall into the

trap of assuming that we are talking about young people alone. The idea that we are talking about them alone is a gross misrepresentation of the debate. The fact that I choose to talk about young people should in no way be taken as my endorsing a view that young people are the only problem in relation to antisocial behaviour.

I was glad to see that Age Concern stated in its response to the consultation on the proposed bill that not all older people are in fear of or resent the presence of young people. Although I endorse that and am glad to hear Age Concern say it, the last time that I attended the Dunfermline elderly forum, the most common and vocal complaint that older people raised was their fear about large numbers of highly volatile school-age people, possibly fuelled by alcohol, hanging round pedestrian high streets or in the bus station in James Street.

It is clear that behaviour that some regard as acceptable can be completely unacceptable to others, including other young people. On Monday, a class from Blairhall Primary School in my constituency visited the Parliament, and I participated in a question-and-answer session with them in the chamber. They raised unsolicited questions concerning what can be done about older young people in their village who stop them enjoying the recreational facilities that are provided for them in Blairhall. Older youths, who commandeer their play area, who drink, shout, swear and intimidate the younger kids and who, once they are finished, smash their bottles around the play areas, make it impossible for the youngsters to use the facilities properly.

All that came from one primary school class of nine-year-olds from a community that, although small, has not one but two community centres and a nearby, recently opened, council-provided, floodlit, all-weather, five-a-side football pitch. There are alternatives for the older youths to simply ruining the fun for younger ones. The Blairhall bairns' view is not unique in my constituency and is no different from views in constituencies throughout Scotland. The antisocial behaviour of some young people seriously affects other youngsters' quality of life. It is too simplistic to say that a lack of resources results in antisocial behaviour and that simply providing more resources will eliminate the problem. The impact of the antisocial behaviour of some young people on other young people cannot be overestimated.

Last week, we debated education. Several members talked about the incidence of and problems associated with school bullying and about the fact that bullying needs to be tackled. If it needs to be tackled in schools, it needs to be tackled in the community. For a youngster to be intimidated or assaulted by another young person in school is no worse than for a youngster to be

intimidated or assaulted by another young person in the community. I contend that we owe it to all young people to ensure that we address that problem.

Fiona Hyslop touched on children's hearings. The Parliament probably has no more passionate advocate of the children's hearings system than me. That is why I support the concept of parenting orders. The option of referring a parent to the court should be open to a children's hearing if the panel feels that the parent is not carrying out their parental duties adequately. Those of us who believe in the children's hearings system have been arguing for that for a long time. For too long, children's hearings have only been able to do something to the child and to stigmatise the child, irrespective of the grounds for referral. For that reason, I support parenting orders in principle.

The issues that the Communities Committee will consider will be challenging. As a new member of that committee, I look forward to examining the bill rigorously once it has been introduced. The Executive, rather than being decried, should be congratulated on addressing something that is an issue for us all in all our communities.

11:37

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

The minister opened the debate by saying that we are dealing with real-life problems. She is absolutely right. Communities the length and breadth of Scotland are crying out for support. Everybody has the right to live in their own home in peace and security.

A few weeks ago, I attended a public meeting in Auchmuty. That is an area of Glenrothes that Scott Barrie knows well. It is a strong community, with an active tenants association in which I was involved for many years. The association supports both the young folk and the old folk; it runs old folks treats and the like.

Nearly 150 people turned out at the meeting. The police, the local authority and other agencies were present, as were Christine May, the local councillor and I. It became clear that the community, like other communities, believes that it is being abandoned by the statutory authorities.

That community knows about antisocial behaviour. It was, after all, the community where the Graham family from Glenrothes lived. The community knows well what it is talking about when it talks about antisocial behaviour. When 150 people turn out on a wet night to present their concerns to MSPs, councillors and statutory authorities, we have an absolute duty to listen, and not only to listen, but to take action.

The minister said that the authorities should be accountable to the communities. In some cases,

there is scant evidence that that is happening. A culture change is needed among some local authority staff. It is unacceptable for a Fife Council official to tell a community, as one did at a meeting in Tanshall last year, that the council would not do a clean-up because the community had caused all the dumping and littering in the first place. Nor is it acceptable for council officials to sit at public meetings, as they did last week, wringing their hands and blaming the police, the community and the Scottish Parliament for not taking action.

Legislation alone is not enough: it needs to be enforced by our police and understood by our local authorities. The police must be adequately resourced to ensure that current legislation is enforced properly. Part of the problem is that mere lip service is being paid to existing legislation. Local authorities are not willing to enforce it and the police lack the resources to do so.

I supported ASBOs when they were introduced. The rhetoric was that ASBOs would deal with antisocial behaviour, and we raised expectations in our communities that that would happen. In reality, it did not.

In the little time that is available to me I want to raise some specific issues. I know that other members have already raised them, but I would like to reinforce the points that have been made. Janis Hughes spoke about off-licences and the problem of older people getting alcohol and giving it to youngsters. I raised that issue a couple of weeks ago, when we debated the licensing laws. Janis Hughes is right to highlight the problem. I hope that the ministers will take the point on board when they consider the licensing laws.

We need to examine the location of some off-licences in our communities. In Auchmuty, the off-licence is right beside the children's play park, which is unacceptable. When communities come to public meetings or to MSPs they are able to say where drug dealing is happening and who is doing it. Why do the police seem unable to take action or to get convictions? We must have zero tolerance of graffiti and vandalism in our communities. Nicola Sturgeon is right to say that bus shelters are repaired in the morning and destroyed at night. As a society, we must say that that is not acceptable. Bus shelters must be repaired, because we cannot allow the good folk in communities to believe that they are being abandoned and that because things are being destroyed, we are doing nothing about this problem. We must create communities in which people are respected and that people can respect.

We must take action against private landlords and their tenants to ensure that they are not allowed to flout the law. I would like a licensing scheme for private landlords to operate in each local authority area. Unless landlords adhere to a

code, local authorities should refuse to license them as private landlords. Perhaps the minister will think about that.

11:43

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to participate in the debate. If today we can at least agree that we have an antisocial behaviour problem, we will have reached first base, even if we disagree about what we should do about it. People who are living in the most difficult circumstances deserve to have their problems considered, not dismissed in the rather contemptuous way in which that has happened over previous months, although thankfully not in the chamber today.

I am convener of the Communities Committee, which will have the interesting role of exploring the issues in depth and teasing out some of the difficulties surrounding the proposals. As has already been indicated, our first action has been to decide to go out across Scotland, to hear the experiences of people both young and old—people who are committed to their communities and want to do something for them. We will then reflect on what those people have to say.

Debates about crime and justice are always difficult. We must reflect on the balance between prevention and punishment and the importance of victims' experience. If there is no faith in the system, that is a major problem for us all. In those circumstances, some will continue to be afraid and to be silenced, but others will take action. We will have in our communities—literally—the survival of the fittest.

Like Scott Barrie, I am amazed that people who say that bullying in schools, racial harassment and bigotry and insult should stop, should argue that to describe antisocial behaviour in communities as unacceptable is to stigmatise youth culture. Colin Fox should talk to the leader of the party to which he belongs, who, because of his direct experience as a local councillor, has accepted that antisocial behaviour is a problem.

Colin Fox mentioned the firefighters and so on. We recognise that firefighters, nurses, shop workers and bus drivers often face attack in local communities, predominantly from young people. Many members from all parties have been clear about the need to protect those workers.

Carolyn Leckie (Central Scotland) (SSP): Is the member aware of the qualitative research conducted by Barnardo's, which shows that some of the young people to whom she is referring are the most vulnerable victims in society? Will she confirm that the "plague" mentioned in yesterday's Executive press release was a reference to those people? Does she agree that that is an offensive

word to use in relation to young people or to our communities? Does she also agree that it is as offensive as some of the references to people with mental health problems that have been made this week in the chamber?

Johann Lamont: One problem in our communities is that very vulnerable young people, including young people with learning disabilities, are the first target of stigmatisation, bullying and offences.

We agree that it is unacceptable that firefighters should face attack in local communities. Why do we not recognise that it is unacceptable for someone who simply lives in a community to be attacked? Surely we can agree on that much.

Much is said about the way in which we talk about young people. Do we imagine that the adults who are causing mayhem and wielding knives in our communities pop up fully formed at the age of 25? Do they start to develop their attitudes when they turn 20, or does our communities' failure to confront those attitudes early enough allow for the emergence of adults who create problems at a later stage? The issue here is prevention.

It has been suggested that this matter has been got up because we have nothing better to do. When thinking about what I should say today, I considered spending six minutes reading from the case notes of the work with which I deal every day of the week. However, I realised that even in six minutes I could not begin to give members a flavour of the problems that some of the people in my community face.

I recognise that anecdote alone cannot determine legislation, but it provides us all with a reality check. When I was first elected to the Parliament, I had no idea how much time I would spend on this issue. I have made it a priority because my constituents have come to me to demand that I take action.

I am driven on the issue not by the theory of youth disorder and antisocial behaviour, but by the despair that has been expressed to me by elderly people tormented by young people who have taken over a children's play area for their gang battles; by people who have had to move their cars streets away from their homes because they have had the audacity to complain about others' behaviour; and by four or five families in one street in my constituency who have had either to sell or to abandon their homes and to declare themselves homeless because of the assaults and oppression to which they were subjected by unruly and unacceptable neighbours. Most tellingly, I am driven by the despair of a woman in one part of my constituency who fought for 20 years to turn the constituency round, is proud of the physical

changes to it and was for years part of a tenants group, but who told me that she had had enough and that she would get out if she could. We cannot ignore those people.

Antisocial behaviour is not funny. Prevention and punishment are not mutually exclusive: we must have both. We talk about the need for more policing and recognise the value of high-visibility policing, but we have a general problem. If people behave only when they see a police officer, what chance is there of our having a decent, safe community? We need to say to young people that boredom is never an excuse for spitting in an old woman's face or for rattling a window at 3 o'clock in the morning. The vast majority of young people whom I know would be deeply insulted that anyone should suggest that that kind of behaviour is part of their culture.

Nicola Sturgeon: Will the member give way?

The Deputy Presiding Officer: The member is in her last minute.

Johann Lamont: We must consider what happens when the role of the police is undermined because nothing happens when a person's name is taken or action is demanded by the local community. The police have said that there is a danger of their being alienated from the community, but in some parts of my community they are held in contempt. People have no faith that the police will do anything for them.

Precisely because all our young people matter we must tell both young and older people what is acceptable in our communities. The Executive's proposals are part of that process. We should tackle the causes of crime, but we should not ignore its consequences for our communities.

11:49

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): We would all agree that there is no short-term solution to the problem of antisocial behaviour. As we have heard, it is connected with deprivation, with unemployment, with alcohol and drug abuse, and so on. However, while we struggle to find ways of dealing with the problem, there are people out there whose lives are being made miserable.

I want to give members a snapshot—one that most members will recognise from their own surgeries. My snapshot involves a young lady who came to see me last week. I have decided to call her Annabel. She is a sonsie, intelligent lass with a sense of humour. That sense of humour is being severely tested. She is getting very close to a nervous breakdown because of the antics of what the tabloids would call a family from hell, near-neighbours of hers in a Fife village. I would identify

the village but that would probably be unfair. It is like many villages on the fringes of the old mining community and I think that it was the birthplace of a former First Minister. I will not say more than that about the village.

Annabel is a single mother buying her own home through a local housing association. The group of houses in which she lives contains houses that are let out to tenants. When she went there, she felt that it was a reasonably decent community. However, for the past five years, she has had to cope with a particular family—a mother with a succession of different partners and with a 16-year-old son who is apparently totally out of control. There is drug and alcohol abuse in the street. She has applied for and has obtained antisocial behaviour orders. They have been breached. Recently, she managed to achieve the eviction of the family from the house from which the problem emanated. She actually left her own house more than a year ago to go to live with her mother because she simply could not tolerate the noise levels, the drunkenness and the arguments. A CCTV camera was put up outside her home; it lasted one day and was then ripped down. That is the kind of life that this girl has had to endure.

Annabel returned to her house believing that the eviction orders had been served earlier this year. However, the family, with legal advice, managed to appeal against the eviction orders. A further six months has therefore elapsed while this totally antisocial behaviour has continued. Annabel tells me that the police are no longer interested in her plight. They have already been to the area several times. The social work department is no longer interested in her plight. The press—my goodness—are no longer interested in her plight. The press hear about so many problems with families from hell that they do not want to hear about yet another one.

What does Annabel do? She comes to me and lays out the whole litany of evidence of the problems—just as she came to my predecessor in the constituency. Nothing happened then, so now she has raised the same problems and another MSP is in the situation of trying to come up with a solution.

We hear a great deal about the deprivation that leads to many such problems, and I am sure that we totally sympathise. However, we have to concentrate on the victims much more than before. I agree with our Annabel—Annabel Goldie—that, in theory, the powers are there. Police powers are there and children's panels are there. Those things are in place, but the hard fact is that the problems are not being solved on the ground. I agree with Tricia Marwick: it is all very well to go to organisations, or to councils such as Fife Council, and complain, but what they do is

wring their hands, pass the buck, and say it is not their problem but the police's problem or the Scottish Parliament's problem, and so on. The problem is constantly passed to someone else.

When I next go to see my Annabel in her village, what am I going to tell her? That the Scottish Parliament is consulting yet again, after five long years—which, coincidentally, is the lifetime of her problem—and is still coming up with answers. I will be interested to hear what she has to say when I tell her that.

I agree with all that has been said about the need to find the causes of the problem but I am afraid that, a bit like death and taxes, antisocial behaviour has been with us for a long time and looks like being with us for a long time to come.

11:54

Cathie Craigie (Cumbernauld and Kilsyth (Lab)): We would all agree that antisocial behaviour manifests itself in many different ways. One thing for sure is that this issue affects the quality of life of people all across Scotland—not in every community, it is true, but in enough communities to affect people from all walks of life. Whether from personal experience, or from the experience of their family, people have a view and they want to be heard.

Let us be clear: antisocial behaviour crosses all age groups. Executive ministers have engaged with all age groups in the debate and have engaged with communities the length and breadth of Scotland. I have replicated that engagement with residents in my constituency of Cumbernauld and Kilsyth. The message is the same: people are fed up—fed up with not being able to enjoy peace and quiet in their own home and fed up with not being able to walk the streets of their community without fear of intimidation or aggression. Whether those fears are real or perceived, we must deal with them. Decent, law-abiding citizens say to me and to Government that enough is enough. Our constituents expect Government to take action and to take action now.

The Parliament and the Executive want to encourage people to be involved in making and shaping policy. Over the past four years, we have consulted on many issues and I am surprised that speakers on the Tory benches have seemed to criticise that consultation process this morning. However, never has the willingness of communities to be involved and to have their voices heard been greater than on this issue. People want their communities to be put first and they want the Parliament to address the real problems that affect them daily.

Antisocial behaviour can be small, petty actions but, added together, those petty actions of

vandalism, and of constant harassment through noise and nuisance, produce major problems. In extreme cases, antisocial behaviour is a very serious problem. It is wrecking communities and stripping them of the civic pride that they once held so dear. That civic pride existed in communities up and down Scotland. We must work for change. We must educate people and remind them that, although we all have rights, we also have responsibilities—to each other and to our community.

Other members have described how their communities have been affected. They have mentioned measures that are helping to effect change. I do not have enough time, Presiding Officer, to go into detail about my constituents' experiences. However, existing laws and powers do not protect our communities and our people. We must take action to deal with rogue landlords, as mentioned by Johann Lamont and others. People tell us that we cannot license or register landlords because it would affect their livelihood; but what about the lives of the people in my community who find it difficult to get up for work in the morning because of the irresponsible behaviour of antisocial landlords and their tenants?

People in my community tell me that we must take action to deal with licence holders. I appreciate Annabel Goldie's point about responsible licence holders who operate tightly within the law, but what about the people who do not? What about the people who regularly sell drink to people under the age of 18? What about the people who regularly sell drink to people in their 50s who buy it for younger folk round the corner? The livelihood of those licence holders will be put at risk but, I ask again, what about the people in my community, in the streets of Cumbernauld and Kilsyth, whose lives are put at risk and made a misery by the irresponsible actions of those licence holders?

Presiding Officer, we are all watching the clock.

The Deputy Presiding Officer: You have one minute and seven seconds.

Cathie Craigie: It has been claimed this morning that the police are against the introduction of community wardens. I tell the chamber today that the people of Cumbernauld and Kilsyth support the introduction of community wardens, and so do the police. They see the introduction of wardens as a tool that will assist them to improve the quality of people's lives. The Parliament should not shy away from this issue; we must address it. Obviously, we must ensure that we provide facilities and resources to back up our young and old people alike. The problem of antisocial behaviour has gone on for far too long. We must take action now.

First Minister's Question Time

11:59

Prime Minister (Meetings)

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

To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to raise. (S2F-236)

The First Minister (Mr Jack McConnell): I am in regular contact with our British Prime Minister and I look forward to seeing him again soon.

Mr Swinney: What is the First Minister's reaction to this morning's comment by the Fraser of Allander institute that Scotland's economic underperformance has clearly been more than a cyclical phenomenon?

The First Minister: I am pleased that the Fraser of Allander institute recognises what we have been saying for some time, which is that we have to take action to improve growth in the Scottish economy over a comprehensive range of indicators. That is exactly why the partnership has agreed that growing the Scottish economy will be our number 1 priority for the next four years and that we need to secure the improvements in productivity and competitiveness that will not only reverse the difficulties that Scotland has had in the past two or three years, but ensure that we grow more quickly in the years to come. I believe that—as the Fraser of Allander institute has said this week—we have the right strategy, that the implementation of that strategy is moving in the right direction and that, as a result of the actions that we are taking, we will see the improvements in productivity and competitiveness that Scotland so badly needs.

Mr Swinney: I welcome what the First Minister has said and I welcome the intervention of the Fraser of Allander institute, because its definition of the economic problems of Scotland as being structural rather than cyclical is of enormous significance. Now that the First Minister has accepted that low growth is a problem in the Scottish economy, will he accept that the structural problem extends to the loss of headquarters from the Scottish economy, the contraction and relocation of foreign inward investment, the low spend on research and development, low productivity and—probably most serious of all—population decline, particularly in the economically active age group? Will he accept that those are Scotland's structural economic problems or will he continue to avoid the big decisions that have to be taken to turn around the problems in economic performance that have bedevilled Scotland for 30 to 40 years?

The First Minister: I am delighted that Mr Swinney agrees with us on the underlying problems in the Scottish economy and on the need to improve research and development, which is primarily the responsibility of the private sector. Although the Scottish nationalist party might not think so, the private sector needs to raise its game in relation to the level of expenditure on research and development that takes place in individual companies. There is a real problem with that in the Scottish economy, as research and development expenditure is significantly lower than it is in the rest of the United Kingdom, never mind the rest of the world. That is a challenge that needs to be addressed.

It is also true that we need to address the other challenges that Mr Swinney mentioned, such as population decline, low productivity and decreasing levels of investment. We are doing that in a difficult world climate and, at the moment, we are doing it more successfully than are economies that, historically, have been much stronger. We must continue to do that. That is why we need to invest in research and to ensure that the research that goes on in our universities is turned into commercial products. We must also ensure that Scotland is promoted abroad more successfully, take action to reverse population decline and ensure that we have the right skills to allow productivity in Scotland to increase.

The Executive and the SNP do not differ on the analysis of the difficulties in the Scottish economy; we differ on the solutions. I assure Mr Swinney that the worst thing that could happen to the Scottish economy at the moment would be for it to be ripped away from its major export and import base in the south of this country and to be left stranded in a low-tax economy, in which foreign investment was encouraged to the detriment of the improvement of Scottish firms.

Mr Swinney: I think that we are getting near the dividing point in Scottish politics. We all agree on the problems; the problem is that the First Minister does not have any solutions that will deliver against the problems. That is the problem with him.

Numerous people are joining the growing consensus that the Scottish Parliament does not have the powers to deliver on the Scottish economy. Wendy Alexander, the former enterprise minister, says:

“A convincing case can be made for more flexible fiscal arrangements”.

Professor MacRae of Lloyds TSB states:

“many fiscal levers remain reserved powers ... reducing the range ... of policies ... to rectify Scotland's low economic growth.”

We agree on the problems, but while the First Minister wants to ignore them, I want to tackle them by giving the Parliament the power to deliver for the people of Scotland. When will the First Minister accept the challenge and move on rather than living in the dark ages?

The First Minister: Mr Swinney must be careful about talking about dark ages, given some of the comments that have been made in the past seven days. I entirely agree with him that there is a fundamental divide between us on the issue. I believe that the lowest interest rates and level of inflation for decades in Scotland and the lowest level of unemployment and highest level of employment in my adult lifetime are prizes that we should not throw away.

Mr Swinney does not want to improve the Parliament's powers; he wants to replace the Parliament with an independent Parliament. He has taken several years as leader of the SNP to come to that conclusion, but I am delighted that he and his party are now united on the issue. We will expose the fallacy of that argument and ensure that Scotland uses the stability and strength of the United Kingdom economy as a platform to improve research, innovation, exports and productivity. We will use the platform to ensure that growth, based on skills and transport infrastructure, not on isolationism, is quicker in the future.

Ms Wendy Alexander (Paisley North) (Lab): Will the First Minister comment on the fact that there is no evidence whatever that secession, as proposed by the SNP, is the key to economic success? In the second session of Parliament, Scotland has an opportunity to build a consistency and consensus around the powers of the Parliament. Does the First Minister agree that such consensus will come only if we move away from the constitutional constipation with which some members want to continue?

The First Minister: Of course I agree with that. The Fraser of Allander institute made the same point this week when it said that we need a strategy that improves skills and uses the power of the Parliament to ensure that we grow the Scottish economy more quickly. We should not use the Parliament as a battering ram to introduce either ridiculous policies such as cutting public expenditure in Scotland in order to cut taxes for foreign firms or the powers that would lead us to separate from the rest of the United Kingdom. We are right behind the strategy that I mentioned, which is starting to make a real difference in Scotland.

Cabinet (Meetings)

2. David McLetchie (Edinburgh Pentlands) (Con): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-237)

The First Minister (Mr Jack McConnell): Mr McLetchie will not be surprised to hear that the Cabinet will discuss our progress in delivering the partnership agreement and the legislative programme.

David McLetchie: In that context, I hope that the Cabinet will discuss education policy. In February 2001, the First Minister, in a previous guise, told Parliament that the Executive did not publish national exam league tables, but that

"there is a publication of statistics, which every parent, pupil, community, education policy maker and elected politician with responsibility for education should welcome and use to drive up standards across Scotland's schools."—[*Official Report*, 15 February 2001; Vol 10, c 1314-15.]

Given the Executive's intention to abolish national tests for five to 14-year-olds, will not far less information be available in future to such people in order to raise standards in Scotland's schools?

The First Minister: Absolutely not. Not only will the Scottish Qualifications Authority and other bodies in Scotland continue to publish the present information about exam results in secondary 4, S5 and S6, to which my comment referred, but the information will be supplemented by better information that will allow Scottish schools to be compared accurately and parents, decision makers and pupils to make the choices that will drive up standards in Scottish education. We will ensure not only that the system of Tory tests, which needs to be replaced, is replaced, but that the system of assessment that replaces it is an improvement. We will improve the national collection of information to help parents, councils and the Government to make decisions for the long-term future of Scottish education. We will ensure that we produce more information, not less, and better information, not worse. We will also ensure that, under the system, parents and pupils come first, rather than the ideology that dominated in the past.

David McLetchie: I am all for giving people more information about the performance of schools. Indeed, we introduced that policy. However, while the First Minister says that he wants to provide people with more information, his policy driver is to provide them with less. His intention, in scrapping national tests, is to suppress information about the relative performances of schools over the formative years of our children's education before they sit the national examinations. That is admitted in the Executive's consultation document that Mr Peacock published last week, which describes the publication of test results as a disadvantage, and it is acknowledged to be the case by Mr Dunion, the new Scottish information commissioner. Why does the First Minister prefer to keep parents and teachers in the dark, rather than providing them

will all the information—including comparative information—that is necessary for them to be able to make informed judgments?

The First Minister: Let us be absolutely clear. I accept that the decision that was made in the 1980s to produce more information for parents and pupils about their schools was exactly the right thing to do. All political parties will have learned lessons from what was one of the few things that the Tories got right back in the 1980s. However, I also think that having national tests marked by the teacher in the classroom and never checked by anybody else, and having those tests collected and published, so that teachers have an incentive to accelerate the results and present them in the best possible manner for their schools, is not the right way in which to assess schools' relative performances or children against a national standard. I believe absolutely in assessment and in collecting information to inform parents and pupils. However, I want that information to be accurate and the assessment to be real. We will ensure that that is the case.

Margo MacDonald (Lothians) (Ind): I nearly asked the First Minister when he next planned to meet Brian Wilson. Instead, I ask him whether he will remind local authorities that, under the Local Government in Scotland Act 2003, they have the power to advance the well-being of people in their areas. In doing so, they might be well advised to refuse planning permission to people who want to sell to young people food that is officially described as nutritionally void. When he next meets the Chancellor of the Exchequer, will he impress on him the desirability of taxing foods with a high fat, high sugar or high salt content appropriately, in much the same way as alcohol is taxed, which is according to its ability to injure health?

The First Minister: The second part of that question offers an interesting idea, which I am sure will engender much debate. In the first part of the question, Margo MacDonald makes a good point—we need to drive up the standards of the food that is provided in schools to young people, in hospitals and in many other public and private facilities. As part of our healthy living campaign—which is about much more than television adverts—discussions are proceeding with local authorities, private bodies and others in order to drive up the standard of food that is prepared, sold and served in Scotland and to ensure that people will want to choose that food. If we can match the provision of good-quality food with a demand for good-quality food, Scotland will be a much healthier society.

Cabinet Sub-committee on Sustainable Scotland (Meetings)

3. Eleanor Scott (Highlands and Islands) (Green): To ask the First Minister when the Cabinet sub-committee on sustainable Scotland will next meet and what will be on the agenda. (S2F-244)

The First Minister (Mr Jack McConnell): The Cabinet sub-committee on sustainable Scotland will meet again next month. The agenda will be agreed nearer the time.

Eleanor Scott: As the First Minister knows, strategic environmental assessment is an important tool in delivering sustainable development. In "A Partnership for a Better Scotland", the Executive has undertaken to

"legislate to introduce strategic environmental assessment to ensure that the full environmental impacts of all new strategies, programmes and plans developed by the public sector are properly considered."

Given the importance of strategic environmental assessment and the culture change that its incorporation into the decision-making process will entail, does the First Minister agree that the introduction of strategic environmental assessment by primary rather than secondary legislation would more firmly underpin that process of culture change?

The First Minister: The process of strategic environmental assessment will build on what I think is one of the most successful things that the Executive has done over the past four years. We have tried to ensure that environmental assessment of our decisions is mainstreamed inside the organisation and within our budget process. Last year in particular, we had a comprehensive look at the way in which we spend our money by comparing that against the environmental assessments. We want to build on that process. Not only will we have the strategic environmental assessments required as a result of new European legislation, but we will go further, as our partnership agreement states. Ross Finnie will announce our legislative plans later this month.

The Presiding Officer (Mr George Reid): I will allow Eleanor Scott a brief second question.

Eleanor Scott: I understand that the Executive may be under some time pressure because of the European Union directive. Does the First Minister agree that it is more important to get the legislation right than to rush it through?

The First Minister: It will be important to ensure both that we meet the deadline to implement the European legislation and that we do not rush our longer-term decisions. In the longer term, we need to ensure that Scotland has a comprehensive

system of environmental assessments in place that goes further than the European legislation.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): Will the First Minister join me in welcoming the recent announcement of a new flood warning scheme to complement the flood prevention measures already in place in Kilmarnock and Loudoun? Does he agree that such initiatives are important to communities throughout Scotland and that the cynical and self-serving antics of some Tories and nationalists in opposing renewable energy schemes would increase flood risks and misery and cost untold millions of pounds for our economy?

The First Minister: The development of actions to tackle flooding in Scotland has to be more comprehensive than it has been in the past. The development of flood warning schemes is an important part of that. Prevention is not the only solution. We need to be able to alert householders and businesses that floods might be on the way so that they can take action more quickly. We also need to ensure that local authorities and others have more information about the nature of the terrain on which building might take place so that we can stop some of the nonsense that has taken place over recent decades where building has taken place on flood plains when that should clearly not have happened.

In the longer term, we need to ensure that Scotland supports the targets on renewable energy and that we make what might occasionally be tough decisions to ensure that Scotland is generating more and more renewable energy and having less and less impact on climate change.

Richard Lochhead (North East Scotland) (SNP): If the First Minister believes in the sustainable development of Scotland's marine resources, does he agree with the SNP that we should use the negotiations at the intergovernmental conference that begins in Rome this Saturday to prevent Brussels from gaining exclusive competence over Scotland's fishing grounds, as is unfortunately proposed under the draft European Union constitution? Will he tell us who will represent Scotland in those negotiations alongside United Kingdom ministers to ensure that Scotland's case is heard?

The First Minister: Frankly, we have seen some of this before, when Mr Lochhead went to Brussels during last year's negotiations. He totally undermined the negotiating stance of Scotland and the UK by rubbishing the representatives that Scotland and the UK had there. That was a scandalous act, for which he was rightly condemned by the fishermen at that time. Frankly, that kind of party politicking on the fish issue does no justice at all—

Richard Lochhead: Answer the question.

The First Minister: Having asked the question, the member might want to listen to the answer, however uncomfortable it may be for him to be unable to put across his view—a view that abuses the lives and the futures of Scottish fishermen for party-political ends.

Scotland and the United Kingdom will stand up for the long-term sustainable future of Scotland's fishing stocks in the negotiations when they take place later this year. In advance of that, we will work to support the fishermen's case rather than to undermine it. We will not make short-term, quick decisions that might get good headlines, but we will make the right decisions for the long term for Scotland. That is the right approach and that is the approach that we will take.

In relation to the IGC, the fact that the competencies retain the status quo might not appeal to those who are becoming increasingly anti-European, something for which they will pay the price. However, our approach is the right one in the short term because we have to concentrate on those negotiations and on winning Scotland's case.

Digital Hearing Aids

4. Sarah Boyack (Edinburgh Central) (Lab): To ask the First Minister what the Scottish Executive's timetable is for the introduction of digital hearing aids across Scotland. (S2F-239)

The First Minister (Mr Jack McConnell): We are implementing the commitment in the partnership agreement to allow routine issue of digital hearing aids and support where that is the most clinically effective option. The Deputy Minister for Health and Community Care yesterday announced further resources for that and for the modernisation of services throughout Scotland.

Sarah Boyack: I welcome the new cash. The First Minister will know that one in five of the adult population in Scotland is deaf or hard of hearing and that 0.5 million people could benefit from a more than 40 per cent improvement in their hearing through the use of a digital hearing aid. Will the new cash for audiology be ring fenced in investment? Past experience in the Lothians shows that new money does not always reach audiology patients or deliver the services that they deserve.

The First Minister: We have to ensure that the resources that have been allocated deliver for each patient who has a clinical requirement for a digital hearing aid, as opposed to those who simply want one. Those resources must be better used throughout Scotland so that they deliver the hearing aids and associated services. Without services that provide correct assessment and

measurement, without the correct use of the hearing aid and without the right follow-up service, the hearing aid will not be as effective as it would otherwise be. I am absolutely behind Sarah Boyack in saying that the local health boards must ensure that their services and the provision of resources to purchase the hearing aids should match the national commitment to make the aids available in every part of Scotland.

Mrs Nanette Milne (North East Scotland) (Con): What plans are there to recruit audiologists and hearing therapists, given the current acute shortage of such people? Moreover, given the sad lack of facilities for audiologists, are there plans for health boards to provide more such facilities?

The First Minister: Nanette Milne makes a good point, which reinforces what I said. The issue is not just about the hearing aids; it is about the services that should be provided in advance of the acquisition of a hearing aid and as a follow-up. That means that staff must be recruited and equipment modernised in order to ensure that services are up to the standard that we require. The resources are now available and health boards are being co-ordinated to ensure that they meet those targets and that people who have a clinical need for a digital hearing aid will get one and the back-up services that should go with it.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The investment is excellent news, especially for the new patients who need digital hearing aids. Will the First Minister say how long it might take to deal with the backlog of patients who have analogue hearing aids but are waiting to be assessed for digital hearing aids? In the Grampian area, for example, there are 600 people in that position.

The First Minister: The time will be different in different parts of the country, as Mr Rumbles will be aware. It is important that local health boards do all that they can to minimise the time that it takes to get from where we are now to where we want to be with the provision of digital hearing aids and full back-up services. That is why there are plans afoot to make sure that there is a local action plan in each area, co-ordinated nationally to ensure that best practice is replicated across the country and that each health board delivers on the Executive's commitment to enable people who have a clinical need for a digital hearing aid to exercise that option.

Hepatitis C

5. Shona Robison (Dundee East) (SNP): To ask the First Minister whether he will reconsider the level of support to be given to those infected with hepatitis C through contaminated blood products in light of the recent comments by Lord Ross, chair of the expert group. (S2F-252)

The First Minister (Mr Jack McConnell): The plans announced by the Minister for Health and Community Care will ensure that people who are suffering receive financial support and are not penalised if they are receiving benefits. In health service spending, there is a difficult balance to be struck and we worked hard with the UK Government to negotiate that scheme. The expert group was aware of our proposals, and of the reasons why its full recommendations would not be met, prior to the publication of its final report.

Shona Robison: Is the First Minister aware of the recent comments by Lord Ross, who has expressed concern about the level of financial assistance on offer? Lord Ross made the point that to compensate victims adequately to the level that he recommended would take a mere fraction of the £360 million overspend on the Holyrood building or of the underspend of the Executive's budget. To give people hope, will the First Minister make a personal commitment to meet representatives of those affected to discuss further the level of financial assistance, whether payments should be made to the families of those deceased and the continuing demand for a public inquiry in the light of new evidence, including recent allegations that people were being infected with contaminated blood products as recently as 1995?

The First Minister: I repeat what I said about balances in the health budget. It would be easy for us to propose expenditure of £80 million on a number of different health services that people might want, but such actions always have an impact on another part of the service. We need to balance expenditure on cancer services, on services for heart disease and stroke, on audiology and on many other services that are required in our national health service against expenditure on compensation for hepatitis C. I think that we have struck the right balance between ensuring that those who are suffering have a financial payment that helps them to deal with what has happened to them and ensuring that the rest of the health service is not affected by a decline in services.

The issues that Ms Robison raises are important and they will continue to be discussed between ministers and representatives of the people affected. In fact, the Minister for Health and Community Care is meeting representatives of the Haemophilia Society next week and I am sure that he will be happy to raise those issues then.

Government Jobs (Dispersal)

6. David Mundell (South of Scotland) (Con): To ask the First Minister what criteria the Scottish Executive will apply in determining whether its policy of disposal—I mean dispersal—of

Government jobs throughout Scotland has been effective. (S2F-235) [*Laughter.*]

The First Minister (Mr Jack McConnell): Well, disposing of Government jobs—

David McLetchie (Edinburgh Pentlands) (Con): Good idea!

The First Minister: “Good idea!” says Mr McLetchie. I hope that we will hear more about that in the years to come.

To answer the question that Mr Mundell intended to ask, we are determined to disperse Government jobs beyond the central belt to areas the length and breadth of Scotland, because the benefits include spreading the advantages of devolution and giving a jobs boost to areas that need it. I believe that the decisions that have been reached since 1999 have been effective in achieving those objectives, which is why I think that we should continue with further relocations as appropriate opportunities arise.

David Mundell: Does the First Minister accept that people in the south-west of Scotland do not believe that the policy has been particularly effective? This week, the convener of Dumfries and Galloway Council described the policy as a farce after the area missed out yet again. Will the First Minister concede that decisions are now being made not on any objective criteria, but on the basis of political expediency?

The First Minister: Where the political expediency comes in is with parties that support that policy in their manifestos and in this chamber, but that, every time there is a hard decision to be made, oppose that decision and say that the policy is wrong. The policy is right. It is right to relocate Government jobs, not just out of Edinburgh to towns the length and breadth of Scotland, but from other cities in Scotland, including from Inverness into the most sparsely populated parts of the Highlands. It is right for us to support those initiatives and to ensure that, right across Scotland, people and local communities get the benefit of public sector jobs. It is also important that communities across Scotland have direct access to people who implement Government policy and work in the public sector, because that brings those people closer to the communities.

I am on record as saying that the south-west of Scotland is not only the part of Scotland that faces the biggest economic challenges at the moment, but the area that most needs relocation of Government jobs. We will deliver on that commitment; we will do it when the time is right and when the opportunity allows.

12:30

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Planning

1. Mr Brian Monteith (Mid Scotland and Fife) (Con): To ask the Scottish Executive what plans it has to modernise the planning system. (S2O-536)

The Deputy Minister for Communities (Mrs Mary Mulligan): Modernisation of the planning system is a key objective of the Executive. The partnership agreement commits the Executive to

“improve the planning system to strengthen involvement of communities, speed up decisions, reflect local views better, and allow quicker investment decisions.”

Mr Monteith: I draw to the minister’s attention the issue of helicopter landing and departure. [*Laughter.*] That was a pause for effect. The arrival and departure of a helicopter from the garden ground adjacent to residential property is not subject to restriction either by planning regulations or by Civil Aviation Authority regulations. Will the minister consider the operation of helicopters from private ground, including roads on private ground, in any future modernisation of the planning system?

Mrs Mulligan: Planning seeks to control physical development, which is why the issue that Mr Monteith raises is not covered by the planning system. The operation of helicopters is obviously much closer to Mr Monteith’s heart than it is to that of other members because no other member has ever asked a question on the issue. However, I assure Mr Monteith that I will speak to my colleague the Minister for Transport to find out whether the issue needs to be addressed.

Dr Sylvia Jackson (Stirling) (Lab): As the minister will know, a number of community councils in the Stirling constituency fed in their views to the “Getting Involved in Planning” consultation. Does she agree that, in the period leading up to changes in primary and secondary legislation, it is vital that as many community groups as possible are involved in the discussion so that the resulting legislation will provide sustainable development that strikes a better balance between community aspirations—including the need for affordable housing—and business interests?

Mrs Mulligan: I am aware of the responses from the community councils in the Stirling area which, I am sure, are partly a result of Sylvia Jackson’s activity. Such responses are

appropriate if we are to fulfil our commitment to involving people in the whole planning process and not just allowing them to react to planning decisions. I welcome the contributions from the Stirling area. I will attend a planning forum, which is one aspect of public involvement, in my colleague Pauline McNeill's constituency tomorrow. I want to see more planning forums because they encourage local people to get involved throughout the planning process.

Donald Gorrie (Central Scotland) (LD): What plans does the Executive have to deal with the problem faced by councillors who are members of planning committees who, because of the code of conduct, are prevented from acting correctly as democratic local representatives because they are not allowed to speak out or assist their constituents on planning issues? I hope that the Executive will address that serious point.

Mrs Mulligan: Councillors can always represent their constituents, but I recognise Donald Gorrie's point about the interpretation of a conflict of interest. Mr Gorrie has raised the matter with me and with the minister responsible for local government. We will continue to consider ways in which the issue can be resolved.

Mr Rob Gibson (Highlands and Islands) (SNP): Does the minister agree that the envelopes that are drawn round many settlements by national planning guidelines unfairly award lucky landowners huge cash bonuses when they choose to sell land for house building? Does she therefore agree that national planning guidelines must be amended to include specific zones for affordable housing so that urgently needed land can be assessed and secured to build homes on for many people, whose only alternative in some cases is to leave the country?

Mrs Mulligan: As I have already said, the planning process is responsible for dealing with development opportunities, which we want to encourage. However, the Executive is totally committed to increasing the availability of affordable housing. If we can resolve the issue through planning guidance, we will do so. I recognise that there are issues around competition between private and public housing and therefore the work that the Executive is doing to encourage the development of affordable housing will continue.

NFU Scotland (Meetings)

2. Alex Fergusson (Galloway and Upper Nithsdale) (Con): To ask the Scottish Executive when it will next meet the National Farmers Union of Scotland. (S2O-514)

The Minister for Environment and Rural Development (Ross Finnie): I have regular

meetings with NFU Scotland, the most recent of which was on 30 September. I will next meet it on 6 October in the context of the Executive's conference on common agricultural policy reform.

Alex Fergusson: When the minister next meets NFU Scotland, will he discuss the lack of land available to rent as a result of his policies over the past two years? He recently stated that the new tenancies should be in place by Martinmas of this year. Will he now admit that there will be no new tenancies this year and that people who want to make land available to the many who are desperate to rent it are unable to do so? Will he also admit that his policy has done exactly what we warned and has led not to a reinvigorated tenanted sector but to the death of it?

Ross Finnie: I hate to disappoint Alex Fergusson, but I assure him that an order will be laid with a view to having sections 1 and 3 to 8 of the Agricultural Holdings (Scotland) Act 2003 in force by Martinmas. That is what I said we would do and we intend to do it. Given that he started his question on an entirely false premise, it is not surprising that the rest of the question almost falls. We do not accept the basis of the question. Of course, the member opposes anything that gives tenants proper rights—it is his right to do so. I do not share his view. I think that the act has been warmly welcomed by tenants. It was intended to redress the balance between landowners and tenants, which had drifted far too far in favour of the landlord. Those who have a sensible view of the matter take that view and stick by it.

Borders Railway

3. David Mundell (South of Scotland) (Con): To ask the Scottish Executive what criteria it will apply when assessing the business case produced to support a request for Executive funding of the Borders railway. (S2O-523)

The Minister for Transport (Nicol Stephen): The business case will be assessed in accordance with the Scottish transport appraisal guidance.

David Mundell: Will the minister confirm that, in order to provide the funding, he will require a positive net present value, as he required in the case of all the roads that were approved under the strategic roads review?

Nicol Stephen: The Scottish Executive is committed to supporting the construction of the Borders railway. We have already invested more than £2 million in the project by supporting the Waverley railway partnership. A bill is now before the Parliament and I hope that the project continues to make good progress. The Executive is committed to that.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The minister will be aware of

the long-term strategic importance of the rail line to my constituents and I hope that a long-term view will be taken when the business case is considered.

The Tories' conversion to rail is rather novel. Can the minister tell the chamber how many rail projects were completed under 18 years of Tory rule compared with how many have been supported by the Executive?

Nicol Stephen: "Very few" and "a lot" are the respective answers to those questions.

Christine Grahame (South of Scotland) (SNP): I have had a batch of written answers that tell me nothing about the criteria for assessing the business case for the Borders railway but are merely holding answers. Here is the minister's opportunity. I asked him which ScotRail routes would have passed the business case test that will be applied to the Waverley railway line, to which he answered:

"I shall reply to the member as soon as possible."—
[*Official Report, Written Answers, 1 October 2003.*]

The time has come. Will the minister give me an answer?

Nicol Stephen: It is obviously important—
[*Interruption.*] I will give the written answer in due course. I still do not have the information that Christine Grahame requests, but I will give her a full and fair answer as soon as I have the information.

It is important that Christine Grahame realise that all projects now go to STAG appraisal, as it is called. It is important that we have a procedure for assessing a range of projects. [*Interruption.*] I am not sure whether she wants to hear the answer, because she continues to interrupt. It is important that we have a method of appraisal for all projects, whether they are road projects or public transport projects. We now have such a system. I hope that she will welcome that, and also the shift in emphasis that we are making towards public transport investment.

We are committed to supporting the Borders rail link. Christine Grahame should have been present in the chamber last night when her party's spokesperson on transport was less than whole-hearted in his commitment to the Borders rail link. I am confident that it will be this Executive rather than any SNP Administration that will deliver the Borders rail link for Scotland.

Submarine Decommissioning

4. Mr Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Executive what representations it has made to the Ministry of Defence about whether the decision on the acceptability of the proposals for decommissioning

submarines at Rosyth will be based on the environmental principles of waste minimisation and "concentrate and contain". (S2O-555)

The Deputy Minister for Environment and Rural Development (Allan Wilson): The Executive has made no such representations to the Ministry of Defence. We would, however, expect all such proposals to meet stringent environmental standards.

Mr Ruskell: Does the minister agree that no cutting up of nuclear submarine reactor compartments should take place in Scotland and that only the cutting out and land-based storage of the entire sealed nuclear reactor compartments of only those existing submarines that are stored afloat at Rosyth should be considered for consent by the Scottish Environment Protection Agency?

Allan Wilson: The environmental impact of what is proposed will be judged by the regulators against standard processes, including best available technology, not entailing excessive costs and best practicable environmental option. The criteria involve waste minimisation, sustainability, pollution and emissions, and socioeconomic issues. Within that, concentration and containment are the principal means by which it would be intended to dispose of the waste.

Scott Barrie (Dunfermline West) (Lab): As the minister will be aware, the recently announced consultation will not result in a final decision being taken by the Ministry of Defence for two years. Could he clarify for me and for my constituents in Rosyth what planning powers the Scottish Executive will have with regard to any decision by the Ministry of Defence to dispose of the submarines that are currently located at Rosyth dockyard?

Allan Wilson: That is a good question. I acknowledge the member's constituency interest. Government departments benefit from Crown immunity from planning control, but it may interest the member and the wider chamber to know that the Executive and the UK Government intend to remove Crown immunity from planning control. Amendments to the Planning and Compulsory Purchase Bill, which is currently before colleagues at Westminster, will be introduced to this Parliament by a Sewel motion, so colleagues will have the opportunity to make input to the process at that point.

Bruce Crawford (Mid Scotland and Fife) (SNP): In making representations to the MOD, why has the minister simply not told it that it is unacceptable that Rosyth, or any other part of Scotland, should become the graveyard for redundant nuclear submarines? Why has he not told the MOD that Devonport got the jobs, so why should Scotland end up being the nuclear rubbish bin of the UK?

Allan Wilson: Narrow nationalism and nimbyism rolled into one—not a very attractive sight. If Mr Crawford took off his narrow nationalist blinkers he would know that Scotland is a net exporter of nuclear waste—we are not an importer of nuclear waste—and that we are also a net exporter of toxic waste. At all levels his argument fails and is completely fallacious.

European Union Justice and Home Affairs Council (Meetings)

5. Nicola Sturgeon (Glasgow) (SNP): To ask the Scottish Executive whether it will be represented at the justice and home affairs council of the European Union in Luxembourg on 2 and 3 October 2003. (S2O-513)

The Minister for Justice (Cathy Jamieson): The Executive will be represented at official level as part of the UK delegation which, as always, ensures that the UK position reflects Scottish circumstances and concerns.

Nicola Sturgeon: Does the minister agree that when more and more big decisions that affect all our lives are being taken in Europe at intergovernmental level—as is the case in particular with justice matters—Scotland's proper place is at the top table? Does she also agree that, when tomorrow's agenda for the justice and home affairs council includes matters that fall within the devolved competence of this Parliament—such as parental responsibility and criminal and contract law—it is not good enough for Scotland not to be represented by ministers from this Parliament?

Cathy Jamieson: I do not agree with everything that Nicola Sturgeon says and the reasons why are simple. The final decisions that are taken at the justice and home affairs council come after many months, sometimes even years, of discussions that involve officials and ministers from both here and Westminster. I am aware of important decisions that will be taken tomorrow—for example, about the parental responsibility regulation—and I assure Nicola Sturgeon and the chamber that the Scottish perspective and the position in relation to Scots law have been well represented in the discussions up until now. The important point is that the regulation will make a difference to safeguard the rights of Scottish children and parents. We can do that by working in partnership with our UK colleagues.

Pauline McNeill (Glasgow Kelvin) (Lab): It is right to acknowledge the work done by Scottish officials and ministers to amend the current proposals on parental responsibility, which could impact generally on the principles of Scots law. Does the minister agree that the legal supremacy of European law in the context of devolution is not widely understood? It is not just about ministerial

involvement; it is crucial that the committees of the Parliament are directly involved in scrutiny before such amendments are ratified and not after. Surely we also have a responsibility to the general public to make them aware of decisions made at European level on their lives.

Cathy Jamieson: I agree absolutely with Pauline McNeill's comments. I commend the justice committees for indicating that they will try to use their influence at an early stage. I have given a commitment to the committees and I have already written to Pauline McNeill to outline some of the areas that will come up in the future, on which I look forward to working with the committees.

Respite Care

6. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive whether it is satisfied with the provision of respite care for people with dementia. (S2O-519)

The Deputy Minister for Health and Community Care (Mr Tom McCabe): We are always seeking ways to improve provision, as is demonstrated by our recent investment decisions on respite care. We are providing local authorities with more finances than ever before to provide respite services—£11 million this year and, on top of that, £10 million to implement the carers strategy. We are confident that people who suffer from dementia and those who care for them will see real differences as a result of that investment.

Murdo Fraser: I spoke recently to a group of carers who expressed concerns to me. One of their major worries was the stack of forms that they have to fill out every time they access a respite care bed. If a patient goes back to the same bed three months later, the carer has to fill out all those forms again. Will the minister look at the issue, to see whether there is a way in which we can streamline the paperwork that is involved, so that carers who are already in a stressful situation do not have to face that additional stress every time they access respite care?

Mr McCabe: I have recognised before in the chamber the tremendous work that carers do and I am happy to do so again. I regularly meet carers groups—I did so recently—and I have asked carers to identify the key areas that they think we need to progress during this parliamentary session. They have told me that they are happy to go away and consider the major issues that need to be tackled and to come back with their agenda. We will be more than happy to consider that agenda; if it contains the point that Murdo Fraser raised, we will be happy to consider that issue.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I am sure that the minister is

aware that one of the concerns that carers organisations have raised is the Executive's apparent lack of effective monitoring processes for the implementation of the carers strategy in general. More specifically, there is a lack of effective monitoring of the use of the additional resources that the Executive has allocated for the strategy and for services such as respite care. Will the minister look into the matter and take steps to tighten the monitoring arrangements, so that we can find out what progress is being made across the country and do more work to ensure that the Executive's commitments to carers are translated into practice right across Scotland?

Mr McCabe: The development of outcome agreements lies at the heart of our approach, not only to investment in relation to carers but to a series of investments in the social care strategy that we are making through our colleagues in local government. We are currently developing outcome agreements. I fully concede that the work is taking longer than I would have liked, but we have instructed officials that it is a priority. Outcome agreements, which allow us to monitor the success of our investments, are vital not only to ensure the good stewardship of public funds but to ensure that people who suffer and the people who care for them receive the appropriate services at the right time.

Schools (Traffic Congestion)

7. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive how it intends to tackle traffic congestion around schools. (S2O-541)

The Minister for Transport (Nicol Stephen): We are tackling traffic congestion by encouraging walking and cycling to school and by promoting road safety initiatives. Last week we announced funding direct to local authorities for new 20mph safety zones and other schemes around schools, amounting to £5 million this year, £11 million next year and £11 million in 2005-06.

Scott Barrie: I warmly welcome the initiative for 20mph zones round our schools. Does the minister think that we can reduce congestion, especially around primary schools when children are being dropped off in the morning or collected in the afternoon, by persuading parents to abandon the car and by promoting alternatives such as walking buses, which have the twin benefits of ensuring that children get to school safely and providing some youngsters with much-needed exercise?

Nicol Stephen: I agree that that is extremely important. When schools go back at the start of term, there is an opportunity to target our message at parents who would normally take their children to school by car in the mornings. As well as 20mph zones, it is important to encourage a range

of other initiatives, such as walking buses and other safer-routes-to-school initiatives. I hope that the local authority school transport co-ordinators that we help to fund will develop a range of new initiatives. We must do more to encourage young people to walk or cycle to school in the mornings. That will be good not only for Scotland's transport but for the fitness and health of our young people.

Lord James Douglas-Hamilton (Lothians) (Con): Will the minister check up to make certain that local authorities are allocating sufficient resources for safer-routes-to-school schemes?

Nicol Stephen: Yes, I will. I am conscious of the scale of the effort that needs to go into that, but we have allocated £27 million of new funding. The cost of an average 20mph safety zone scheme is between £10,000 and £25,000, so we will be able to develop a significant number of new initiatives throughout Scotland over the next three years. I will be asking local authorities to ensure that they spend the new money on such schemes and to report back to the Executive on how it has been spent.

Electricity Generation (Renewable Sources)

8. Linda Fabiani (Central Scotland) (SNP): To ask the Scottish Executive how it intends to increase the percentage of electricity generated in Scotland from renewable sources. (S2O-547)

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): The renewables obligation (Scotland) obliges licensed electricity suppliers to provide an increased proportion of the electricity that they supply from renewable sources. In addition, we work with a range of partners to support commercialisation of world-class research from Scottish universities, to promote new renewable technologies, and on other relevant issues.

Linda Fabiani: Will the minister reveal the extent of the work and the costs that will be required to upgrade, strengthen and extend the existing national grid, so that the resultant increase in renewable power production can be carried to the necessary markets, such as Shetland and the Western Isles?

Lewis Macdonald: We are aware of the importance of that issue and I certainly welcome Linda Fabiani's support for a single integrated and competitive transmission and distribution system for the whole of Great Britain. It is absolutely important that we go in that direction. In order to do that, it is clear that we need to work with our colleagues in the UK Government, with the Office of Gas and Electricity Markets and with the electricity companies, with whom primary responsibility for the upgrades that need to be done will lie. In our work with them, we are holding

discussions about a number of areas of the grid where improvements may be required.

Shiona Baird (North East Scotland) (Green): To what extent does the Scottish Executive favour enhanced energy efficiency as a means to increase the percentage of electricity generated in Scotland from renewable sources?

Lewis Macdonald: We very much favour energy efficiency, both in domestic consumption, where we have set a target of 20 per cent, and in business and industry, where we are working hard with partners to achieve those levels of efficiency. That is critical, because we want both to reduce unnecessary use and consumption of electricity and energy and at the same time provide more and more from renewable resources.

Strategic Rail Authority Funding

9. Mr Kenny MacAskill (Lothians) (SNP): To ask the Scottish Executive what funds have been committed by the Strategic Rail Authority to rail projects in Scotland. (S2O-557)

The Minister for Transport (Nicol Stephen): The Strategic Rail Authority is currently helping to fund the new Edinburgh Park station and platform-extension works on the Fife circle and Bathgate lines and other parts of the Scottish rail network.

Mr MacAskill: As the minister will be aware, £1.3 billion was spent opening the high-speed rail link from London to the channel tunnel. Given that trains were purchased for a direct link from Scotland and that Scotland was promised a direct link to the channel tunnel, and given also the statements that were made by the Executive, will the minister tell us when Eurostar services from Scotland direct to Europe will commence?

Nicol Stephen: Those are issues that will have to be resolved at United Kingdom level. I would be very pleased to see such services. Indeed, only yesterday I was discussing with the Scottish Association of Passenger Transport how a service to Euston might be encouraged. I am prepared to do all that I can in my position as Scottish Minister for Transport to encourage such developments. I would also like to see the Strategic Rail Authority invest more in Scotland. We have in prospect the £9.9 billion upgrade to the west coast main line. That is a significant investment, which I hope will proceed as soon as possible. I would also like to see the Strategic Rail Authority contribute to the upgrade of Waverley station—it is currently chairing the steering group that I hope will lead to that upgrade. On all of those issues I will continue to put Scotland's case as powerfully as I can.

Maybole Bypass

10. Phil Gallie (South of Scotland) (Con): To ask the Scottish Executive what consideration it

has given since May 2003 to the provision of a Maybole bypass. (S2O-542)

The Minister for Transport (Nicol Stephen): [*Interruption.*] My apologies, Presiding Officer, I have lost my notes.

The Executive keeps proposals for new bypasses on the trunk road network under regular review.

Phil Gallie: The minister should have discarded his notes and said, "Not a lot."

Did the minister hear the First Minister this morning refer to the fragile state of the economy in the south-west of Scotland? Is he aware of recent reports in which the A70 and the A71 in Ayrshire are spotlighted as the most lethal roads in Scotland? In taking into consideration the requirement to maintain volume and heavy transport from the south-west in the south-west, and the vital need for the Maybole bypass, does the minister agree that the hazards that I have identified need to be addressed if the First Minister's aspiration to improve the economy in the south-west of Scotland is to be fulfilled?

Nicol Stephen: I am very conscious of the issues relating to the trunk road network in that area. The Scottish Executive has already invested in safety measures that affect the roads to which Phil Gallie referred. We are always prepared to consider new possibilities. We have been in discussion with the police in the area and we are considering the possibility of introducing new measures.

Earlier this week, after decades of campaigning—and, if I may say it, throughout the period when the Conservatives were in office—I was pleased to inaugurate the three towns bypass, which will bring new investment into the area and offer much-needed relief from congestion. We are investing in the new extension to the M77 and I am determined that, in due course, we will do more to invest in and tackle the trunk road problems in Phil Gallie's area. I will keep closely in touch with local members who have made representations to me on the issue, and with all the regional members in the South of Scotland.

Police Cover (Fife)

11. Tricia Marwick (Mid Scotland and Fife) (SNP): To ask the Scottish Executive when it last had discussions with Fife constabulary about the level of police cover in Fife. (S2O-512)

The Minister for Justice (Cathy Jamieson): The Executive is in regular contact with Fife constabulary, as well as with other forces, about various issues, including levels of police cover.

Tricia Marwick: The minister is aware that the Fife police complement is 26.7 officers per 10,000

population, compared with the Scottish average of 30.6 officers per 10,000 population. That is 200 fewer police officers than our population requires. I understand that there is a review of the staffing formula, which ministers are considering and which agrees that Fife needs more officers. Will the minister confirm when that review will be completed, and when we can expect that Fife will receive its fair share of police officers?

Cathy Jamieson: It is worth noting that as at 30 June this year, Fife constabulary had 948 police officers, which is 113 more than it had in June 1999. Tricia Marwick shakes her head, but that is a fact—that information is accurate.

I have said that the review of police grant-aided expenditure that is under way will report to ministers in spring next year. I hope that Tricia Marwick and her colleagues will welcome the additional resources that we intend to put into the police to allow them to remove from police officers the time-consuming and inappropriate requirement to escort prisoners, so that other people can take that on and allow front-line police to go back on the streets.

Christine May (Central Fife) (Lab): Does the minister agree that effective community policing is essential to support the partnership's antisocial behaviour strategy? Will she join me in congratulating Fife constabulary on its community policing efforts, which have been recognised by HM inspectorate of constabulary, but which are frequently under pressure for operational reasons? Will she give me a commitment to look favourably on any request for resources from the chief constable of Fife constabulary or other chief constables for additional community-based police officers?

Cathy Jamieson: Operational matters are, of course, the responsibility of chief constables, but Christine May's point is important. Only last night, I discussed with chief constables, including Fife constabulary's chief constable, how we can work together in partnership to deliver on our agenda of tackling crime and antisocial behaviour. The response was positive and we outlined clearly a way forward. It is clear that forces throughout Scotland are working hard on community policing. It is not for ministers to take operational decisions, but I will continue to work closely with chief constables and local police.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Does the minister agree that the rationale for community wardens is far from proven? Police are lukewarm towards the concept. As we heard in this morning's debate, police in many parts of Fife do not have the resources to cope with the level of antisocial behaviour. Does she agree that we should talk not about the number of police, but about where and how they are deployed?

Cathy Jamieson: I do not agree with what the member said about community wardens and antisocial behaviour. This morning, we heard good examples of why community wardens are making, and could make, a difference in many communities throughout Scotland. The intention is not that they should perform duties that police officers should undertake.

I am interested that the member said that the debate is not about the numbers, but about how we deploy resources and achieve the best value from the resources. I take it that that means that the Tories will stop calling for ever-increasing resources to be added to all sorts of initiatives.

National Health Service (Winter Pressures)

12. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what action it is taking to prepare the NHS for winter pressures. (S2O-548)

The Minister for Health and Community Care (Malcolm Chisholm): Plans will include provision for extra staff, more beds, increased critical care capacity, additional nursing home places and continued co-ordinated action on delayed discharge. That is supported by significant extra investment. Health spending is set to increase on average by more than £630 million each year from 2003-04 to 2005-06 and £30 million has been allocated to address delayed discharges from hospitals.

Irene Oldfather: I welcome the initiatives that the minister outlined. However, is he aware of the confusion in some health boards about the fact that the annual allocation included winter-pressures funding? Will he give an assurance that he will investigate that and that future Health Department letters will be clear about what the allocation includes?

Does he agree that prevention is better than cure? How does the Executive intend to maximise the uptake of the flu and pneumonia vaccines?

Malcolm Chisholm: I assure Irene Oldfather that letters from the Health Department are clear. Placing the winter-pressures money in the general allocation was supported by the service-led winter planning group and clear information was provided in letters from the department on 9 July and 18 August. I know that Irene Oldfather does not criticise that policy, but I remind members who do that I was criticised last year for not putting that funding in the board allocations.

The other issue that Irene Oldfather raised is important to winter planning. The flu injection programme is being repeated this year and people who are over 65 will be offered the pneumococcal inoculation at the same time. Those are important preventive measures.

Dr Jean Turner (Strathkelvin and Bearsden)

(Ind): What measures is the minister taking to reduce trolley waits in Glasgow hospitals? That might be linked to his earlier answer. The concern is that people are waiting on average four hours in accident and emergency departments and casualty departments.

Malcolm Chisholm: It is clear that some of the points that I raised in my first answer to Irene Oldfather's question are extremely relevant to Dr Turner's question.

It must be said, however, that delayed discharge is among the biggest issues—if not the biggest issue—in relation to trolley waits. That is why I was so concerned by the reverse over the past year in the trend for numbers of delayed discharges to decline—the figure had started to come down very significantly, although it is true that it is still 680 fewer than the figure for this time last year. On Tuesday, my colleague Tom McCabe held a meeting with some of the authorities in which the trend in the figure has gone into reverse and I have asked for rigorous analysis of the reasons for that. We will take whatever further action is necessary to ensure that the trend in delayed discharges is that their number continues to fall.

Council Tax**13. Ms Rosemary Byrne (South of Scotland)**

(SSP): To ask the Scottish Executive what plans it has to review the council tax. (S2O-546)

The Minister for Finance and Public Services

(Mr Andy Kerr): The Executive is committed to an independent review of local government finance. We are discussing the timing, remit and format of the review with Convention of Scottish Local Authorities.

Ms Byrne: Will the Executive bring to the attention of those who are conducting the review the growing revolt against the council tax by pensioners in England, including a non-payment campaign, and the fact that the last opinion poll on the matter in Scotland showed that 72 per cent of Scots want the council tax to be abolished and replaced by a fairer system that is based on income? In addition, does the minister accept that five of the seven parties in the Scottish Parliament want the council tax abolished?

Mr Kerr: It is important to point out that the average increase in council tax in England is 12.9 per cent whereas the increase in Scotland is 3.9 per cent. Indeed, projections for the next two years show that any increase in council tax will be limited to less than 5 per cent. It is also important to say that 40 per cent of our elderly community claim council tax benefit. Indeed, more elderly people should claim that benefit and all of us

should advise elderly people in our constituencies to claim the benefit. Given that 25 per cent of all households claim council tax benefits, we need to get the issue into perspective.

I agree that we should have a fairer taxation system—everyone wants to argue that case. Of course, under the Scottish Socialist Party's proposals, a general practitioner with a partner who is a part-time teacher would pay £400 a month more, but a family with two income earners who earn only the average wage would pay excessively more under the SSP's system. It is easy for parties to claim that they have a fairer taxation system, but their replacement for the council tax will be unfair on many people in Scotland. The Executive wants to attract professional, trained and skilled people to work in Scotland's public services. Under the SSP, those people would never come to Scotland.

Emergency Contraception**14. Carolyn Leckie (Central Scotland) (SSP):**

To ask the Scottish Executive whether it will support and resource the free availability of emergency contraception at all current outlets including pharmacies. (S2O-543)

The Minister for Health and Community Care

(Malcolm Chisholm): Emergency contraception is already available free on prescription. Some pharmacies also provide it without cost under local national health service board initiatives. Future arrangements will be considered in the context of the national sexual health strategy for Scotland, about which we will consult soon.

I have now received the final report of the expert group. I would like to take this opportunity to thank the group for all its hard work and deliberations and I am pleased that all its members have signed up to the draft strategy. We will now take the opportunity to consider the group's report, which will be published in full and will be subject to wide public consultation later in the autumn. We will consider all responses before we make final decisions.

Carolyn Leckie: I am sure that the minister will agree that access to emergency contraception has been further compromised by the centralisation of gynaecological services. The fact that emergency contraception is free in some pharmacies does not mean that it is free in all of them. At a cost of £24 to £30, such contraception is unaffordable to those who are most vulnerable in the poorest communities.

I know that the sexual health strategy is yet to be published. The minister said that all members of the expert group have signed up to the draft strategy. Bearing in mind public statements that have been made by one member of the expert

group, does the draft sexual health strategy exclude free emergency contraception? Does it exclude availability of supported emergency contraception in schools or beside schools?

Malcolm Chisholm: The reality is that everybody has signed up to the strategy and it is up to the group to comment. I have only just received the report, which the group worked on over an on-going period.

I have already looked at the report and believe that it is more comprehensive than comparable documents. For example, it clearly acknowledges wider cultural and social influences on sexual health. I am sure that Carolyn Leckie will welcome that, given the final two lines of the motion on the sexual health strategy that she lodged recently.

As for Carolyn Leckie's question, emergency contraception will be considered. However, it is not the only issue that will be under consideration, and I repeat the first line of my answer: such contraception is already free on prescription.

The Presiding Officer (Mr George Reid): It is 15:10, which is the end of question time.

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer. Will you advise ministers that they should not mislead members deliberately, as the Minister for Finance and Public Services, Andy Kerr, did in relation to what people would or would not pay under a Scottish service tax? Will you advise ministers that it is advisable for them to tell the truth once in a while?

The Presiding Officer: No, Mr Sheridan. That is a matter for the ministerial code of conduct, which is something that ministers take very seriously indeed.

Antisocial Behaviour

Resumed debate.

The Deputy Presiding Officer (Murray Tosh): The next item of business is continuation of the debate on antisocial behaviour. We are still in the open part of the debate.

15:12

Brian Adam (Aberdeen North) (SNP): This morning's debate was interesting and I hope that we can maintain the same high standard this afternoon. I enjoyed it; some speeches were measured, while others were rather heated. It is fair to say that certain members have particular constituency problems that engendered some of the passion in this morning's debate.

I, too, took advantage of Margaret Curran's offer to organise meetings in my constituency and I thank Hugh Henry for coming along and talking to many individuals and representatives of community groups in my constituency. He delivered the Executive's message and—probably more important—listened to what my constituents said.

This morning, we spent some time talking about youth. Members made various denials that youths are the sole source of the problem, while others raised points that ran counter to that view. I should point out that Scotland's youth is Scotland's future. At the moment, we write off about 30 per cent of our young people because they leave school with no qualifications. We cannot examine young people's antisocial behaviour in isolation. The population of this country is declining and is likely to continue to do so; if we want a smart, successful Scotland, we cannot simply write off a substantial proportion of our young people at the very beginning. Although we should rightly be proud of the fact that 51 per cent of young people go on to higher education, I repeat that 30 per cent leave school with no qualifications. I am not suggesting that there is a direct link between that 30 per cent of young people and those who are involved in antisocial behaviour, but I suspect that a close examination of the matter might reveal one.

We need to give people a stake in our society. If people have no commitment to their communities, they will not respect them. In any case, they probably do not respect themselves, their families or their communities. In such a situation, there will be graffiti, vandalism and violence and people will scream to be moved out of communities to which they have happily contributed for many years. As I think Johann Lamont pointed out earlier in the debate, those people finally give up.

Alcohol contributes to the problems that are associated with antisocial behaviour. We will have to be very careful about what we do with the Nicholson report. We cannot, on the one hand, say that we do not want off-licences in residential areas—some members made comments in that direction this morning—and on the other hand adopt the approach that was taken by Mike Rumbles throughout the debate on the Nicholson report. Mr Rumbles intervened to ask, “Does that mean that I will be able to go to my local supermarket and buy wine”—he did not say wine, but I assume that that is what he meant—“at any time of the day or night?” Those two approaches are potentially incompatible and we must address that point. We cannot say that it is okay if people are going to behave responsibly, but that if they are not, we will take the facility away.

Alcohol fuels a significant proportion of the problems that are associated with antisocial behaviour. Hardly anybody is prosecuted for selling drink to people who are under-age and hardly anybody is prosecuted for aiding under-age drinkers in getting alcohol. Other members have asked how we can enforce the current law, but I have not heard any suggestions about how we can do that.

Sensible proposals that cover drinking in the open air were enacted recently, but the law is almost unenforceable. Along with one of the local councillors, I went to discuss with the police the situation in the Byron Square area in Northfield in my constituency—that situation was one of the principal reasons why I invited so many people to come to talk to Hugh Henry recently. When I asked the police why they did not prosecute people for drinking in the open air, they explained that they need to have two witnesses. Who is going to stand up and say, “See him—he was drinking”? Even if they did, that is still only one person’s word against another, so the police also have to get the receptacle from which the drink is being taken and take it away for analysis. That is why it is unlikely that the law in its current format will deliver any change. Either realistic laws that are enforceable will have to be introduced, or we will have to accept a slightly lesser standard of proof in some cases in order to take action.

Cathie Craigie: Will the member take an intervention?

The Deputy Presiding Officer: No. The member is in his last minute.

Brian Adam: I hope that we can produce solutions to the problem. The Executive has conducted many consultation exercises during the past four and a bit years, but this one is perhaps slightly more meaningful than many of the others have been. I accept that in this case the Executive is genuinely looking for alternatives, although

whether that is because it does not have the answers is another matter. I would like us to take a very close look at how the current legislation on alcohol sales and alcohol consumption is enforced.

15:18

The Minister for Justice (Cathy Jamieson): I look forward to seeing what contributions and suggestions Brian Adam will make during the consultation on the Nicholson committee report. I invite other members to put forward their views.

I draw the chamber’s attention to an initiative that is taking place in the Doon Valley in my constituency. Doon Academy, working with the local community police, has issued pupils from secondary 3 up to secondary 6 and their parents with a letter and photographs that show some of the graffiti, vandalism and problems that exist in the local area. The idea is to encourage parents to talk to young people about the issue and ensure that they are aware of the dangers and difficulties that they may get themselves into by being involved in under-age drinking. That is a practical and positive example of the police and schools working together to get the community involved.

It would be fair to say that this summer the public, in communities throughout Scotland, have spoken out as never before on the need to step up measures to rebuild respect and responsibility in our communities. It is very important that, when we are talking about antisocial behaviour, we talk also about what we are trying to do to promote responsible behaviour in communities, among both young people and adults.

Communities have told us that they value young people and that they want to give them the opportunities to thrive. That is why we are committed—as we have been committed over a period of time—to increasing the number and range of services to divert young people from offending, as well as to targeting those who need the most support to change their behaviour and those who, frankly, need to be punished for a continuing problem of serious offending. We have not just sat back and done nothing, as some members seemed to suggest this morning; nor are we rushing, inappropriately quickly, to legislation. We are taking a measured approach, and it is absolutely right that we consult on it.

Let us look at some of the things that were happening in our communities while the consultation process was going on. A total of £1 million from the Justice Department was allocated, through the community safety partnerships, to some of the difficult, disadvantaged areas that members have been talking about to provide access to activities for young people. People in

those communities and in working-class areas do not take kindly to the notion that everyone who is brought up in poor circumstances is likely to turn out as an offender. Over the years, many people who have been brought up in extremely disadvantaged circumstances have known the difference between right and wrong and have encouraged their children to stay on the right side of the law.

In West Dunbartonshire, passes for swimming, skateboarding and access to BMX parks were handed out as part of a project that involved local authority staff and the police. The final evaluation of that work will not be available for another month or so; however, early indications are that the police in that area are reporting that the number of incidents of youth disorder declined by 13 per cent. We can make a difference by putting in resources.

The councils in Edinburgh and Glasgow already had a comprehensive programme of access to council-run facilities, so they decided to target what were seen as the hot-spot areas, taking in street-based activities and trying to engage with some of the young people who had not been involved previously. The council in Dundee involved young people in various events, including live bands and a film project. Throughout Scotland, children and young people were given the opportunity to participate in sport and leisure. Some local authorities chose to use the money in rural communities to give young people transport to enable them to access the facilities.

This is not about demonising young people. I do not know how many times we will have to say that to get the message through. This is about providing a range of resources and responses that will divert young people and tackle inappropriate behaviour when it occurs.

Carolyn Leckie: If this is not about demonising or stigmatising young people, can the minister explain why the word "plague" was used and tell us who the Executive is talking about as a plague?

Cathy Jamieson: I do not understand the position of some people on this issue.

Carolyn Leckie: Who is the plague?

Cathy Jamieson: The communities that we represent tell us of the difficulties of a relatively small number of young people who terrorise local residents. I would think that the communities that Carolyn Leckie represents, and which I represent—

Carolyn Leckie: I live in one of those communities.

Cathy Jamieson: I live in one also, and I see the problems daily. We are making the right response to divert people from offending and to tackle it when that is appropriate.

Through the investment that has been made over the past couple of years, we have created new projects that will allow the children's hearings system more opportunities to place young people. The money will also provide additional close support and intensive, community-based projects to try to keep young people in their communities when that is possible. When that is not possible, they may require to be removed to secure accommodation. I want to make it clear that we will continue with our proposal for electronic tagging as one of the measures that might be taken when it might be in the best interests of the child to stop their being involved in the kind of behaviour that endangers them or others.

Nicola Sturgeon: I have not heard any member deny that too many of our communities are wrecked by a hard-core minority whom we should target. It would be helpful if the minister would take care—outside the chamber, as well as in it—to stress the fact that we do not think that all young people are engaged in antisocial behaviour.

Cathy Jamieson: I do not know whether people are not hearing what is being said or are choosing not to listen.

Nicola Sturgeon: Outside the chamber as well as inside.

Cathy Jamieson: Absolutely. This is not about demonising young people. The majority of young people are law-abiding. I want to be on the side of those in the community who want to regenerate their communities and tackle problems, including the problem of the small minority of young people who cause the most difficulties. If we do not do that, we fail those communities.

15:25

Mr David Davidson (North East Scotland) (Con): The one constructive message that I would give to the ministerial team is that this debate has happened too early. It would have been far more constructive to have had the debate after the report on the consultation had been published. Then, the Executive ministers could have come to the chamber to list the options that were available—on a non-vote basis, if they insist on doing it that way—and the Parliament would have had a chance to contribute after the event. We can all list loads of examples of problems in communities that are caused by a few people, not all of whom are young—I stress that right from the start—and that has been fairly common today.

There are many examples of antisocial behaviour, such as school-burning, which has cost Aberdeenshire Council a fortune in the past few years. Road-racing is another example. Of course, there are good people who have cars that they do up and with which they behave sensibly—in

Aberdeen, people work with the police to run a good scheme on Beach Boulevard. However, there are other groups that operate between, say, Alford and Kemnay in Aberdeenshire, which are several miles apart. Members of the groups phone each other's mobile phones to ensure that the one police car that is available in that huge rural area has no hope of being in the right place at the right time. By the time that the police car shows up, a community will have been terrorised either by noise or by people fleeing through a village.

The issue in that case is quite simply police numbers. Many members have raised that issue today. Community wardens will not have the powers to deal with people like that. A couple of policemen in a police car would be needed.

Cathy Jamieson: Does Mr Davidson accept the point that Johann Lamont made earlier today, which was that people need to take on responsibilities? Surely we are not suggesting that we want a society in which we expect people to behave only in the presence of the police.

Mr Davidson: We do not want that sort of society but, unfortunately, people such as those whom I described are cocking a snook to law and order in many rural and urban communities because they know that they are unlikely to be picked up. People, particularly pensioners or single mothers, are scared to comment if there are unruly people living near them or in their streets, because they do not want to be victimised. It is important that we think of the victims.

In that regard, I congratulate Aberdeenshire Council. Recently, the residents of two or three flats were being terrorised by music that was being played at all hours of the night by a group of young men who lived in another flat. The council officers went in, used their powers, took persuasive action and were successful. There are good news stories out there.

This morning, the Minister for Communities talked about organisations and public service institutions working better together. We are not arguing about that, but we want to know where we are headed. What are we going to do about supporting family life? That is where most people are set examples and are taught about civic responsibility. We must bear in mind that to have the freedom of movement, speech and everything else that we enjoy in this country, we have to have a sense of responsibility and of what our actions might do to others.

This morning, we talked about a number of subjects, but we did not get into the drugs scene. One of the biggest problems in North East Scotland is drug-related crime, such as people trying to feed their habit through break-ins and muggings. That situation is almost out of control in

North East Scotland. After the offenders have been in court, they are put on detoxification programmes. That is fine, but can they also get access to a rehabilitation programme to ensure that they are kept off drugs? If they cannot, they will reoffend. I spoke to a young drug addict who told me that he did not want to have to commit a crime such as pushing over an old lady in the street to ensure that he got the rehabilitation treatment that he needed after his detox and that he wanted to receive that treatment in the community.

This morning, much was made of the issue of alcohol. Last year, I visited an off-licence in the north of England that I had visited a few years previously and saw that it had set up a system to protect its staff. It was a busy place, which had been set up like a bank kiosk with revolving trays to bring the money in and put the goods out so that the staff were protected.

We are getting to the stage that staff are terrified to work in some health premises in Scotland, such as out-patient departments, because they are abused by the people—theoretically, they are patients—who, often through their own fault, require to come in for treatment.

Those are the issues that concern the people on the street. Most communities have problems in one way or another. They often come in from outside—they are not always in the village. We need the minister to make a bit more of an effort to come up with options. I do not mean that they should be signed and sealed, but the minister should come to the Parliament with a series of options for how we can get access to recreation for all age groups. How do we deal with community transport in rural areas? Facilities might be available 15 miles away from rural communities, but there might be no way for people, especially the young, to get there and that is a problem. Many good community groups are trying schemes to overcome such problems.

It is all about tying people into their communities and giving them a sense of ownership of and responsibility for their communities. It is also about making people feel secure, so that they are not terrified to open their doors at night or to go out in the dark. That happens too much, all over Scotland.

I appreciate that antisocial behaviour is the responsibility of more than one ministry and I agree with some of the comments that both ministers have made. The ministerial team needs to give a clear statement of what it has found out in the consultation and of the options, so that the Parliament can discuss them properly. The debate should not have been about us all telling the bad news, but about us considering options to improve the situation and give people the sense that their

community belongs to them as much as it does to anybody else.

15:31

Mark Ballard (Lothians) (Green): We have heard a lot of testimonies from members about the situations in their communities, and I will offer a testimony about my community. I live in an area of north Edinburgh that is not part of a social inclusion partnership. It does not receive specific funding and is not an area of multiple deprivation, which other areas of Edinburgh are.

In my area, the problem of the breakdown of relations between some of the young people who live there and some of the rest of the community has grown over the past year. By breakdown of relations, I mean fear, particularly among elderly residents of the community, about the large groups of young people that we see. There has also been a rise in vandalism and petty crime. A few months ago, I had my bathroom windows smashed by a group of young people who were chucking stones around on a Saturday night.

We had a public meeting—it is that kind of community—which I attended not as an MSP, but as a member of the community. There was a lot of talk about the problems and what we were going to do. I was pleased to see that everybody realised that the problem was not a plague of wild neds running through the community and that solutions were needed, not blame and finger pointing.

We identified the massive decline of provision for young people in our community. The last youth club shut a couple of years ago, partly because, as we are not in a social inclusion partnership or an area of multiple deprivation, there is no funding for such schemes. That is a genuine problem.

More than that, there is a problem with the policing in our area. My community has benefited over the years from good, conscientious community policemen who were in the community to develop relationships with the young people, knew when people were starting to step out of line and acted at times as mentors. That was highly successful. However, since operation capital—the reorganisation of the police services in Edinburgh—the police have been driven far more by priority and deal with what they consider to be more serious crimes. That has resulted in less attention being paid to developing community relations and less time being available for the community policemen to be in the community.

That change has resulted in a faster reaction time when a serious incident develops, but in practice that means that there is no response to phone calls about category 3 or 4 offences—reports of problems of vandalism and of groups of

young people on street corners. Only when the situation becomes more serious do the police cars come in, lights blazing. That transforms a situation in which relations between the police and young people in the community have been generally positive. The situation escalates and young people are criminalised because the only response to problems is Z cars coming in, lights blazing, rather than the genuine community policeman.

I welcome much that ministers have said, but we must re-emphasise the role of community policemen and recognise that this problem affects not only communities that suffer multiple deprivation, but the whole of Scotland. The problem should be tackled by encouraging good community relations and good community policing. We should not wait until a problem escalates, as it has in my area, and it becomes necessary to send in the police cars.

Johann Lamont: Will the member comment on the power to disperse groups? For example, in my constituency there is a gathering point to which 30 or 40 youngsters come. If the police do not come in until a serious incident has taken place, the youngsters may have fled. Good community policing might identify that spot as a place where there are likely to be problems and youngsters are likely to be drawn into antisocial activity. People who want to prey on vulnerable young people who are drinking may also be attracted to such areas. In those circumstances, is it legitimate to consider using the power to disperse crowds, because of the danger that the situation poses to youngsters and its impact on the local community? That would be good community policing, rather than something reactionary, as has been suggested.

Mark Ballard: There are areas in my community where young people gather. They have gathered there since time immemorial, because those are the obvious places for young people to gather at. That is not the problem, so it cannot be solved by dispersing the young people around the rest of the area.

In my area, good community policing meant that the police knew the places where young people gathered, because those were the obvious places at which to gather. Occasionally the police were there, keeping an eye on things and checking that the situation did not get out of hand. That has been lost—community policemen are not around, because they have been sent to deal with priority calls elsewhere in the city. When things get out of hand, the only reaction is for the police—often police from outside the community who do not know the individuals concerned—to go in heavy handed. That is the problem in my area. Instead of letting situations escalate and going in heavy handed, the police should ensure that there is good community policing.

15:38

Sarah Boyack (Edinburgh Central) (Lab):

Thank you for letting me speak in the debate this afternoon—I was not able to be here this morning because of a constituency engagement. However, I followed the opening speeches and noted the passion that colleagues brought to the chamber.

I know that many members spoke eloquently about their experience of work with local communities. It is right that we bring such issues to the chamber. It is our duty to reflect the struggles that our constituents face and to consider what new legislative measures are required to tackle the unacceptable behaviour in many of our communities. There will be no easy, quick solutions. We need to consider long-term measures that are available to the police, local authorities and voluntary sector organisations, so that they can work together to support local communities that are addressing the problem of antisocial behaviour and to improve the quality of life in communities.

Today's debate is also an opportunity to consider the effectiveness of some of the new projects and innovative approaches that have been put in place across Scotland. That consideration must take place in the context of the massive investment in our schools, the sure start programme and the opportunities for jobs and training that people have not had for a generation. We must consider not just the tough measures, but the opportunities that are available. I see the new facilities, including local leisure and sporting facilities, that are open to young people in our communities. However, there are still gaps and problems with the management of some of those facilities, because of the antisocial behaviour that we are experiencing at the same time.

New money is coming through for local projects to address the needs of young people who get caught up in a cycle of offending and are going off the rails, but that money is not enough. We will also have to focus on some of the issues that Margaret Curran has raised. We have to approach measures on antisocial behaviour from the perspective of protecting our communities and acknowledging the damage that antisocial behaviour causes.

I have talked to pensioners in Stenhouse and Saughton who are living on tranquillisers and in a state of fear because of daily harassment and abuse. It is our job to stand up for those pensioners and not to let such behaviour go unacknowledged and unchallenged. We must ask fundamental questions about how to challenge people who engage in antisocial behaviour. Sometimes they need support, but they need to be challenged as well. We all know the impact that antisocial families who are out of control and living

on the edge have on our communities. It makes me angry that that behaviour can go unchallenged, not just for months, but for years. If you talk to people in local communities, they know exactly the kind of problems that some of those families cause. A range of responses is required, from prevention right through to enforcement. The system has to act much faster and much more effectively.

A lot of innovative work is going on in Edinburgh. I support that work and would like to draw it to the attention of the chamber. The new housing investigation team takes antisocial behaviour seriously. It works with tenants and has the sanction of eviction for people who do not take their responsibilities towards their neighbours seriously. Acceptable behaviour contracts are about challenging people's behaviour, but they are also about negotiating with people and working with them to ensure improvement. The neighbourhood support team has been established to support families and to work through complex issues that may have been around for years, but also to challenge those families. More money is needed for programmes of alcohol counselling and drug rehabilitation, and for more intensive family projects such as those in Dundee and those that are being developed in Edinburgh.

This process is not just about supporting people—part of the process is about concentrating some families' minds. Antisocial behaviour is unacceptable, but another issue arises: not challenging antisocial behaviour means that we are failing children and young people. We are letting them drift into trouble. They are failing to develop themselves as human beings and they are not getting the skills, confidence or life opportunities that we take for granted and would demand for our own families. That is not good enough. We need sanctions because we need to put responsibility firmly back on some of the parents in our communities who do not care for their kids properly. They are not taking their responsibility seriously. Let us consider parenting orders and antisocial behaviour orders for under-16s when appropriate. We should not use them in every single circumstance, but they should be part of a range of options that local authorities and organisations have available. Let us consider short Scottish secure tenancies, so that we can negotiate with tenants to ensure that they take responsibility and do not flit from tenancy to tenancy, causing problems across the city.

We must ensure that the work of the police, social work departments, housing departments, education departments and the voluntary sector is much more integrated. That is beginning to happen in Edinburgh. We are beginning to see the use of protocols to share information. More work

on that is needed, and it will be needed across Scotland. We must invest in projects to ensure that pilot projects that are working—and beginning to turn communities round and make a difference—get the chance to bed down and be extended.

Edinburgh now has five teams of neighbourhood wardens. They are popular in the community because they are beginning to make a difference. Let us consider what practical measures we can take for the long term. All our agencies need to work together in partnership with communities—not imposing solutions, but working with people to turn round some of our most disadvantaged communities that are suffering from antisocial behaviour.

It is important that we do not consider only council tenancies and do not simply look to the local authorities to consider their own tenants. We need to ensure that good work is expanded across housing associations, which, in my area, are beginning to come to the table and do some really good work. Let us not ignore the private rented sector, which is an increasing problem in some of our former local authority housing estates. Let us not forget owner-occupiers. Real issues arise in that sector.

The coming bill is our chance to consider a range of issues, from prevention to the tough bits at the end. Let us ensure that all issues are on the agenda and that the measures taken are proportionate and effective.

15:44

Mike Pringle (Edinburgh South) (LD): All MSPs know that the problems that are caused by antisocial behaviour are the number 1 concern of the majority of our constituents. In Edinburgh South, a large proportion of the telephone calls and letters that I have received since 1 May have been to do with antisocial behaviour. The people who made them are fed up with being the victims of antisocial behaviour. The complaints come from the elderly, shopkeepers and families who are constantly being harassed and intimidated and whose lives are being made miserable.

The vast majority of young people are good people. Deputy Chief Constable Tom Wood of Lothian and Borders police will tell you that between 24 and 30 youngsters in Edinburgh are causing him problems. In my constituency, the number of problematic youngsters is even smaller—it is eight. The local superintendent would say that, if those eight people were not causing problems in Edinburgh South, more than 30 per cent of the crime problems in that area would be completely solved.

I warmly welcome the Executive's antisocial behaviour consultation and I thank the Deputy

Minister for Communities for coming to my constituency on 2 September to listen to the views and hear about the problems of residents and community leaders in the Inch, Moredun, Gilmerton, Southhouse and Burdiehouse. The fact that the consultation was launched by the First Minister, the Minister for Communities and the Deputy Minister for Communities in south Edinburgh shows that the Executive realises the problems that many of my constituents have. The current situation is not acceptable.

Mary Mulligan, Jack McConnell and Margaret Curran heard about a new initiative that the Edinburgh SIP and the police are funding, which is called the youth action team. It comprises four dedicated officers who have their own transport and who deal only with youth issues. Although it is early days, the evidence so far is very positive. Youngsters are engaging with police officers. A group of youngsters was recently given the chance to take it in turns to sit in the cage in the back of a police van, which they thought was wonderful, because they found it exciting. Those youngsters were engaged by the officers in question. I suggest that that pilot scheme is good and could be adopted elsewhere.

I want to make a point that has been mentioned by the City of Edinburgh Council and SACRO, which is that the police and local authorities need a range of measures—a toolkit. The consultation document is entitled "Putting our communities first", and that must be at the core of what we do. Whether we like it or not, both the perpetrators and the victims of antisocial behaviour are members of our communities. We need to be seen to provide justice for victims, but we also want young people to be turned away from antisocial behaviour.

I was encouraged that the Deputy Minister for Justice backed measures to help victims this week. Many of my constituents tell of the hopelessness that they feel when they do not see offenders being adequately targeted. I agree with SACRO's view that restorative justice is an effective response because it challenges young people. It can be a daunting prospect for any young person to meet their victim face to face, acknowledge guilt, take responsibility and make amends. That is when justice is seen to be done. However, I do not agree with SACRO's view that ASBOs are not a useful tool. The police and the local housing department would agree with my view, which is that they are very effective. I am glad to clear that up for the Minister for Communities.

It is vital that young people are kept out of the court system and I fully support the continued use of children's hearings for under-16s. All possible measures should be available to those panels,

including acceptable behaviour contracts, antisocial behaviour orders and parenting orders, which all make young people and their families face up to their behaviour and change. However, none of those measures will be effective unless they are properly managed and—much more important—fully resourced. My discussions with the children's panel, housing officials and the police have made it clear that resources are key to making all those new measures work.

We also want young people to have more to do. Alongside the antisocial behaviour strategy, we must have commitment to decent, low-cost or free community recreation facilities. Mark Ballard has mentioned the loss of such facilities in his area. We need to provide young people with alternatives to kicking a ball against people's houses, spraying graffiti or making a nuisance of themselves.

A good example is the City of Edinburgh's "Go4it" programme, which was introduced three years ago as a pilot study in south Edinburgh. The programme is being pushed out right across Edinburgh during school holidays. In my view, boredom often leads young people to misbehave, but the programme keeps them occupied in many different types of activity. It is a good example of how to engage with young people and get them involved in sport and all sorts of other things that they want to do.

I reiterate my support for tackling the causes of antisocial behaviour, and for restorative justice—but the victims must see it being done.

15:50

Ms Sandra White (Glasgow) (SNP): It is clear that every member in the chamber is concerned not only about the public perception of antisocial behaviour, but about the antisocial behaviour in their particular constituencies and communities. However, wherever such behaviour occurs and whoever perpetrates it, the Executive is wrong to put the blame on the young in our society. I take issue with the Executive's emphasis on youth crime.

Hugh Henry: Ministers have taken pains to point out, during the debate and outside the chamber, that we are not blaming young people completely for antisocial behaviour. We are identifying specific groups in the community who are causing mayhem and havoc. Certain groups of young people are plaguing their communities. I use the word "plaguing" advisedly. If such young people are not to blame, who does Sandra White think is to blame?

Ms White: Hugh Henry protests too much, and he proves my point by using the word "plaguing" and other such words in reference to young people. He can protest as much as he likes, but he

is labelling young people. Only a small minority of young people are to blame. To impose electronic tagging and ASBOs on young people under 16 will only exacerbate the problem. [*Interruption.*] Does the minister want to come in?

Ms Curran: Michael Matheson has just been on television with me, where he said that the SNP agrees in principle with the tagging of under-16s.

Nicola Sturgeon: I said that this morning.

Ms Curran: Sandra White has just said something different.

Ms White: I gave a personal view, to which I am entitled—as everyone is.

Johann Lamont: Is not one of the big advantages of electronic tagging that it identifies the offenders who cause most harm, keeps them away from where they previously caused mayhem and prevents them from wielding influence over other young people? Tagging means that, rather than stigmatising a whole group, individuals are targeted.

Ms White: It seems that the Executive wants to target young people and once they are tagged and out of sight and out of mind the Executive will do nothing for them. Tagging is not the answer for everything and neither is locking people up. Antisocial behaviour does not begin in the cradle. As Johann Lamont said, young people of 25 or 26 are not born to be antisocial. We have to target the reasons that kids become antisocial. We should not put a tag on kids of 12 to 15 and label them for the rest of their lives as someone who was antisocial. We must look at the causes of antisocial behaviour.

I believe that the Executive has got it wrong and that tagging is a knee-jerk reaction—and I am not the only one who believes that. Many organisations believe that tagging is wrong. For example, the Scottish Federation of Housing Associations believes that tagging and other Executive proposals are wrong. Hugh Henry may laugh, but I think that such organisations are more expert than he is. He should remember that they have a right to speak on the issue. Hugh Henry's attitude shows the contempt that the Executive has for anyone who says that it might be wrong.

Cathie Craigie: Will the member give way?

Ms White: No, I am sorry. I do not have much time.

It is a rather sad indictment of the Executive when its attitude is, "Do what I say, not what I do." It is little wonder that the youth of this country have no respect for politicians in the Parliament when the politicians of what is supposedly the Government of Scotland speak of young people in the way that they do. It is an absolute disgrace

that, in a debate such as this, a minister can laugh at proposals from the Scottish Federation of Housing Associations and other agencies.

I will skip a part of my speech and go on to something that Hugh Henry quite likes.

Ms Curran: I know that Sandra White has taken a lot of interventions and I thank her for that. I understand the logic of where she is coming from. Believe me; I have spent a lot of time with stakeholder interests discussing people's concerns about our policies, so the criticism that is levelled is unwarranted and unfair. Sandra White is attacking us for the same reasons that her front bench agrees with our policy. She should take her arguments elsewhere.

Ms White: Margaret Curran cannot have her cake and eat it; she should not try to do that. I am giving examples, not just of how I feel, but of how others feel. Margaret Curran should not turn things back on me; she should examine her proposals.

Cathie Craigie: The Scottish Federation of Housing Associations represents an awful lot of people and it is one group that disagrees with tagging. However, in Cumbernauld and Kilsyth, we had a consultation involving people from throughout the community, including the police, and they all agreed that tagging was a tool that we could use. Surely, we have to take those views into account as well.

The Deputy Presiding Officer: Sandra White has one more minute.

Ms White: I know of a consultation that took place in Maryhill—I see that Patricia Ferguson is not here—where people did not agree with every single Executive proposal. I know that, because I know people who were there. The Executive should not think that everybody in Scotland agrees with it simply because it can produce a group of tenants who do agree with it—there are other people out there as well.

We are talking about preventive medicine—ways to cure or stop antisocial behaviour. Why does the Executive not open up schools to kids at night and let them use facilities such as swimming pools and fitness suites? That is a measure that could be taken easily. What about good citizenship classes? Why do we not have those in schools, as an hour in the curriculum, so that kids can learn about good citizenship when they are five years old? We do not have that at present. I suggested it at the previous Local Government Committee and I spoke to young people from the Scottish Youth Parliament who agreed absolutely that good citizenship should be part of the curriculum.

So, there are two ideas that the Executive could start with: good citizenship classes from the age of five and the opening of schools and community

centres to allow the kids to use them instead of someone saying to them, "If you're standing on the street corner, you're doing something wrong; we're right and you are always wrong."

15:57

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): The fact that I am the second elected representative from Greenock and Inverclyde to speak today on the subject of antisocial behaviour speaks volumes. A matter of hours ago, my Westminster colleague David Cairns told the Labour party conference some home truths about antisocial behaviour. He was the warm-up act for David Blunkett, who reminded us that we are best of all when we are in touch with the people. That is appropriate today.

I will probably be followed by another five-minute bleat about the poor misunderstood souls who instil fear and apprehension into our neighbourhoods and communities. Some of the contributions that we have heard from SNP members have a serious contradiction at their heart. We all agree, I think, that it is a small minority of young people who cause a disproportionate amount of damage to their communities. We also agree that young people are the biggest victims of that sort of crime. How can SNP members paint our determination to crack down on bad behaviour as a demonisation of young people? As Johann Lamont asked, do we demonise all men when we tackle domestic violence? Do we demonise Christians when we tackle sectarianism? Of course we do not. If I detained the chamber every time an SNP member put forward an argument that did not stand up to scrutiny, we would have to work a night shift.

Let us look at the SNP's partners in crime. Colin Fox, from the Scottish Socialist Party, today denied his community a voice. Do not tell me that the people of the Inch in Edinburgh do not have their lives affected by drug dealing and violence. He toed the party line.

Ms Byrne: Will the member take an intervention?

Mr McNeil: No. The member may come in when I have finished my point.

Colin Fox put political correctness before public safety and he showed us the SSP's two colours as the neds' champions and the bams' buddies. The SSP has turned its back on every decent, hard-working family and young person in Scotland, to spread the myth—no doubt grown in some organic coffee shop somewhere—that antisocial behaviour is a menace that politicians have somehow manufactured for electoral purposes. That denies victims their experiences and it adds insult to injury.

I have heard it said that a little knowledge—

Colin Fox: Will the member give way?

Mr McNeil: I mentioned Colin Fox, so I give way.

Colin Fox: I thank Duncan McNeil—the Bernard Manning of the Labour back benches.

Is the member aware of the briefing from the Chartered Institute of Housing in Scotland, which urges

“the Executive to remember that enforcement measures which do not tackle the reasons for the anti-social behaviour inevitably mean that the behaviour continues and the community therefore continues to suffer”?

Does he agree that communities in Inverclyde and the Inch want a solution to the problem, not simply stiffer penalties?

Mr McNeil: We must tackle the issue. Significantly, someone brought to my attention the fact that when Colin Fox mentioned all the public services this morning he omitted—perhaps intentionally—the role of the police. That signifies the SSP’s thinking. When we talk about housing federations and others, we must determine whether it is the tenants who are speaking—as they are speaking to me—or whether it is the directors of those organisations.

I say to Stewart Stevenson that there is no debate in Greenock about what is or is not antisocial behaviour. Anyone who has ever experienced it knows what it is. It is the repeated smashing of an elderly constituent’s windows just because he did his civic duty and testified in court. It is the gang violence that results in young people being unable to use their own community hall—a lot has been said about them in this debate. It is not all in their minds. It is not all on the telly. They are certainly not faking it to get me a few more votes.

Ms White: Will the member give way?

Mr McNeil: No. Sandra White had the opportunity to make a speech. It was obvious that she had not written one.

We do not have to rely on anecdotal evidence. Over the summer, Scotland’s decent, hard-working communities spoke through their contributions to the consultation on the forthcoming antisocial behaviour bill. They left the ministers of this Parliament in no doubt about the truth. Just look at what the people of Greenock and Inverclyde had to say when they were asked for their views. Ninety three per cent said that it is very important for the Executive to bring forward new antisocial behaviour laws. Only 7 per cent did not want electronic tagging extended to under-16s. When asked if parents should take more responsibility for their children, 86 per cent agreed

strongly, 14 per cent agreed, none disagreed, none disagreed strongly and not a single person did not know.

That is the real story. That is what our communities are saying to us. It is our duty as elected representatives to act. Mistakes were made in the past. The reason it has taken a whole parliamentary session even to get to this stage is that when we knew there was a problem, when we saw it in our own communities, when we had constituents telling us how their lives were being made a misery, we listened to the wrong people. We have heard more of that today. We have listened too long to the housing officer who could not do anything. We have listened too long to social workers. We have listened too long to elements of the police who said that there was no problem, or that existing legislation was sufficient to deal with the problem. Well, no more. Let us listen to the people who know what they are talking about. As the Minister for Communities considers her response to the consultation, I ask her to examine closely what people with first-hand experience of antisocial behaviour are saying, rather than the thoughts of the apologists who just read, write and talk about it.

16:04

Alex Fergusson (Galloway and Upper Nithsdale) (Con): I am only too pleased to be able to take part in this important debate. I was sorry that during the summer recess I was unable to welcome Margaret Curran to my constituency of Galloway and Upper Nithsdale, because we could not merge our timetables, but she would still be very welcome. I think that she would appreciate and—I hope she will not be offended—learn from a visit to that most rural constituency to see at first hand not just antisocial behaviour in a rural setting, but some of the possible remedies that have been tried and tested with various degrees of success.

In her opening speech this morning, the minister referred to the unacceptable behaviour of a small minority. I do not disagree with her in stressing that it is only a tiny core of persistent offenders who cause the vast majority of problems, as many members have mentioned. In most rural communities, everyone knows—probably by name—the even smaller number of people who drive that tiny core of persistent troublemakers, as Mike Pringle remarked. When I was growing up—all too long ago I am sad to say—the village bobby also knew the troublemakers by name. The bobbies usually nipped troublemaking in the bud with a bit of judiciously meted-out discipline. I can still feel my ears ringing from more than one occasion. Those days appear to be behind us, although I do not think that we should lose sight of

the significance of local neighbourhood policing in dealing with antisocial behaviour.

If the minister is still able to come to my constituency, I would like her to visit the communities of Kelloholm and Kirkconnel—two neighbouring villages that share a level of social deprivation often associated with the ex-mining villages that they are. I would like the minister to meet the community policeman who works there and who approaches his work with a commendable zeal, determined to deflect the youngest in those communities from a course that all too often ends up in custody. He does that by engaging with them at the earliest possible age and by doing his best to ensure that their questions are answered. He tells me that he is often asked, "What's it like in the Army?" He does not just give them a booklet or show them a video; he gets the armed services to come to the community to explain what it is like to be in the services and to show some of those kids that there are real alternatives to the dole, which is too often seen as an acceptable career option. The community policeman has virtually given up on the older teenagers as being hell-bent on their almost predestined course since before he took up his duties. However, the lesson appears to be that if we engage with young people early enough, that engagement can pay dividends.

On the older teenagers who make up the gangs about which we have heard during the debate, a constituent made a remark to me yesterday that made me sit up and listen. We were talking about yet another example of mindless vandalism in his community, when he said, "Of course, we must remember that they are our punishment." I think that he was right. Our generation—the parents of those young people—has got something wrong. Therefore, surely it is incumbent on us to try all the harder to put that something right.

A pilot scheme called the Ninian project, which was designed to do just that, took place in Whithorn, in my constituency—another scheme that the minister would benefit hugely from visiting. The pilot was simple: policemen—not wardens or finger-wagging council officials—were regularly put on the beat, where they were visible. It worked. A community that was bedevilled by vandalism and antisocial behaviour slowly returned to comparative calm. People of all ages could walk in the streets, day or night, without fear of abuse. A real sense of community was beginning to be re-established. However, the funding for the project came to an end and, only two weeks ago, £4,000-worth of damage was done when every window in the village hall was smashed in.

The solution could be simple. We must engage with the very young, both through education and

through communities; we must put policemen back on the streets to watch out for persistent offenders; and we must ensure that, when the ultimate sanction has to be applied by bodies such as children's panels—I think that Robert Brown referred to them this morning—the resources are available to enable those bodies to act. We must also return to the family, which is the body that is ultimately responsible for our children's good behaviour.

A constituent who operates a business as a contractor recently reported to the police that two of his mechanical diggers had been vandalised. The police duly investigated—taking quite a long time in that instance. The day after he had reported the incident, his diggers were burned out, at enormous cost to him. In the same area two weeks later, one of his men was unloading equipment from a van when he came under fire from an air rifle. However, my constituent and the man did not report the incident because they did not think that the system could deal with it or ensure the safety of their equipment and they did not think that the perpetrators would be brought to book.

The challenge that we face, as responsible politicians, is to restore trust in the system. I do not believe that that is the prerogative of any one party, and today's debate has shown that, if nothing else, members from all parties have something worthwhile to contribute. My hope is that the minister will accept that truth in her final deliberations, as the bill takes shape. It will be a much better bill if she does so.

16:10

Ms Rosemary Byrne (South of Scotland) (SSP): The implications of the bill to tackle antisocial behaviour are far-reaching. In my opinion, it is a knee-jerk reaction to the problems caused by the small minority of people in our society who create misery for others. The key must lie in our education system.

The Scottish Executive has had four years. Tony Blair first came into power with the mantra, "Education, education, education," and we have still seen no progress in dealing with the problem of pupils who can be easily identified, even in nursery school, as young people who will develop social, emotional and behavioural difficulties. They go into primary 1 and the primary 1 teacher may say, "This child needs support. This family needs support." They then move on to secondary school, by which time the problem has escalated, but nothing has been done about it. Before we know where we are, those young people are involved in the children's panel system, which is toothless, as I have said before. I am glad that there are to be more resources for children's panels, and I hope

that that will make a difference, but the biggest difference that we can make for those young people is to tackle the problems in the education system at the moment.

We must decide what time we will spend with young people and what investment we will put into their future. The first thing that we need to do is to consider the size of the classes that young people are being educated in. Classes of 30 or 33 are not appropriate for children who come with multiple needs, social problems and a lot of baggage from home, be it drug abuse, alcohol abuse or domestic violence. There are many reasons why that small minority of young people gets into trouble, but they are major and significant reasons. We must deal with those issues and support people. Tagging young people is not the answer; all that will do is to alienate them more. They will just become criminalised and decide that society is against them, and that will be the end of that. Things will escalate until they are in secure units and going in and out of the system for the rest of their lives, perpetrating the type of acts that we are talking about trying to stop. We have got the whole thing back to front.

I agree that something needs to be done. I agree with Margaret Curran that early intervention is the key, but that early intervention must come through the education system to begin with. We need more support staff, smaller class sizes, properly funded mentoring schemes in schools and people in the community who can come in and work with staff in schools. There are some examples of good practice in mentoring schemes in our communities. We need people who are good role models who can sit down and talk to young people, listen to them and spend time with them. That is what is missing. Many young people have no one to talk to. They come out of homes where there is so much deprivation. If people struggling on casual jobs are told at short notice that they have to work the night shift, who will do the homework with the children? Those are real issues in our communities. The Scottish Socialist Party is not out of touch; we are well aware of the issues in our communities.

Johann Lamont: Will Rosemary Byrne give way?

Ms Byrne: No. I want to carry on. I have too much to say.

We must ask why young people feel disillusioned and disjointed from the rest of society. Let us give them the opportunity to sit down and talk to someone. Let us give them educational opportunities and ensure that they get chances in school so that they do not end up being a lost group in the system and start to truant. That is where it begins. Low-level misbehaviour in school gives way to truancy and

builds up to offending in the community, with young people annoying and irritating people in the housing estates and communities around them.

We have the answer: we can do something about the situation if we invest in our education system. I know that I keep bleating on and on, but until someone starts to listen, I shall continue to go on about that, because it is crucial.

It is not often that the Scottish socialists agree with the Tories, but I totally agree with their point that, although we can detox people off drugs and alcohol, we have no rehabilitation facilities for them. Down in North Ayrshire, where I come from, there is counselling and there are methadone maintenance programmes, but there is no rehab for drug addicts. Many young people are suffering because they come from homes where drug and alcohol abuse are part of their lives. The damage that that does to them is unbelievable; it cannot be measured. We have to deal with such situations. The drug addict or the alcoholic can be put into a deprived housing estate but, unless there are facilities in place to support that person through decent rehab, counselling and housing support workers, we can forget about it. I know that there has been some progress, but I do not see it.

There are better neighbourhood schemes in my community. I would criticise some aspects of the schemes, but some of them are doing well and on the whole we should welcome them. However, why can children from one housing estate get free access to leisure activities in the summer, whereas children living across the wall in another housing estate do not get the same opportunity? If that is what targeting means—that some people will get the benefits, while others will not—then we will not win the battle at all. It is time that the Executive listened. Ministers need to listen to the people concerned. I know that they have done their consultation, but have they talked to the teachers and to the parents who want help but cannot get it? That is where they should start.

16:16

Karen Whitefield (Airdrie and Shotts) (Lab): I am pleased that the Executive has dedicated a full day to debating this important issue. Colleagues from all parties will have heard from constituents who live in fear in their communities. They will have encountered the frustration of people who—all too often—have found out that there appears to be little that authorities can do to tackle the scourge of antisocial behaviour.

Members will have heard from people like constituents of mine in Shotts, who feel like prisoners in their own homes. They are afraid to turn on the lights at night, in case those who torment them and smash their windows know that

they are at home. Members will have heard from people like those living in Gartness, a small village in my constituency, which was relatively quiet until recently. Now they are terrorised by a group of young people who are completely out of control, and who have succeeded in destroying the community. Their parents are either unwilling or unable to address their behaviour. The person who is calling for change in that community is not an old person or even someone in their 50s; he is 16 years of age, and he is demanding action from the Executive. Those are just two examples, and I could give many similar ones from throughout my constituency.

Such cases are not media hype, as has been suggested today. I will not be told that politicians are exaggerating the problem; we most certainly are not. We are representing the real, legitimate concerns of our constituents. We owe it to them to deliver laws and services that will make a real difference to their quality of life. Being well-meaning is not good enough for my constituents. We need effective action to tackle antisocial behaviour, and we need it as soon as possible.

I am pleased to say that North Lanarkshire Council is already taking significant steps to tackle antisocial behaviour. The antisocial task force, which is led by Matt Costello, provides a 24-hour service to families suffering the effects of antisocial behaviour. It is the leading antisocial behaviour team in Scotland.

Fiona Hyslop suggested this morning that North Lanarkshire Council has failed to take effective action to obtain ASBOs. It is not the first time that the nationalists, and Fiona Hyslop in particular, have misled the chamber—and I am glad that she is here to listen to this. Since its inception, the antisocial task force has successfully obtained 51 antisocial behaviour orders, 75 per cent of which have never been breached. That demonstrates that offending and antisocial behaviour can be changed.

Fiona Hyslop: They have been applied for.

Karen Whitefield: No—those ASBOs have been obtained, Fiona. Since the end of June, when interim ASBOs came into play, we have obtained seven. That encouraging news proves that interim ASBOs work. The antisocial task force has told me that interim ASBOs are delivering speedier responses to antisocial behaviour and can be processed in a matter of days, rather than weeks.

Problems still exist. We have heard much in the debate about the language that is used. I say to the Scottish Socialist Party that Rosemary Byrne should perhaps have thought about her language before she suggested at question time that we should embark on a campaign of council tax non-

payment. How will that help to provide resources in communities throughout Scotland? I say to Carolyn Leckie, who has accused the Minister for Communities of wanting to hunt children from the streets of Scotland, that people in Shotts know all about being plagued. They live night after night with young people who vandalise the electricity substation and leave them without electricity. She should come to Shotts and tell those people that there is not a plague.

Colin Fox rose—

Karen Whitefield: I am sorry, but nobody did me the courtesy of taking an intervention, so I will not give way.

The consultation document “Putting our communities first” suggests fixed-penalty fines. That suggestion is important. It would be effective for low-level offences to be processed in that way by antisocial behaviour teams such as the task force in North Lanarkshire. That would help to speed up the process and would send a clear signal to perpetrators and the communities that they blight that antisocial behaviour will not be tolerated.

Members received a briefing for today’s debate from the Scottish Retail Consortium. I have sympathy with its concerns, because antisocial behaviour takes place in and around shops that serve our communities. Workers deserve and have the right to work in peace and free from fear. However, stronger action needs to be taken against the small minority of retailers who continue to sell alcohol to under-18s and who disregard the communities from which they take money daily.

It is right that concerns will be expressed about the impact of measures to tackle antisocial behaviour and their effect on civil liberties. Personal freedom is valuable and should always be defended vigorously. However, we must defend equally vigorously the freedom and rights of the vast majority of people in Scotland, who are decent, honest and law abiding. They deserve the freedom to enjoy living in their communities free from abuse and threats. They have the right to live in safe, clean and welcoming environments. Too often, the Scottish Parliament and the Executive are accused of not listening to the concerns of the people of Scotland. The measures are proof—if proof was needed—that the Executive and the Parliament are listening to those concerns and will act and respond to tackle them.

16:23

Robert Brown: I am sorry to inflict myself on members for a second time today. Margaret Smith was due to sum up for the Liberal Democrats, but unfortunately she is not very well and has had to pull out of the debate. I will pick out several themes from our discussion.

I am not sure whether the debate has been the best in which I have participated. Powerful speeches have been made, but the ability to accept the genuineness of views from other parties has been rather lacking, which concerns me slightly. David Davidson made a good point when he asked what the options before the Parliament were—he might have been referring to a deficiency in this kind of debate.

It is important to proceed on a reasonably solid evidence base. As several speakers have said, there is no argument among the parties about the nature and extent of the problem but, as I said earlier, the solutions are a complex amalgam of policing issues and dealing with the causes of the problem. We should get the solutions right and be able to analyse and decide what works, what difference certain measures will make and what does not work.

I ask the minister what consideration has been given to the effects of the proposed antisocial behaviour bill and what the targets are that the Executive expects to achieve through the legislation. I am aware that it will be difficult to measure reductions in the sort of crime that we are debating. If the Executive was to adopt certain policing measures, would they produce a reduction of 10 per cent in those crimes? I used policing measures as an example, but I also want to know whether we can get a handle on the resource end, as far as the children's panel is concerned.

There is an element of agreement across the chamber about the problem of resourcing the children's panel system and about the resources that children's panel members have to call upon for the disposals that are available to them. The problem is similar to that of resourcing the disposals that are open to the courts. Can the minister put a figure on the extent of the shortfall in facilities and in the number of social workers and youth workers? A mapping exercise could assist us. Is such an exercise taking place across the country?

Sarah Boyack: In the first session of the Parliament, the Audit Committee and the Auditor General for Scotland looked into the youth justice system in Scotland. Some excellent work was done in that piece of work on the need both to benchmark and to monitor the use and frequency of the disposals that are available to children's panels. I agree strongly with Robert Brown on the point that he made about monitoring. It is a key issue that needs to be built upon in future.

Robert Brown: I welcome that helpful intervention from Sarah Boyack. In among all the strong feelings on the subject, we have to have a mechanism by which to assess—perhaps the word measure is too strong in this context—which

initiatives are successful. Will the additional policing powers have a particular effect? What will be the effect of the additional resources that are put into the alternative remedies? Which remedies are more successful than others? We need to know what works and what does not. In trying to cut through the debate, it is important that we have that information.

I have some concerns about tagging and the power of dispersal. In particular, I remain to be convinced about the merits of the latter. Civil liberties issues are involved when people who are not otherwise committing offences are penalised for being in a dispersal area that has been so designated because of problems with antisocial behaviour in that area. I am also concerned about the sanctions involved. I know that various procedures will be undertaken before sanctions are imposed but, if we are to impose significant sanctions on people who are in breach of the provisions on dispersal areas, how will those sanctions relate to those that are imposed on young people who carry knives or who commit assaults or other serious offences? We need to bear it in mind that Scotland has one of the highest prison populations in Europe. Apart from the fact that people are taken out of circulation, the sanction of detention does not solve the problem in the long term.

Johann Lamont: The issue is difficult. I ask Robert Brown to consider a situation in which 30 or 40 young people gather outside his garden, drinking and causing mayhem and vandalism. When the police are called, the young people disappear; when the police leave, the young people return. People in communities are distressed and find such situations difficult to cope with.

It is also difficult for the police to identify the crime that has been committed. Surely the problem of causing public fear should be an offence. If so, the dispersal power could be used to address it. The issue is not one of moving the young people on but of keeping them away from the community in which they are causing distress.

Robert Brown: Although I take Johann Lamont's point and do not rule it out, I remain to be convinced on the matter. We have heard arguments both ways on the subject. Much of the answer lies in the detail of how the dispersal power will operate. How will it relate to other systems, including the children's panel system and the court system? How will it tie in with the support mechanisms, which, at the end of the day, are the only real answer?

In her opening speech, the Minister for Communities spoke about a ladder of intervention. That is a helpful way of approaching the matter. On that ladder of intervention, as Safeguarding

Communities Reducing Offending rightly said, the courts are undoubtedly the place of last resort. Considerable emphasis should be placed on people. We should be able to put in place workers of all sorts, such as social workers and youth workers, in family situations and in the community. We need people who can relate to individuals, many of whom come from fractured backgrounds.

I think that it was Johann Lamont who pointed out that many people from poor backgrounds know the difference between right and wrong. Although I entirely accept that point, I suspect that the people in that situation—

Paul Martin: Will the member give way?

Robert Brown: No, I am in my last minute.

I think that the parents of those people also knew right from wrong, had adequate parenting techniques and, notwithstanding the poverty of the home background, were able to give their children a good start in life. Unfortunately, that is not the case in other situations. It is clear that we have to deal with the lack of adequate parenting.

Finally, I echo Janis Hughes's point about offences in particular areas, which is another important issue that we have to tackle. We have to keep the right balance on this matter and move forward with today's debate behind us. I am sure that the ministers will take on board the comments that members have made.

16:31

Mary Scanlon (Highlands and Islands) (Con): After sitting through this helpful debate, I have picked up quite a number of points and learned much about the issue. First, I want to refer to a Children in Scotland briefing which says:

"Of the approximately 1 million people under 16 in Scotland only 1.4% are referred to the Children's Hearings System".

However, no member in this chamber should underestimate the damage that that 1.4 per cent can do. In many cases, those young people wreak havoc and cause fear in their local communities. In that respect, I acknowledge David Davidson's point about detoxification and rehabilitation, which illustrates the joined-up thinking that happens in the chamber.

In her speech, Annabel Goldie wondered whether there was a need for the proposed legislation. I wonder what has been done in response to the findings and recommendations of the Audit Scotland performance audit report entitled "Dealing with offending by young people", which was published in December 2002.

Cathy Jamieson: Will the member give way?

Mary Scanlon: I ask Cathy Jamieson to let me finish this point, because I am trying to be

constructive.

I want to highlight some comments in the report's executive summary. For example, it says:

"A small number of young people commit a large proportion of offences; but the evidence about whether this problem is growing is inconclusive."

It goes on to point out that

"It takes an average of 5½ months for a child to reach a Children's Hearing.

It takes between 7½ and 8½ months on average to get a court decision on a young person ...

The proportion of offence grounds referred to Hearings by Reporters varies from 10% to 47% ...

Some assessment reports on children in the CHS are late and some are not done at all because of staff shortages. The quality of reports is mixed."

Moreover, the report says that

"in the children's system we estimate that around 400 children are not getting the service they need and to which they are legally entitled, mainly because of staff shortages."

It also mentions a

"lack of specialist services and social workers";

refers to a vacancy rate in children's services social workers in October 2001 that was equivalent to "183 whole time staff", which is obviously a matter of concern; and says that

"The quality of Social Background Reports must improve".

Finally, the report recommends that

"More programmes must be developed"

about "what works principles" and that

"New programmes should be monitored and evaluated".

Cathy Jamieson: I hope that Mary Scanlon welcomes the fact that the Executive took that Audit Scotland report very seriously. I also hope that she welcomes the introduction of fast-track children's hearings, which are beginning to show some success in reducing the length of time that is taken to get young people through the process, where they are at risk of becoming serial offenders.

Will Mary Scanlon confirm that she welcomes the introduction of more than 1,200 early intervention places, 3,000 victim mediation and reparation places, 1,000 places to help to divert young people who might re-offend and 1,500 places in programmes to prevent people from becoming involved in other offending behaviour? Does she also welcome the fact that 530 families have been supported through additional funding? [*Interruption.*] There is more, but I do not have the time to list everything.

Mary Scanlon: This is my speech, not the minister's. However, she set out those points in an excellent manner. As a member of the

Communities Committee, I think that before we pass the proposed legislation it would be very helpful if she could update the committee on how she is addressing the issues highlighted in the Audit Scotland report, particularly the shortage of social workers. It is important to examine the existing system and existing powers to see if they can be better used. Children in Scotland also suggests that an analysis of the existing laws should be conducted prior to the introduction of new legislation.

There is no doubt that services throughout Scotland are patchy. A briefing paper that we got from the City of Edinburgh Council suggests, as Sarah Boyack said, that there appears to be excellent practice in Edinburgh. The council seems to be addressing the issue. Could that good practice be rolled out throughout Scotland?

ASBOs have been mentioned, but there is again inconsistency: some ASBOs are completed within six months, while others take more than nine months. Paul Martin made an excellent point when he pointed out that a policeman had asked him what an ASBO is. We need proof that everyone in the system is aware of the powers that are available before we take any further action on the issue.

We also want an evaluation and examination of the use of reparation and restorative justice in local communities and in the children's panel system. That would be extremely helpful. Even Save the Children states its firm belief that

"legislation and statutory powers already exist that can deal with the anti-social behaviour outlined by the Scottish Executive."

I use those examples in the aftermath of the Mental Health (Care and Treatment) (Scotland) Act 2003, which we passed knowing that the staff, services and infrastructure were not in place. Following the passage of the 2003 act, a review is being carried out by Dr Sandra Grant of existing services and infrastructure. I ask constructively whether it would not be more sensible to have a review of existing services before considering new services.

Many members have acknowledged that tackling antisocial behaviour is a complex problem in the context of remedial and legal actions. However, we should not lose sight of what can be done in education and I welcome Rosemary Byrne's commitment in that respect.

Two weeks ago I visited Inverness prison, which has excellent education programmes that are improving year on year. The main programme in Inverness prison, as in many prisons, addresses illiteracy. One prisoner said that when he was at school, he could not keep up with the rest of the class and was left behind. It was only when he got

to prison that he could learn at his own pace, and he said that he was making excellent progress.

A couple of days ago on a visit to Lossiemouth High School—Stewart Stevenson was also there—we were told that although pupils were given forms to notify their parents of the detention that they had been given, many of the forms were found littering the pavement. Before we take parents to task we must ensure that they are made fully aware of their children's behaviour—it would be well worth using a 19p stamp to ensure that that happens. People in Lossiemouth, from school pupils to members of the over-60s club, were unanimous in their view that bad behaviour is being rewarded. Whether or not that is true, it seems to be the perception.

There seems to be an assumption that we can do everything in the Parliament. We must include our councillors in this issue as they have an enormous role to play. An example from Lossiemouth is that no one could play tennis during the summer because the net was broken. It does not take much effort to address such problems, but they are not our responsibility—they are matters for local authorities.

16:38

Michael Matheson (Central Scotland) (SNP):

The debate has been interesting and there have been some interesting and heated exchanges across the chamber. At one point I thought that the Presiding Officer was going to have to apply for an ASBO, given the way in which some members were behaving, but I will name no names. That demonstrates some members' depth of feeling on the issue.

If there is one point on which everyone in the chamber agrees, it is that antisocial behaviour is a problem in our communities that must be tackled. Many members have highlighted individual cases. We have all had constituents complaining about the issue and the way in which it has affected their lives. We also heard from some members how antisocial behaviour has affected their own personal lives.

We have all witnessed in our own communities the way in which antisocial behaviour can have a corrosive effect on a community, undermining people's quality of life within their own environment. Karen Whitefield is correct to say that people have a right to live in a safe and peaceful environment. The Parliament has a responsibility to ensure that that is possible.

It is important that we put the issue of antisocial behaviour in context. Several members have recognised the fact that antisocial behaviour is perpetrated by a small minority of young people—sadly, often on a persistent basis. We must also

be clear about the distinction between antisocial behaviour and criminality. Duncan McNeil talked about someone selling drugs, being involved in some other type of drug crime or smashing up someone's car. Those are criminal acts. We do not want to allow ourselves to start downgrading such acts by wrapping them all up as antisocial behaviour. Additionally, as the minister recognised, antisocial behaviour is not peculiar to young people, as adults are also involved. We must keep that in mind in devising future strategies to tackle the problem.

Donald Gorrie and Colin Fox highlighted the fact that antisocial behaviour is often symptomatic of more deep-rooted problems in a community. Poverty, alcohol abuse, drug abuse and other factors are not excuses for antisocial behaviour. Nevertheless, when we are tackling antisocial behaviour, we must remember that we also have a responsibility to tackle those underlying problems of poverty, drug abuse and alcohol abuse, which lead to people becoming antisocial in their behaviour. The best way in which to tackle such behaviour—as with all illnesses in a society—is to try to prevent it.

A very valuable project is being run by Falkirk Council and Barnardo's. The Cluaran project focuses on working at school with young people who are beginning to exhibit antisocial behaviour. It intervenes by working with the young people to help to maintain their education and by working with their parents to develop their parenting skills to deal with the behaviour. I am not saying that that is the solution to the whole problem; I am highlighting it as an example of a broader view that is being taken of the issue. We should ensure that we have such provision in place to tackle the problem. If we do that, we can offset the possibility of young people going down a route that may lead to crime.

The debate has highlighted the need for agencies to work together in dealing with the problem. The police, social work services, community education departments, local authorities and the Crown Office and Procurator Fiscal Service all have different roles to play and must accept their responsibility.

Donald Gorrie talked about the need for kids to have somewhere to go, and Sandra White mentioned the possibility of schools' being open in the evenings. However, it is not just about providing facilities for young people to use; it is about providing facilities that they are interested in using. Many community centres lie empty while young kids hang about the streets because they do not want to use the community centres. If we are going to provide community facilities, they must be appropriate for children and young people. Organisations such as Community

Learning Scotland have an important role to play in ensuring that appropriate facilities are provided to divert children and young people from hanging around the streets.

Scott Barrie: Does Mr Matheson accept the fact that there is a problem in some of our communities when innovative youth facilities such as youth shelters are proposed? Communities have opposed such facilities because they think that they will attract the wrong type of young people. Does he agree that, when we are trying to provide the facilities that young people have requested, we must educate our communities on the part that they have to play in ensuring that those facilities are successful?

Michael Matheson: I agree entirely with Scott Barrie. It is important for communities to recognise that they have a part to play in dealing with the problem of antisocial behaviour.

I have been out on patrol with the police and have witnessed situations in which kids who have gathered in a park, not causing a disturbance to anyone in particular, have been moved on by the police to a residential area. The police have then gone back, later on, to move the kids on from the residential area and they have gone back into the park. If a shelter is to be provided for local young people, it has to be done in a fashion that is sensitive to the local community's needs, but the local community also has to accept that it has a responsibility to find a place where such a facility can be provided.

The issue of parental responsibilities is important and parents have a key role to play in challenging young people who get involved in antisocial behaviour. I was out with the police one night when they picked up a young, under-age lad who had been drinking too much. When they got him to the police station, they telephoned his father, who was told that his son was at the police station, had been causing problems in the community and was in no fit state to make his way home. His father's response was: "Just keep him there, he's out of control."

Such attitudes are not acceptable. Parents have to accept their responsibilities. However, if we introduce a measure such as parenting orders, we must not simply tell the parents to do something; we must give support to those who are having difficulty dealing with the problems. If we introduce tagging and parenting orders, we must ensure that the agencies that will bear the brunt of the work entailed in those systems have the resources to do the job that is necessary. The issue is not only to do with tagging someone to keep them away from an area; it is also about challenging their behaviour. I do not want them to be kept away for a while only so they can return to cause problems again when the tag is taken off.

Last week, Glasgow City Council was still interviewing members of staff who wanted to do social work training courses at university, which start this week and next week. There had been a mix-up in the funding between the council and the Executive and the council did not know how many places it would be able to fund. The people who are starting those courses will be working with children and families—they are the people we are talking about in this debate. If the proposals that we have been discussing are introduced, we will have to ensure that local authorities have the resources to deliver what is necessary.

The issue of policing has been highlighted by a number of members. Alex Fergusson and Mark Ballard talked about community policing in particular. At this week's joint meeting of the Justice 1 Committee and the Justice 2 Committee, there was an interesting discussion about intelligence-led policing. I believe, as was stated by Douglas Keil of the Scottish Police Federation, that community policing is intelligence-led policing. The police work with the local community and can pick up on problems at an early stage. Sadly, however, community constables are often used for other duties.

We have heard about the record number of police officers, but we never hear about the extra responsibilities that the police have. Those responsibilities mean that, when people phone the police about antisocial behaviour, there is a delay in the police response or a lack of the resources that the police need to ensure that they can go to the areas in which problems are occurring.

The Executive has created high expectations that it will tackle the problem of antisocial behaviour and that it has the solutions to it. There are those who think that the SNP is opposed to the Executive's proposals, but what we are doing is scrutinising the Executive in the normal democratic fashion and probing the proposals to determine whether they will deliver the changes that communities are expecting. As a responsible Opposition party, the SNP has a duty to ensure that the Executive is properly scrutinised. We must get our approach to this matter right because our young people are our future.

The Deputy Presiding Officer: I call Mary Mulligan. You have 10 minutes at the most, minister.

16:49

The Deputy Minister for Communities (Mrs Mary Mulligan): It will be difficult to respond to all the points that have been raised in that time, but I will make every effort to do so.

Today's debate has shown clearly that antisocial behaviour is an important issue for Scotland and

for the Scottish Parliament. People have been waiting a long time for such a discussion and we must respond to their concerns. I will respond in a few moments to some of the specific points that were made during the debate.

We have demonstrated very clearly the following general truths. Antisocial behaviour is a grim reality for many communities throughout the country, and communities are fed up with it. It is a complex problem for which there are no easy answers or miracle cures. To tackle it raises difficult and controversial issues that go to the heart of public intervention in people's lives, and action to tackle antisocial behaviour cannot be seen in isolation from our wider policies on justice, education, regeneration, the environment, housing and all the Executive's other responsibilities, which is why ministers from the Executive have worked together to put together the debate.

The debate has shown that the Executive was right to give such priority to the issue. Robert Brown said that some members were unwilling to accept others' views during the debate, but it is difficult to do that when members make comments such as those that Carolyn Leckie made in today's *Daily Record* about Margaret Curran, saying that she wants

"these people to be disappeared in the same way the street children of Brazil do, hunted down by gangs of vigilantes".

That is the kind of unreasonable comment that we must challenge.

We cannot tolerate a situation in which so many people's lives are made a misery. We cannot content ourselves with simply saying that the existing framework ought to provide all the solutions. Annabel Goldie said that solutions already exist, but those solutions are not working, and the current system needs to be improved if we are to tackle the problems. We cannot say that it is too difficult; we owe it to our communities to act.

The debate has also emphasised two key themes for our strategy. First, effective action to tackle antisocial behaviour requires joined-up action from a range of agencies; it is not the preserve of any single body. Secondly, if we are to change behaviour—that is what we want—a balance has to be struck. We need support and early intervention to promote social behaviour and to challenge and change unacceptable behaviour.

I saw examples of people supporting positive behaviour as I visited communities throughout the summer. I saw the development of acceptable behaviour contracts in south Edinburgh. I saw the Barnardo's project in Falkirk to which Michael Matheson referred, which works with children who are on the brink of antisocial behaviour and with their parents. I also saw teenagers involved in car restoration in Turriff in Aberdeenshire. However,

we also need sanctions for the minority who persistently refuse to change. We must support and encourage people in positive behaviour, but we must also send out clear signals about the kinds of behaviour that cannot and will not be tolerated. That means that we must ensure that there are mechanisms for dealing with such behaviour. To duck the issue would be to fail our communities.

A number of specific points were raised and I will comment briefly on those. The first is the introduction of antisocial behaviour orders for under-16s. We have heard members express concerns, but we have also heard concerns in communities throughout Scotland, as well as in the Parliament, that the existing system cannot always deal effectively with young people. Children's panel chairs share that concern. That is why we want to introduce antisocial behaviour orders for under-16s as an additional option for dealing with serious persistent antisocial behaviour by young people. Such ASBOs will not be a universal panacea and they will not be appropriate for all circumstances, but they have the potential to make a positive difference.

Stewart Stevenson suggested that we might be going to criminalise young people unacceptably. When I visited south Edinburgh, I was told how youngsters who are involved in antisocial behaviour are sometimes not tackled or challenged. People have to put up with that. The police sit back and wait until those young people are 16 and they can criminalise them. The introduction of antisocial behaviour orders for under-16s would stop that happening and, I hope, act to divert those young children and ensure that, when they reach 16, they do not head straight for the jail. It is important that we recognise that ASBOs are part of the package.

There has also been controversy about tagging. We recognise that views on the matter differ widely and we are aware of the issues involved. Tagging for under-16s, whether through the courts or through the hearings system, would have to be introduced carefully and kept under close review. However, we believe that it could play a useful role, alongside other measures, for young people who would otherwise be headed for secure accommodation. Others agree. The children's panel chairmen's group said that tagging might, under certain circumstances, be a useful disposal for a children's hearing. The Scottish Youth Parliament's justice committee said that tagging would be a positive step and would mean that fewer young people had to go to jail.

Patrick Harvie: Does the minister acknowledge that the Scottish Youth Parliament voted down the proposal when it debated it in full session in this chamber?

Mrs Mulligan: It is important that we hear the views of all our young people. The outcome of the vote may have been as Patrick Harvie describes, but some young people—perhaps those who are closer to the situation—recognise that tagging has a role to play.

Today it has been suggested that our antisocial behaviour strategy pre-empts the forthcoming review of the hearings system, or otherwise undermines the hearings, or cuts across the Executive's youth justice strategy. The document on which we consulted, "Putting our communities first: A Strategy for tackling Anti-social Behaviour" contains the following sentence:

"The Children's Hearings system is unique to Scotland. We are committed to a review of the system: but that review, and the proposals outlined in this paper, will respect the fundamental ethos of the system, which is based on considering the circumstances of the child in the round."

It is essential that we recognise that the strategy is not an attack on the children's hearings system. It is about adding to the disposals that the hearings system can use—children's panels are asking for that and we are seeking to provide it.

John Swinburne (Central Scotland) (SSCUP): Will the minister consider doing away with the upper age limit for those who serve in the children's hearings system, which reinforces the myth that those who have retired have no understanding of young people's problems? I take this brief opportunity to thank Donald Gorrie, Margaret Curran, Sandra White and Alex Fergusson for their excellent speeches today.

Mrs Mulligan: I acknowledge that many people have a contribution to make to the children's hearings system. That is why we want to support it. We are not downgrading the hearings system and we are not trying—as Fiona Hyslop suggested—to stigmatise disabled children. It is insulting to the hearings system to suggest that it would allow that to happen. The way in which the hearings system works will ensure that children who have special needs are not stigmatised.

Fiona Hyslop: Will the minister give way?

Mrs Mulligan: No, I do not have time—I am in the last minute of my speech.

The issue of dispersal has also generated a lot of heat. However, let us be clear: those who have expressed reservations about it have not done so because they believe that the police should not disperse groups of people who are causing problems for residents in hard-pressed neighbourhoods. There is general agreement that such action has a part to play in giving those communities some respite. However, communities do not see the evidence that powers of dispersal are being used effectively. That is why we are considering introducing a new strictly targeted power to assist the police to act.

Today's debate has given us food for thought. It has shown that the issues are difficult and controversial. Above all, it has shown the pressing need for action. Although members will concentrate on the legislative process, we know that it is the delivery of legislation—with, I say to Mary Scanlon, our partners in local authorities—that will make a difference to people's lives.

Antisocial behaviour can take many forms, but its effects are always the same: people's lives are made a misery; the fabric of our communities is degraded; neighbourhoods are blighted; crime increases; and the consequences affect all of us. We must act quickly and decisively to create the conditions in which antisocial behaviour can be tackled effectively, whenever and wherever it occurs and we are determined to do just that. We look to the Parliament to support our efforts, in the interests of all the people of Scotland.

Business Motion

17:00

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-435, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau. The motion sets out a business programme for the consideration of a number of bills and instruments.

Motion moved,

That the Parliament agrees—

(a) that the Justice 2 Committee reports to the Justice 1 Committee by 7 October 2003 on the Criminal Justice (Scotland) Act 2003 (Transitional Provisions) Order 2003 (SSI 2003/438), the Victims' Rights (Prescribed Bodies) (Scotland) Order 2003 (SSI 2003/440), the Victim Statements (Prescribed Offences) (Scotland) Order 2003 (SSI 2003/441) and the draft Victim Statements (Prescribed Courts) (Scotland) Order 2003;

(b) that Stage 1 of the Prostitution Tolerance Zones (Scotland) Bill be completed by 30 April 2004; and

(c) that the Preliminary Stage of the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill be completed by 12 December 2003.—[*Patricia Ferguson.*]

Motion agreed to.

The Presiding Officer: As we move to members' business, I ask members who are leaving the chamber to do so quickly and quietly.

Private Escorting of Abnormal Loads

17:01

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-326, in the name of Margaret Mitchell, on private escorting of abnormal loads. This debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the importance to the Scottish economy of the ability of the haulage industry to safely and efficiently transport abnormal loads on Scotland's road network; notes the present difficulties being experienced by the industry in relation to the operation of police escorts for HGVs carrying abnormal loads; believes that the use of private escorting services which operate in parts of England would improve the efficiency of the haulage industry and reduce the burden on our police force, and considers that the Scottish Executive should facilitate this in consultation with chief constables, police boards and Her Majesty's Government.

17:02

Margaret Mitchell (Central Scotland) (Con):

I am grateful that this time slot for members' business gives me the opportunity to raise this important issue. The use of private escorting during movement of abnormal loads would impact on and have consequences—all positive—for police resources, the efficiency of the haulage industry and the performance of the Scottish economy.

At present, police escorts are the norm in Scotland, whereas in England and other parts of the United Kingdom private escorts are used. The use of the police as the only means of escorting abnormal loads is not efficient, for either the police or the hauliers. It can result in drivers and crew being on duty and waiting around for hours on end without knowing exactly when they can set off. Of the hours on duty, only a relatively small percentage will involve actual driving time, because drivers have to wait until the police have dealt with the pressures of rush-hour traffic, or dealt with commitments as a result of having to implement some national campaign—such as a campaign on wearing seatbelts, or a campaign of spot checks on drink driving—or dealt with delays because of some incident such as a major road accident. That means that the hauliers have to cover the cost of having a crew on standby, waiting until the police are free to escort them.

It is clear that that cost—combined with the rise in fuel prices and the cost of the imminent introduction of the working time directive—cannot be sustained indefinitely by the industry without its

either passing the cost on to the consumer by means of an increased price for goods or, in the worst-case scenario, going to the wall.

Scottish manufacturers, who are already reeling from economic pressures, are particularly concerned about the high cost of transportation undermining their ability to compete in Europe, the rest of the world and even in the home market. Furthermore, the Government's programme on renewable energy is in danger of being knocked off track if huge wind turbines—a source of alternative energy—cannot be escorted and delivered on time. It costs approximately £6,000 a day to hire the plant to erect wind turbines and an additional £4,000 a day to pay for the construction team. That works out at a staggering £10,000 a day that could be lost if there is any delay in delivery of the turbines. It is therefore not difficult to see that the issue of police escorts versus private escorts has major implications for the Scottish economy.

By contrast, private escorts will ensure that loads will be delivered to the marketplace more quickly and that the industry will be spared the additional problems and costs that are associated with the delays in the provision of police escorting services.

Crucially, the use of private escorts frees up police and releases experienced officers for normal police duties. The Association of Chief Police Officers in Scotland acknowledged that in relation to the contracting out of court services to private escorts, which has resulted in the release of 300 police officers. At a time when policing levels dominate the law and order debate and the need for increased police numbers is widely recognised as a potentially major factor in restoring confidence in the criminal justice system, the chairman of ACPOS has made the valid point that the use of private escorting in court services—transport of prisoners and so on—releases fully trained and experienced officers. That contrasts favourably with increasing policing by recruiting new individuals, who have to be trained before they can assume their responsibilities, which entails delay in the provision of police officers and has cost implications. Therefore, it is encouraging that ACPOS is to set up a working party to look into the whole issue; members of the Road Haulage Association will form part of the group.

If private escorting is to be established in Scotland, the working party will need to determine a national policy that involves not just the police, but local authorities and other organisations. A national policy would include practical guidelines that cover the operation of the escort process. It would address escort vehicle positioning, taking into account load speed and size, and would specify the maximum size or weight of a load that could qualify for private escort.

Of course, safety would remain paramount. The haulage industry assumes that the police would retain responsibility for escorting very large, heavy and slow-moving vehicles. The industry has a good record of safety throughout the United Kingdom; a recent example of its ability to cope responsibly with private escorting was when, because of a shortage of police, Ken Livingstone, as mayor of London, withdrew all police officers from escorting abnormal loads and diverted them to crime prevention. The hauliers were instructed to arrange their own private escorts. That shocked the industry, which was concerned about the safety implications with regard to traffic congestion in London. However, those fears have proved to be unfounded and the introduction of private escorting has proved to be a success.

In conclusion, private escorting operates successfully in America and throughout Europe. The creation of a working party by ACPOS is a welcome and necessary first step on the road—please forgive the pun—to the introduction of a policy for private escorting of abnormal loads in Scotland. I look forward to reading the report on the recommendations, which is due to be published in November.

I hope that today's debate will clarify the issues and crystallise the case in favour of introducing a private escorting policy, which will have tremendous benefits for the Scottish economy, the haulage industry and—by no means least—the police, by ensuring that more officers are available for operational duty to combat crime.

The Deputy Presiding Officer: If I am to call all the members who have requested to speak in the debate, I will have to impose a time limit of 15 minutes per speech.

17:09

Mr Kenny MacAskill (Lothians) (SNP): I congratulate the member on her motion. In our much-maligned institution, members' business debates have the important role of allowing the discussion and airing of matters that might appear on the surface to be of relatively minor importance, but which in fact have significance for sections of the community; indeed, they might even have significance for the whole community without its realising that.

Mrs Mitchell has done a service in securing a debate on a matter that I know to be of concern to the haulage industry and to those on whom it impacts. She will have heard from constituents about the difficulties that they have had in transporting heavy goods and abnormal loads; such difficulties have also been narrated to me. It is unacceptable for it to take days to move abnormal loads from central Lanarkshire to the

south coast of England. That impacts not only on the haulier who is moving the load but on those dispatching it and—perhaps more important—those who receive it. Such a situation slows up the wheels of commerce and industry and impacts not only on the road haulage industry but on our society's economic life.

We must take cognisance not only of what senior police officers say but of what the Scottish Police Federation says. The federation's worry about private escorting is that the police will have to attend if anything goes amiss or awry. However, I find that a disingenuous argument. Nightclubs have bouncers, but we expect police to attend if an incident escalates and becomes serious. We recognise that it is often in the best interests of licensed premises to have private security but that it is certainly not in the best interests of society to put a police officer outside all licensed premises. We simply cannot do that.

We should recognise that, in a much more complicated world, it may be possible to outsource the escorting of abnormal loads to a private contractor. We should consider the matter closely. As Mrs Mitchell correctly said, we must ensure that there are guidelines and that those guidelines are uniform across local authorities and police forces. Most important, we should recognise that the escorting of certain abnormal loads should remain within the jurisdiction of the police.

However, we must accept that the status quo is not acceptable and that we cannot go on as we are. There must be a method of driving forward the proposal for private escorting services. That is why the discussion between senior police officers and others should be taken into account. We should perhaps monitor what is happening south of the border and take cognisance of what the Highways Agency is doing. Given the interaction that takes place—for example, loads that start their journey on the M74 will impact on the M6—it would be ludicrous not to consider what direction the Highways Agency is taking on the issue.

The motion deals with an important issue, although it might not appear to be so—as the poor turnout for the debate seems to bear out. However, the issue is fundamental not only for the haulage industry but for all our society. Mrs Mitchell is to be congratulated on driving forward the issue. As I said at the outset, perhaps our Parliament should occasionally give itself a pat on the back for allowing matters that might not have any other outlet or means of ventilation to be debated in members' business debates.

I hope that the minister takes cognisance of what Mrs Mitchell said about the on-going discussions. I hope that he can ensure that we can debate the issue and try to work out what is in the best interests not only of the hauliers and the

police but of broader society. Again, I congratulate Mrs Mitchell on her motion. Those who have not partaken of the debate have missed out and will perhaps realise in due course the importance of what has been discussed.

17:13

David Mundell (South of Scotland) (Con): It is good to have the opportunity to speak in a members' business debate in which one can be consensual. In the previous such debate in which I participated, I managed to fall out with two of the constituency members from my region. It is good, for once, to be able to agree with Kenny MacAskill, which I rarely find myself able to do.

Margaret Mitchell has presented an issue that is important, particularly for those of us who travel on the M74; frequently, we see large vehicles waiting below Beattock summit, which is the crossover point between the Dumfries and Galloway and Strathclyde police areas and the place where police escorts often change over. Clearly, in terms of the continuation and efficiency of the haulage vehicles' journeys, such waiting is wasteful; it is also wasteful of police time.

This afternoon I spoke to David Strang, the chief constable of Dumfries and Galloway constabulary. He is quite clear that the force could be much better deployed in other areas. He does not believe—and many police officers in Scotland and throughout the United Kingdom do not believe this—that the presence of a police escort contributes in any way to safety or ease of transit.

It is clear from the points that Margaret Mitchell and the Road Haulage Association have made that other arrangements that would be more beneficial to the haulage industry and the police force could be put in place easily. I hope that the Deputy Minister for Justice will respond positively to those points.

Not realising that Mr Henry rather than Mr Stephen would be here this evening, I had intended to spend the rest of my 25 minutes discussing the outrageous closing of Langholm High Street during the Langholm common riding and the charges that the Scottish Executive now wishes people to bear through a lack of concern over the throughput of transport. I will save Mr Henry from that interesting issue, although he is most welcome to come and see the Langholm common riding.

I support Margaret Mitchell's motion wholeheartedly and hope that the minister will comment in a similarly positive vein.

17:16

The Deputy Minister for Justice (Hugh Henry): In addition to congratulating Margaret

Mitchell on securing the debate, we should pay tribute to her powers of persuasion because she managed to get eight Conservative members—apart from you, Presiding Officer—into the chamber for a members' business debate. That must be something of a record.

As Kenny MacAskill said, the issue that Margaret Mitchell has raised is, on the face of it, not a huge or obvious one. However, it has significant consequences for the haulage industry in Scotland and significant implications for our economy. It also has huge implications for police services. A vast amount of resources are tied up to ensure safe and efficient transportation. We clearly need to take the issue seriously and we are aware of the arguments that have been made in the debate.

Earlier this year, Scottish Executive officials set up a joint working group with ACPOS to consider the functions that are undertaken by the police and the Executive in dealing with the operation and management of trunk roads in Scotland. The management of the movement of abnormal indivisible loads is one of the issues that the group has been considering.

Officials have also been following closely the changes that have taken place south of the border, where some forces have, as Margaret Mitchell indicated, already withdrawn from providing escorting services and some private escorting has taken place on a limited basis. Officials have also been in contact with their opposite numbers in the Highways Agency, who have been developing a draft code of practice to govern private escorting.

I recognise that the introduction of private escorting could have significant benefits for the police, as it would allow resources to be concentrated on tackling crime, which should be the police's priority. In 2002, in the Strathclyde police area alone, there were almost 25,000 movements, of which almost 2,500 required a police escort. That is a staggering number of journeys and staggering numbers of police and police hours are involved. When those figures are projected across the whole country, it is obvious that huge amounts of staff and finance are tied up. We recognise the benefits for the police and for the haulage industry of providing the industry with a more responsive, flexible and reliable service.

David Mundell very ably made a point about loads having to sit in one spot waiting for a changeover. That clearly makes no sense. In fact, it is probably more of a hazard for loads to come off the road to stop and wait. It is in everyone's interest that the journey is unhindered and unimpeded.

In order to develop our thinking on how best to deal with the issue, ACPOS and the Executive have set up a working group specifically to consider it. The group, which will also include interests from the haulage industry, proposes to report its findings before the end of November. However, if there is to be a move in the direction of private escorting, road safety has to be paramount. Although there may be financial benefits, the reason for doing anything would not be financially driven. Working group members will have road safety at the forefront of their thoughts.

A number of other significant issues have to be considered, such as the training and accreditation of private sector staff who undertake such work, and the rules governing the management of traffic, because there are huge implications for other road traffic users and for the communities through which wide loads move. It is possible that changes to legislation will be required, which will be considered if and when any changes occur. The group will also try to work closely with the Highways Agency to develop a code of practice. It would be advantageous to the industry if one set of rules covered the whole of the United Kingdom, so that some of the problems that exist at Beattock summit would not exist at the crossover from England into Scotland.

Finally, I make it clear that we have an open mind on the matter. If a robust case can be made for private escorting, which guarantees no diminution in road safety and which fulfils all the other criteria that have been mentioned, we will welcome its introduction because, as I said, we foresee benefits for the industry and the police. However, it is not a change that we can leap into in a haphazard fashion. Any such change would need to be well organised and properly managed, and must, I repeat, have at its heart road safety and safe transportation.

The topic is worth considering. Margaret Mitchell has done us a service in highlighting it. I hope that we will be able to have another discussion—probably with my colleague Nicol Stephen—once the working group has produced its report and we can see what conclusions can be drawn.

Meeting closed at 17:23.

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