

# **MEETING OF THE PARLIAMENT**

Thursday 8 February 2007

Session 2

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## Scottish Parliament

Thursday 8 February 2007

[THE PRESIDING OFFICER *opened the meeting at 09:15*]

### Business Motion

**The Presiding Officer (Mr George Reid):** Good morning. The first item of business is consideration of business motion S2M-5561, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Transport and Works (Scotland) Bill.

*Motion moved,*

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

Groups 1 to 5: 1 hour 5 minutes.—[*George Lyon.*]

*Motion agreed to.*

## Forth and Tay Bridges Tolls

**The Presiding Officer (Mr George Reid):** The next item of business is a debate on motion S2M-5535, in the name of Tricia Marwick, on the Forth and Tay road bridges tolls.

09:16

**Tricia Marwick (Mid Scotland and Fife) (SNP):** The debate is about fairness. Scotland has nearly 30 road crossings of tidal waters, but only two are tolled and both are in Fife. Why does no other part of Scotland have any tolls when we in Fife have two?

Last year, the Minister for Transport removed the tolls from the Erskine bridge, which has no construction debt, but left them on the Forth bridge, which also has no construction debt. Before that, tolls were removed from the Skye bridge, which had a debt of £26 million, but the minister keeps tolls on the Tay bridge, which has a debt of £13 million.

Last year, the minister claimed that keeping the tolls on the Forth and Tay bridges would help to reduce congestion, which ignores all the evidence that the toll regime itself causes congestion in the city of Dundee.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** Is Tricia Marwick saying that she ignores the study by the Forth Estuary Transport Authority, which showed that removing tolls would increase congestion on the Forth bridge by 20 per cent? Is that what she wants—more climate change and more damage to a bridge that has already been damaged by overcongestion?

**Tricia Marwick:** It is clear that the congestion in Dundee is caused by cars idling in that city because they cannot reach the Tay bridge.

In the SNP debate on bridge tolls last year, the minister bought off the Labour and Liberal back benchers by promising a review of the review that had just been held. Helen Eadie, Scott Barrie, Christine May, Marlyn Glen and others were bought off or—should I say?—they were caught hook, line and sinker. Helen Eadie said that the review would be held urgently and she said:

“I will press the minister on that with every ounce of urgency in my body.”—[*Official Report*, 30 March 2006; c 24560.]

Have she and her colleagues noticed that the Executive's amendment does not mention that review? I notice that Mrs Eadie is not here.

The minister has the consultants' report but will not publish it. That review cost £80,000 of public money, but it is gathering dust on a shelf. Fife Council, Dundee City Council, the Federation of

Small Businesses and the chambers of commerce have all responded to the review of the review, but the minister has ignored all the evidence and has concluded that the tolls will stay anyway. There will be seething resentment in Fife and Tayside when people there see the Executive's amendment.

The Executive's amendment links retaining the tolls with the case for a new Forth crossing—in other words, the minister wants the tolls on the bridge to pay for the new crossing. Tavish Scott is not the Minister for Transport, but the minister for shifting the goalposts. After two reviews and two debates, we are finally getting to the truth about the Executive's position on tolls. Toll money has since 1995 been the cash cow that funds transport projects that should be the Government's responsibility.

It is surprising that the Executive amendment asks Parliament to call on the Cabinet immediately to start the preparatory work for the new crossing. Why should the Minister for Transport need Parliament to call on the Cabinet to do anything? Cannot he just ask his Cabinet colleagues? Does he need to come to Parliament because the First Minister still thinks that it is a "particularly stupid" idea to start the work," as he told me in November 2005?

I do not doubt the sincerity of the Green party's view. There may be a case for congestion charges on our roads and bridges, but that debate must be conducted on a level playing field. Just because the Forth and Tay bridges have debts for construction costs, their tolls should not be converted into congestion charges. The debate is about fairness. The people of Fife are entitled to be consulted first, to be part of the national debate and not to have the unfairness and discrimination continued. In any event, if the Greens were seriously concerned about congestion in Dundee, they would know that the tolls cause the congestion there.

**Mr Ruskell:** The Forth bridge has seven tollbooths and two lanes. How does the member conclude that those seven tollbooths cause congestion?

**Tricia Marwick:** I use public transport most of the time, but on the rare occasions when I use the tollbooths, I see queues stretching back. Have members ever seen them? The reality is that the tolls and cars that are idling at the tollbooths cause the congestion. If the cars were allowed to travel freely, the congestion would be much less. I am surprised that the Greens refuse to accept that.

For months, Labour and Liberal members have told the media and everybody else that their manifestos will promise to abolish the tolls. Scott Barrie and Marilyn Livingstone have told us that

they have conducted debates through Labour's policy review and we are led to believe that the manifestos for the election in May will contain that promise when they are published.

**Phil Gallie (South of Scotland) (Con):** Tricia Marwick mentioned the Greens. Do not the Greens support policies that create slow-moving and idling traffic and oppose bypasses and motorways, which can improve the flow of traffic? Are not they living in bygone times?

**Tricia Marwick:** The member puts his view most eloquently.

If what the Labour Party and the Liberals have said about their manifestos is true, they will need to explain to the people and businesses of Fife and Tayside why they will vote in February against abolishing the tolls and yet expect people to trust them in May. That is Tavish's toll tax on the people of Fife and Tayside.

I warn Labour and the Liberals that the cynical ploy to allow Fife MSPs to vote for my motion will not work. Labour and the Liberals have calculated that, with Green support, they will defeat another Scottish National Party motion to abolish the tolls on the Forth and the Tay road bridges, but no one will be fooled by such naked opportunism and self-preservation. If the Greens say that they will not go along with those games, we can be sure that the Fife Labour and Liberal MSPs will be whipped with greater urgency than is in Helen Eadie's body.

The people of Fife know that an SNP Government will abolish the tolls on the Forth and Tay bridges and will develop the new Forth crossing that Labour and the Liberals have delayed for too long.

I move,

That the Parliament believes that the tolls should be removed from the Forth Road Bridge and the Tay Road Bridge.

09:23

**The Minister for Transport (Tavish Scott):** The one thing that I will not talk about is whipping Helen Eadie. [*Laughter.*] That was highly inappropriate of Tricia Marwick, who really should not have gone there. That was quite unfair to Helen Eadie.

**Mr John Swinney (North Tayside) (SNP):** I am glad that we can agree on something.

**Tavish Scott:** Do not tempt me, Mr Swinney.

The debate is not about fairness, but about votes—the SNP will say anything for votes. Until Christmas 2005, the SNP supported tolls. Do SNP members want to hear direct quotations about their support for tolls? How many direct quotations

would SNP members like about their support for tolls? They used to support an airport rail link for Scotland's capital, but now they oppose that. They used to care about climate change but today, in Scottish environment week, they say unequivocally, "Carbon? Let's have more of it." The SNP's only consistent feature is that it flip-flops day in, day out—anything for votes. The SNP is politically opportunistic and is not fit to govern. On today's evidence, it is not even fit to be in opposition.

**Phil Gallie** *rose*—

**Shona Robison (Dundee East) (SNP)** *rose*—

**Tavish Scott:** I want to make some progress.

Our policy is to retain tolls on both the Tay and Forth bridges. All the traffic modelling and research that has been done throughout the earlier review showed that removal of tolls from the two bridges would lead to increases in traffic. That was particularly the case at the Forth road bridge, especially in the morning and evening peak periods—a point that I noticed Tricia Marwick just does not want to accept. Those peaks would spread to become even longer than they are now.

More traffic leads to more congestion, which leads to more delay for travellers. That inevitably has a knock-on effect on traffic emissions as people wait in even longer queues.

At the close of last Easter's debate, Parliament decided that we should do more detailed work on the impact of keeping tolls. Last summer, I invited anyone who so wished to submit factual evidence, and 90 people responded, including just eight MSPs. Although it has been helpful to see those responses and to learn about the views that are held, it must be said that we gained very little in the way of hard facts from the exercise.

**Tricia Marwick:** The minister should publish the responses.

**Tavish Scott:** Tricia Marwick should give me a moment. Please—a moment. A full report of the responses that were received will form part of the overall toll impact study report. Ministers do not yet have that report, but I will publish the evidence report next week.

**Members:** Ha!

**Tavish Scott:** SNP members do not want the report, then they do want it, but then when I say that it will be published, they still do not like it.

**Christine May (Central Fife) (Lab):** The minister referred to the report that he hopes to publish soon. Can he give us any indication of when that report will be published? I do not mean simply the report of the evidence, but the full report. I was one of the contributors.

**Tavish Scott:** Christine May was, indeed, one of the contributors. Once we have concluded our specific work—on economic modelling in particular—we hope to publish the report in the foreseeable future.

There have been interviews with major employers, local authorities and public sector organisations in Dundee, Fife and the Lothians. The published analysis will show that those who responded are not concerned about the financial level of the tolls. Of much more concern to them are increasing traffic levels, increasing congestion and—of course—the separate issue of the viability of the Forth road bridge crossing.

Our consultants have also been carrying out detailed traffic and economic modelling work in relation to the tolls, as was asked for by Parliament. That work is much more complex than work that was done previously—I make that point to Christine May. There is still work and analysis to be done.

**Phil Gallie:** Mr Scott talked about SNP flip-flops. I take him back to an election in Dunfermline in 1987, when Labour MP Dick Douglas and the Liberal candidate pledged to end the tolls on the Forth road bridge. What has changed—except the reins of power?

**Tavish Scott:** To answer that point I would have to go and look at my history books. Mr Gallie will have to forgive me because I do not have an instant grasp of what was in every leaflet in that election. However, I do remember what the Tories said just last year in the by-election in that very same place: they said that they would provide a second Forth bridge—with tolls. I therefore do not know what Mr Murdo Fraser and all the other Tories are doing here today, because they were in favour of tolls then. The Tories specified that the second bridge would be tolled, so I hope Mr Fraser will address that point in his speech. He is in favour of tolls and we look forward to hearing about it.

The early indications suggest that concerns about the possibility of significant increases in traffic over the bridges are well founded. In December last year, we published Scotland's national transport strategy. One of the three strategic outcomes that the strategy focuses on is the reduction of emissions from transport. The Stern review, published last October, showed that if no action is taken on emissions there is a more than 75 per cent chance that temperatures will rise by more than 2°C and a 50 per cent chance of temperatures rising by 5°C.

The United Nations intergovernmental panel on climate change's report was published last week.

**Tricia Marwick:** Will the minister give way?

**Tavish Scott:** In a minute—I want to finish this point on the environmental arguments.

The report concluded that there is a 90 per cent probability that global warming is being caused by human emissions of greenhouse gases, and it made similar predictions of potential temperature rises.

Emissions from transport in Scotland will not change the world. Nevertheless, the equation here is simple: removing the tolls will increase congestion, which will increase emissions, which will increase our impact on the global environment. The SNP is in denial about that.

**Shona Robison:** The minister has set out his stall against removing tolls and has based his argument on increases in congestion. I take it that his position will be exactly the same after 3 May, meaning that he cannot possibly, at any point, commit the Liberal Democrats to abolishing tolls on the Forth or Tay. Surely he cannot do that.

**Tavish Scott:** I am speaking now, and more to the point—[*Laughter.*] What I really care about is the environment. I notice that what we have here is the SNP—

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** What he really cares about is votes.

**Tavish Scott:** We know that the Tories do not care about the environment, because they never did anything about it when they were in government, but the SNP's position is really interesting. SNP members are all shaking their heads, but we have seen the Stern report and the UN panel's report. I know Mr Fergus Ewing's position: he does not care about the environment, but I respect him because he has always made that absolutely clear. However, I thought that other SNP members had some understanding of the environment and cared about it, but they want to increase congestion and increase the level of emissions in our country. They will do nothing about the environment: this Government will. The SNP is in denial on the issue and, unlike the SNP, we will not ignore reality.

When I spoke on this issue last March, I said that we have to be able to justify a change in policy on the basis of facts. That is still the case. We gather facts and we take the right decisions for the long-term benefit of Scotland's economy and environment, and for the benefit of Scotland's travellers. They are long-term benefits—not benefits for the coming May.

When we have the final report of the study that Christine May asked about, ministers will examine it and publish the findings. This Government supports national road-user pricing across the UK. Such pricing can help to address congestion and important environmental issues. When we get to

that stage, individual bridge tolls will not be required. Then, and only then, will I jump on the SNP bandwagon.

I move amendment S2M-5535.2, to leave out from "believes" to end and insert:

"commits to a replacement crossing across the Forth and calls on the Cabinet to commit to preparatory work to start immediately; calls for the case for abolition of the tolls on the Fife Bridges to be considered in the light of the commitment to the new crossing; notes that the SNP's sums do not add up and that under its current plans the SNP would not be able to afford to lift the tolls and pay for the construction of a new crossing; notes that its proposals do not address the impact of congestion or other environmental, social and economic impacts, and notes the importance of a sustainable transport policy, including smart tolling and investment in public transport to meet the long-term needs of Scotland."

09:31

**Mark Ballard (Lothians) (Green):** As we all know, this week is Scottish environment week—a week when we consider the impact on the environment of the decisions that we make. In the words of Richard Lochhead:

"if we take the right decisions today and choose a greener future, our children and grandchildren will thank us for it tomorrow."

In the words of David Cameron:

"the issue of climate change ... involves tough choices and I'm prepared to make tough choices ... so let's try and encourage people to make green choices in their lives about transport".

That second comment puts Phil Gallie in the bygone age of Tories.

What choice is before us today? We can choose a modern system of tolls—a system that manages demand sensibly—or we can take the easy option that has been presented by the SNP and which is supported by the Tories.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Mr Ballard is in favour of tolls. Will the Greens commit to reintroducing the tolls on the Skye and Erskine bridges?

**Mark Ballard:** We need a sensible system of tolls to deal with the specific problems of the Forth and Tay bridges. Getting rid of the tolls on the Forth and Tay will cause more congestion and more pollution and will deprive people in Fife of much needed improvements in public transport.

**Christine May:** Will the member take an intervention?

**Mark Ballard:** I am sorry—I have only four minutes.

The Executive amendment tries to promise all things to all people—more bridges, smart tolls,



and even consideration of the abolition of tolls. I think that we can all agree that the present system is flawed. On the Forth bridge, 65 per cent of heavy goods vehicles—the vehicles that are really trashing the bridge—pay less to cross the bridge than do buses. Why are we charging £1.40 for a bus to cross the Tay and the Forth? Why are we charging a vehicle that is full of passengers on a Sunday afternoon the same amount as we charge a vehicle with a single occupant at peak times? We need a sensible system of tolls.

**Tricia Marwick:** Will the member take an intervention?

**Mark Ballard:** I am sorry—I have not got time.

We heard a quite ridiculous argument from Tricia Marwick—that it is the tolls that cause the congestion. If the tailback of cars crossing the bridge interferes with Dundee traffic, moving the tolls to the Fife side is the sensible thing to do. The bridges are the bottleneck.

We know what would happen if we got rid of the tolls. We know that, without the tolls, there would be a massive increase in congestion. There would be a 21 per cent increase in congestion from traffic coming across the Forth bridge, and we know the massive impact that that would have in west Edinburgh, for example. We also know from studies that there would be an increase in congestion in Dundee if the tolls on the Tay bridge were eliminated.

FETA's smart-tolling regime proposal would have meant £71 million for additional bus routes and services from West Lothian, Fife and Edinburgh, £20 million towards the cross-Forth ferry from Fife to Leith and £13 million towards rail services on the Fife circle. All those desperately needed public transport improvements will be denied to the people of Fife if tolls are removed and we do not have a smart-tolling regime across the Forth.

However, before the Green party decides whether to abstain or to vote against the SNP motion and the Executive amendment, we want to hear more detail on what those parties propose. Tricia Marwick talked about congestion charging and the minister talked about his national congestion charging scheme: we need to know how those schemes would operate and how we would get specific support for the public transport needs of the people of Fife in order to get them effectively across the Tay and the Forth. We need to know those details before we can take a decision about the long-term transport needs.

I urge members, when they vote tonight, to think about the loss of public transport and the increase in congestion and pollution, and to think about supporting the Green amendment, which is the only sensible solution that would bring about a

manageable system of tolls that will meet the long-term needs of the people of Fife.

I move amendment S2M-5535.1, to leave out from “the tolls” to end and insert:

“existing tolls on the Forth Road Bridge and the Tay Road Bridge should be replaced with a scheme of variable charging which takes into account factors such as occupancy levels, peak hour traffic flows and specific exemptions, including for public transport, and that the Tay Road Bridge Joint Board and the Forth Transport Estuary Forum should be given more flexibility to use toll revenues to deal with transport issues in the vicinity.”

09:36

**Murdo Fraser (Mid Scotland and Fife) (Con):** I welcome this opportunity to debate the future of tolls on the Forth and Tay bridges. Scottish Tories believe that there can no longer be any justification for the tolls, which are a unique form of taxation on the people of Fife and the east of Scotland. The tolls have had their day and, today, Parliament must make it clear that they must go.

The Conservative party does not object in principle to the idea of tolls in certain circumstances; indeed, the principle of a road pricing scheme is one that many people in our party find attractive, although the scheme that is currently proposed by the UK Government is too seriously flawed to merit support.

It is not unreasonable to expect the users of major new infrastructure works, who will derive the most benefit from them, to make a direct financial contribution, but—this is an important “but”—if that is the principle that we apply, it should be applied equally in all parts of the country. Not long ago, we had in Scotland four toll bridges on the Forth, Tay, Erskine and Skye bridges. First, in order to appease the Liberal Democrats in the Highlands and Islands, the Executive removed the tolls on the Skye bridge. Then, Labour members in the west of Scotland started to rattle their cages, so the tolls were scrapped on the Erskine bridge, which left only the tolls on the Tay and Forth bridges. It is difficult to see the justification for that.

**Mark Ballard:** Does the member accept that the removal of tolls from the Skye bridge did not lead to additional congestion because there was no congestion problem in Skye? Does he accept that the situation with regard to the Forth bridge is completely different, because there is major congestion in that area, which will get worse if we remove the tolls?

**Murdo Fraser:** I notice that Mr Ballard did not refer to the Erskine or Tay bridges in his intervention. As someone who regularly uses the Forth bridge, I cannot imagine that having queues of traffic sitting idling their engines and churning out emissions is good for the environment.

How can it be fair that people in Skye and Renfrewshire get a free bridge while those in Dundee and Fife have to pay? There is a simple argument for scrapping the tolls on the ground of equity, and that argument's time has come.

The Scottish Conservatives see a clear parallel between the Erskine bridge and the Tay bridge, both of which carry predominantly local traffic. Once the tolls had gone from the Erskine bridge, we called for them to be scrapped on the Tay bridge as well. We did not previously call for the scrapping of the tolls on the Forth bridge because there were financial implications for future budgets and, as a responsible Opposition party, we wanted to consider the matter closely before we jumped to any conclusions. We have done that work and believe that the money can be found to fund the removal of tolls. When we publish our manifesto in a few weeks, the way in which we will fund that will become perfectly clear.

Last week, we announced that the Scottish Tories would support the scrapping of tolls on the Forth bridge as well as on the Tay bridge in order let drivers to Fife and the east of Scotland enjoy the same rights as do people in other parts of the country. I listened with interest to what the minister had to say earlier. His attack on those who campaign for abolition would have a little bit more credibility had that campaign not been supported by people in his own party, such as Mr Smith and Mr Arbuckle who, in the past, have called for the abolition of tolls. It was noticeable that, when challenged, the minister did not rule out changing his stance in the run-up to the election. We will wait and see what the Liberal Democrats say in their manifesto and what their coalition partner says in its manifesto. We will see then whether the minister believes in the arguments that he has put today or whether he is simply grandstanding.

**Tavish Scott:** Wait and see.

**Murdo Fraser:** Yes—the minister is lining himself up for a massive U-turn.

The real question this morning is not what the Tories and the SNP are going to do, but what the Labour and Liberal Democrat members who have expressed support for scrapping the tolls are going to do. What about Helen Eadie, Scott Barrie and Marilyn Livingstone? All have said in the past that the tolls should go. What about Andrew Arbuckle and Iain Smith who, in the past, have said the same but have, in typical Liberal fashion, weaseled out of their commitment when it came to voting in Parliament? Today is judgment day. An election is looming and they will be judged on their actions this afternoon. I hope that they have the guts, for once, to put their party allegiances to one side and do the right thing.

09:41

**Bristow Muldoon (Livingston) (Lab):** As Tavish Scott said earlier, the political opportunism here today is on the part of the SNP. The transport needs of Scotland need to be taken forward in the context of a carefully considered balance of issues such as congestion, climate change and the economy of Scotland, and not through the desperate trawl for votes that the SNP is involved in. The opportunism of the SNP is one of the party's consistent policies—the only other being its plan to separate Scotland from the United Kingdom.

**Shona Robison:** I know how closely Bristow Muldoon is involved with Labour's election campaign. Given what he has just said, will he, on behalf of the Labour Party, rule out any manifesto commitment to abolish tolls on the Forth and Tay? Surely, such a commitment would be totally inconsistent with what he has just said.

**Bristow Muldoon:** The Labour Party's position, which is set out in the policy documents that the member can read on our website, is clear: any tolling regime decision—whether it involves partial or complete removal of the tolls—should be taken only with regard to all the social, economic and environmental aspects as well as to the need for a replacement crossing.

The SNP's transport policies are completely inconsistent with its claims to have any sort of green credentials. It has withdrawn its support from major public transport projects, such as the Edinburgh airport rail link, which if completed would help to alleviate problems in flows of traffic across the Forth by linking up 62 railway stations across Scotland, including many in Fife and the north-east of Scotland. It has also withdrawn its support from the Edinburgh trams project. Those positions support the point that Tavish Scott made. The SNP withdrew its support from those projects because it does not believe that it can win any votes in Edinburgh and it has come up with today's opportunistic policy because it believes that it can win some votes in Fife.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** The motion in the name of the minister says that the SNP's sums do not add up. It also says that the Executive is committing itself to providing a second crossing across the Forth. How much will that cost?

**Bristow Muldoon:** It is quite clear that there needs to be detailed consideration of how much that will cost. That detailed consideration is taking place and will take place under the Executive. All the options—a tunnel or a bridge—are still being considered, as are the full-life costs of such propositions. It would be ridiculous for me to give a figure today when all that work is taking place.

In considering whether to remove the tolling regime on the Forth and Tay crossings, it is important that we take account of a wide range of factors. We should be taking account of the impact on congestion. Mark Ballard made many important points in that regard. His point about the need for a cleverer tolling regime is also a good one, and some aspects of the Green motion are fair. The impact on Scotland's ability to reduce carbon emissions is another important factor, as Tavish Scott outlined.

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

**Bristow Muldoon:** I have less than a minute left, Mr Davidson.

If there is to be any tolling regime, we should try to ensure that it is based firmly on its impact on the environment, the economy and congestion.

The most cynical aspect of the SNP's position is that it is making yet another unfunded promise. Yesterday, some of my colleagues identified that the SNP already has an £8 billion gap in its plans for government, even if it is running a devolved Administration. Today, we have heard about another £50 million gap over the course of a four-year term. People in Fife should be aware that the SNP has made so many promises throughout Scotland that, from day 1, an SNP Administration would be in financial crisis and would have to abandon promise after promise. That is the SNP's big gamble. If Alex Salmond loses that gamble, he still has his Westminster salary to pay his mortgage. If the people of Scotland lose the gamble, they will pay the price in the higher taxes and broken promises of any SNP Administration. The SNP's position today should be roundly rejected.

09:45

**Shona Robison (Dundee East) (SNP):** On 30 March last year, I moved motion S2M-4197, which was:

"That the Parliament agrees that the tolls on the Tay bridge should be removed."

There was much ducking and diving by Labour and Liberal Democrat members to come up with reasons not to support that motion.

Almost a year later, an awful lot of water has passed under the proverbial bridge. First, we have the Tories' belated—but welcome—conversion to the principle of supporting the abolition of tolls on both bridges. Secondly, we have Helen Eadie's proposed member's bill, which is supported in the public domain by many of her colleagues—we will remind them of that at 5 o'clock tonight. Thirdly, we have the well-trailed talk of election manifesto pledges from both the Labour Party and the

Liberal Democrats. I know that a week is a long time in politics, but it seems to be stretching it a bit to put forward an argument today that tries to dismiss the principle of abolishing the tolls on the ground of environmental impact only to do a complete turnaround in a matter of weeks—if not days—and announce a manifesto commitment to abolish tolls on both bridges. Does not that position make the characters in "Shameless" look intellectual and principled by comparison?

The Executive may think that it can fool some people some of the time, but it cannot fool all the people all of the time, despite the Liberal Democrats' efforts to make that an art form. They will be truly exposed on that at 5 o'clock tonight.

There is another way. Today, the Parliament can speak with one voice and end the parliamentary session on a high by doing away with the unfairness and inequality of still having tolls on the Forth and Tay road bridges although tolls have been removed from the Skye and Erskine bridges.

**Iain Smith (North East Fife) (LD):** Exactly how will the SNP's motion result in the abolition of tolls? I did not hear an explanation in Tricia Marwick's speech, and I cannot see how the motion can possibly do that.

**Shona Robison:** The tolls would be removed in exactly the same way as they were removed from the Erskine bridge. Within a month of Parliament agreeing to a motion, the Erskine bridge tolls were gone. Why can that not happen with the tolls on the Tay and Forth road bridges? Mr Smith can lend his support to our motion here, in Parliament. He surely cannot be saying one thing out there to his constituents but another thing here. That would not stack up at all. He can be assured that we will watch what he does at 5 o'clock tonight.

There are many reasons for getting rid of the tolls. Doing so would give a much-needed boost to the local economies. The economy of Dundee needs that boost because, as we know, it has had a hard time of late, with many losses in its manufacturing base.

Let us be clear: even if members do not support the motion today, the SNP Administration that will be elected on 3 May will abolish the tolls. Moreover, we will expose any candidate in the elections who dares to argue in favour of the abolition of the tolls but who does not vote for that today.

I end with the same question to the minister that I put to him earlier. How can tackling congestion on the Forth and Tay road bridges be a problem before 3 May but somehow—miraculously—become not a problem after 3 May? Mr Scott has some explaining to do. He must tell the people of Scotland how on earth he can say one thing here, as the minister, and say something completely

different outside the Parliament on behalf of the Liberal Democrats. He will be exposed for that today.

09:49

**Scott Barrie (Dunfermline West) (Lab):** I have listened carefully to the speeches that have been made this morning. I note the minister's total support for tolls on environmental grounds. I also note that in the SNP's opening speech and in the speech that we have just heard, there was no mention of the reasons why the tolls should be removed, apart from the grounds of equity, fairness and congestion, and no mention of how we will fund the long-overdue new crossing over the Forth, which we have been promised. As Bristow Muldoon said, no commitment has been given to the funding—

**Fergus Ewing:** Will the member take an intervention?

**Scott Barrie:** No. Unusually, I will not take any interventions today.

I believe fundamentally that the tolls on the Forth and Tay road bridges should be removed. It is a question of fairness, as it is only when people travel into Fife, from either the north or the south, that the tolls have to be paid. They are absolutely a tax on Fifers.

I fail to accept that a £1 toll that is paid when people travel northbound on the Forth road bridge reduces congestion in and around Edinburgh. That is simply not true. The major source of congestion on the Forth road bridge, during the morning peak, is southbound traffic queuing to get on to the A8000. The biggest cause of congestion in Dundee city centre is the tailback of traffic from the toll booths. It is clear that tolling, in itself, does nothing to reduce congestion. Last year, the staff who collected the tolls on both bridges took industrial action. On that day, remarkably, the traffic flowed better.

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

**Scott Barrie:** No, I will not.

Most important, removing the tolls would remove the basic unfairness that the people whom I represent, in west Fife, believe exists. We have heard about the tolls being removed from the two bridges in the west of Scotland. It is unacceptable that the bridges in the east of Scotland remain tolled.

I do not use the bridge to get here; I use public transport, and I have to say that the train service over the past five weeks has been simply deplorable. There have been repeated cancellations, a lack of available rolling stock and

points and signal failures. As someone who uses public transport, I hate to say this but the public transport alternatives simply do not exist. Vast numbers of my constituents and those of my colleagues in Fife have no alternative but to use the Forth road bridge to get to Edinburgh.

I will not support the Executive amendment today. To emphasise my position, yesterday, I handed the First Minister my resignation as the Labour Party whip. I have no alternative but to support my constituents and be consistent in what I have argued for over the past few years. Last year, I was severely criticised for not supporting a motion to abolish tolls on the Tay road bridge. I stand by that decision. That motion may have done something for the Tay road bridge, but it would have done nothing for my constituents who use the Forth road bridge daily.

It is more in sorrow than in anger that I make this speech. I have no alternative but to support the people who elected me to the Parliament and to vote against the Executive amendment later today.

09:53

**Iain Smith (North East Fife) (LD):** I, too, will support the SNP's motion this evening because, in effect, all that it says is that the Parliament believes that tolls "should be removed" from the Forth and Tay road bridges. I believe that they should be removed—I have believed that throughout my political life. However, let us be clear. The motion does not call for the immediate removal of tolls from the Forth road bridge, as is being suggested by the SNP in the media. That is, to quote Tricia Marwick, "naked political opportunism". The motion does not require the removal of the tolls; it is an election slogan.

It is significant that the motion does not call for the abolition of tolls. In her speech, Tricia Marwick criticised the Executive amendment for instructing the Cabinet to do something. I thought that it was the purpose of the Parliament to instruct our Government to do things. The SNP motion, however, instructs no one to do anything. It is aspirational, and voting for it will not mean that tolls will be abolished. To pretend otherwise is to mislead the public.

The reality is that tolls cannot be abolished overnight, and SNP members know that. Neither Tricia Marwick, in her speech, nor Shona Robison, in her response to my intervention, said anything about how the SNP would go about abolishing tolls. They did not say how they would manage and maintain the bridges, where the money would come from to pay for the maintenance and upkeep of the bridges or what the impact would be on other budgets. In particular, they did not say what

the impact would be on capital budgets for my constituents in Fife.

**Tricia Marwick:** Will the member explain where the £20 million is coming from to fund the structural work that is needed on the Erskine bridge since the tolls were taken off?

**Iain Smith:** That is the whole point. The SNP does not seem to understand that these bridges are all different. The money for the Erskine bridge comes from exactly the same place as it has always come from: the Government's capital budget. The Erskine bridge was owned, run and maintained by the Government, but the Tay road bridge is not—it is owned by the Tay Road Bridge Joint Board—nor is the Forth road bridge. That argument just does not work. I am sorry, but the SNP cannot compare the Erskine bridge with the Tay and the Forth road bridges. It should get a grip.

**Mr Brocklebank:** Will Iain Smith take an intervention?

**Iain Smith:** I might do if I have time later, but I am running out of time.

SNP members need to answer those questions, because they do not do so in the motion. They know that they cannot deliver the abolition of tolls within the lifetime of this session of Parliament. It is a matter for the next parliamentary session, and it is up to all parties to make clear their position on tolls in their manifestos for the May elections.

My position is that tolls should go—I have made that clear. I do not support the argument that removing tolls, particularly from the Tay road bridge, will have a major impact on congestion.

**Mr Brocklebank:** Why did the member vote to keep them last time?

**Iain Smith:** Mr Brocklebank should read the amendment that the Executive lodged for the previous debate. I did not vote to keep the tolls last time; I voted for the Executive's amendment, which is a different thing altogether. It recommended that there be further studies on the impact of removing the tolls, which is important. I believe in making decisions for the right reasons, not the wrong reasons.

I believe that tolls are there not to deal with congestion or environmental issues, but to deal with the construction and maintenance of the bridges. They should not be used to address congestion or environmental issues.

In real terms, the level of tolls on the Forth and Tay road bridges, which were half a crown when the bridges were opened, has fallen by about two thirds. If the tolls had kept up with inflation, it would cost £3 to cross the Forth road bridge in both directions now. I do not believe that the level

of tolls has any impact on my constituents' decisions whether to cross the Forth or the Tay.

Of course, what we have today is electioneering. The Conservative party was in government for most of the lifetime of the bridges, but it never did a thing about removing the tolls; in fact, it introduced more bridge tolls in its time.

The SNP has flip-flopped. It has moved from being in favour of tolls to being in favour of getting rid of tolls on just the Tay road bridge to wanting to get rid of tolls on both the Tay and Forth road bridges. The motion is purely about election votes. It is notable that not one party in the Parliament, including ours, made a commitment to abolishing tolls in the 2003 manifestos. It is a matter for each party to deliver its priorities and ensure that they are fully costed. If there was a choice between removing the Tay road bridge tolls and having a new secondary school for the Tay bridgehead, I know what my priority—and that of my constituents—would be.

I believe in the abolition of tolls and I will be supporting the motion for that reason, but let us at least have a realistic and proper debate on the issue.

09:57

**Helen Eadie (Dunfermline East) (Lab):** Hundreds of people in my constituency have written to express support for my proposed member's bill. However, we know that the motion is a cynical ploy by the Fife SNP to get members to vote for the abolition of tolls. Iain Smith is absolutely right that this is about political posturing. We know that, had the SNP really been serious about abolishing tolls, it would have called for the abolition of tolls on both the Forth and Tay road bridges last year, in which case it would have had the support of Fife MSPs. However, it chose to be political then, and the motion today is nothing but naked electioneering.

**Tricia Marwick** *rose*—

**Helen Eadie:** I am not going to take an intervention, so Tricia Marwick should just sit down.

The A8000 has been a major area of congestion. I say to Green party members that I know that we should be wooing them for their support, but I am not going to do so, because they have totally ignored the economic and social issues. They have had tunnel vision—if members will excuse the pun. Whether we end up with a bridge or a tunnel, the Greens have had nothing but a narrow vision. They have seen only the transport issues and have not thought about the employment, cultural or social issues that affect the people of Fife.

**Mr Ruskell:** Would it be better to have a 20 per cent increase in congestion on the bridge as a result of taking off the tolls? Does Helen Eadie not think that that will affect the economy of Fife? Is she blind to that?

**Helen Eadie:** What does that have to do with unemployment among people in Fife? How do nurses get to their hospitals when they live in Ballingry, Cardenden or Kinglassie? There are no train stations there, so they can go only by car. It is impossible for them to do otherwise. The Greens are living in cloud-cuckoo-land. Half the time, they just do not understand what some of the issues are.

The consultation paper on my proposed member's bill gives members chapter and verse on the economic and social issues that affect people in Fife—I will not rehearse them, because they are there in black and white.

When industry considers whether it is feasible to locate in Fife, it sees the tolls as an extra tax. We simply cannot accept that. People will ask how we are going to pay for the new bridge. I say to people throughout Scotland that nobody raised those issues when essential repairs had to be carried out on the Kingston bridge in Glasgow. Charlie Gordon, who is not in the chamber, reliably informed me that that work cost nearly £1 billion. Nobody suggested that there should be tolls to pay for that, or for the new A74 and all the other major road works. Why are people saying to us that only Fifers and people north of the river have to have tolls? That is simply unacceptable.

The SNP is so narrow in its ambition. The paucity of its ambition for the people of Scotland is unbelievable. I am sure that Fergus Ewing will say that the SNP will abandon the Edinburgh airport rail link if it is elected to power. Our MSPs in Fife are saying that we want the tolls to be abolished, we want a new crossing and we want the Edinburgh airport rail link.

It beggars belief that the SNP has the cheek and audacity to box people into a corner today. I will be voting for the motion, not because of the SNP but because I have campaigned with others in the Labour Party all my political life to have the tolls removed and because I believe that that is the right thing to do for the people of Scotland. I will be voting for the motion for those reasons, not because the SNP has lodged it.

10:02

**Colin Fox (Lothians) (SSP):** Having considered all the issues before us, the Scottish Socialist Party is opposed to tolls on bridges, motorways and trunk roads and supports the motion for three key reasons. First, to my mind—and the mind of the SSP—it is the Government's responsibility to

build, maintain and operate our roads, motorways and bridges, and to keep them in the public sector. They are part of the infrastructure of our country and our economy and should therefore be owned, controlled and provided by Government and paid for out of our taxes, on behalf of us all, given that we all use the roads.

Secondly, tolls are clearly a regressive form of taxation that hits working people and the poorest people the hardest. Given that tolls have been abolished on bridges such as the Skye and Erskine bridges and were never levied on a great many of our bridges, there is an obvious unfairness in applying tolls to the Forth and Tay road bridges and to people in Fife and Tayside.

The Executive told us in debates on the Skye and Erskine bridges that the tolls were abolished because they clearly had a poor effect on the local economies: the Skye bridge tolls had a poor effect on the tourism industry and commerce in general; and the Erskine bridge tolls had a poor effect on industry and commerce. I supported the Executive's case, but it is patently obvious that the same case applies to Fife and Tayside. That is especially true in the wake of a disastrous and disgraceful set of decisions by Solectron, which chose to close its factory in Dunfermline—adding to the misery of the long list of closures in Fife—and by NCR to close its plant in Dundee. The deleterious effect of tolls on the economy in both places is clear to us all. What is good for the goose is good for the gander. Tolls are a disincentive to the Fife and Tayside economies.

Thirdly, I turn to climate change, because the Greens are right that it is important for us to focus on it in this debate and in many other debates. We have to do something to address climate change, CO<sub>2</sub> emissions, pollution and congestion.

It is clear to me that the collection of tolls causes traffic snarl-ups and congestion on the bridges and adds to the deterioration of the bridges. We have all seen the tailbacks to Kirkliston and along the A8000 for miles and miles and the tailbacks to Dundee city centre. Those are caused by the collection of tolls.

**Mark Ballard:** There are seven toll gates at the Forth road bridge. Given that more cars can go through the toll gates than can use the two lanes on the bridge, how can the tolls cause the congestion? The bridge creates the bottleneck, not the tolls.

**Colin Fox:** I respect TRANSform Scotland's work, but it goes over the top when it says that those who want to abolish the tolls are undermining the nation's attempts to reduce climate change emissions. Under its logic, we would still have a £7 toll on the Skye bridge and tolls on the Erskine bridge.

I favour more effective ways to tackle climate change. The Scottish Socialist Party supports free public transport provision across the board as a way to address climate change, CO<sub>2</sub> emissions and congestion. That would be a radical and hugely effective way to address the problem. The Executive has gone some way towards that approach and we respect it for introducing free travel for senior citizens. However, members will note that the city of Hasselt in Belgium introduced free public transport and saw passenger numbers increase by 870 per cent as a consequence. That is the way to address congestion, CO<sub>2</sub> emissions and climate change.

I respect the figures that FETA produced on the incentives and the likely increase in traffic volumes, but we need to take more effective action to address traffic volumes and CO<sub>2</sub> emissions, than simply changing the tolling regime.

The Scottish Socialist Party will support the motion at decision time.

10:07

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** The last time the SNP asked us to debate tolls was on the day on which the Scottish Executive published its climate change programme. On that day, instead of focusing on the threat that climate changes poses to the economy and the environment, the SNP decided to focus on tolls. Today, in environment week and with the ink barely dry on the press releases from all the parties about their commitment to tackling climate change, the motion again ignores the fact that transport is the biggest and fastest growing source of climate change. Hard decisions and choices are required.

**Shona Robison:** Given the logic of what the member says, what are the Greens' proposals for the introduction or reintroduction of tolls on all the other bridges in Scotland? Surely there has to be consistency in his argument?

**Mr Ruskell:** We propose to invest in public transport alternatives and replace the current system of tolls with a smart system. The SNP has failed to acknowledge the need to replace the current system with something fairer. That is why we are put in a difficult position regarding how we will vote on its motion tonight. The SNP simply wants to remove the tolls and replace them with nothing. It says, "Let's just have a free-for-all." That is ridiculous.

The SNP is inconsistent. The cheeky chappie Alex Salmond stands up one day and says, "Let's set a national climate change target," but the SNP ignores the hard choices that are required. It should not set a climate change target unless it is prepared to make the necessary decisions.

The Minister for Transport is right to say that the SNP is inconsistent on the issue of tolls. On 18 January last year, Nicola Sturgeon said:

"The SNP says loud and clear £1 is enough."

Clearly, it is not enough. With the vote-fest that we are now involved in, the SNP wants free tolls and the SSP wants free public transport. Let us just have free everything, shall we?

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

**Mr Ruskell:** No. I need to move on.

The minister is right—the SNP flits from one position to another, but perhaps it learned that from the fib dems, who had an outstanding victory in Dunfermline last year after campaigning against itself on the issue of tolls. That political feat has been matched in the Parliament perhaps only by the SSP. Murdo Fraser is right—there might be a massive U-turn in Lib Dem policy in the weeks ahead. I say to the minister that I hope that that is not the case.

I do not deny that there are problems with the toll system. We recognise that it is based on the way in which the bridges were developed and it needs to be replaced with something smarter and fairer. Mark Ballard outlined many of the reasons for that. Public transport vehicles have to pay more than HGVs and there is no differentiation between a packed car travelling on a Sunday and a single-occupancy vehicle travelling at peak times.

However, let us be clear about what Helen Eadie, Scott Barrie and Iain Smith will vote for tonight. Helen Eadie talked about tunnel vision, but she will vote for, according to FETA, a 20 per cent increase in congestion. If tolls are removed from the Forth road bridge, traffic will be directed on to that bridge from the Kincardine bridge. There will be 20 per cent more congestion.

**Helen Eadie:** Will the member give way?

**Mr Ruskell:** No.

Those Labour members will be voting for a decrease in the maintenance budget for the bridge. They will condemn the bridge to less maintenance work. That is irresponsible. People need the bridge to travel from Fife to the Lothians. Those members ignore what the convener of FETA, Lawrence Marshall, said:

"now is not the time to place a question mark over the bridge's long-term funding."

That is what the Labour members will do through their votes at 5 o'clock tonight. They will also condemn people in Fife to a lack of investment in public transport. As Mark Ballard said, smart

tolling would mean £71 million of additional investment for buses.

Nobody has answered Mark Ballard's fundamental question about what they would put in place to replace the tolls. We ask for clarity from the minister and Tricia Marwick before we decide how to vote at decision time tonight.

10:11

**Bristow Muldoon:** I support Tavish Scott's balanced amendment, which describes the way forward. It calls for tolls

"to be considered in the light of the commitment to the new crossing",

and it recognises that the SNP's sums do not add up. Under the SNP's proposals, the party would not be able to afford to lift the tolls and pay for the construction of a new bridge.

The amendment also states that the SNP's proposals

"do not address the impact of congestion or other environmental, social and economic impacts".

We must consider those factors in discussing any form of road user charging, whether it is tolls on the Forth road bridge or the comprehensive system of road user charging that we will move towards in the future.

**Mr Davidson:** Will the member give way?

**Mark Ballard:** Will the member give way?

**Bristow Muldoon:** I give way to Mr Davidson.

**Mr Davidson:** I take it that the model that the member mentioned was used in dealing with tolls on the Erskine bridge. If not, what was the difference?

**Bristow Muldoon:** The congestion on the Erskine bridge and in that part of the west of Scotland is different from the congestion on the Forth road bridge.

I am prepared to take an intervention from Mr Ballard as well.

**Mark Ballard:** The member was kind enough to say that I made some good points, particularly on FETA's proposal for smart tolling. Is he prepared to go further and say that he supports FETA's proposal for a smart tolling regime to replace the outdated regime on the bridge?

**Bristow Muldoon:** I will come to that later.

The SNP's motion is a naked attempt to gain votes, but it is also an opportunistic attempt to trap my Labour and Liberal colleagues who have argued for longer-term consideration of the issue. Within the Labour policy-making process, Scott Barrie, Christine May and others have argued for

the broadest consideration of tolls to be taken into account. The SNP is making a naked attempt, a number of weeks before the election, to bounce people into a position.

Scott Barrie was correct to say that, to tackle congestion on the Forth road bridge, we need to make sure that his constituents and others in Fife have access to good-quality, reliable public transport. There have been improvements, such as longer trains and platforms and the park-and-ride scheme, and we are expanding capacity at Edinburgh Waverley station.

**Marilyn Livingstone (Kirkcaldy) (Lab):** I agree with Bristow Muldoon's point about public transport, but the issue for us in Fife is that our communities and our economy have been damaged. The Greens talk about congestion, but congestion charging does not exist—and is not being considered—anywhere else in Scotland. Why is it the solution for Fife? We need to ask why the only solution for Fife is tolls on the bridges.

**Bristow Muldoon:** We need to recognise that, on most weekdays, there is considerable congestion on the way south across the Forth. The question is whether getting rid of the tolls would improve the situation or make it worse. It would be unrealistic to expect the situation to improve; it would, at the very best, stay the same and, in fact, might even get worse, to the economic detriment of the people in Fife.

We must take on board the economic impact and the impact on congestion and climate change of removing the tolls, and I believe that the medium-term solution is a comprehensive system of road user charging that addresses congestion issues, multi-occupancy issues and public transport exemptions. In response to Mr Ballard, many of whose comments I agree with, I believe that if in the meantime we are to retain a system of tolls, it should take into account factors such as occupancy levels. It might also be possible not to levy charges at times when no public transport is available and to exempt public transport from tolls in order to encourage its use.

The Greens are also correct to point out that, during Scottish environment week, the SNP has come forward with a single-dimension policy that is nothing but a naked appeal for votes. It is simply being opportunistic. After all, it is quite clear that, if it came to power, the SNP could not afford to implement such a policy. There is an £8 billion hole at the heart of its spending plans for a devolved Scotland—and its plans do not even begin to take account of the cost of making Scotland independent. The people of Scotland would pay a heavy price if they gambled on the SNP.



10:17

**Mr David Davidson (North East Scotland)**

**(Con):** Well, we have heard some real hypocrisy this morning. First, I want to name someone who is not in the chamber—Willie Rennie MP—because the very mention of his name brings to mind the posturing of the Liberal Democrats at the previous general election. We have heard some good, honest and candid speeches from Scott Barrie, Iain Smith and several other members, who have stated their belief in the principle behind the vote. Indeed, Scott Barrie gave an absolutely superb speech—and I have never said that about him before. However, will we see at decision time the Liberal Democrats' usual synchronised dissent in order to let off one or two of its members? Is Bristow Muldoon being used in a desperate attempt to secure the Green vote and save the minister's bacon this evening?

No one has mentioned the fact that, according to various studies, a static, stopping and starting or slowly crawling HGV probably uses five to 10 times as much fuel as it would use if it was running smoothly. That never comes into the various calculations. In any case, the Greens simply do not want anything that has wheels and an engine—but, as I keep telling them, we cannot run the Scottish economy on a bicycle.

**Mr Ruskell:** Will the member give way?

**Mr Davidson:** No, not at this time.

I have no doubt that all the manifestos will change in light of this debate. Tricia Marwick was right to suggest that we should compare members' comments this morning with the parties' manifesto promises and draw all that to people's attention. I note that the minister has a slight smirk on his face; perhaps he knows something that I do not.

We need to consider issues such as access to work and cheaper housing. Someone who gets a good job either in Edinburgh or somewhere on the city outskirts that has no direct transport links might have a car and might well choose to live on the other side of the Forth, where housing is cheaper. Why are we adding to their costs? It is simply unfair. Tricia Marwick was right to ask for fairness for Fife. To that end, we have talked to businesses and people in Fife and have costed all our proposals for the Forth road bridge.

As far as Dundee is concerned, members who oppose the motion must have visited the city either on a quiet Sunday afternoon or in the dead of night, because there are often tailbacks all the way from the bridge to the station. People have to double-back to avoid the congestion in the city centre or to get to the west of the city. The startling fact is that when the toll operators strike, the traffic flows. Last night, I received an e-mail from a gentleman in Monifieth who, along with his pals,

has timed, down to a matter of seconds, the traffic flows at different times of the day. A lot of that kind of research already exists.

There was one rule for the Liberal Democrats over the Skye bridge and one rule for Labour in Glasgow over the Erskine bridge—and everyone else simply does not matter. The fact that Liberal Democrat and Labour members are split over the motion proves that the people are right to push for the removal of tolls. We will certainly support the motion at decision time, because we need fairness. I am sorry only that, in the motion, the SNP does not go into the proposal in more detail, but at least it has set out the principle.

The Government cannot have it both ways. The Executive parties have not only back benchers but Government ministers from the north-east of Scotland. Those people will be tested according to their actions, and I support Labour and Liberal Democrat members such as Helen Eadie and Christine May who have been consistent in their stance on this issue. Even though it is not in my political interests to say so, they deserve to have that stance recognised by the people whom they represent. After all, it is better to have a Parliament of honest people who stand up for their principles.

10:21

**Tavish Scott:** It is entirely fair for Helen Eadie and other members to argue for the economic and traffic modelling assessments to be as robust as possible. Indeed, members across the chamber, including Mrs Eadie, made that very point during last Easter's debate on this subject. At the time, it was felt that there had not been enough assessment of traffic flows on the Forth road bridge and the amount of traffic that went to other parts of the Lothians, to workplaces or to other destinations. I hope that I can assure Mrs Eadie and other colleagues that the toll impact study will carefully draw out such aspects. After all, if we are to invest in a replacement crossing, we must ensure that the multimodal aspects are dealt with and the destination information is complete. Moreover, in response to points made by Bristow Muldoon, Helen Eadie and Iain Smith, among others, about providing alternatives to the car, we need to ensure that such alternatives are realistic and affordable and get people to where they need to be at the right time.

**Fergus Ewing:** In his opening speech, the minister said that the Executive had not yet received the study. However, is it not correct that it has received it, but in draft form?

**Tavish Scott:** We have received numerous drafts, but—

**Tricia Marwick:** Ah!

**Tavish Scott:** Oh, good gosh—grow up! We have received numerous drafts, but ministers have not yet received the final report. If—heaven help us—Mr Ewing got into government, he might come to understand the process. I presume that even in the SNP's world there are draft reports before a final report is issued.

**Murdo Fraser:** Or draft budgets.

**Tavish Scott:** Indeed. However, I will come to the SNP's various flip-flops—or drafts—in a minute or two.

I return to the serious point that colleagues have raised about the multimodal work that we are carrying out and the need to deal with public transport issues. I believe that Marilyn Livingstone, in particular, highlighted that point. We need to continue to invest in and improve the rail system in Fife to provide an alternative to the car. I respect Scott Barrie's concerns about the current situation, and I am happy to take up any operational issues or problems with the franchise operators and Network Rail. However, considerable investment has been made in the area. For example, in response to Fife members' comments that services for commuters must be improved if we are to provide alternatives to car use, I point out that 29 new high-quality trains have already been introduced on to the network and that platforms on stations on the Fife circle have been extended. I respect members' concerns and will continue to work hard on the matter.

I was interested by Murdo Fraser's lack of illustration of the Tories' flip-flop on this policy. It seems that they are in favour of tolls—just not these. I have dug out statements made by Chris Grayling—who, for members who have not heard of him, is the shadow Secretary of State for Transport at Westminster—that show that he is four-square behind tolls and national road user pricing. I happen to think that he is right, but the Tories up here should hold the same position. Mr Fraser quite clearly said that he was against road user pricing.

**Murdo Fraser:** If the minister had listened to my speech, he would have heard me saying that we support national road pricing in principle. That does not mean that the current piecemeal approach, whereby there are tolls in some parts of the country and no tolls in other parts, should be taken. Such an approach discriminates against people in Fife and the east of Scotland.

**Tavish Scott:** I think that all members will agree that whatever is in the Tories' manifesto, the Tories will continue to be irrelevant in Scottish politics at the next and subsequent elections.

I turn to the SNP's policy. Draft reports have been mentioned. Bristow Muldoon and—to be fair—Mr Fraser and other members picked up on

an important point about the SNP's consistency. It is important to deal with the facts of the SNP's policy. The SNP supported tolls until Christmas 2005; indeed, I could read out to members numerous quotations that prove that support. In November 2005, it said that it supported

“a thorough and wide-ranging consultation process on the issue of tolls on the Forth Road Bridge”.

On 18 January 2006, Nicola Sturgeon said that any increase in tolls on the Forth road bridge would be unacceptable.

**Tricia Marwick:** Will the minister take an intervention?

**Tavish Scott:** I want to finish, because it is important to get what was said on the record. Nicola Sturgeon said:

“The SNP says loud and clear £1 is enough.”

I cannot remember which of my colleagues made the point that the SNP did not at any time differentiate between tolls on the Tay and on the Forth. The issue was always tolls on the Tay, but the issue has now become tolls on the Forth. Helen Eadie was right to ask why we should believe that the SNP's actions are anything other than political opportunism.

**Tricia Marwick:** The timing of the statements is important. What changed was that tolls were taken off the Erskine bridge by the Executive. It was then totally unfair for tolls to be charged on the Forth road bridge and the Tay road bridge. Unlike the minister's position, our position has been consistent. Perhaps he will answer Shona Robison's question. Will there be a commitment to remove tolls from the Forth and Tay bridges in the Liberal Democrat manifesto?

**Tavish Scott:** The member will simply have to wait and see. That is the great thing about manifestos.

The sums that are involved have been mentioned. When Mr Ewing winds up for the SNP, he should clarify the SNP's sums. He has committed his party to spending £2.1 billion on dual carriageway upgrades on the A9, the A96 and the A77, and to building a new Forth road bridge. To be fair to him, I think that he said unequivocally the other day that there must be a tunnel, irrespective of any arguments that might be made about what would be right from an engineering point of view. I have a quotation from him from *The Scotsman*.

The SNP's proposed investment in the A82 is utterly unaffordable, and it has made other public transport commitments that add up to £6 billion. We should consider the £300 million commitment for the Waverley station expansion and the £300 million for Scotland-wide rail improvements.

Another classic commitment has been made, which I do not think Mr Ewing knows about—he certainly does not talk about it in Inverness. We know that he spends a lot of time criticising the spending of money in Edinburgh and Glasgow and that he always wants money to be spent in Inverness, but Mr Salmond did not let him in on a secret: Mr Salmond has committed the SNP to a £4 billion bullet train between Edinburgh and Glasgow. I look forward to telling people in Inverness about Mr Ewing's transport spending commitments.

The debate has dealt with important issues, some of which are lighter than others. A straight choice is involved if we want to take realistic decisions on transport. The Government advocates a course of action that is right; the Opposition advocates a politically expedient course of action.

10:28

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I commend the campaign that has been mounted by *The Courier*, which has given a clear lead to the communities that that newspaper serves.

The SNP's position has been consistent, principled and informed by the need to make tough choices as we prepare to be the next Government in a few months' time.

**Tavish Scott:** Will the member give way?

**Fergus Ewing:** I know that the minister is impatient, but I ask him to bear with me. I will give way to him in a little while.

An SNP Government will abolish tolls on the Tay road bridge and the Forth road bridge. As my colleague Tricia Marwick said, after March last year, when tolls on the Erskine bridge were abolished, no case could be made for retaining tolls on the two other road bridges, which serve cities in the east of Scotland and the Highlands. The debate entirely changed at that point, and the SNP took the view that, on the ground of equity, it was wholly unfair for some people in Scotland to be penalised by having to pay tolls while people in the west would not have to pay them. The matter is absolutely straightforward.

Iain Smith said that the SNP's motion is defective, but it sets out a clear principle. Parliaments set out principles; it is for Governments to put those principles into practice. When the SNP is in government next year, it will put the principle in the motion into practice.

The Greens have initiated a serious debate on congestion, but it will not surprise Green members to learn that I do not agree with everything that they have said. My good friend Mark Ballard

knows, because we have debated the issue many times, that we believe that many wider measures can be taken against congestion. For example, we believe that home working and the use of flexitime should be encouraged to prevent people from having to travel to work during peak periods, which can be highly unnecessary. As the Greens know—if not the minister—it has been calculated that such measures could prevent people from travelling up to a tenth of the 43 billion kilometres that are travelled on our roads each year. Perhaps that is the most significant thing to do to tackle congestion. Furthermore, I say to the Greens that we will support the expansion of public transport and park-and-ride schemes.

**The Deputy Presiding Officer (Trish Godman):** Mr Ewing, please speak into your microphone.

**Fergus Ewing:** Thank you, Presiding Officer, but I was addressing my remarks to our friends in the Green party.

Wider points of principle are involved. However, I gently ask Mark Ballard and his colleagues how having tolls on some bridges but not on all bridges can be consistent. As we know, the Greens are a party of principle. If they have a policy that states that tolls should be charged, surely they should say that tolls should be charged on all bridges and crossings, of which there are 30 in Scotland. I hope that the Greens see that there is a lot of common ground between them and the SNP in the wider picture. Mark Ballard knows that what I am saying is exactly what I said in a previous debate, in which we both extolled the virtues of cycling. [*Interruption.*] That took members by surprise—it took me by surprise, too.

I turn to costs. The Executive's amendment states:

“the SNP's sums do not add up”.

I asked Bristow Muldoon how much the new crossing on the Forth would cost, but he did not give me an answer. My information is that not only is the minister sitting on a draft report that was supposed to have been published last December and which he has suppressed—indeed, that report should have been published to inform the debate—but he knows that it has been estimated that a Forth crossing will cost more than £1 billion. That will come as no great surprise to those of us who have followed the matter closely.

The SNP makes tough choices and has decided that we will rapidly move to provide a further Forth crossing when we are in government. Whether there should be a bridge or a tunnel can be determined only after full and rational analysis. We will carry out such an analysis, but we will not proceed with the Edinburgh tram scheme, or the Edinburgh airport rail link that would involve

tunnelling under a live runway and two rivers. We have taken those decisions for clear and straightforward reasons.

I hear the minister's not-very-sotto-voce commentary, which gives us a slight indication that he is not too comfortable with the position that he has adopted, especially when all the signs are that he will flip-flop in a few weeks' time and say exactly the opposite of what he said today.

I ask the minister how he and Bristow Muldoon's party plan to pay for a Forth crossing when the strategic projects budget is already overstretched.

**Bristow Muldoon:** The Liberal Democrat and Labour coalition is in a far stronger position to pay for a new crossing of the Forth because we do not have an £8 billion hole in our budget. Mr Ewing has just repeated the ridiculous assertion that the Scottish National Party will abandon the public transport system for Scotland's capital city. That is a disgrace.

**Fergus Ewing:** Unfortunately for Bristow Muldoon, I can read out the cost of some of the commitments that he will have to pay for. EARL will cost £650 million; Edinburgh trams will cost £550 million; the council tax recycling pledge will cost £200 million; the council tax reduction proposal will cost £346 million; a new Forth crossing will cost £1,000 million; the Glasgow Housing Association second-stage transfer will cost £500 million; 100 skills academies will cost £100 million; 150 new and refurbished schools will cost £738 million. I could go on. Let us have a bit of honesty in the debate.

The SNP's transport portfolio clearly sets out that the Forth crossing is the number 1 priority for Scotland and we will pay for it by not going ahead with the Edinburgh airport rail link and the Edinburgh tram scheme. Everyone in Scotland knows that we cannot afford to do everything. I believe that there is a growing feeling in the country that people can respect the SNP for making tough choices, for taking a realistic approach to strategic projects and, if I may say so, for being able to distinguish between the desirable and the essential.

To govern involves making choices. To govern is to choose and to govern well is to choose wisely.

## Early Years Education, Development and Care

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on business motion S2M-5549, in the name of Fiona Hyslop, on early years education, development and care.

10:37

**Fiona Hyslop (Lothians) (SNP):** The SNP is using this debating opportunity to propose constructive policies on early years education. We are keen to put the subject of the youngest children in our society firmly on the policy road map of a future SNP Administration.

Firm foundations that are laid in the early years of life by quality, accessible care, development and education reap many dividends. In a society of pressure and pain for so many children, a stable environment where they can learn social, cognitive, motor and interpersonal skills means so much to those in need. In Scotland, far too many youngsters are in that category for Government to ignore them.

Self-esteem, self-worth and the capacity to grow and develop are stimulated by well-trained early years educators—including nursery nurses and teachers as a team and in partnership—who are a powerful influence on children. As a country, we need those early years educators to ensure that we have well-adjusted and receptive young people and citizens of tomorrow, and to identify through early intervention those who might have additional support needs, and those who might be in danger of living a childhood that leads them straight into the not in education, employment or training category.

The current Government has chosen not to drive forward the early years agenda. Its education policies are about dealing with failure after the event and coping with extraordinarily high levels of 16 to 19-year-olds who are not in education, employment or training. We are dealing with persistent young offenders who started out in the system because they needed care and who are involved in antisocial behaviour because self-esteem and self-worth were denied them in their upbringing and no one was there to intervene early enough to identify and solve problems.

The current Government is coping with failure and compensating for the inadequacies of people at 16 and 18. A future SNP Government will try to change the country fundamentally for the better, with imagination and commitment to early intervention for young people who are at the stage when changes can properly be made to their

ability to learn, to socialise and to develop a positive sense of self.

Our country has one of the biggest prison populations, made up of young men from identifiable and predictable postcode areas, many of whom have social and additional needs. What an expensive way Scotland has of coping with a country that did not care enough at the right time to make a difference. We should look to America and the Perry pre-school model of the savings that quality early education can provide. Abecedarian research shows what can be gained.

The SNP's early education policies are about long-term vision and perspective. Children need early years support, not just because they are the citizens and workers of tomorrow, but because they are the children of today. They deserve safe, stimulating experiences now.

It is with disappointment that I reflect that, from a good start in 1997, the Labour and then the Labour-Liberal Democrat Administrations have lost pace and focus on, and vision for, the early years. The Executive amendment refers to achievements since 1999 as hardly anything to speak of has happened since 2003. The early years strategy has been shelved and the workforce review—however welcome—was delayed and has only recently been published.

The nursery education for three and four-year-olds that we all called for in the 1990s and that came in between 1999 and 2003 is welcome, but in many places, including in this city, it came in 10 years ago, in 1997, before devolution. Meanwhile, in England we have seen the announcement of a 10-year child care strategy and promises of increased hours in nursery education being rolled out from April last year, while Scotland treads water with no increase in hours delivered.

The First Minister has reneged on his promise; that is another example of Labour leaving a generation behind. On 17 April 2005, his spokesperson said that a fully costed plan for 15 hours of nursery education a week would be produced before the end of summer 2005, and we are still waiting. The sure start in 1999 that saw Scotland gaining a head start over England has rapidly descended into inertia and catch-up for the current Government and too many children are being left behind.

The SNP wants a 50 per cent increase in the hours when children can access nursery education—a longer day and a longer term. That would make possible the sharing of nutritious lunchtime meals in nurseries as part of the valuable socialisation and health promotion that so impressed those of us from the Education Committee who visited kindergartens in Finland. The Government seems to support that concept in

the Schools (Health Promotion and Nutrition) (Scotland) Bill; I hope that it is not on the basis that the bulk of pre-school children are there for only 12.5 hours a week—2.5 hours a day—and so would not be in school to benefit. That would be very short-sighted indeed.

**Mr Kenneth Macintosh (Eastwood) (Lab):** Is it the SNP's commitment to increase the hours from 12.5 to 18 hours a week?

**Fiona Hyslop:** The increase is from the average of 400 hours, which is the current statutory requirement, to more than 600 hours. It can be funded from the Barnett consequentials from which we would benefit because the system is already being rolled out in England. Why do our young people have to fall behind those in England instead of getting the nursery education that they need?

The increase in hours, combined with smaller class sizes in primary 1 to primary 3, means that we can develop an early years agenda that gives quality early years experience to all our young children. We are disturbed when councils such as Glasgow remove nursery teachers from classes and we support calls from the Educational Institute of Scotland and others to retain nursery teachers in the early years setting.

Support for the early years should not be about just firefighting poor decisions. Scotland needs a 10-year early education, care and development strategy for all aspects of child care, development and education to drive forward the agenda in an ambitious and child-focused manner.

We have a dedicated workforce that is committed to providing that support, but those people also need support in training, status and career progression. A 10-year strategy would provide policy leadership as to what the workforce review could achieve, with the possibility of a specific early years education and development teaching degree, with a flexibility of delivery to tap into the talents and abilities of people across Scotland, particularly those in rural areas or those with caring responsibilities, so that we can grow the number of professionals delivering in this area and scale up early years education to deliver those extra hours.

The role of quality nursery education must not be underestimated. The status and position of the early years must be recognised as a touchstone to show how we can and will change the Scotland of tomorrow for the children of today.

I move,

That the Parliament believes that early years education, care and development support for our youngest children can provide firm foundations for later life and that there needs to be an increase in pace and attention in terms of delivery for the early years in Scotland; further believes that

Scotland needs a 10-year strategy for care, development and education in the early years; recognises the vital role that nursery nurses play in delivery of this service as part of a team approach to early years services; calls for a 50% increase in free nursery education with access to a nursery teacher for all children; condemns the Scottish Executive for falling two years behind England and Wales in the provision of nursery education despite the fact that resources have been made available through the Barnett formula, and calls on ministers to offer an explanation.

10:45

**The Deputy Minister for Education and Young People (Robert Brown):** Today's debate is opportune and relevant, and I am grateful to Fiona Hyslop for securing it. There is increasing recognition of the seminal importance in a child's life of what happens in their early, formative years; I do not disagree with some of the points Fiona Hyslop made in that regard. A child's early years are a time of rapid development and have a key role to play in establishing their future health and well-being. The basis for children's physical health, emotional well-being and cognitive skills and abilities is established in the first few years of life. That is why the Executive has placed such a high priority on early years as a cohesive part of the educational system in Scotland.

Today's debate is really about what will happen in the next session. I have no doubt that all the parties will seek to lay out their stalls and develop the agenda. I hope that the debate will not be marred by simplistic solutions to a complex challenge. This is an area in which major advances in provision need to be matched—as they have been under the Executive—by major advances in resource.

Despite what Fiona Hyslop said, the Scottish Executive has made enormous advances. Sometimes, we forget just how substantial progress has been. Provision since 2002 of a free nursery place for every three and four-year-old is a substantial achievement. Such places are now taken up by 96 per cent of three-year-olds and 99 per cent of four-year-olds. The Executive has provided support for capacity building in the private and voluntary sector. Local authorities have been given the resource to raise the advisory floor to £1,250 a child, and £5 million per annum to support workforce development. Since 1999, £30.8 million has been made available for workforce development more generally.

There has been huge investment in sure start Scotland, which is a major driver for change, to provide new and improved services and support joint working and child care partnerships to develop more cohesive services. Providing cohesive services is a significant part of the challenge that we face in this area. Funding for sure start Scotland has risen to £59.9 million in

2007-08. New legislation may not be required if the system is placed on the right foundations. Child care strategy funding has risen from £19.25 million in 2003-04 to £44.256 million in 2006-07. In some areas, it has been used to fund an affordable full-day service for three to four-year-olds, supplemented by initiatives such as the sitter service. The results of that investment are there to be seen.

As Fiona Hyslop indicated, we have made significant progress in refining our approach as knowledge and understanding of child development deepens. Pilot provision for vulnerable two-year-olds, cross-cutting support for parents and families, nurture classes, backing for improving parental skills and reading-with-parent schemes constitute an exciting and developing agenda. The challenge is to identify and spread good practice and good ideas across the sector. There is increasing recognition of the importance of play and communication skills and of parental bonding. Provision of child care is not just a matter of numbers or hours—the quality and focus of provision are also important.

High-quality provision is key to ensuring that children get the most of the opportunities in pre-school education. Key to ensuring high-quality provision is high-quality staff. Teachers have and will continue to have an important role to play in delivering pre-school education. Unlike the SNP, we do not set things on high—we must use that valuable resource in the way that best meets local needs. Pre-school education is delivered by a variety of providers across the sector. That diversity of provision, which parents welcome, means that we must allow authorities to decide how best to use their teaching resource locally. In some areas, that may mean having a teacher in the room all the time; in others, a peripatetic team of supporting teachers may be the best solution. We should not apply from the centre too rigid a straitjacket on the deployment of teachers.

There are many more early years workers than teachers in the sector. As Fiona Hyslop said, in August we published the report of the national review of the early years and child care workforce, and the Executive's response to it. The review's proposals include developing leadership in the early years and child care sector, the creation of a career structure for the workforce, and improving support for partner providers. All those proposals are aimed at improving quality of provision across the sector in a way that recognises the diversity of provision that exists.

We are also making progress on exciting new developments for the early years curriculum. The curriculum for excellence programme will produce a curriculum for children from three to 18. Moving to a single curriculum that starts at age three, with

the early stage of the revised curriculum going to the end of primary 1, has the radical potential to extend the child-centred, active learning approaches that are used in nursery into the early years of primary. That is extremely important. Good work is being done in many schools and other establishments across Scotland in that regard. From experience across the sector, we know that transitions are always difficult. Continuing the active learning style of nursery into primary 1 will make the transition from pre-school and nursery to school easier. It is vital that the eagerness and enthusiasm for learning that young children have in early years settings are maintained throughout their school careers.

Early years services sit within a wider set of services for young children, many of which are delivered in a holistic, integrated way. The challenge is to do more of that. The Executive has already recognised that the time to refresh the strategic direction is coming, but we should recognise that much has been and is being achieved to push forward the quality agenda. Action is about more than strategy documents. The SNP motion seems to me to be fairly shallow and insubstantial in understanding and meeting the challenges that I have described, although I accept that Fiona Hyslop raised a number of other issues in her speech.

Early education and early years services are crucial. Substantial progress has been made in recent years. We recognise that there are major challenges ahead—on the curriculum, on the workforce, on meeting parents' and children's needs, and on recognising developmental needs. The Scottish Executive is focused on that agenda and has a strong and proven commitment to early years education and services, evidenced by the action that it has taken over the years of its control in Scotland.

I move amendment S2M-25549.2, to leave out from "that there needs" to end and insert:

"welcomes the significant increase in pre-school education entitlement that has been delivered since 1999; recognises that teachers have, and will continue to have, a major role to play in delivering pre-school education; recognises the vital role that qualified early years practitioners play in delivering early years services and welcomes proposals to deliver greater professionalism and improved career pathways for early years staff; welcomes proposals under A Curriculum for Excellence to introduce more active learning into early primary education; recognises that early years strategy needs to reflect these developments, and recognises that the Scottish Executive's investment in education has rebuilt the foundations of a successful education system in Scotland."

10:51

**Lord James Douglas-Hamilton (Lothians) (Con):** Today we return to debating policies for

early years education and child care. As Fiona Hyslop and the minister stated, they are areas of tremendous importance. Getting them right will be enormously beneficial for children, as they will ensure that children get off to a positive start in life. They will also be of benefit to parents, as they will give parents a helping hand in the rewarding, but often difficult, duty of raising children.

I hope that today's debate will build on the constructive work of the Education Committee, whose early years inquiry we debated last October. I shall start by providing an overview of the early years sector, then reiterate the three key priorities that I have taken from the inquiry: ensuring that nursery children have sufficient access to qualified teachers, making better use of early intervention, and building on the success of family centres. Fiona Hyslop will remember our visit to Whitburn.

The picture for early years is reasonably encouraging. The state entitlement to nursery education has been taken up almost universally. However, we must improve the flexibility of pre-school education and child care options so that they are readily open to parents. We must attach less importance to the habits or prejudices of local authorities and more to the specific needs of families. To that end, the Executive should embrace enthusiastically the new salary sacrifice child care vouchers that the Chancellor of the Exchequer, Gordon Brown, introduced in 2005, which can save parents nearly £100 per month on child care costs. All public sector bodies should offer such vouchers, which would not cost the Executive a penny. The Executive should also encourage more private sector organisations to provide them.

I turn to the Education Committee's recent inquiry into early years and the three priorities that I have taken from it. First, I am genuinely apprehensive about the decline in the number of qualified teachers who are working in early years establishments and believe that the Executive should address the matter by issuing guidance to local authorities and by reforming early years teaching posts and training to make them more attractive to trainees. I acknowledge the reassurance of the Minister for Education and Young People, Hugh Henry, that many in the early years workforce do not have teaching qualifications but are highly skilled and dedicated, but I maintain that teachers have a unique set of skills that we cannot forgo lightly. Their knowledge and, sometimes, experience of children at later stages of development make them particularly suited to identify which children may have additional support needs.

Secondly—this is related to my first point—I emphasise the importance of early intervention.

Generally, care for the under-threes has been seen as the poor relation of three-to-five pre-schooling, but it must now be a priority. There is significant scope in both sectors for early intervention to identify children from disadvantaged backgrounds and those who have additional support needs or are otherwise at risk and to support them individually.

Thirdly, much potential benefit is offered by family centres in which a multidisciplinary team works together to provide a wide range of children's services under one roof. For maximum cost-effectiveness, that type of early intervention should be targeted in the first instance at deprived areas.

Scotland has many important institutions, but families are the most important. Parents are adults and should be treated as such by heeding their views and giving them flexibility. Equally, children should have their childhoods protected, so that they may grow up in a stable family environment supplemented by high-quality child care provision. If I may, I will quote the excellent wording the clerks to the Education Committee used when they summed up the committee's views in our report:

"In ten years' time, we want Scotland to have an early years sector that gives all children the best possible start in life, that values and develops them and is aspired to by the rest of the world."

We owe our country's children nothing less.

I move amendment S2M-5549.1, to leave out from "that there needs" to end and insert:

"can assist parents with the difficult but rewarding task of raising children; further believes that provision must be advanced, highly-skilled and flexible in order to meet the range of needs that parents and children in Scotland have; therefore expresses its concern that access to qualified teachers in nurseries may be insufficient in some areas of Scotland; recognises the potential that early intervention has for helping children from disadvantaged backgrounds, or who have additional support needs or are otherwise at risk, and calls for serious consideration to be given to expanding the number of family centres, particularly in areas of deprivation."

10:56

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** Like many other members, members of the Education Committee have spent a lot of time considering how we can best invest in Scotland's young people, particularly through pre-five provision. Committee members have consistently taken the view that we need to find ways in which to continue the progress that has been made since the Parliament was created.

Robert Brown identified the key changes that are taking place in Scotland. We should not undervalue them. It is regrettable that, because of

its tone, the SNP motion misses some of the major development work that we in the Education Committee valued when we looked at pre-five provision.

Any developments towards providing a nursery place for every three and four-year-old in Scotland are welcome. We have invested in sure start Scotland to ensure that we take an integrated approach to supporting children, and to supporting families in the difficult task of bringing up young people. We have committed to funding through a variety of mechanisms, such as the conventional funding mechanisms for general procurement in local authorities and through public-private partnership schemes. Individuals identify whatever is appropriate at a local level. Capital investment, as well as investment in individuals, is another key component to try to change the debate about educational experience.

Members who were fortunate enough to see the television documentary about Polmont young offenders institution last night can appreciate the impact on people of our not intervening early, particularly in young men's lives. If we do not intervene, they will end up with the kind of behaviour, attitudes and inarticulacy that was evident in the documentary. If members did not see it last night, they should try to catch the follow-up next week.

The Labour-led Executive and our Liberal colleagues have taken a very positive approach to try to tackle investment. We have invested in early years education and child care and we have done exceptionally well. For example, 94 per cent of under-fives in Scotland are enrolled in early years education, which compares well with the educational average of 68 per cent. If we compare ourselves with what Westminster has done, as the SNP motion asks us to, we find that 81 per cent of under-fives are enrolled in England and Wales. We are ahead of the United Kingdom in that respect.

Labour is entering the pre-election period with interesting developments ahead of us. Our starting point is the need to intervene much earlier in children's lives—even earlier than at the three to four years stage—and we need to find the resources to do that. However, such interventions must be flexible and respect the aspirations of working parents. Most important, services and staff must be of a high quality.

Although I commend qualified nursery teachers, I recognise that many other people contribute to the quality of pre-school education in Scotland.

**Fiona Hyslop:** Does the member share my belief that we should debate early intervention and support for two-year-olds and focus on the need to support families and parents? Does he agree that



we might need to debate further the idea of removing children from their parents at the age of two?

**Mr McAveety:** Individuals need to address that decision in a crisis, but I do not recommend that we take children away from their family circumstances unless there are powerful and compelling reasons to do so. Key psychological and emotional evidence tells us that children need their parents, whether they are the birth parents or guardians and carers.

I have mentioned the curious tone of the SNP motion. I compliment Fiona Hyslop on commending the Labour-run Parliament in London and the Labour-run National Assembly in Wales. The logic of that is that she will celebrate a Labour victory in the forthcoming Scottish Parliament elections. Let us wait and see whether that happens. The SNP motion is important because of what it does not say. It makes general points about investment in a 10-year strategy and early years services. Ken Macintosh touched on what the implications of that might be.

If we are going to cite heroes or use examples from other parts of the UK, I offer Nelson who, like the SNP, turned a blind eye to the obvious issues. How will the SNP fund its proposals? How will it fund increased services when it has a capping regime for local authorities, which should be flexible enough to manage the proposed scheme? How will the SNP fund services if it is reluctant to support existing levels of capital investment in Scottish schools? More important, how will it fund services without any real consequences in terms of capital and the impact on the delivery of services?

Glasgow already offers a substantial programme of pre-school provision and the number of weeks and hours available is above the Scottish average. Does the SNP propose a commitment to a 50 per cent increase in pre-school provision over its existing commitment—or is it only a 25 per cent increase or whatever the percentage is? Clarity about that proposal from Fiona Hyslop and the SNP would be welcome.

The Executive has a very good record of investing in young people. We need to ensure that that continues. I favour the debate that has been raised by members of the Wise Group. Alan Sinclair said to the newspapers recently that we skew our funding to further and higher education and that the Parliament needs to find ways to try to reverse some of that every year over the next 10 years. I would certainly engage in that debate. The SNP missed the point in its motion. The Executive has made tremendous efforts in early years investment, and long may that continue.

11:02

**Jim Mather (Highlands and Islands) (SNP):** I am totally persuaded of the importance of developing early years education and care as a key area of educational focus. As a former businessman, I am not alone in that view. The Smith group, in the shape of extremely successful businessmen such as Sir Robert Smith, Sir Tom Hunter, Jim McColl and Willie Haughey, has reached that same conclusion. Not only does early intervention help children, it promises to be the strategy that could reduce the not in education, employment or training pipeline and improve the life chances of thousands of young people in Scotland.

This Parliament and big business, in the shape of the Royal Bank of Scotland, Clyde Blowers, City Refrigeration and West Coast Capital, have fuelled the debate, particularly in the Allander series of lectures in 2003 and 2004. Among the very best of those lectures was given by the Nobel laureate Professor James Heckman. He made the plea for increased spending on early years education in deprived areas and evidence-led policy emanating from that and combined those tactics to make his case.

Heckman pioneered such a dual approach in deprived areas in Baltimore, the net effect of which was the switching on of the cognitive and non-cognitive skills of many youngsters. He has profuse research-based evidence that it is at this vital early stage that cognitive skills—the skills of how to think—and non-cognitive skills, such as communication, concentration, honesty and discipline, are embedded.

Heckman has evidence that appeals to business people, taxpayers, parents, teachers and the custodians of the public purse, and offers a cost justification that is made up of many components. For example, Heckman's approach produces less disruption in class; youngsters are more engaged and respectful; there is less involvement with the police and the courts; youngsters are more aware of their reputations and potential; there is increased likelihood of educational attainment because youngsters are more motivated, aware of cause and effect and of building up a good educational skills base; and there are increased chances for youngsters to discover their strengths and enthusiasm, which is a direct effect of their being treated seriously from the outset and given the skills they require.

It is more likely that youngsters will hold down a job, because confidence and skills are embedded in that process—and the increased awareness that they can achieve, promotion, advancement and migration to successful self-employment are vital. All that is a result of their grounding in awareness and ability to learn and augment skills

over time. There is also the possibility of an increased chance of youngsters maintaining relationships in early life and bringing up healthy, motivated youngsters.

In other words, if we emulated Heckman to the full we could have a virtuous circle that could go well along the way to transforming Scotland. I was heartened that Peter Peacock attended the lecture. I hope that the message is increasingly being taken on board. I took comfort from the minister's acceptance of many of those arguments in his opening remarks.

However, with the SNP, Scotland will enter a new phase where such inputs are even more firmly taken on board. Other lessons can be learned from the world of business. People such as Professor Umit Bitici at the University of Strathclyde's manufacturing department are keen to see the concept of process improvement taught in our nursery and primary schools so that we get across understanding of the process of teaching, the process of learning, the process of doing homework and the process of building a brand. It might be just wee Johnny Smith, but he could be another Willie Haughey or another Jim McColl.

The Deming learning centre in Ellon in Aberdeenshire indicates that the Deming approach can bring stakeholders together and address antisocial behaviour. It offers youngsters more rewarding channels for their energy, ideas and exuberance—the more that happens at an earlier stage, the better.

We can pull all this work together. Perhaps we should ask Government departments to take more shared responsibility with the business community. The Education Department, the Health Department and the Enterprise, Transport and Lifelong Learning Department should take co-ownership with business of the NEET issue and seek to improve the figures and, incrementally, over time, the life chances of those young people. Such an approach will require a good educational basis in the shape of early years education and a willingness to flex policy in the light of long-term evidence. On that basis, I have great pleasure in supporting Fiona Hyslop's motion.

11:07

**Iain Smith (North East Fife) (LD):** I welcome the debate on this very important topic. I think that there is a degree of broad cross-party agreement on the way Scotland should be moving on the matter, but I am a little disappointed that the Scottish National Party has given it so little priority—it is holding the debate on a day when it is giving priority to its stunt on the future of bridge tolls. That is disappointing because the issue

deserves to be given a whole debate, not to be split by that diversion.

The Education Committee's report, which several members have referred to, achieved consensus. It identified a number of key issues in relation to early years provision and recognised that we have made considerable progress since devolution. It also recognised that some provision is piecemeal, that there are a number of disparate funding streams, different projects and different priorities that sometimes compete with each other and that those issues need to be addressed.

The committee's report acknowledged, in particular, the extreme importance of early years education for the long-term welfare and development of children and for the future of our economy. It stressed the need to have a more co-ordinated approach to pre-school children in respect not only of provision, but of the workforce. The report stated that we have to look at the qualifications of the workforce to ensure that there is a co-ordinated and sensible system of training and development for our workforce. The committee called for a 10-year strategy, because we need to see where we are going if we are to ensure that the investment that we make in the short and medium term is in the right areas and that people who make that investment have a clear idea of where we intend to be in 10 years' time.

The Executive has done much. It is important to recognise the importance of the provision of free nursery places for three and four-year-olds and to acknowledge that the 96 per cent uptake of provision is a valuable contribution to early years.

I am slightly disappointed that Fiona Hyslop claimed that the problems that we see today with our 16 to 19-year-olds are the result of the Scottish Executive's failure. I do not think that anyone can argue with the fact that no child who has entered nursery since August 1999, which is the earliest date at which the Scottish Executive could be held to have any responsibility, has yet left primary school, let alone turned 16. Today's 16-year-olds were three in 1993.

We can all agree that the UK Government gave too little priority to early years education prior to 1999 and that that situation has changed as a result of devolution, but we need to do more.

Evidence given to the Education Committee clearly shows that the earlier we intervene, the better it is for children. It is important that we recognise that children's future development and behaviour patterns can be set by the time they are three. It is on that point that I am particularly disappointed with the SNP's motion. The SNP seems to be prioritising extending the hours of nursery education, yet no evidence has been

presented that that would provide additional educational benefit to young people. The evidence that the Education Committee received was that that would produce no additional educational benefit.

**Dave Petrie (Highlands and Islands) (Con):** Will the member take an intervention?

**Iain Smith:** I am sorry, but I think I am in my last minute. I may be wrong, but I think I am in my last minute.

**The Deputy Presiding Officer (Murray Tosh):** I am prepared to give you five minutes, Mr Smith.

**Iain Smith:** In that case, I will take a brief intervention.

**Dave Petrie:** Iain Smith has said a lot about education, resources and extended hours, but does he accept that diet and exercise are equally important, as they can set a pattern for later years?

**Iain Smith:** Absolutely. I am about to come on to that, because it is important that we recognise that we must make that investment, not only in the three-to-four age group, but in the earlier age groups. That is why the Liberal Democrats are today launching a very important policy to ensure that all two-year-olds will have 15 hours a week in a supervised playgroup if their parents wish it.

It is important that we recognise the importance of play and exercise for young people and the importance of ensuring that they have access to healthy, nutritional food when they are at playgroups. It is extremely important that we move the investment to include not only three and four-year-olds but the pre-threes, because that is where the biggest difference will be made in the long term. There is clear evidence that the more investment we make in our young children at that age, the more benefit they will have in later life. That is where our policy launch today is significantly different from the SNP's policy, which is about a Dutch auction as to how many hours children should have in education.

It is important that we recognise the need to invest heavily in the training and development of our early years workforce to ensure that we have a skilled workforce across the sector. We must recognise that we need to look at a new professional approach that does not say that someone has to be a teacher or a nursery nurse, but that they are an early years educationist or child care worker.

I welcome the debate, but I hope that we will look at issues other than nursery education.

11:12

**Ms Rosemary Byrne (South of Scotland) (Sol):** I welcome today's debate. Nursery schools and nursery classes are an important aspect of the start of childhood education. We must remember that early intervention at that crucial stage can mean a great deal to any young person's future. It is fair to say that nursery nurses can easily spot issues and problems related to young people at that key early stage.

For a number of reasons, I think that it is very important that we maintain our qualified teachers in our nursery classes. It is important that we have good, qualified staff, whether they are teachers or nursery nurses, but the classes should all be led by qualified teachers. Nursery nurses have been greatly undervalued over the past few years. The settlement that they got from industrial action has torn apart a high-quality service, as a result of local authorities being able to go for the highest bid. The result has been movement that we could do without.

We need to return to national agreements on pay and conditions for nursery nurses to ensure that our national strategy for early years education and child care is firmed up completely. I say that because we underpay and undervalue those key workers, who work with the most vulnerable young people in our communities. The situation is akin to care of the elderly—another sector in which we undervalue and underpay workers. It is about time that we respected the workforce much more than we do now. I felt that it was important that I made that point.

As I said, a quality nursery education depends on the mix of teachers and qualified early years nursery nurses. Nurseries must have access to qualified staff from all aspects of the sector. Teachers are much more able to identify at an early stage difficulties that will affect a young person's transition into primary school. They know the school curriculum and set-up and they have closely studied all aspects of child development, so they are in a good position. However, specialists should also have access to nurseries. Far too often, nursery nurses tell us that they are worried about a child. We need to ensure that there are enough educational psychologists, teachers with additional support needs qualifications and nursery nurses who are trained to work with young people with additional support needs, so that young people's needs can quickly be identified and key planning can take place to ensure that targets are set and frequently reviewed.

Parents must be included in such planning, but many establishments are seriously lacking in that regard. Far too often, parents are told to wait until their child is in primary 1—only to be told then to

wait until the child is in P2. We need to change such attitudes and ensure that if a child's needs are identified at nursery, support is followed through in the transition to P1. There is good practice in that area, but much work remains to be done. If we do not get that right, there is no point in extending provision.

I am all for giving all three and four-year-olds much more access to nursery education, but we must build in flexibility to support working parents and families who need extra support. We should have integrated community schools that children attend for early years and primary education and into the transition to secondary school. The community and parents should have ownership of the school, so that parents can go in and out of the school and feel comfortable about the education that they receive about their children, for example, through parenting classes and classes in child development.

My vision is slightly different from that of other members, but I welcome the debate. I hope that we can carefully scrutinise the transition between nursery school and P1.

11:17

**Mr Kenneth Macintosh (Eastwood) (Lab):** Members will be well aware that I always welcome the opportunity to debate education, particularly in the early years, in the Parliament. Such debates present me with an opportunity to enlighten members about the advances that are being made in that pioneering local authority, East Renfrewshire Council. I also hope to inform members about the difference that is made in people's lives when they live in a Labour-led authority area, under a Labour-led Executive that puts education first.

I am proud of what we have achieved in my constituency. My children have experienced the benefits of those achievements and I have seen with my own eyes the new buildings and the huge expansion in nursery and early years provision. Family learning opportunities, books for babies, the sure start initiative and early intervention programmes have all been provided because the Government is committed to education, education, education.

Members will be relieved to hear that I will refrain from being overly parochial. I want to contrast the Labour Party's record, in backing up its commitment to early years education with investment and spending and in being prepared to take hard decisions, with that of an Opposition party whose only guaranteed commitment is to separation, separation, separation. I do not think that there is a member in the Labour or Lib Dem ranks who does not acknowledge that more

remains to be done in early years or nursery education. However, surely no one but the most blinkered party hack could condemn our record in the area—yet the motion uses the word “condemns”.

Even worse than that ridiculous, misplaced hyperbole, the motion presents us with yet another uncoded, implausible spending commitment from the Scottish National Party. The motion calls for

“a 50% increase in free nursery education”.

The SNP's policies in the area are quite remarkable. There is no huge ideological divide between us; if we drew up a wish list for nursery education, an expansion in provision would be on it. However, despite—or perhaps because of—its eight years in opposition, the SNP can say nothing new and draws up only wish lists that contain empty promises and uncoded pledges, which could not possibly be fulfilled because the sums do not add up.

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

**Mr Macintosh:** I will give way in a second, but first I want to expand on my point—the member might care to respond to it.

On the basis of current costs, a 50 per cent increase in free nursery education would cost £73.5 million a year, which would amount to £292 million over the next session of the Parliament—that is the minimum cost; there might be other costs. There is nothing wrong with the policy, but how would the SNP pay for it? The SNP is also committed to spending an extra £160 million over the same four-year period on free school meals for middle-class children who do not want free school meals. The SNP also says that it will spend £1.8 billion to abolish the graduate endowment—that is over just the first year; it would cost almost £2.5 billion over four years to get rid of the graduate endowment and replace student loans. However, that policy will not lead to one extra student in our country being educated. It is a remarkable commitment.

**Fiona Hyslop:** Can we get real here? Does the member think that the Westminster Government's plan to deliver 20 hours of nursery education by 2010 is implausible? That is more hours than we are promising to deliver. Why is the Westminster policy plausible?

**Mr Macintosh:** Because it is part of a coded programme. The Westminster Government is not making all the other promises that the SNP is making, which I will list. The SNP's total proposed spend is unbelievable to anyone who takes more than a cursory interest in such matters.

The SNP is entitled to put its policy choices to the electorate if—that is a big if—it says which taxes it will increase and which spending cuts it

will make. However, the SNP says that it will freeze council tax for two years, which represents a spending commitment of £55 million over the next session of the Parliament. The SNP admits that it will increase income tax for everyone, but although it knows that income tax would have to increase by 6 per cent—not to pay for new commitments, but to maintain current services—it says that tax will go up by only 3 per cent. The SNP will increase everyone's income tax by 3 per cent but still leave itself £1 billion short—a vast sum—in local government spending to pay for schools or care for the elderly. That would be a remarkable achievement.

I said that I would not be parochial, but I want to demonstrate what that policy would mean to the rest of us. In East Renfrewshire, more than 100 teachers would be lost—in contrast, since Labour has been in power, an extra 264 teachers have been delivered in the area. On top of that, the SNP's policy would mean that nursery or school building programmes would not go ahead, because they are funded through public-private partnerships.

Let me recap. The SNP will increase income tax for everyone in Scotland by 3 per cent, but it will reduce local government spending by more than £1 billion, which will lead to the loss of 100 teachers just in my area. It will scrap the school building programme and it will tax pensioners and low-paid workers to give the kids of middle-class parents school meals that they do not want. It will spend more than £2 billion on further and higher education without gaining one extra student or lecturer. Somehow, on top of all that, the SNP expects us to believe that it will find just short of £300 million to provide an extra six hours of nursery education a week. The SNP is as dishonest as it is opportunistic. It is a party wedded to opposition and I hope that it remains in opposition.

11:23

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

Unlike Mr Macintosh, I hope to speak about early years education.

Fiona Hyslop opened the debate with a rather idealistic but nonetheless moving and quite relevant summary of the position of young people in society. The Parliament has debated problems to do with young people as they reach early adulthood many times, under the heading of justice as well as of education. Although we need to address significant problems to do with how teenagers are dealt with in school, early years education is almost as relevant to the issue. We must consider how we develop young people's thoughts and ideas as they move into education. Early years education has a long-term impact.

Fiona Hyslop was reasonably generous, although perhaps not as generous as she appeared to be, when she suggested that the build-up of resources and effort in early years education pre-dates the revolution of 1997. The furthering of early years education was a priority of the Conservative Government.

According to the SNP motion, our biggest priority must be to increase by 50 per cent the number of hours that children spend in the pre-school system. One point that has arisen during the debate is that, although that must be an on-going priority, it is not the biggest single priority. We all support continued pressure to increase resources for early years education, but any increase in the support must be clearly defined and targeted. Robert Brown said that resources must be targeted at increasing the quality rather than simply the quantity of early years provision. I am inclined to agree with his suggestion that quality should be the priority.

Lord James Douglas-Hamilton set out in greater detail how that priority should be set. He highlighted the issue of access to teachers, of which there is a grave shortage, and the workforce issues in early years provision, which other members have raised. I have a daughter who has a qualification in early years education, which she achieved three years ago, but she has never worked in a job for which the qualification was required, as she does not see that as an appropriate way in which to pursue her career.

My colleague James Douglas-Hamilton and other members highlighted the requirement to target resources at specific needs. We all have an aspiration on the general provision of early years education but, in practice, needs differ in different areas and, to an extent, in different social groups. It is absolutely essential that we target early years provision in areas of deprivation. It is obvious that specific damage occurs as a result of social deprivation and that that must be addressed specifically through targeted additional resources. Another group with specific needs are working parents. James Douglas-Hamilton suggested that we should copy the voucher system that exists in the south, so that working parents can tailor the available care to fit their requirements and so that, when parents choose to put in additional resources, they are not undermined by having the advantage of the other resources, to which they contribute, withdrawn.

I was surprised to find myself in agreement with a great deal of what Rosemary Byrne said. The debate has been sensible and fair, but the bottom line is that the resources that are available for early years education must be targeted at improving quality rather than quantity. I therefore

support the amendment in the name of James Douglas-Hamilton.

11:28

**Robert Brown:** As has been said, the debate has been a thoughtful one with many good points. The Parliament has a tradition of good debates on education. All members clearly accept the importance of the early years in shaping young people's futures and the need to build on the foundations that we have established. I confess that I rather liked Jim Mather's phrase when he talked about early years education being a strategy to reduce the NEET pipeline. There is an element of truth in that, which we acknowledge. However, I agree with the point that another member made that it is a bit rich to blame the Executive for the alleged failures of the early years policies that led to the issues with the present NEET group.

I pay tribute to the Education Committee's work in its inquiry into early years education, which placed several interesting spotlights on some of the themes, particularly the need to make progress with more cohesive provision in certain areas and to join up the provision that is developing throughout Scotland. That is an important point. Several members spoke about the need to move resources to early intervention. I agree to a reasonably significant extent with that direction of travel. However, I am not sure that the SNP is best placed to make that point given, as has been pointed out—although I make the point from a different perspective—its commitment to invest £1.8 billion in its policy on student loans. That does not quite match what the SNP says on early years provision. How the sums add up and the arrangements are important issues.

What is the SNP saying? An SNP press release from December 2006 with the heading

"It's Time to Double Nursery Provision"

confirmed the SNP's

"commitment to double current nursery provision".

However, by February 2007, the SNP's website appears to make a commitment to a 50 per cent increase in nursery provision. I am not sure what the policy is and I would like clarity on that from the SNP member who sums up the debate.

The SNP must take on board the point that Iain Smith and Alex Johnstone made about the priority. A debate has opened up about whether the spending priority should be to increase the existing provision for three and four-year-olds or to deal with children under the age of three, given all the issues that have been talked about in the debate about nurturing, bonding, early development and the importance of early intervention. As Alex

Johnstone rightly said, that is particularly important for the more vulnerable children of that age. He made a good point about that in a good speech. The SNP must take on board some of those issues. The SNP's website suggests that it is obsessed with nursery education for three and four-year-olds, on which we have already made substantial progress.

The SNP must take on board the point about the instability that would come about through its obsession with separation. Ken Macintosh rightly touched on the SNP's uncoded wish list, which does not exist in isolation, but instead affects the credibility of the SNP's policies on key matters such as education, particularly early years education. The SNP should ponder on those matters when it criticises other parties' policies on early years education. It is important that people believe in the viability and sustainability of policies and the ability of those who propose them to fund them at the end of the day. The Scottish Executive has built solid foundations and has put resources into the key issues, although there is certainly more to be done and great challenges to meet. We want to make progress in that direction.

I am glad that there is renewed energy in the debate about the future direction of early years policy in Scotland, which I am sure will come through in the forthcoming election campaign. Some interesting differences between the parties' policies have opened up during the debate although, as Iain Smith rightly said, all parties share common ground on the importance of the matter. Recent publications such as Alan Sinclair's report on early years for the Work Foundation, which was referred to earlier, remind us how important the issue is and, more important, of the breadth of the issues that we must address.

I said in my opening speech that the SNP's motion is shallow and simplistic. I stand by that suggestion, as the debate has shown just how shallow and simplistic the motion is. The debate is worth more than that and the speeches that have been made have established that. We must make progress through consistent and coherent policies. I therefore ask the Parliament to support the Executive's well-founded amendment.

11:33

**Mr Adam Ingram (South of Scotland) (SNP):** We have had an interesting, if somewhat patchy debate—Ken Macintosh's speech, in particular, was very patchy—on a key issue in the education debate that will, I suspect, feature significantly in the forthcoming elections. My friend Jim Mather likes to identify the core problem. In our education system, the core problem that we face is the persistent underperformance of one in five school pupils. We have had 10 years of Labour rule but

no improvement in attainment levels among the lowest-performing 20 per cent of the school population.

How can it be acceptable that so many of our youngsters go through the school system without acquiring the basic literacy and numeracy skills that are needed to fit them for their working lives? It is a national scandal that we continue to have one of the highest rates in the western world of 16 to 19-year-olds who are not in education, employment or training. Those stark facts are an undeniable measure of Labour's failure to deliver on its education, education, education pledge. Let us not forget that the Liberal Democrats in Scotland are fully complicit in that failure.

We all know that poverty and deprivation are the root cause of educational underperformance. The Labour Government has failed to break the vicious cycle of poverty, lack of qualifications, low pay and unemployment, yet it is clear that early intervention, through the provision of high-quality child care and early years education, is the key to turning that situation round. For children from deprived backgrounds—Alex Johnstone mentioned this point—such an approach provides the early cognitive and behavioural gains that, if they are properly supported through the school journey, can help to equalise life chances and educational opportunities.

I do not understand why the Executive has allowed the early momentum that was gained with the introduction of free nursery places for three and four-year-olds to run out of steam. The constant interference in policy development by a First Minister who fancies himself as an education guru may have something to do with it. Whatever the reason, progress in Scotland has been limited in comparison with what is happening elsewhere in Europe, including south of the border, where there is a 10-year child care strategy. Here, the Executive inexplicably regards a three-year planning horizon as sufficient for the delivery of high-quality services, and the provision of family centres in deprived areas as a matter for local consideration. No leadership; no ambition; no idea—it is time to sweep this tired regime and its failed policies out of the way of real progress.

As Fiona Hyslop set out, the SNP will inject much-needed dynamism into early years policy. The SNP would introduce a 50 per cent increase in hours of free nursery education, and access to a nursery teacher for all our pre-school children—that is an improvement in quality as well as in quantity. Class sizes would be cut to no more than 18 for primary 1, primary 2 and primary 3, and there would be pilot provision of free school meals for that same group of children. Our aim is to give our children the best possible start to their education by allowing their teachers to spend the

time they need to work individually with their pupils. Much of that can be funded by the Barnett consequential that the Executive is currently forgoing in the early years field.

**Robert Brown:** In the litany of policies that the SNP would introduce in the ideal world, what would it do for the under-threes? That central point has been made throughout the debate. In that context, does the member welcome the progress on the pilots for vulnerable two-year-olds?

**Mr Ingram:** I certainly welcome those pilots.

What I am expressing today is not the limit of our ambitions. With independence, we would move as quickly as we could to the type of universal nursery and child care provision that is enjoyed by the Scandinavian social democracies. With our programme, we will have laid down an important marker on the road to that future.

**Mr Macintosh:** I thank Mr Ingram for holding back on his dynamic speech to take a question. During my speech, I asked about funding. Mr Ingram seems to suggest that the SNP will move to universal nursery provision. He also hinted that the SNP would expand family centres throughout the country. Is that true? How does that compare with the costings for family centres in the Education Committee's early years report?

**Mr Ingram:** We need no lessons in prudent spending from Labour, which has constantly underestimated the cost of its legislation by an average 20 per cent per law passed in the Scottish Parliament. Labour's extra spending commitments for rail links, trams and housing transfers in the next session of the Parliament amount to a whopping £3.7 billion. To top it all, big brother in London will burden Scottish taxpayers with another £9 billion on son of Trident, identity cards, the Iraq war and the London Olympics—not so much a union dividend; more a London Labour levy.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:40

#### Housing Policy

**1. Tommy Sheridan (Glasgow) (Sol):** To ask the Scottish Executive what its assessment is of the performance of its housing policy since 1999 in tackling homelessness and providing a suitable supply of affordable social housing. (S2O-11922)

**The Minister for Communities (Rhona Brankin):** With investment of nearly £2.7 billion since 1999, we have already provided more than 47,000 new affordable homes for people who are in housing need, including homeless households. A further 15,000 new homes are in the pipeline over the next two years. In 2003, we introduced the most progressive homelessness legislation in Europe to give every unintentionally homeless person entitlement to a permanent home by 2012. We are committed to meeting that target, as we are to increasing the supply of high-quality affordable housing for communities throughout Scotland.

**Tommy Sheridan:** Does the minister accept that the Executive's record on homelessness is one of dismal and shameful failure? In 2000-01, 26,200 households in Scotland were registered as homeless, and in 2005-06, 36,299 households were registered as homeless—a 38 per cent rise in homelessness in six years. Does the minister accept that without the construction of at least an extra 10,000 more socially affordable houses every year over the lifetime of the next parliamentary session, we will do nothing to tackle the shameful crime of homelessness in Scotland?

**Rhona Brankin:** I absolutely do not accept that premise. It is simply because we are determined to tackle the scourge of homelessness that we have flushed out hidden homelessness and made it easier for people to have their needs met. More applications are evidence that we are getting to grips with the real problem. There are now fewer children in bed-and-breakfast accommodation. More people are being rehoused in permanent accommodation. We are ensuring that people come forward for assistance, and we are providing better outcomes when they do. Since 2003, we have doubled our investment in affordable social housing. We have a £1.2 billion programme for 21,500 good-quality, affordable homes over three years. We are helping 135 people every week. Next year, that will be more than 150 a week.

Thousands of families and individuals are already getting the keys to new homes.

A press release today from Tommy Sheridan says that the Executive has

“refused to facilitate the building of good quality and affordable homes”.

That is palpably untrue. In my constituency, Midlothian, thanks to policies implemented by the Executive, no fewer than 1,000 homes are being built for affordable let. Given that Tommy Sheridan's party has been up and running for six months, I would have thought that he would have had time to come up with coherent and costed policies on housing, but we are still waiting.

**John Home Robertson (East Lothian) (Lab):** Has the minister noticed that East Lothian Council has had to spend £13 million to buy houses at the full market value to try to comply with the Executive's homelessness regulations, after selling those same houses at massive discounts under the right-to-buy legislation? In view of the fact that that could be seen to raise questions about the consistency of Government housing policies, will she now take steps to help to secure affordable land for the construction of affordable rented houses in areas such as East Lothian and, indeed, Midlothian?

**Rhona Brankin:** I am very much aware of some of the issues in East Lothian, where there is an apparent shortage of land for development, which is pushing up land prices. Our recent planning reforms are intended to make the planning system much more proactive and to identify land for development. We are reinforcing that through the current review of Scottish planning policy 3, which will emphasise the importance that we attach to making available sufficient land to meet identified need in an area. Programmes such as homestake are particularly important in East Lothian.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** The minister talks a good game but, as I am sure she will confirm, the reality is that between 1999 and 2004 the Executive built fewer affordable houses for rent each year than the Tories did in 1995. This crisis has been a long time in the making. Is she not responsible to the Executive for the crisis?

**Rhona Brankin:** We have a hugely positive story to tell about affordable housing. Every week, 135 people are being supported as they go into affordable housing. Next year, it will be more than 150 people each week. We have doubled investment in affordable housing. The Scottish National Party must come forward honestly with its proposals. Where is the money going to come from? The Executive is addressing the issue of affordable housing; what is the SNP doing? It is telling us that it will give first-time buyers £2,000.



Where is that money going to come from? That will come to a total of £272 million a year, but there is no indication of where it will come from. With the black hole that the SNP has in its budget, it will need to be up-front with us on this issue.

**Dave Petrie (Highlands and Islands) (Con):** Does the minister agree that, ironically, the irresponsible scaremongering by the SNP and the socialist parties over stock transfer has resulted in a worsening of living conditions among some of the poorest families, who are being given escalating rents, badly maintained properties and insecure futures?

**Rhona Brankin:** I do not agree. Since the stock transfer, Glasgow Housing Association has delivered a step change in investment for its tenants: £450 million will have been spent through the GHA's improvement programme by the end of this financial year. That is bringing clear and tangible benefits to tenants, with 22,000 new bathrooms and kitchens and 28,000 central heating systems. That has opened up new opportunities for greater tenant control and for the regeneration of some of Scotland's most deprived areas. We are delivering for Glasgow's tenants, and we will continue to deliver for them.

### Planning (Supermarkets)

**2. Mr Andrew Welsh (Angus) (SNP):** To ask the Scottish Executive whether it is satisfied that current planning laws are adequate to deal with rapid, competing supermarket developments and to ensure fairness and long-term benefit. (S2O-11899)

**The Deputy Minister for Communities (Des McNulty):** Although Scottish planning policy is not concerned with regulating competition, it aims to ensure that all sectors of the community have access to a choice of shopping, therefore it supports the protection and enhancement of town centres and indicates that they should be the first choice for new shopping developments.

**Mr Welsh:** In the face of the increasing rivalry between supermarket chains, which are well armed with the best, most expert legal and planning advisers, and are building up land banks and effectively blocking or delaying decisions affecting large and small towns throughout Scotland, what is the Government doing to ensure that the wishes and best long-term interests of local residents are protected?

May I again express to the minister the frustration of the people of Arbroath, whose clearly expressed location preference has been denied, while another location decision is being held up in the minister's department? When will he announce his decision on the Arbroath situation, which

illustrates a serious and more general national problem?

**Des McNulty:** In relation to the Arbroath situation, the developer also requires consent for road construction under the Roads (Scotland) Act 1984. That consent was refused by Angus Council, and the developer subsequently appealed the decision to the Scottish ministers. As Andrew Welsh is aware, it is a complex local issue. It is extremely important that the Scottish ministers carefully consider all the evidence that is put forward not just by the developer but by other interested parties, including members of the local community, who have the right under the 1984 act to make representations prior to a decision being reached. The process is now at an advanced stage, and it is anticipated that the decision on whether or not to grant a road construction consent will be made very soon. I am sure that members will appreciate that it would not be appropriate for me to make any further comment at this stage that could be prejudicial to the eventual outcome.

### Microsoft Vista

**3. Patrick Harvie (Glasgow) (Green):** To ask the Scottish Executive whether it intends to install Microsoft Vista on its computer systems. (S2O-11982)

**The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon):** The Scottish Executive is currently reviewing its technical computer platform and will be considering all options in the light of its business requirements and information strategy.

**Patrick Harvie:** The minister might have been worried that I was just going to stand up and have a rant about Mr Gates. I will happily do so another time but, on this occasion, I ask whether the Executive's review will include the environmental impact of installing Vista, which, as Greenpeace has warned, will lead to a deluge of computer hardware being rendered obsolete, despite it being entirely serviceable under other operating systems. In particular, will the Executive consider the contribution that the free software movement can make towards making the best use of the hardware that we already have, rather than having huge amounts of it ending up in landfill sites?

**George Lyon:** As I said to the member in my initial response, we are currently reviewing our technology base. In that review, open-source solutions will be considered alongside proprietary ones, and information and communications technology procurement and contracts will continue to be awarded on a best-value basis. All options are being considered, and the next technology upgrade could be an open-source solution, a proprietary solution or a mixture of

both. In coming to final decisions, a range of considerations will be taken into account, primarily on a best-value basis.

### Supporting and Developing Healthy Communities

**4. Mark Ballard (Lothians) (Green):** To ask the Scottish Executive what action it will take following the release of the report of the supporting and developing healthy communities task group. (S2O-11980)

**The Minister for Health and Community Care (Mr Andy Kerr):** I have already accepted the recommendations in the report from the community-led supporting and developing healthy communities task group. Officials have established a steering group, which is leading implementation of an action plan to follow up on the recommendations. The group met on 22 January.

**Mark Ballard:** I welcome the minister's commitment to accepting the task group's recommendations and to the establishment of the steering group. Given that, according to page 119 of the Scottish Executive's budget, spending on health improvement is set to decline in real terms next year and the year after, will the minister's acceptance of the task group's recommendations have an impact on financial support for health improvement in Scotland?

**Mr Kerr:** The member needs to read the budget a bit more carefully. The £10.3 billion that the Executive will spend on health will be spent on health improvement, not just on the health service. One only has to consider the initiatives that are taking place all around Scotland, for example on school meals, supervised tooth brushing in nurseries and other work in communities, in workplaces and, of course, in the national health service. To say that spending on health improvement is reducing is utter nonsense.

Turning to the substantive point, the Executive's job, in my view, is to give resources, on behalf of the taxpayer, to health boards, which are close to communities and can run exceptional local community projects—as they are doing—thus ensuring that appropriate initiatives are taken. I choose to ensure that the money goes from the Executive to health boards because they are best placed to make judgments on local health interventions, and particularly on health improvement. Such interventions are being provided on a massive scale, and they are currently delivering great results on, for example, our young people's oral hygiene, with a reduction in the incidence of cavities among our youngest people.

### Off-sales

**5. Mr David Davidson (North East Scotland) (Con):** To ask the Scottish Executive whether it has any plans to amend the Licensing (Scotland) Act 2005 to regulate the off-sales sector. (S2O-11931)

**The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon):** The Licensing (Scotland) Act 2005 is a major step forward for the licensed trade, and the changes that are being introduced are being welcomed by responsible operators.

As the member will be aware, the Executive has commissioned a study to examine the relationship between off-sales and the social impacts of irresponsible drinking. The findings will be published shortly, and we will then consider carefully whether any further measures should be applied under the 2005 act. As the member will also be aware, we have consulted on the option of allowing licensing boards to require off-sales to have separate display areas for alcohol. We are at present considering the outcome of that consultation.

**Mr Davidson:** I welcome the minister's answer as, after the farce of passing the Licensing (Scotland) Bill, it is about time that the Executive did something. As long as it is constructive, I welcome it. The minister will recall that, some years ago, I discussed with Mary Mulligan in the chamber the application of a proof-of-age card scheme throughout Scotland. That is what the Scottish Grocers Federation and responsible retailers are seeking. What will the Executive do about that aspect of responsible retailing?

**George Lyon:** As the member will be aware, a pilot project on test purchasing was undertaken in Fife, and a report was commissioned on its success or otherwise. I am pleased to say that the findings were that the project was very successful. Ministers are currently considering whether to roll that project out across the rest of Scotland.

**Maureen Macmillan (Highlands and Islands) (Lab):** On that point, given the success of the scheme in flushing out off-licences that are prepared to sell drink to under-age children, will the minister consider running a similar scheme in the Highlands and Islands where, as he well knows, under-age drinking is as much a problem as it is in the rest of Scotland?

**George Lyon:** As I said, we are considering rolling out test purchasing throughout Scotland. That requires a proof-of-age scheme. Retailers are required to ask for one of the specified types of proof of age when they have doubts about the age of an individual who tries to purchase alcohol.

The pilot has been a success and I look forward to rolling out test purchasing throughout Scotland once ministers have reached a final decision on the matter.

### **Burns International Museum**

**6. Mr Adam Ingram (South of Scotland) (SNP):** To ask the Scottish Executive whether it can confirm that the Burns museum project at Alloway will be completed and the visitor attraction fully operational for the 2009 year of homecoming. (S2O-11908)

**The Minister for Tourism, Culture and Sport (Patricia Ferguson):** Projects such as the Burns international museum in Alloway will provide a lasting legacy from the homecoming Scotland campaign to boost the number of visitors to Scotland in 2009 and beyond.

The National Trust for Scotland is responsible for the museum project. It plans to open the refurbished Burns cottage and the new education centre adjacent to it early in 2009, and expects the museum to open later that year.

**Mr Ingram:** The Heritage Lottery Fund tells me that the building project will continue throughout 2009. Given that the Burns national heritage park will, in effect, be a building site for a good part of the year of homecoming, what plans are in place to ensure that visitors to Ayrshire will not be disappointed by their experience of Burns heritage and their wish to be part of the commemorations of the 250<sup>th</sup> anniversary of our national bard's birth?

**Patricia Ferguson:** Mr Ingram totally misunderstands the concept of the Burns homecoming project. The event throughout 2009 is not about buildings and facilities but about people and events and about opportunities for people who have an affinity with Scotland to come here to enjoy the best of everything that Scotland has to offer.

Only the Scottish National Party could criticise an initiative that the Executive took when it became aware of a problem in Ayrshire with the Burns cottage and the Burns memorials. We brought together people to try to form a partnership, which we have achieved. We have committed £1 million to the project's design costs and we are committed to providing another £5.5 million towards building the project. The HLF is committing £5.8 million. The National Trust for Scotland will use its networks to fundraise and South Ayrshire Council is transferring land, buildings and collections to the trust at no cost.

If we add to that the £20,000 per year until 2009 that has been given to the Robert Burns World Federation to allow it to contact its members throughout the world, and the additional sums that

have been given to the Burns project, we can see that there is no lack of imperative or ambition in the Executive for the project. If SNP members had taken some control and some initiative, they might have had more to offer. As it happens, a wonderful event will take place in 2009 for people throughout Scotland and for the diaspora.

**John Scott (Ayr) (Con):** The minister outlined some of the benefits for Scotland at the launch of the homecoming on Tuesday evening. What is the expected benefit of the homecoming for Ayr constituency and for Ayrshire? What will be the cost, if any, to the council tax payer in South Ayrshire?

**Patricia Ferguson:** As Mr Scott knows, because he attended the reception the other evening, the homecoming year will have wide benefits not just for Ayrshire but for Scotland. The themes that have been identified for the homecoming year celebrate Burns, whisky and other Scottish icons, such as golf. The constituency of Ayr will benefit hugely, given the great number of golf courses in and around Ayr and Ayr's affinity with Burns and his legacy. That legacy will continue with the new museum and the new education centre that will open in Alloway in 2009. I hope that the people of Ayr, Ayrshire and Scotland will enjoy that for a long time.

### **Free Personal Care (Reimbursement of Charges)**

**The Presiding Officer (Mr George Reid):** There is time to squeeze in Bill Aitken. [*Laughter.*]

**7. Bill Aitken (Glasgow) (Con):** I really do not think—well, I will leave the point aside, Presiding Officer.

To ask the Scottish Executive, in respect of free personal care, what discussions it has had with local authorities about the reimbursement of people who have been wrongly charged by local authorities for assistance with meal preparation. (S2O-11917)

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** My officials discuss aspects of community care with local authorities and with the Convention of Scottish Local Authorities on a regular basis, including assistance with the preparation of food. Charges to individual service users are matters for individual councils to address.

**Bill Aitken:** Will the minister join me in praising the approach adopted by David McLetchie and Alex Fergusson to highlight these problems? Does he agree that, because we are talking about a national policy, he cannot duck out of it? As a matter of urgency, he must meet the local authorities that have failed to comply with their

moral duty to reimburse the sums that have been collected erroneously.

**Lewis Macdonald:** I would never dream of ducking out of responsibility in any such area, but it is equally important that local authorities accept their responsibilities too, and deliver on them.

On the question of assistance with food preparation—when simple tasks are undertaken to assist people with an assessed need for such services—the position is clear and has been since the Community Care and Health (Scotland) Act 2002 was passed five years ago. Councils should act on their responsibilities. If they are not sure what those responsibilities are, they should follow the example of the City of Edinburgh Council—take legal advice and act on it.

## First Minister's Question Time

12:01

### Cabinet (Meetings)

**1. Nicola Sturgeon (Glasgow) (SNP):** To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-2701)

**The First Minister (Mr Jack McConnell):** The Cabinet will discuss issues of importance to the people of Scotland.

**Nicola Sturgeon:** What are the Executive's plans to reform the council tax?

**The First Minister:** The Executive commissioned a report, which is currently being studied, on the future of local government finance and taxation. One of the outcomes of the report was to expose a £1 billion black hole at the heart of Ms Sturgeon's policy of capping local government finance. The report was a very useful contribution to the debate in Scotland.

**Nicola Sturgeon:** I remind the First Minister that, five years ago in his manifesto, he said that he would reform the council tax to make it "fairer". In November last year, in the chamber, he said that he would

"reform the council tax to make it a far fairer system."—  
[*Official Report*, 9 November 2006; c 29086.]

The question that people want to know the answer to is, "How?"

At a press conference yesterday about SNP policies, Labour said that, with less than 90 days before the election, people have a right to see the detail. If that is the case, will the First Minister spell out in detail what specific changes he proposes to make to the unfair council tax to make it fairer?

**The First Minister:** As Ms Sturgeon knows, the two parties in the coalition have different policies on this issue. We agreed that the right way ahead was to commission a proper study of the future of local government finance, to study that study, and to come to appropriate conclusions. That is an entirely proper, open and transparent way in which to conduct ourselves on the issue of local government finance. It is unlike the approach taken by the Scottish National Party, which not only promises a £1,000 million cut in local government finance but is unable to answer basic questions about that. Scotland's four city council leaders wrote to Mr Salmond on 21 December with detailed questions and—as has happened with questions that were asked of Ms Hyslop about education and public-private partnership funding, and as has happened with questions on a range of other SNP policies over recent months—

there has been no answer to the questions after more than six weeks. While we conduct ourselves in an open and transparent manner, finding a way forward where there are legitimate differences between the Labour Party and the Liberal Democrats—a way forward in which we engage in a proper dialogue with Scotland—the SNP runs and hides from the figures every time, making promises that it cannot possibly keep. The SNP will say anything to try to win votes in Scotland but, increasingly, it is being exposed for that approach.

**Nicola Sturgeon:** I yet again explain to the First Minister the concept of First Minister's questions: they are his opportunity to answer questions about his policies and about his record. I am delighted that the First Minister seems so keen to talk about SNP policies—it makes me wonder why he runs a mile every time he is asked to have a head-to-head debate with Alex Salmond.

The reason why, five years after promising to reform the council tax, the First Minister still has not delivered on that is that he knows that he cannot make the council tax fairer. It has gone up by 60 per cent, it is inherently unfair and it is not based on the ability to pay. Is the First Minister aware that, according to Help the Aged, council tax eats up 13 per cent of the average pensioner's income? That is the reality that the First Minister is trying to ignore.

If the First Minister cannot or will not say how he will make council tax fairer, is it not time that he let someone else get on with scrapping the unfair council tax and putting in its place a fair system that is based on the ability to pay?

**The First Minister:** The truth is that the SNP would put in place a system that would cut £1 billion from local taxation and local services in Scotland. The truth is that there is a way to ensure that my party's policy of reforming the council tax can be further pursued in the Parliament and that is by voting for it. However, at the moment, the Labour Party and the Liberal Democrats have an agreement to take forward this debate. That is the right and proper thing to do when the coalition parties do not agree. However, we agree about the fact that the SNP cannot afford its plans and promises and that it is trying to cover up a £1 billion hole in its finances.

On the point about debates, let us be clear that Alex Salmond had a chance to stay in this Parliament and debate with all of us. He was the one who ran off to London the first time he had a chance. He is the one who does not even have the guts to resign his Westminster seat before he stands in the election in May. He is the one who changes his policies every week on monetary policy, on whether to have a separate interest rate for Scotland or to stick with the United Kingdom's

interest rate and on a series of other issues in the past few months, which means that people do not know what they are debating with. Let us have some consistency and truth from the SNP and from Alex Salmond. Then we will have a proper debate.

**Nicola Sturgeon:** Is it not the truth that, after that bluster and waffle, the First Minister still does not have the guts to debate with Alex Salmond and is running scared? However, on council tax, the First Minister can run but he cannot hide.

Let me remind the First Minister of this hard fact: people are paying £400 a year more under Labour because of the 60 per cent hike in council tax. I can understand why the First Minister wants to divert attention from that, but his bluster will not hide that hard reality. Is that not why people in Scotland now want to see the back of the First Minister, the back of Labour and the back of the unfair council tax and want a new SNP Government that will put fairness back into local taxation?

**The First Minister:** The truth is that all three SNP councils in Scotland had higher than average council tax increases last year. The truth is that, every time this issue arises, the SNP makes a promise without stating where the money is going to come from to pay for it. Further, the truth is that council tax increases have got lower and lower and will be lower again this year. However, there still needs to be further reform. That is consistency—something that the SNP would never know anything about.

In 2000, who said,

"I will continue as the MSP for Banff and Buchan as long as people wish me to do so",

before announcing his resignation just weeks later? Who also said that Westminster MPs are

"an endangered species with increasingly obsolete roles"?

Alex Salmond did, just before he ran off to London to become a Westminster MP.

Truth and consistency are what this Parliament should stand for. Alex Salmond might want to gamble with the voters of Gordon and Banff and Buchan, but I will not be gambling with Scotland's future.

### **Prime Minister (Meetings)**

**2. Miss Annabel Goldie (West of Scotland) (Con):** To ask the First Minister when he will next meet the Prime Minister and what issues they will discuss. (S2F-2702)

**The First Minister (Mr Jack McConnell):** I look forward to seeing the Prime Minister again soon.

**Miss Goldie:** This morning, the Lib-Lab pact made it abundantly clear that it believes that the Forth and Tay bridges should continue to be tolled. There is more than a whiff of political dogma in those decisions. Scotland's taxpayers have already paid for their roads, and it is utterly unfair to expect residents and commuters to pay to cross the Forth and Tay bridges when others can drive over toll-free bridges in the west and north of the country. Can the First Minister tell me why what is good enough for the west and north of Scotland is not good enough for the east?

**The First Minister:** I will treat the matter seriously, as it is a serious issue for the economy of the whole of the north and east of Scotland. A case is being made by some members and some organisations for a proper review of the tolls on both the Tay and the Forth bridges. That case needs to be heard and studied by Government. To that end, we have commissioned a survey of the economic impact in Fife, in particular, of the tolls and of their potential abolition. A number of options might be open to us, such as maintaining the existing toll schemes or having suspended or differential toll schemes. All sorts of possibilities might be open to Government in the future.

However, we know one thing to be true above all else: the current road crossing over the Forth is in danger of coming to the end of its life. It would be entirely irresponsible of any Government to make a decision on the future of the toll regime on the Forth bridge in advance of making a decision on a replacement crossing. That would be irresponsible, and we will not do it.

**Miss Goldie:** I listened with interest to that answer. The debate is not just about tolls on the Forth and Tay bridges; there is another agenda altogether, about tolling drivers generally. We know that the Labour Government at Westminster favours a tolling system all over the United Kingdom that will charge motorists to drive on roads that they have already paid for. Can the First Minister confirm that, before any such road toll scheme could operate in Scotland, the Scottish Parliament would have to agree to it?

**The First Minister:** I imagine that any road user charging scheme that replaced existing charges on motorists in the future would cover the whole of the UK and would need to be piloted in different parts of the UK first. There are currently no plans to pilot such a scheme in Scotland. However, if we all believe in preserving our environment and ensuring a fairer system for road users in different parts of the country—especially in rural areas in comparison to congested urban areas—it is appropriate to consider such schemes, which could give us the opportunity to have fairer systems of road taxation. That is a legitimate debate that the people of Britain should have with

all political parties over the next decade or so. There are no plans whatever to introduce separate systems in Scotland.

**Miss Goldie:** I am not sure that I feel reassured by that answer. The facts are stark. We know what the Lib-Lab pact wants to do about tolls on the Forth and Tay bridges, and we know that the Lib-Lab pact previously backed an absurd road tolling scheme for Edinburgh. Two successive secretaries of state for transport and Scotland at Westminster—both of whom represent Scottish constituencies—have expressed their desire for a national road tolling scheme. I cannot be the only one who smells a rat. Can the First Minister give us an unequivocal answer: is he in favour of tolling Scotland's roads—yes or no?

**The First Minister:** I point out that it was the Tory Government that introduced the tolls on the motorways down south that have since been implemented as part of the current contracts. It is a bit much for the Tories to start blaming other people for tolls that they introduced. It is, frankly, a bit rich for the party that introduced the Skye bridge tolls to start lecturing others about tolls.

I believe that the people of Fife—who have far too much common sense, honesty and decency to be taken in by the Tories—will reject this opportunist populism from the Tories and ensure that we hold to our word and consider properly a replacement crossing over the Forth. We will do that in a way that is considered and rational, although as speedy as possible. At that stage, we will consider how that crossing will be financed and think about the future of the toll regime. That is proper, responsible government, not the ridiculous, hypocritical populism of the Tories, which will be seen through.

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

**3. Shiona Baird (North East Scotland) (Green):** To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he intends to discuss. (S2F-2713)

**The First Minister (Mr Jack McConnell):** I meet the Secretary of State for Scotland regularly and will do so again soon.

**Shiona Baird:** Does the First Minister believe that the interests of Scotland's people and environment are best served by Scottish Water remaining under public ownership and public finance?

**The First Minister:** It is important that Scottish Water stays in public hands, because of the good job that it has done in recent years of reducing charging and to ensure that the investment that is required to improve our water supply and make it cleaner is continued. Although we always insist on further improvements, the current management of

Scottish Water is doing a good job in ensuring that charge increases remain low over the next few years and that, at the same time, a massive investment programme takes place.

**Shiona Baird:** I thank the First Minister for that reply, but it sheds little light on the Scottish Executive's position on the future ownership and, in particular—the First Minister did not answer this part of my question—the financing of Scottish Water. To help to clarify the Executive's position, does the First Minister agree with Ross Finnie, his Minister for Environment and Rural Development, that we should

“free Scottish water from the constraints of the public sector”?

**The First Minister:** Different parties are going to put across different ideas between now and the election and the Liberal Democrats are perfectly free to do that, just as the Labour Party and other parties are free to do it. We will debate those issues in the election campaign.

However, what is important in relation to Scottish Water is that the investment programme is improving our water supplies, cleaning up our water supplies, which in the past were a disgrace, and ensuring that water charges in Scotland are not only increasing far less significantly than they did in the past but coming below the levels elsewhere in the United Kingdom. Those significant improvements have been maintained while Ross Finnie has been the Minister for Environment and Rural Development in this Executive and this coalition, which has delivered for Scotland.

### Avian Flu

**4. Mrs Nanette Milne (North East Scotland) (Con):** To ask the First Minister what discussions the Scottish Executive has had with the United Kingdom Government about the recent outbreak of avian flu in Suffolk. (S2F-2708)

**The First Minister (Mr Jack McConnell):** Although the incident itself had no direct implications for Scotland, the Scottish Executive has been involved in numerous discussions and meetings with UK Government officials as the situation has developed over the past week.

**Mrs Milne:** I appreciate that the Suffolk outbreak poses a negligible risk to the human population and that it has been effectively contained, but it is a timely reminder of the need for on-going vigilance and preparations for a possible outbreak of pandemic flu. Are there any plans to update contingency planning in Scotland, such as increasing the stockpile of anti-virals and considering urgently the case for building up a stockpile of pre-pandemic vaccine as a crucial first line of defence in the event of an outbreak? Is the

First Minister satisfied that there are sufficient face-masks available for use by the national health service should such an outbreak occur?

**The First Minister:** Contingency plans are reviewed and updated continually as a result of developments, not just in relation to specific incidents but, crucially, in relation to the advice that we receive from the experts whom we commission to provide it.

In making preparations, we take medical advice on what would be most effective. Avian flu is unlikely—certainly in developed countries—to be transmitted to humans, although we should always be aware of that possibility in certain remote circumstances. However, given the length of time that has elapsed since the previous pandemic flu in the world, there is the potential for there to be a flu pandemic at some point in the early years of the 21<sup>st</sup> century. That is what we are concentrating our preparations and contingency plans on.

We cannot know what particular strain of flu could cause such a pandemic until the pandemic starts. That makes vaccination incredibly difficult. There can be vaccination perhaps to deal with the early stages and to help to minimise the impact, but it is not possible to develop the vaccine until we know the strain that is involved, and the vaccine will then of course have to be rolled out quickly across the whole country. That is what our preparations are concentrated on. I understand that there is sometimes legitimate public confusion on this issue, so I wanted to make that point clearly today.

**Mr John Swinney (North Tayside) (SNP):** I welcome what the First Minister has said about the public health issues that are associated with this matter. He will also appreciate that significant elements of the poultry industry in Scotland, not least in the Coupar Angus and east Perthshire areas of my constituency, face a difficult economic climate as a result of some of the public information that is available. Does the Scottish Executive plan to issue further information to the public on the quality of poultry and the consumption of poultry, which should not be affected by the issues that have been raised so far?

**The First Minister:** Mr Swinney might be surprised to learn that I have some knowledge of the poultry industry. My grandfather was a poultry farmer and delivered eggs in the town of Beith in Ayrshire, so I know a lot about the industry and I understand the concerns that exist in the industry at the moment.

It is important that we maintain close liaison with the industry, that it is involved in our preparations and that we have clear communication with it on any steps that it requires to take. I have to say, in

praise of the industry, that its co-operation has been exemplary. I am sure that if that co-operation continues, we will be able to respond in kind with clearer and clearer communication and preparations.

### Mobile Phones (Schools)

**5. Mr Frank McAveety (Glasgow Shettleston) (Lab):** To ask the First Minister whether the Scottish Executive has any plans to issue guidance or legislate to make schools mobile phone-free zones. (S2F-2715)

**The First Minister (Mr Jack McConnell):** Guidance was contained in the handbook "Safe and Well: Good Practice in Schools and Education Authorities for Keeping Children Safe and Well", which was published in June 2005. However, the Minister for Education and Young People wrote to all directors of education yesterday, making it clear that all schools should have a policy on mobile phone use and that it should be clearly communicated to pupils, parents and staff. He also announced that he is convening a meeting of the discipline stakeholder group to look further at the issue. He plans to invite representatives of the telecommunications industry to the meeting so that they can converse with head teachers and others with a view to considering what precautions and preparations can be put in place.

**Mr McAveety:** I speak as one former secondary school teacher to another. Does the First Minister agree that what is of growing concern is not just the shocking incidence of violence that is filmed on mobile phones but the fact that such material is widely circulated among pupils? Does he welcome Glasgow City Council's initiative to ensure that phones are put away during lessons and that they are not used to film staff or other pupils without permission?

**The First Minister:** I certainly welcome Glasgow City Council's initiative, which is not just timely but right and proper. On behalf of the Executive—and, I am sure, the Parliament—I make it clear that every school in Scotland should have a policy on the issue. Such policies should make it clear to pupils that mobile phones should not be used in classrooms or for the purpose of circulating such filmed material. Mobile phones should be confiscated when there is any potential for that to be happening. Every school in Scotland should apply that policy consistently and should have parents' support in doing so.

Some pupils carry mobile phones to school for safety reasons, but they do not need to have them switched on in the classroom or in school. We will support all schools in Scotland in taking the necessary action.

**Phil Gallie (South of Scotland) (Con):** Given the shambles that has been created in our justice system by the European convention on human rights and the cost to taxpayers in this country of the implementation of the convention, will the First Minister guard carefully to ensure that any controls on mobile phones in schools do not contravene or compromise the requirements of the European convention on human rights?

**The First Minister:** I am impressed by Mr Gallie's ability to bring the issue of Europe into almost any subject that is discussed in the chamber and I am touched by his concern for the ECHR in relation to the matter. My understanding is that there is no legal impediment to prevent head teachers from determining a policy for their school, to prevent local authorities from ensuring that every school has a policy, or to prevent head teachers from penalising pupils who break the rules inside the school grounds.

I hope that every school will hear the call from the chamber and make sure that pupils, teachers and visitors to schools are not affected by the abuse of mobile phones, some examples of which were reported in recent days.

### Level Crossings (Safety)

**6. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** To ask the First Minister whether the Scottish Executive will conduct an urgent review of safety at level crossings without barriers. (S2F-2706)

**The First Minister (Mr Jack McConnell):** Responsibility for rail safety regulation lies with the United Kingdom Government, not with the Scottish Parliament. The UK Department for Transport recently commissioned a review of level crossing safety, including level crossings without barriers, the findings of which are being considered by the Office of Rail Regulation. I am sure that we would all want to express our condolences to the families of those who have died in recent accidents. I assure them that, although the responsibility for such matters lies elsewhere, our agency, Transport Scotland, continues to work closely with the UK Department for Transport in developing safety policy and legislation that are relevant to Scotland.

**Mr Stone:** I thank the First Minister for his kind remarks, which will be appreciated by the families concerned. We must do all that we can to ensure that there is no repeat of that truly tragic accident.

I have received a number of representations from constituents that echo my view that the Delny level crossing does not inspire confidence among its users. That issue must be addressed. After all, road users should not only be as safe as possible but be aware that they are safe. One issue that



constituents have consistently raised with me is the lack of barriers not just at the Delny crossing, but elsewhere. Will the First Minister undertake to work as closely as possible with Westminster colleagues to ensure that the issue is examined as soon as possible?

**The First Minister:** I certainly give that undertaking. Level crossings, particularly half-barrier and open level crossings, raise real issues and must be kept under constant review. As I have said, although the responsibility for such matters lies elsewhere, we take an active interest in the matter because of our responsibility for road and rail in Scotland. We will continue to participate in the discussions on this matter and hope that, if progress can be justified, it will be made.

**Rob Gibson (Highlands and Islands) (SNP):** Having witnessed the aftermath of last Friday's accident at Delny, I wonder whether the First Minister is prepared to lobby the UK minister with responsibility for this matter with the suggestion that a system of red, yellow and green lights similar to the traffic lights on our roads would give people who use crossings a far better idea of what they were approaching. After all, part of the problem with the 700 ungated crossings in Scotland is that, because of infrequent traffic, people are not used to the current system. Will the First Minister add his weight to the argument that the review should consider such a proposal?

**The First Minister:** Jamie Stone and Rob Gibson have made legitimate and worthwhile suggestions and we are certainly happy to ensure that Transport Scotland officials include them in the discussions on the review. In fact, those suggestions might already be covered in the report that the Office of Rail Regulation is currently studying. I have not seen that report, so we will check whether they are. If not, we will ensure that they are injected into the discussions as quickly as possible.

**Maureen Macmillan (Highlands and Islands) (Lab):** I wonder whether local authorities can also be included in the consultations, because rumble strips or sleeping policemen on the approach to barrier-less level crossings can help to slow down traffic, particularly people who are in a hurry. I know, for example, that people approaching the three level crossings in Dingwall try to dodge around them if they think that it is safe to do so, and such measures might make them think again.

**The First Minister:** All the suggestions that have been made are useful, and I am trying to think how best to take them forward. Given the interest that has been shown on this matter after the recent incident, I suggest that the Minister for Transport convenes a meeting with Highland members to discuss any proposals that have been made by local communities, particularly those in

rural areas that might be more affected. We can then collect the various ideas and pass them on into the current discussions.

**Dave Petrie (Highlands and Islands) (Con):** I share all the concerns that have been expressed and agree with all the suggestions that have been made. However, will advice from Transport Scotland also cover half-barrier level crossings?

**The First Minister:** As I said in my first reply, the Office of Rail Regulation is considering a UK Department for Transport-commissioned review of level crossing safety, which includes half-barrier crossings. Moreover, through the office of the Minister for Transport and Transport Scotland officials, we will discuss with Highland members and others the best way of including and taking forward their suggestions in the current discussions.

12:29

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Enterprise, Lifelong Learning and Transport

##### Iberdrola and Scottish Power (Merger)

**1. Mr Charlie Gordon (Glasgow Cathcart (Lab)):** To ask the Scottish Executive whether it has made representations to the European Commission about the proposed merger between Iberdrola and Scottish Power. (S2O-11943)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen):** Executive officials have met the European Commission to note our concern that there should be a level playing field on takeovers. The Commission has confirmed to the Executive that it has to examine all competition issues arising from a proposed merger.

**Mr Gordon:** A proposed merger of this scale is scrutinised by the European Commission as a matter of course. Does the minister share my view that the retention of Scottish Power jobs in this country is the key objective in this situation? Will he bear in mind the fact that a takeover of Scottish Power by any other energy company that is currently trading in the United Kingdom could lead to the loss of between 2,500 and 4,000 jobs?

**Nicol Stephen:** I agree that the jobs at Scottish Power are crucial. Clearly, in the meeting that the First Minister and I had with senior management from Iberdrola it was reassuring to hear the guarantees that were given on the company's future intentions.

It is important that there should be a level playing field in Europe and that state aid rules should apply equally to all member states. I am certain that the European Commission, which has sole competence on the issue, will be thorough in its investigation.

**Jim Mather (Highlands and Islands) (SNP):** The minister may be aware that a special deal is open to Spanish companies that allows them to provide for a 20-year depreciation of the cost of financial goodwill in terms of the takeover of a foreign company's stock. We have received feedback from Neelie Kroes, the European Commissioner for Competition, from which we understand that

"To date, this incentive has not been examined by the Commission, nor has Spain notified it for State aid review."

What is the Executive's attitude to the matter? What do ministers plan to do next?

**Nicol Stephen:** I repeat that the European Commission has sole competence on the issue. Scottish Executive officials have raised with the Commission the possible competition impact of Spanish tax benefits on Spanish companies' overseas acquisitions. As far as the tax treatment of goodwill is concerned, the Commission has assured us that, during its merger investigations, it will examine all the competition issues that arise, including the possible effects of any unlawful state aid on a company's position.

**Murdo Fraser (Mid Scotland and Fife) (Con):** It is perfectly fair for the European Commission to investigate claims of an unfair tax regime benefiting Iberdrola. However, does the minister agree that to argue in principle against all such takeovers would be to adopt a narrow and isolationist approach? Surely such a view would simply damage the Scottish economy in the long term. I am thinking in particular of Scottish companies such as the Royal Bank of Scotland that have been very successful in expanding their operations overseas.

**Nicol Stephen:** I agree with Murdo Fraser. As he knows, the SNP has said some pretty harsh things about big business in Scotland and its profits. Recently, the SNP has also said some pretty harsh things about Scottish Power, which I will not quote here and now. When we are talking about a company that is of such importance to Scotland's future and of such significance to its economy as Scottish Power is, it is important for us to be absolutely certain that future opportunities to develop the company and the security of jobs are central to the consideration of the issue.

We must ensure that there is a level playing field throughout Europe. I want Scottish companies to have the opportunity to make acquisitions overseas and to grow and develop into large businesses. From time to time, such growth will involve not only the organic growth of those businesses but takeovers. I hope that we all wish to see equality and a level playing field in that regard. We intend to ensure that that is the case in relation to Scottish Power.

##### Renewable Energy (Education and Training)

**2. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive how it is supporting education and training for renewable energy technology installation and maintenance. (S2O-11974)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen):** The skills group of the forum for renewable energy development in Scotland found

that skills gaps and skills shortages are not a major constraint for the renewable energy sector at this stage. However, the group is working with key stakeholders, including the sector skills councils, to ensure that we have the skills to allow Scotland to realise its huge renewable energy potential to the full.

The Executive is providing record levels of investment in the college sector to support the provision of flexible learning opportunities that meet local skills needs, including those in the renewables sector.

**Jeremy Purvis:** Does that work include the south of Scotland and, in particular, the Borders? Any constituents of mine who buy microrenewable technologies will have difficulty sourcing a local installer and maintenance company. I understand that anybody who wants to achieve accreditation in maintenance and installation has to go to Inverness. Is an accredited qualification for the installation and maintenance of renewables available through Scotland's colleges? If not, will the minister consider it as an urgent need in the college curriculum review?

**Nicol Stephen:** I agree with Jeremy Purvis that the issue is important for the future development of the renewables sector. He is right that a course on the installation and maintenance of solar hot water systems is being run at Inverness College with the assistance of the Scottish community and householder renewables initiative, which provided financial support. So far, 59 people have attended the course, and the college, with the support of Highlands and Islands Enterprise, is developing courses for heat pump and biomass installation and maintenance.

We must get more businesses involved in renewables and we must ensure that there are opportunities for individual homeowners and businesses throughout Scotland to access renewable energy opportunities. I agree with Jeremy Purvis that we want more such courses in all Scotland's colleges, and I undertake to raise the issue with them and with the Scottish Qualifications Authority.

**Richard Lochhead (Moray) (SNP):** Does the minister share my dismay at the dithering by the United Kingdom Government that has led to BP and other partners putting on hold their plans for a hydrogen power station in Peterhead in north-east Scotland? It would also be a carbon capture and storage facility, and a world first. What representations has he made to the UK Government to get an early decision on funding support for that project, which is vital for Scotland and the planet? Can the Scottish Government offer any assistance to ensure that the project gets the green light sooner rather than later?

**Nicol Stephen:** I appreciate Richard Lochhead's concern on environmental and climate change-related issues. The SNP does not always support the renewables sector: it has made it clear that it wishes to constrain wind farm development in Scotland and it took an interesting approach to the environment and climate change in this morning's debate on bridge tolls.

The Executive strongly supports the proposal for a carbon capture and storage facility and a hydrogen power scheme, which would be a global first and a highly significant development for Scotland. We will continue our discussions with the UK Government to ensure that the promoter—BP—is able to go ahead with the project as soon as possible.

### Unskilled Workers

**3. Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Executive how it will work with business to reduce the number of unskilled workers in the workforce. (S2O-11955)

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** The Scottish Executive continues to work closely with business directly and through its agencies. Our lifelong learning strategy sets out the series of measures that we are taking and will continue to take to ensure that all Scots have the opportunity to gain the skills that they need to achieve their potential and play an active role in society and the workplace.

We have taken a number of steps to support and encourage people to return to learning, including our individual learning accounts scheme, the Scottish union learning fund and our work on adult literacy and numeracy through the big plus campaign, which has helped more than 137,000 literacy learners to date. Over and above that, the modern apprenticeship programme, combined with the skillseekers programme, accounts for training opportunities for more than 40,000 employees. Those are positive examples of our commitment to raising skills within the workforce.

**Mr McNeil:** The programmes that the minister mentioned in his comprehensive answer are bringing about a continuing fall in the number of unskilled jobs in the economy. Although there are examples of good practice in the public and private sectors, I hope that the minister acknowledges that there are some dark areas that need to be tackled. How can we create a culture in which both sides in industry see the value and good sense in training and upskilling? How do we ensure that private sector workers who are not getting or are not being encouraged to take the opportunities receive the same advantages and

access as those who work for the best employers in the public and private sectors?

**Allan Wilson:** The member raises an age-old question that he and I are very familiar with from our former dealings with employers as trade union officers. The issue is one of encouraging employers to invest in the skills and training needs of their workforce as a means of boosting their bottom line and promoting the profitability of their company. In my experience, that is not an easy task.

We provide a number of incentives to the private sector to invest in training. I mentioned modern apprenticeships and the skillseekers programme, and we have also got the training for work and get ready for work programmes, in which the enterprise agencies contribute to the overall cost of training to make people more employable and more amenable to the contemporary labour market. However, more can be done in that regard.

In the main, the public sector is a good example of progress, but more can be done in it as well, particularly in giving employment opportunities to people who are currently outside the labour market and whose employability skills need to be honed.

**Alex Neil (Central Scotland) (SNP):** The minister will know that the UK Government has appointed Sir Digby Jones as the skills tsar. Does Sir Digby Jones have any remit in Scotland? If so, what is it and to whom does he report?

**Allan Wilson:** It is important to work in partnership with our UK colleagues in raising overall skill levels in the economy. Sir Digby Jones has an important contribution to make to that objective, as have others.

As members will know, in the UK we have an employer-led approach to skills training through the sector skills councils and specific Scottish provision in the Sector Skills Development Agency. That is an important part of growing the economy, as it is crucial that people can carry transferable skills throughout the UK. Sir Digby Jones will make an important contribution, as will others, to that objective.

### Universities (Research)

**4. Iain Smith (North East Fife) (LD):** To ask the Scottish Executive how it is supporting the spin-out of research from Scotland's universities. (S2O-11970)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen):** The Executive is encouraging commercialisation, including the spin-out of research, through a variety of schemes and

initiatives, which are delivered in partnership with the enterprise networks and the Scottish Further and Higher Education Funding Council. Recently, we supported the development of the interface initiative, which is funded by the council and is intended to develop better commercial links between universities and business.

**Iain Smith:** I am sure that the minister agrees that Scotland's universities are world leaders in research in many fields and that there is substantial potential for long-term economic benefits for Scotland from that research. Does he agree that it is particularly important that we encourage research and spin-out in alternative energy technologies? Is he aware of the groundbreaking research into solid oxide fuel cells at the University of St Andrews chemistry department's centre for advanced materials, which has led to the establishment of the spin-out company St Andrews Fuel Cells Ltd? Will he also accept my invitation to visit the centre and company to see for himself the development of this new energy source?

**Nicol Stephen:** I am very aware of the company. It is chaired by David Sigsworth, a retired board member of Scottish and Southern Energy. He plays an important role on the forum for renewable energy development in Scotland and he has headed up work on hydrogen issues.

As Iain Smith will know, last year we announced a £1.5 million fund for the renewable hydrogen and fuel cell support scheme, which should assist business spin-outs from universities. The funding round for the first set of awards from the scheme has now closed, and we hope to make announcements shortly.

St Andrews Fuel Cells Ltd is a great example of exactly the sort of business that we want to encourage. Scotland can be the renewables powerhouse of Europe, but only if we seize the opportunities to develop technology and create jobs here in Scotland. I want to see a lot more of that.

### Railways

**5. Christine May (Central Fife) (Lab):** To ask the Scottish Executive what plans it has to increase the use of rail for passenger and freight traffic. (S2O-11951)

**The Minister for Transport (Tavish Scott):** We have recently published our rail policy document "Scotland's Railways" as part of the national transport strategy. The document examines the options for building on the improvements that we have already made to rail services to encourage more people to make the shift from private car to the train and to encourage many more businesses

to shift from transporting goods by lorry to moving them by train.

**Christine May:** The minister may be familiar with some of the products of Diageo, which employs 800 people in my constituency, at Cameron Bridge and Leven. Is he aware that Diageo's recent proposal to consider the viability of reopening the Thornton to Methil rail link to bring goods into and export goods from its plants would result in a significant reduction in road miles and in congestion on the Forth road bridge? Will he ask his officials to brief him on the proposal and on how that might link into the reopening of the passenger line to Levenmouth?

**Tavish Scott:** I have some understanding of Diageo's products, but I will say no more than that.

I take seriously Christine May's point about the company's desire to move more products by rail. It would be welcome if it made that project happen and expanded the use of rail in place of lorry miles. I assure her that I will ask officials to examine the project closely to see whether our freight facilities grant mechanisms could provide assistance, if that is appropriate to the development of the project. We will examine closely what assistance we can provide.

**John Scott (Ayr) (Con):** As the minister will be aware, there are increasing levels of passenger and freight traffic on the Ayr to Glasgow line and of coal traffic on the line from Hunterston. What plans does he have for those lines in light of the passing of the Glasgow Airport Rail Link Bill, given that GARL will remove freight traffic from the lines in Ayrshire?

**Tavish Scott:** I will be happy to provide John Scott with further detail on Transport Scotland's current plans for the area. On the development of the part of the rail network to which he referred, he is right to point out that significant advantages will flow from GARL. We hope that GARL will allow better optimisation of the rail track both for passengers and for freight. I will be happy to discuss that further with him.

**Stewart Stevenson (Banff and Buchan) (SNP):** In the modern world, where much freight is multimodal, connecting rail freight and sea freight is a paramount part of the solution. Is the minister aware of discussions that are taking place to establish a highway of the sea linking Iceland, Shetland, Peterhead and Rosyth? What steps will he take to ensure that appropriate rail links are in place to maximise the benefits of such a development if it goes ahead?

**Tavish Scott:** Stewart Stevenson makes a good point. I believe that last Friday's highways of the sea conference in Kirkwall—which, unfortunately, I could not attend—was useful in developing some of the practicalities behind that project. He also

makes a good point about the need to develop railheads at ports. The ports sector perhaps does not always get enough attention in general transport policy, given what we could achieve with our ports and given how important they are in developing the Scottish economy. We need to ensure that ports are used for business development, especially exports, by ensuring that they provide linkages to both the road and rail networks. I look forward to further development of the highway of the sea project not just for sea freight but potentially—dare I say it—for Arctic oil. One proposal that emerged from the earlier consideration was that Arctic oil could be transhipped in the northern isles, where there is a lot of expertise, as it has been done for the past 30 years or so.

### Tay and Forth Road Bridges (Tolls)

**6. Shona Robison (Dundee East) (SNP):** To ask the Scottish Executive when it plans to publish the initial findings of the study of the economic, social and environmental impact and cost of retaining or removing tolls from the Tay and Forth road bridges. (S2O-11903)

**The Minister for Transport (Tavish Scott):** We do not publish initial findings. We will publish the study's supporting papers next week and the final report when ministers have received it and considered its recommendations.

**Shona Robison:** Given the prevarication and delay over the current and previous studies, is it not time to stop trying to kick the issue into the electoral long grass? Will the minister publish the draft report along with the evidence next week, so that the public can see exactly what their £80,000 has paid for in advance of the election on 3 May?

**Tavish Scott:** Because Scottish National Party members know nothing of government—and never will know anything of government—they do not understand the difference between a draft report and a final report. As we discussed with some hilarity this morning, the SNP has plenty of draft reports of its own. We greatly enjoy reading and making fun of those reports, because none of the sums in their policies add up and because they show that the SNP flip-flops on every transport project that it possibly can. We will take the right decisions at the right time and in the long-term interests of the country.

### Young Persons Concessionary Travel Scheme

**7. Marilyn Livingstone (Kirkcaldy) (Lab):** To ask the Scottish Executive what the uptake has been of the young persons concessionary travel scheme. (S2O-11948)

**The Minister for Transport (Tavish Scott):** As of 1 February 2007, approximately 15,000 national

entitlement cards had been issued in relation to the young persons concessionary travel scheme.

**Marilyn Livingstone:** As this morning's debate showed, the scheme is important. Is the minister aware that some young people do not yet know how to access the card? What steps are being taken to ensure that adequate publicity is made available on how young people can sign up for the scheme?

**Tavish Scott:** I am aware that concerns have been expressed about the ability of some people to access the card. That is a serious issue, which we are addressing through publicity and work in schools and other areas. We will continue with such work, but if Marilyn Livingstone wishes to raise any specific issues I would be more than happy to look into them.

## Justice and Law Officers

### Serious Organised Crime

**1. Karen Gillon (Clydesdale) (Lab):** To ask the Scottish Executive what steps are being taken to address serious organised crime. (S2O-11941)

**The Minister for Justice (Cathy Jamieson):** We have invested in the police, and record numbers of officers are now available to combat crime. We have strengthened the Scottish Crime and Drug Enforcement Agency by giving it new powers and increased resources. New powers are helping us to seize more of the profits of organised crime and we have announced the creation of a multi-agency crime campus to help our law enforcement agencies work together better. All of that sends out a strong message to organised criminals that Scotland is a difficult place for them to do business.

**Karen Gillon:** I thank the minister for her answer and for the steps that are being taken, but she will be aware that in a recent case involving Craig McAteer, fewer assets were released to the Crown than had been anticipated. Will she reassure Parliament that the measures that have been taken are effective, that the people who prey on the most vulnerable members of our society will no longer be able to profit from their crimes and that loopholes will not be allowed to develop, whereby criminals can hide away their assets and not be held to account under the law?

**Cathy Jamieson:** Karen Gillon makes a serious point and I know that other members, along with members of the public, were concerned about some of the reports of the case to which she refers. It is important to stress that there is no loophole. I should explain that the Crown could simply have withdrawn the application for a confiscation order and brought proceedings to an end. However, given the high estimate that was

made of the amount by which the accused had benefited from his crimes, it was appropriate to have that figure formally recorded in court. Therefore, if concealed assets are discovered at a later date, the Crown will be able to apply to the court to have the confiscation order varied, thus depriving the accused of the proceeds of crime. The court endorsed that approach and granted the order. To simplify matters, that means that if the accused is shown to have assets, proceedings against him can still take place at a later date.

**Margo MacDonald (Lothians) (Ind):** My question concerns the prevention of serious, if not organised, crime. In the light of the very serious attack on the Polish worker Patryk Mních, will the Scottish Executive urgently review the reception arrangements for, and the advice given to, Polish and other immigrant workers to ensure that they have a safe and satisfactory experience during their time here? As I am sure that other members have done, I have heard anecdotal evidence of some unrest in areas that have a concentration of immigrant workers. I believe that some of the police officers who cover those areas are of the view that we should anticipate and seek to head off trouble.

**Cathy Jamieson:** I am aware of the case that Margo MacDonald has taken an interest in, but I cannot comment further on it, because I understand that someone has now been arrested and that court proceedings are under way.

On the general point, I stress that any assault or attempted assault on any individual is despicable. That is why we have implemented a number of new initiatives on violence prevention and reduction. I understand the concerns that Margo MacDonald has raised, so I will seek to find out more information on the matter and will ensure that the appropriate questions are asked. We will correspond with her to supply her with further information in due course.

**Alasdair Morgan (South of Scotland) (SNP):** Returning to the original question and the minister's first answer, is she satisfied that the legal provisions that allow the seizure of assets are sufficiently robust?

**Cathy Jamieson:** Robust action has been taken in relation to the seizure of assets. We are trying to ensure that, in many instances, the assets and money that are seized are recycled back into the local communities that have suffered the most from serious organised crime. There is a good story to tell on the amount of assets that have been seized. Indeed, only this week, the Lord Advocate announced the latest figures on that. I hope that everyone will give the police and the Crown Office their full support on the matter.

### Youth Court (Paisley)

#### 2. Ms Wendy Alexander (Paisley North) (Lab):

To ask the Scottish Executive how the establishment of a youth court in Paisley can help reduce crime. (S2O-11932)

#### The Minister for Justice (Cathy Jamieson):

Youth courts have been successful in fast-tracking young people through the court process and providing a wider range of effective programmes to tackle their behaviour. When the feasibility study is complete, I hope that the people of Paisley will benefit from similar improvements in the way in which we deal with young offenders.

**Ms Alexander:** Can the minister tell us the likely timescale for the feasibility study? If it results in the establishment of a youth court in Paisley, will she accept my invitation to visit it with me?

**Cathy Jamieson:** I am always keen to visit such new initiatives. The youth courts in Hamilton and Airdrie work very well. I hope that, at some point in the future, I will be able to take up an opportunity to make such a visit with Ms Alexander in her constituency.

As I said, the feasibility study is under way. I cannot give the precise date on which it will report back to ministers, but it is important to move ahead and work on getting the appropriate costings and programmes in place. I will, of course, keep the member up to date.

### Bottle Marking Scheme

3. Euan Robson (Roxburgh and Berwickshire) (LD): To ask the Scottish Executive whether it has any plans to promote and extend the traceable bottle marking scheme nationwide. (S2O-11968)

#### The Minister for Justice (Cathy Jamieson):

The problems that are associated with under-age drinking are all too evident in many of our communities. Last week, I attended the launch of a scheme that Strathclyde police is piloting in Ayrshire, whereby retailers are co-operating with the police to help combat under-age drinking. I look forward to receiving the evaluation of the eight-week pilot. I will then consider whether it would be valuable to extend the scheme to other areas.

**Euan Robson:** Will the minister look to evaluate a number of such schemes, including the one that has been running for some 18 months in Peebles, in my colleague Jeremy Purvis's constituency, and others in south Edinburgh? As she says, the schemes are an important way of combating under-age drinking and preventing the recruitment of the next generation of alcohol abusers.

**Cathy Jamieson:** I am always interested in projects that are shown to be successful in

preventing young people from being involved in alcohol or drug misuse and which take effective action to assist those young people who get involved to turn their lives around and get out of the problems that such abuse causes.

In many areas, responsible retailers want to work with the police. It is not in their interest to have under-age drinkers and the problems associated with them linked to their businesses. The approach of prevention, education, enforcement and working together with the trade is the right one. I would certainly be interested to hear any details of further progress that members can give me.

### Drug Rehabilitation and Treatment Services

#### 4. Ms Rosemary Byrne (South of Scotland) (Sol):

To ask the Scottish Executive what plans it has to make equal provision of drug rehabilitation and treatment services across Scotland. (S2O-11921)

#### The Minister for Justice (Cathy Jamieson):

Our drug strategy is, rightly, built on the four key pillars of prevention, intervention, treatment and rehabilitation, and enforcement. We are determined to make sure that more people can move on from drug misuse to treatment and rehabilitation and, ultimately, to drug-free lives. We have doubled our investment in treatment; we have tied funding to the delivery of tangible improvements in service quality and waiting times; and we are supporting innovative approaches to drug treatment to extend the range of options that are available.

**Ms Byrne:** I am sure that the minister is aware that service provision throughout Scotland is patchy. Indeed, at a meeting of the Health Committee a couple of weeks ago, a witness, Catriona Renfrew, noted:

"The patchiness of services makes it extraordinarily dangerous to generalise."

Other witnesses mentioned a "lack of cohesion" and a "postcode lottery", and Tom Wood said:

"Most of the treatments are available in Scotland in some place or other, but there are not enough of them and, crucially, they are not tied together".—[*Official Report, Health Committee*, 23 January 2007; c 3340 and 3339.]

I repeat my question to the minister: what will the Scottish Executive do to ensure that people throughout Scotland who are referred to rehab have equal access to treatment at the point of need?

**Cathy Jamieson:** I am well aware that Rosemary Byrne has taken great interest in this issue and has pursued it diligently. Of course, I, too, gave evidence to the Health Committee at the meeting that she referred to.

We need to establish in Scotland a framework that gives some flexibility in dealing with any local issues that arise. That is why I have asked for a review of the current operation of drug action teams. We are also reviewing issues such as the prescription of methadone and, in some areas that are suffering most from problems of access to treatment and rehabilitation, we have significantly increased our efforts to get waiting times down. That is the right approach. We need to examine the results of all that work and, indeed, I have invited the Health Committee to respond to me with any recommendations that it might have following its round-table discussion on this issue. We will also take account of Rosemary Byrne's comments.

### Skye Bridge Tolls

**5. John Farquhar Munro (Ross, Skye and Inverness West) (LD):** To ask the Scottish Executive whether its position is that the criminal convictions of those who did not pay the Skye bridge tolls should be overturned. (S2O-11972)

**The Lord Advocate (Elish Angiolini):** No action is proposed in relation to persons who have been prosecuted and convicted in a criminal court for non-payment of the Skye bridge tolls.

**John Farquhar Munro:** Given that the convictions for non-payment of tolls were secured under the mistaken assumption that the toll was a tax, not a service charge, and that the issue is the last remaining vestige of the injustice done to the people of Skye and Lochalsh as a result of the disastrous Skye bridge private finance initiative project, is it not high time that these unjust convictions were overturned?

**The Lord Advocate:** I appreciate the member's comments and recognise his long-standing interest in the matter. The convictions and indeed the regime itself were challenged without success in the civil courts. The convictions stand. There is no intention to overturn them, nor would it be in the public interest to do so.

### Faslane 365 Campaign (Arrests and Charges)

**6. Frances Curran (West of Scotland) (SSP):** To ask the Scottish Executive how many anti-nuclear protestors have been arrested at the Faslane naval base since the start of the Faslane 365 campaign and how many have been charged. (S2O-11927)

**The Minister for Justice (Cathy Jamieson):** I understand that, as at 5 February 2007, the total number of people arrested and charged in connection with the Faslane 365 campaign was 505.

**Frances Curran:** That response does not help me, because I am looking for the number of

people who have been arrested and then charged. I have some personal experience of the matter, and it seems that many of the protesters who were arrested have not been charged. Somewhere along the line, someone—I do not know who—has made a conscious decision in that respect. Have the minister and the Executive tacitly accepted that, according to the International Court of Justice, the protesters are actually upholding the law instead of breaking it?

**Cathy Jamieson:** I repeat that, according to the information that I have received, 505 people have been arrested and charged. Perhaps Frances Curran is seeking information about the number of prosecutions that have followed and the number of protesters who have been taken to court. Of course, that is rightly and properly a matter not for me as the Minister for Justice but for the prosecution service.

As I have said before in the chamber, I absolutely uphold everyone's right to protest. However, when protests lead to law-breaking, the people involved have to accept that such actions have consequences. In fact, in these circumstances, there might be consequences for the wider community. I hope that the protesters respect that position and do not put disadvantaged communities throughout Scotland at risk because of their actions.

### Cigarettes and Alcohol (Under-age Sales)

**7. Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** To ask the Scottish Executive what innovative measures are being considered to tackle shops that fail to adhere to the law on the supply of cigarettes and alcohol to under-age children. (S2O-11938)

**The Deputy Minister for Justice (Johann Lamont):** The irresponsible behaviour of some retailers is damaging to young people. Alcohol in particular is often the cause of youth disorder in communities. We have already taken effective action on enforcing under-age sales measures, which has included the roll-out of proof-of-age cards to enable retailers to operate a no-proof, no-sale policy and revising prosecution policy to enable test purchasing. We are considering several additional measures to tackle the problem, including the roll-out of alcohol test purchasing and temporarily or permanently banning retailers from selling tobacco and alcohol if they choose to flout the law.

**Cathie Craigie:** I am grateful that so many measures to address such a difficult problem are being considered.

On Monday, I met constituents who have seen vandalism and noise nuisance crimes being perpetrated by young people fuelled by alcohol



that has been sold through the outlets of irresponsible licence holders, whom the minister mentioned. My constituents want the police to have more powers to suspend a licence immediately if they have evidence that the licensing laws are being breached. Will the minister consider that suggestion? Communities think that it should be possible for small licence holders immediately to lose their power to sell alcohol in the community.

**Johann Lamont:** I recognise the issue that Cathie Craigie and her community are concerned about. Off-licence premises can become a focus of disorder for the greater community as a result of people knowing that those premises sell alcohol to those who are under age.

The supply of cigarettes and alcohol to under-age children is a health issue for those young people and an issue that relates to the health of the community. We have provided a range of powers to address the matter in our antisocial behaviour legislation. Through the licensing legislation and the roll-out of test purchasing, we are determined to give retailers the clear message that there will be serious consequences for them if they do not operate a no-proof, no-sale policy. The enforcement regime, which could ultimately lead to a licensed premises losing its right to trade, is critical. People in licensed premises should understand that encouraging such disorder in communities will result in significant consequences.

**Euan Robson (Roxburgh and Berwickshire) (LD):** In a recent answer to a parliamentary question, it was stated that there have been only around two or three prosecutions for selling cigarettes to under-16s. Is the minister thinking of measures to revise the law on selling cigarettes to under-16s to make it more workable, or is there an enforcement problem?

**Johann Lamont:** There is clearly a problem with demand. Schools and communities are doing huge amounts of work using preventive measures to address the desire of young people to smoke in the first place. That work has been discussed this week in relation to role models.

Access to cigarettes is an issue, which is why we are looking to roll out a test-purchasing approach. We want to identify what the real problem is and meet the challenges of enforcement. That said, we must give out the strong message to retailers that being responsible and not knowingly selling to under-16s is critical to their reputation. The test pilot scheme will identify the challenges that are involved.

## **Custodial Sentences and Weapons (Scotland) Bill**

**8. Mr Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Executive whether it will consider the creation of the new category of short-term prisoner within the Custodial Sentences and Weapons (Scotland) Bill, as advocated by the criminal justice voluntary sector forum. (S2O-11983)

**The Deputy Minister for Justice (Johann Lamont):** No. We do not accept the arguments that have been made in favour of that proposal. The provisions in the Custodial Sentences and Weapons (Scotland) Bill will deliver an end to automatic unconditional early release; the criminal justice voluntary sector forum's proposals would not do so.

**Mr Ruskell:** I am disappointed by the minister's response, which comes in advance of the discussion that will take place in the Justice 2 Committee next week on Colin Fox's amendments to the bill. It has been argued that the creation of an additional category of short-term prisoners would not undermine the intention behind ending unconditional automatic early release for the more serious category of prisoners, and that it would have the desirable effect of targeting scarce resources where they would be more likely to reduce offending. Is the minister willing to reconsider the matter in the light of the fact that a debate will take place in the Justice 2 Committee next week?

**Johann Lamont:** With respect, the member's concern about my response to his question might be prompted by the fact that he asked the question.

We will, of course, have that debate in committee, and the Executive will have the opportunity to say in a great deal more detail why we think that the view of the criminal justice voluntary sector forum is not the right approach and, to some extent, is not in tune with the policy approach of the bill. I will be more than happy to develop that argument in committee where the positions can be properly scrutinised.

I emphasise the importance of the fact that the bill came out of discussions that took place over a long period of time with interested groups and local communities. Only this morning, I met representatives of the Association of Directors of Social Work, the Convention of Scottish Local Authorities, community justice authorities and Sacro to talk about the principles of the bill and, critically, how they will be implemented to ensure our shared objectives of addressing reoffending, tackling offending behaviour in communities and giving our communities confidence that problems in the justice system can be resolved.

## Transport and Works (Scotland) Bill: Stage 3

14:56

**The Deputy Presiding Officer (Trish Godman):** The next item of business is stage 3 proceedings on the Transport and Works (Scotland) Bill. Members should have in front of them the bill as amended at stage 2, which is SP bill 66A; the marshalled list, which contains all the amendments that have been selected for debate; and the groupings, which I have agreed.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period for voting on the first division will be 30 seconds. Thereafter, I will allow a one-minute voting period for the first division after a debate. All other divisions will be 30 seconds.

### Section 1—Orders as to transport systems and inland waterways

**The Deputy Presiding Officer:** Group 1 is on the application of the bill to airport runways, and environmental statements. Amendment 1, in the name of Maureen Watt, is grouped with amendments 2 and 3.

**Ms Maureen Watt (North East Scotland) (SNP):** Events that have occurred since stage 2 proceedings on the bill have precipitated the need for amendments 1 to 3. Recently, Aberdeen City Council was asked to consider an application from the British Airports Authority to extend the runway at Aberdeen airport so that it can accommodate long-haul flights. When some councillors raised environmental and climatic change concerns, council officials advised them that those were not material considerations when a decision was being made and that even under the Planning etc (Scotland) Act 2006, which was passed recently by the Parliament, they still would not be considered as such.

This is a case of legislation not reflecting the concerns that have been expressed on all sides of the chamber regarding the environment. If my amendments are agreed to, we will have the chance to allow environmental factors to be taken into account, along with other factors, when major projects are considered under the bill. It seems odd that projects of national significance do not include airport developments, especially since so much is said here about climate change, global warming and the effects of carbon emissions.

I am not saying that there should not be a runway extension at Aberdeen airport. On the contrary, if long-haul planes can be filled in areas

other than London, that is all the better because many carbon emissions result from planes being stacked for landing at the hugely overcrowded London airports. I do not suggest that environmental change factors should be the overriding ones, but surely they should be considered and taken into account in the planning of major infrastructure projects.

I move amendment 1.

15:00

**The Minister for Transport (Tavish Scott):** We should remember that the purpose of the bill is to replace the existing private bill process; it seeks to dispense with the arcane special parliamentary procedure and to bring a degree of conformity to transport developments that are subject to ministerial orders. The bill therefore deals with roads, harbours, rail, trams and inland waterways.

Airport developments are not included on the list, because they are bound by an appropriate regime between planning and airport legislation. There is no requirement for airport developments to be subject to the private bill procedure. We have made changes to the process for rail, trams and canals because Parliament requested improvements to that process. I am surprised that Maureen Watt lodged her amendments at this stage. It is not particularly sensible to propose a fundamental principle of legislation based on one airport in one part of Scotland, when the existing processes include mechanisms for dealing with the issue that the member raises.

Amendments 2 and 3 are well intended but unnecessary. The bill was drawn up in accordance with the requirements of the environmental impact assessment directive, and promoters will be required to produce an environmental statement in accordance with that directive; I refer Maureen Watt to section 12(7) of the bill. As the member knows, our proposed secondary legislation was made available to Parliament last year; indeed, she has seen it in committee. The draft secondary legislation sets out the specific requirements in respect of environmental information. Our proposals confirm the need to supply such information, including on the impact of proposals on climate. For that reason, the amendments are inappropriate and unnecessary.

It is important not to forget the Environmental Assessment (Scotland) Act 2005, which makes all public plans and programmes subject to strategic environmental assessment. That means that all development plans, regional transport strategies, the national transport strategy and the national planning framework will be subject to strategic environmental assessment, including

requirements concerning the consideration of climatic factors.

**Ms Watt:** Does not the minister agree that existing environmental assessments do not take into account the effects on our environment of factors such as climate change and global warming? If we are serious about dealing with climatic matters, we have the opportunity today to put our money where our mouth is and to put in place legislation to address them.

**Tavish Scott:** After this morning's debate, Maureen Watt should be careful about pushing an environmental line. Let us be clear: existing legislation covers the issues to which the member refers. As I indicated, they are covered by strategic environmental assessment, which was introduced under the 2005 act. If the member has concerns, she should consider that legislation carefully.

**Chris Ballance (South of Scotland) (Green):** Is the minister saying that applications to extend airport runways will be part of the national planning framework?

**Tavish Scott:** Applications to extend runways are dealt with by the planning process, under the legislation to which I have referred. It is important to look at the issue in that context and, as I am sure Mr Ballance would wish, in the context of the environmental checks and assessment that will take place. That is the point that Maureen Watt is making, but the checks that she seeks are already in place.

**Phil Gallie (South of Scotland) (Con):** Is it not the case that, if an airport seeks to extend a runway on land that is already designated as airport property, the proposal can go ahead without consultation, whereas if it seeks an extension beyond the airport perimeter, others may come into the argument?

**Tavish Scott:** I understand that the planning process covers all eventualities and that there would, therefore, be formal consultation and the opportunity for formal expression of opposition. I will check the point that Mr Gallie makes about airport boundaries and respond to him on it.

As part of future reviews of the national transport strategy, the Government is developing a carbon balance sheet that will present the impact of all Scottish transport policies and projects that are expected to have a significant impact on carbon emissions, whether positive or negative. I agree with Maureen Watt about the importance of addressing climate change. The bill and the associated subordinate legislation will deliver what she seeks to achieve. On that basis, I ask her to withdraw or not to move her amendments.

**Ms Watt:** If, as he says, the minister will use subordinate legislation to ensure that climate change factors are taken into account in environmental assessments, I seek leave to withdraw amendment 1.

*Amendment 1, by agreement, withdrawn.*

### Section 3—Crown land

**The Deputy Presiding Officer:** Group 2 comprises minor amendments. Amendment 4, in the name of the minister, is grouped with amendments 9 and 13.

**Tavish Scott:** Amendment 4 is a technical drafting amendment to improve references. The term "Crown interest" is used twice in section 3. Amendment 4 ensures that where the term is used, it attracts on each occasion the definition as set out in subsection (3).

Amendment 9, too, is technical. We realised that we had inadvertently omitted a cross-reference. The amendment rectifies that and ensures for the avoidance of doubt that all pertinent information about orders must be placed in the annual report, which will be published and laid before the Parliament. I hope that Ms Watt will accept that assurance.

Amendment 13 is a technical and consequential amendment that is required because of changes that we made at stage 2 to make harbour authorities a statutory objector.

I move amendment 4.

*Amendment 4 agreed to.*

### Section 4—Applications

*Amendment 2 not moved.*

#### After section 7

**The Deputy Presiding Officer:** Group 3 is on developments of national significance. Amendment 16, in the name of Maureen Watt, is the only amendment in the group.

**Ms Watt:** Although there was general agreement that the existing system of dealing with major projects by means of a private act of the Scottish Parliament is not a satisfactory way of doing things, there is concern among those who have followed the Transport and Works (Scotland) Bill that so little involvement of the Parliament is expected as a result of the bill.

With amendment 16, I am not trying to reintroduce the arguments that were advanced by Donald Gorrie at stage 2. If all the front-loading of the process of major projects takes place and all interested parties are involved from the start, that will be welcome. However, there is concern that

although local members might be able to have a say, Parliament as a body will not have a say on major strategic developments. That is remiss. Shortly after the announcement of a project, time should be given for elected members to give their views so that ministers know at the outset the views of members and their constituents.

I offer an example that looks back to what happened earlier today. If proposals were developed for a new Forth crossing, from whichever party, surely the Government of the day should lead an early debate on the subject—for example, on whether the crossing should be a bridge or a tunnel. That debate should not be left to an individual member to introduce; the Government should lead the debate so that members may have a say on the project.

I move amendment 16.

**David McLetchie (Edinburgh Pentlands)**

**(Con):** I have a great deal of sympathy with Maureen Watt's amendment 16. Section 13 deals with developments of national significance and provides that formal approval of any ministerial order relating to such a significant development will be required from the Parliament as a final stage in the process. Amendment 16 would provide for preliminary as well as final consideration by Parliament of such a significant development.

I have some sympathy with the amendment because of a point that was raised in evidence by those who participated under the present private bill procedure, who said that by the time the draft private bill came to Parliament, the principle of the project had in effect been approved by the Scottish Executive since such projects invariably depend on a high level of public funding before they can even get to first base. As the objectors saw it, parliamentary consideration was confined to the details and not the principle and the result was a foregone conclusion. That is an unfortunate, if realistic, perception. For that reason, there is merit in the principle behind amendment 16.

Whether a statutory requirement for preliminary consideration by Parliament needs to be incorporated in the bill depends in part on how the Executive intends Parliament to debate the national planning framework and developments of national significance that are within that framework, some of which are projects that fall within the scope of the bill. If we can be satisfied that there is adequate scope for such a preliminary debate in Parliament, initiated by the Executive in its own time, amendment 16 is probably unnecessary. However, if that is not the case—we await the minister's response with interest—the amendment has considerable merit and is worthy of our support.

**Chris Ballance:** I, too, have a great deal of sympathy with amendment 16. It is important that we have some form of parliamentary scrutiny and debate on the general principles of such proposals before all the work of inquiries and everything else gets under way.

At the moment, we risk creating a procedure that involves much less parliamentary scrutiny than currently exists. We risk creating a procedure whereby the only parliamentary scrutiny will be a final motion at the end of the process, when there will be one three-minute speech for and one three-minute speech against.

Amendment 16 is worth while. Unlike David McLetchie, I think that it is important to include the provision in the bill, because regardless of the current minister's good will and good intentions, we must have something that is binding on his successors.

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

In adding my support for Maureen Watt's amendment 16, I declare an interest as I was previously the convener of the Waverley Railway (Scotland) Bill Committee.

Far be it from me to say that the Parliament needs more involvement than the bill provides, given the complaints of all the committee members in light of the fact that the process took almost three years and required us to go through a pile of evidence that was almost 3ft high. However, there is an important stage missing from the procedure that is outlined in the bill and I urge the minister to listen carefully to the comments that have been made by members throughout the chamber.

It is not unreasonable to suggest that Parliament gets to consider a proposal at a preliminary stage to decide in principle whether we support it before it proceeds further. The process that is outlined in the bill is lacking in parliamentary scrutiny. I am not arguing for one minute that we should go back to the old system—heaven forbid—but I think that there is something missing. I urge the minister to listen carefully, reflect on what has been said and respond positively to Maureen Watt's amendment.

**Tavish Scott:** I take the issue seriously. It reflects a legitimate point of interest that has been raised, in different forms but in the same manner, at committee proceedings and elsewhere.

First, on the point on which David McLetchie and Tricia Marwick have just reflected, I bow to the superior knowledge of my colleague Johann Lamont, who was responsible for the Planning etc (Scotland) Bill. Not only will we have a full parliamentary debate on these matters before the parliamentary process begins, but the committees will be heavily involved in taking them forward and

scrutinising them to the utmost extreme. It is important to reflect on Parliament's engagement in the process.

**Chris Ballance:** Will the minister give way?

**Tavish Scott:** In a minute.

I assure Chris Ballance that it is not the case that there would be a three-minute speech for and a three-minute speech against. Ministers would be held accountable for every part of the proposal and ministers would be questioned on every part of it in detailed evidence sessions. I hope that that provides the assurance that he seeks.

**Chris Ballance:** Does not the minister accept that the debate on the planning strategy will be a debate on a large number—perhaps 50 or 60—of planning issues? What is required is detailed examination of a specific transport issue, but that will not happen in a general debate on the overall planning strategy for Scotland.

**Tavish Scott:** That is why I made the point on the role of committees. The kind of scrutiny that the member describes is not provided by general parliamentary debates; the Parliament's bread-and-butter work is done in the committees. I strongly advocate and will always support the committees' right properly to scrutinise all such issues. I am sure that they will do so in the context of the national planning framework and will look into the detail behind it in relation to an individual committee's responsibilities.

I hope that Mr Ballance accepts that assurance. I do not accept that only the debate in Parliament would cover the wide range of projects; detailed scrutiny would take place in the committees.

As Maureen Watt knows, I stated in evidence to the Local Government and Transport Committee:

"If the bill is enacted, transport proposals will continue to be subject to scrutiny, from the strategy documents, beginning with the strategic projects review, through to the infrastructure investment plan and culminating, for nationally significant projects, in the national planning framework."

15:15

**Tricia Marwick:** Will the minister give way?

**Tavish Scott:** I want to finish making this point.

I also said:

"Given the front-loading exercise and the significant top-line parliamentary scrutiny in the context of the national transport strategy"—

and other aspects,

"it will simply not be necessary to have yet another process."—[*Official Report, Local Government and Transport Committee*, 3 October 2006; c 4048 and 4053.]

I wholly concur with Alasdair Morgan, who said in his submission on the bill to the Procedures Committee:

"the SNP is anxious that whatever procedure is introduced in the above bill is one which considerably reduces the delays"—

I think that that is Tricia Marwick's point—

"currently accompanying public transport projects, particularly in relation to rail.

In that respect I am not convinced that we do need two bites at the cherry in Parliament in respect of approving Executive action and I feel that approval of the final draft order is probably sufficient."

**Tricia Marwick:** That just shows that the previous business manager and chief whip sometimes disagreed with the current business manager and chief whip on the issue—I will probably get a hard slap for it, too.

Will the minister confirm that the national planning framework will be either wholly approved or wholly rejected by members after the parliamentary debate and that we will have no opportunity to lodge an amendment that would delete part of the document? If that is the case, the detailed scrutiny that we want will not take place, because members will not be able to reject a particular aspect of the framework without rejecting the whole thing.

**Tavish Scott:** That argument would be fair if the debate represented the Parliament's only scrutiny of the Government of the day's national planning framework. However, as we have discussed ad nauseam in committee, it absolutely will not be the only scrutiny. I hope that Tricia Marwick reads the evidence on the matter, because we went over the issue a number of times. As I said to Chris Ballance, the debate is not the only process; a number of steps will be gone through. The front-loading exercise—I know that is dreadful jargon—will involve consultation and projects will be considered by communities and, I am sure, by many regional and constituency members. In addition, there will be a political process, which will provide much opportunity for debate and full, active scrutiny before the Parliament debates the NPF.

I want to talk about fairness. The practical proposal in amendment 16 is that the Parliament should by motion debate an individual project within three months of an application being made, which means that the Parliament could conduct a formal debate during an objection period. I hope that Maureen Watt will reflect on the significant problems that such an approach would give the Government. The Parliament might debate a project's merits before it had been subject to independent examination by a reporter or while an inquiry or hearing was going on—I am sure that

that is not what Maureen Watt wants to achieve. What message would that send to the parties concerned? People would ask what was the point of pursuing the process if the Parliament was going to arrive at a decision without hearing the evidence or arguments. Amendment 16 is not consistent with the formal processes in relation to people's right to object.

On the basis of that point and wider points about the inevitable and proper parliamentary scrutiny of national transport plans and other plans, I ask Maureen Watt to withdraw amendment 16.

**Ms Watt:** I do not recall it being suggested to the Local Government and Transport Committee that scrutiny of projects under the bill would be as strong as the minister's comments today suggest that it will be. If such scrutiny is to take place, and given what my colleagues have said to other committees, I seek leave to withdraw amendment 16.

**The Deputy Presiding Officer:** Does any member object to Maureen Watt withdrawing amendment 16?

**Members:** Yes.

**The Deputy Presiding Officer:** In that case, I must put the question. The question is, that amendment 16 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. I suspend the meeting for five minutes.

15:19

*Meeting suspended.*

15:24

*On resuming—*

**The Deputy Presiding Officer:** We will proceed with the division.

#### FOR

Baird, Shiona (North East Scotland) (Green)  
Ballance, Chris (South of Scotland) (Green)  
Ballard, Mark (Lothians) (Green)  
Harper, Robin (Lothians) (Green)  
Harvie, Patrick (Glasgow) (Green)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
Aitken, Bill (Glasgow) (Con)  
Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Barrie, Scott (Dunfermline West) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
Brown, Robert (Glasgow) (LD)  
Brownlee, Derek (South of Scotland) (Con)  
Butler, Bill (Glasgow Anniesland) (Lab)  
Canavan, Dennis (Falkirk West) (Ind)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Cunningham, Roseanna (Perth) (SNP)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Davidson, Mr David (North East Scotland) (Con)  
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Eadie, Helen (Dunfermline East) (Lab)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
Finnie, Ross (West of Scotland) (LD)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Gibson, Rob (Highlands and Islands) (SNP)  
Gillon, Karen (Clydesdale) (Lab)  
Glen, Marlyn (North East Scotland) (Lab)  
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
Gorrie, Donald (Central Scotland) (LD)  
Grahame, Christine (South of Scotland) (SNP)  
Henry, Hugh (Paisley South) (Lab)  
Home Robertson, John (East Lothian) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Hyslop, Fiona (Lothians) (SNP)  
Ingram, Mr Adam (South of Scotland) (SNP)  
Jackson, Dr Sylvia (Stirling) (Lab)  
Jackson, Gordon (Glasgow Govan) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Johnstone, Alex (North East Scotland) (Con)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lochhead, Richard (Moray) (SNP)  
Lyon, George (Argyll and Bute) (LD)  
MacAskill, Mr Kenny (Lothians) (SNP)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
Macintosh, Mr Kenneth (Eastwood) (Lab)  
Maclean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
Mather, Jim (Highlands and Islands) (SNP)  
Maxwell, Mr Stewart (West of Scotland) (SNP)  
May, Christine (Central Fife) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McLetchie, David (Edinburgh Pentlands) (Con)  
McMahon, Michael (Hamilton North and Bellshill) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Milne, Mrs Nanette (North East Scotland) (Con)  
Mitchell, Margaret (Central Scotland) (Con)  
Morgan, Alasdair (South of Scotland) (SNP)  
Morrison, Mr Alasdair (Western Isles) (Lab)  
Muldoon, Bristow (Livingston) (Lab)  
Mulligan, Mrs Mary (Linlithgow) (Lab)  
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
Murray, Dr Elaine (Dumfries) (Lab)  
Neil, Alex (Central Scotland) (SNP)  
Oldfather, Irene (Cunninghame South) (Lab)  
Peacock, Peter (Highlands and Islands) (Lab)  
Peattie, Cathy (Falkirk East) (Lab)  
Petrie, Dave (Highlands and Islands) (Con)  
Pringle, Mike (Edinburgh South) (LD)  
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
Robison, Shona (Dundee East) (SNP)  
Robson, Euan (Roxburgh and Berwickshire) (LD)  
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Fox, Colin (Lothians) (SSP)

**The Deputy Presiding Officer:** The result of the division is: For 5, Against 97, Abstentions 1.

*Amendment 16 disagreed to.*

#### Section 8—Objections

**The Deputy Presiding Officer:** Group 4 is on notifications. Amendment 5, in the name of the minister, is grouped with amendments 6 and 8.

**Tavish Scott:** Amendment 5 seeks to improve targeting of information. We have decided that it is inappropriate that a newspaper advertisement must be placed each and every time we decide to dispense with rules or require compliance with additional rules. We believe that we have to ensure that we most appropriately inform people who may be materially affected; where only a few people will be affected, they could receive individual notices rather than be informed via a newspaper.

Amendment 6 has been lodged for technical drafting reasons. It seeks to make more precise the cross-reference to provisions within section 9 and, in so doing, to confirm that Scottish ministers are to send notice of their determination to make or not to make an order to every statutory objector that makes an objection. Amendment 8 is consequential on it, to maintain consistency in the drafting.

I move amendment 5.

*Amendment 5 agreed to.*

#### Section 12—Publicity for making or refusal of order

*Amendment 6 moved—[Tavish Scott]—and agreed to.*

*Amendment 3 not moved.*

**The Deputy Presiding Officer:** Group 5 is on the implementation of a directive. Amendment 7, in the name of the minister, is grouped with amendments 10, 11, 12, 14 and 15.

**Tavish Scott:** The amendments follow through on the commitment that I gave to the Local Government and Transport Committee to return at stage 3 with amendments that will implement European Council directive 2003/35/EC as it relates to the Harbours Act 1964. The directive—otherwise known as the public participation directive—extends the amount of information that is to be made available when a development that requires an environmental impact assessment is being proposed, and the ways in which that information is published. It seeks to ensure that members of the public, as well as bodies that have environmental interests, have the opportunity to participate in the environmental decision-making process. It also provides for a legal right to challenge the decision. Similar changes were made recently by regulation in respect of roads, and changes for projects to deliver rail and other guided transport systems have been reflected in the drafting of part 1, with details to be laid out in secondary legislation.

Amendment 14 will ensure that we implement the provisions of the public participation directive before June; if we did so any later, we would leave ourselves open to possible infraction proceedings. Amendment 15 will ensure that in implementing the provisions of the public participation directive we do not breach the legitimate expectation of developers that have current applications. The transitional arrangements confirm that we will not be changing the rules or procedures for existing projects. That is a standard approach.

I move amendment 7.

**David McLetchie:** I direct my remarks at amendment 11, which is in the name of the minister. The legislative process in Parliament is sometimes of such mind-numbing tedium that it almost sends members to sleep. That is no better exemplified than in amendment 11, which starts with a series of subsections designated “zz”. Who is responsible for that? We need look no further than the introduction to amendment 11, where we find our old friend, Council directive 2003/35/EC.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Where is Phil Gallie?

**David McLetchie:** He is right beside me. I am sure that he will have something to say about it.

Once again, it seems that pages are being added to legislation of Parliament at the behest of our friends and partners in the European Union. At a recent meeting of the Local Government and Transport Committee, it was of considerable interest to my colleagues and me to study the report that had been prepared by Jim Wallace on implementation of EU directives in the Scottish Parliament, elsewhere in the United Kingdom and in other member states.

I would like an assurance from the minister that the pages and sections of legislation that we now propose to enact are not an example of the gold plating to which Mr Wallace drew attention in his report. It is remarkable that, whereas we require pages to implement a European directive, our friends in the Republic of Ireland seem to require only a few lines.

Although we will support amendment 11—as is incumbent upon us under the terms of our legal obligations as members of the European Union—I ask the minister to comment on whether the pages and pages of prose are truly necessary to give the law effect.

15:30

**Tavish Scott:** It is important to look closely at amendment 11, and I am sure that David McLetchie has had that opportunity, even in his darkest moments. I can assure him that the new “pages” of law are in fact paragraphs. New paragraph (zza) of proposed new section 54A of the Harbours Act 1964—I know that David McLetchie is familiar with that one—provides for definitions. Paragraphs (zzb) and (zzc) seek to improve the provision of access to information and the making of representations and paragraph (zzd) will introduce new paragraph 10A into part I of schedule 3 to the 1964 act. As regards the remaining new paragraphs (zze) to (zzg), which are, of course, consequential, I hope that David McLetchie will recognise that they are paragraphs, not pages. He will therefore appreciate that the Scottish Executive is doing its best not to have gold, silver, bronze or any other kind of plating.

*Amendment 7 agreed to.*

*Amendment 8 moved—[Tavish Scott]—and agreed to.*

### **Section 20—Annual report**

*Amendment 9 moved—[Tavish Scott]—and agreed to.*

### **Section 24—Amendment of Harbours Act 1964**

*Amendments 10 to 13 moved—[Tavish Scott]—and agreed to.*

### **Section 29—Short title and commencement**

*Amendments 14 and 15 moved—[Tavish Scott]—and agreed to.*

## **Transport and Works (Scotland) Bill**

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S2M-5361, in the name of Tavish Scott, that the Parliament agrees that the Transport and Works (Scotland) Bill be passed.

15:32

**The Minister for Transport (Tavish Scott):** Parliament recognises that transport is fundamental to our society and to having a socially just and economically vibrant Scotland. We have driven forward changes to transform transport delivery and transport infrastructure across the country. We have created regional transport partnerships, and we have provided national concessionary travel to older people, young people and people with disabilities. We are delivering ambitious road and rail developments and we are placing even greater emphasis on public transport solutions.

Last year, we launched the national transport strategy, which provides, for the first time, a single comprehensive national statement of our transport priorities and plans for the future. We will soon determine the projects that will deliver that strategy, but today we are providing the process for authorising those projects. We need to ensure that the process that we use to deliver projects is appropriate, effective and efficient in terms of time and cost.

We must give a better deal to promoters, to objectors and, certainly, to MSPs as they carry out their appropriate role of scrutiny and take up their rights to object and comment. We want the bill to strive to improve process efficiency, but not at the expense of compromising scrutiny, transparency, fairness or the primacy of Parliament. The debates and discussions on the bill, including the debate this afternoon, have rightly focused on those matters.

Following detailed interrogation, the bill has not been found wanting. It will improve scrutiny through use of public examination. It will improve transparency and fairness through greater provision of public information and participation. It will strengthen the primacy of Parliament by ensuring that all transport developments that are of national importance will now be subject to the affirmative procedure. This is a good bill that focuses on improving a process that has been subject to an old private bills procedure that many of us have found to be demanding at all times. I commend the bill to Parliament.

I move,



That the Parliament agrees that the Transport and Works (Scotland) Bill be passed.

15:34

**Ms Maureen Watt (North East Scotland) (SNP):** As the minister said, the bill is quite technical and is not one to set the electorate, the media or even the heather, on fire. The people who will welcome it most are those who have sat through consideration of the Edinburgh tram bills, the Waverley Railway (Scotland) Bill, the Airdrie-Bathgate Railway and Linked Improvements Bill and so on.

However, we welcome the fact that, because of the so-called front-loading of the process, members of the public who are interested in a particular major project will be able to get involved at a very early stage. We also welcome the onus that is being put on developers to involve many people and at an early stage.

I thank the committee clerks and all those who were involved in the bill. The SNP will vote for the bill at decision time.

15:35

**David McLetchie (Edinburgh Pentlands) (Con):** The Transport and Works (Scotland) Bill is the first bill in which I was involved from start to finish, as a member of the Local Government and Transport Committee. For me, the bill was an interesting introduction to the legislative process at its various stages, even if—as Maureen Watt commented—the subject matter was somewhat dry; it was hardly likely to set pulses racing or, as she said, to set the heather on fire. I echo her words of thanks to the bill team and committee staff who brought the bill to fruition and assisted us, as committee members, in our consideration of the bill's principles and detailed provisions.

The present private bill procedure has, among the general body of members, few friends in Parliament. That is in part because the MSPs who have the keenest interest in a given project have been excluded from membership of the relevant bill committee because of the significance that the project would have had for their constituency, but it is also because of the potential for conflicts of interest to arise and because of the quasi-judicial role that we have been asked to play. Accordingly, the new procedure will be an improvement even if, from the standpoint of promoters or the taxpayer, it will be no less expensive.

I say that because the new procedure makes the responsibility and accountability of ministers for such projects far more explicit than does the present process. Whether or not a project proceeds, it is—and it should be—fundamentally a matter for political decision making. The

application process should reflect political priorities and not the outcome of an independent examination, even if that included a public inquiry. That approach must be right, as a matter of principle.

As I said at stage 1, all the major rail and tram projects that will be making substantial calls on the public purse over the next few years have already been approved or are in the process of approval before the end of the parliamentary session under the present private bill procedure. Those projects carry a price tag of £2.5 billion and rising. Of course, they now have to compete with the considerable financial demands—or potential financial demands—of a new Forth crossing. It will be interesting to see whether all of them survive the comprehensive spending review that has been conveniently scheduled for after this year's election, and the scrapping of the Barnett formula by Prime Minister Gordon Brown on his accession to office. I strongly suspect that some hard financial decisions will have to be taken in the next couple of years and that the gravy train will shortly hit the buffers.

Accordingly, when it comes to major transport projects, the bill and the new procedure may gather dust on the shelves. However, it is right that we should learn from our experience of the current procedure, put the measure in place, and watch this space to see what happens—if anything.

15:38

**Mr Charlie Gordon (Glasgow Cathcart) (Lab):** I am very pleased to endorse the bill. I am also delighted that we have reached stage 3. There was overwhelming cross-party consensus on the bill at stage 1. I gather that there was not much change to that consensus at committee at stage 2, except for a minor skirmish with Donald Gorrie. We have had more minor skirmishes today, but no blood has been drawn on either side.

When the bill is enacted, we will no longer need the complexity of a full act of Parliament to build a canal, railway, guided busway, certain roads or harbours. I have only one caveat to add to what has been said, which is that post-legislative scrutiny is a responsibility and, indeed, a challenge for Parliament. Given the significance of transport infrastructure to our economy, to our built environment and to social inclusion, we must monitor the effectiveness of the legislation. I do not envisage that the bill will gather dust because it will be vital to our nation in the period ahead. We need to monitor its effectiveness. We think we have it right, but let us check and see.

15:40

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The bill will modernise the process for authorising major rail, tram and inland waterway developments, which was designed in the 19<sup>th</sup> century. At the moment, such developments are dealt with by private acts of the Scottish Parliament. That is an archaic system: I, for one, was astounded that, when Westminster created the Scottish Parliament, we inherited a system that, if I may use a phrase that is in vogue at the moment, is not fit for purpose.

The bill will implement the commitment that was made in May 2005 to place the Scottish ministers at the heart of an order-making process, thereby avoiding the need for private bills and the establishment of unpopular private bill committees. That move was unanimously supported by Parliament.

The bill will modernise and improve the system. It will ensure that a full and thorough appraisal process will take place with the involvement of the community, local MSPs and, if appropriate, the Scottish Parliament. However, there will be no need to create private bill committees. The bill will also give local authorities, national park authorities, navigation authorities, Network Rail, regional transport partnerships and people who would be directly affected by compulsory purchase orders the right to have their objections heard at an inquiry.

To critics of the bill—if there are any—who say that it will remove parliamentary scrutiny, I say that it will certainly remove unnecessary parliamentary scrutiny, but it will also mean that decisions that the Minister for Transport takes on projects of national importance will be subject to parliamentary approval. That process must be right. In addition to the methods of parliamentary scrutiny that the minister mentioned, we have the system of members' business debates, in which MSPs can debate such issues and hold ministers to account. Indeed, Maureen Watt will hold a members' business debate immediately after decision time tonight in which she will address an issue in respect of the legislation on seatbelts.

**Phil Gallie (South of Scotland) (Con):** That is all very well. Members' business debates certainly address issues, but they really do not hold ministers to account. They are obliged to respond, but they are not obliged to take action.

**Mike Rumbles:** I will give Phil Gallie an example: I held two members' business debates last year on the campaign to save the Aboyne maternity unit; today, the Minister for Health and Community Care announced that the unit has been saved. Phil Gallie should not tell me that

members' business debates have no effect, because they can have great effect.

There is broad support throughout Parliament for the bill. I am sure that, when we come to the vote, the motion will be agreed to and the bill will command overwhelming support from colleagues.

15:43

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I am happy—actually, I am ecstatic—to speak in the debate after my experiences of the current private bill process. This morning, we had a debate in which I argued that bridge tolls are unfair to Fife. The fact that local members could not be involved in private bill committees has meant that members from Fife have had an onerous task because of the locations of many of the projects for which there have been private bills. The Waverley Railway (Scotland) Bill Committee included Ted Brocklebank, Christine May and me; Helen Eadie and Scott Barrie have also been on private bill committees.

There is a belief that members were dragooned on to private bill committees. It is true that, once word got out that they were not good places to be, most members gave them a body swerve. However, I confess that, in my naivety, I volunteered myself to Bruce Crawford, who was the Scottish National Party's chief whip, for the Waverley Railway (Scotland) Bill Committee. I told him that I had been most places in the Parliament—I had been a business manager, a whip and a committee member—so I would like to see how a private bill worked. I have never been known for making sound judgments and that was certainly not a sound judgment: the committee went on and on and on. The Waverley Railway (Scotland) Bill showed the sheer complexity and technical nature of the long-running saga of the Borders railway.

I am pleased that the system has been streamlined, because it is unfair to expect MSPs to involve themselves in the technicalities that we encountered. On one side were the promoters with their technical advisers, and on the other side was the committee with its technical advisers. Although I pay tribute to all members who have been on private bill committees in the past, I am sure that they would acknowledge that the process was extremely onerous, difficult and time consuming.

I welcome the Transport and Works (Scotland) Bill. I would have liked it to include some parliamentary involvement in the new process, but we are where we are. It is certainly a heck of a lot better than the previous system, and I have no hesitation in giving it my support.

15:45

**Bristow Muldoon (Livingston) (Lab):** In speaking in support of the Transport and Works (Scotland) Bill, I want first to thank the clerks to the Local Government and Transport Committee, as others have done, for their advice and support during consideration of the bill. I want also to thank both those who gave evidence and my fellow committee members for their contributions.

The Parliament has recognised a problem with the requirements under the private bills procedure that we had to follow and there has been a degree of consensus on establishing a more modern approach to authorising public transport projects. That is especially important because both parties in the Executive—Labour and the Liberals—have ambitious plans for investing in our public transport infrastructure. Projects for the Larkhall to Milngavie line, the Stirling-Alloa-Kinross line, Edinburgh trams, the Borders rail line, the Glasgow and Edinburgh airport rail links and the Bathgate to Airdrie line either have been completed or are in the process of being completed. The last of those projects is close to my heart and I hope that proceedings on the bill to provide for it will be completed before Parliament breaks for the elections.

Mr McLetchie made a mischievous point in trying to claim that future Prime Minister Brown would be some sort of threat to the income of the Parliament. Let me point out to Mr McLetchie that if it were not for the actions of Chancellor Brown and the doubling in cash terms of the budget of the Parliament in the eight years since devolution, many of those ambitious public transport projects could not have proceeded.

**Mike Rumbles:** Does Bristow Muldoon find it as interesting as I do that David McLetchie did not refer to a possible future Prime Minister Cameron?

**Bristow Muldoon:** I welcome the fact that Mr McLetchie fully expects Mr Brown to be the next Prime Minister, as many in the country do. Many years may he serve in that role—I am sure that that will continue to be positive for this Parliament.

The bill sets out a more modern and efficient set of procedures for permitting new tram and rail lines to proceed, and it replaces the cumbersome private bills procedure. Mike Rumbles was right to point out just how antiquated that procedure was—it dated back to Victorian times. One reason why it was not updated is that there was no expectation in the past few decades in Britain that we would embark on a major new expansion of railways. The Parliament is to be commended for embracing the opportunities to enhance our public transport infrastructure.

I am sure that, as has been remarked, all members who have served on private bill

committees will welcome this development. It is not about MSPs shirking their responsibilities; it is about MSPs being able to concentrate on their key responsibilities for the major public services, such as health and education, for crime and for the economy. If we require detailed consideration of a public transport project and issues such as the appropriate decibel limit that should apply, it is right that dedicated professionals with relevant expertise should be involved.

Of course, the final responsibility for approving a project will lie with ministers or the Parliament, depending on whether it is a national or more regional or local project. The vast majority of the more regional or local projects will have been subject to democratic accountability through local authorities or regional transport partnerships before final permission is requested from ministers.

It is important that we have upfront consultation, because the bill is not about denying people their opportunity to object to a project if they have legitimate concerns. The emphasis on upfront consultation and notification of people who will be close to a project is important and we will need to monitor that closely.

It may be that, given the range of projects that we are currently committed to, not as many new projects will come forward in the course of the next few years, but I have no doubt that members and political parties will promote further projects in the years to come. Therefore, I believe that the bill will serve Scotland well by ensuring that any future major public transport projects are able to be considered in a modern and efficient way.

**The Deputy Presiding Officer:** We now move to winding-up speeches.

15:50

**Dr Sylvia Jackson (Stirling) (Lab):** I agree totally with what the minister said about the importance of transport. He stressed the importance of the new strategy that the bill will provide for delivering public transport projects. As Bristow Muldoon mentioned, the bill presents us with a modern and efficient system.

I was involved with the bill through my membership of two committees—the Local Government and Transport Committee and the Subordinate Legislation Committee—but I will speak first from a Local Government and Transport Committee perspective.

I can mention only a few of the issues that are raised in the committee's stage 1 report. It stated:

"The Committee supports the principle that applications for transport developments should be "frontloaded"—

front-loading is an issue that we have heard quite a bit about this afternoon—

“so as much consultation takes place, and as much information is provided to those potentially affected by the project, as possible, in advance of the application being made. The Committee considers that this will provide significant benefits in helping to improve the quality of applications. The Committee notes the broad support among witnesses for the policy of frontloading applications, but wishes to highlight two points”.

Those two major points, along with a number of other issues, were taken on board by the minister and we are satisfied that the issues that we raised have been dealt with.

The stage 1 report continues:

“the Committee notes concerns which have been expressed about the potential costs on promoters, if promoters have already been carrying out good practice in relation to pre-application activity, then they may not see a significant increase in costs under the new arrangements ... While the Committee sympathises with the burden of work which objectors have to carry, nevertheless it is of the view that it would not be appropriate for public finances to be utilised to provide financial support for objectors to a particular project. The Committee has recommended that as much information should be provided to those potentially affected by a project as possible, and the Committee further recommends that reasonable time is permitted to allow objectors to present their case. The Committee hopes that this will go some way towards striking a reasonable balance between promoters and objectors”—

striking that balance has always been the big issue.

Basically, the committee recognised

“the importance of the correct balance being struck between enabling those with a vested interest in a proposed transport infrastructure project the opportunity for their views to be heard through an inquiry and the importance of a transport project being able to proceed in a timely manner. ... The Committee heard from a range of witnesses who argued that the right to require an inquiry should be extended to include other organisations. The Committee therefore welcomes the Minister for Transport’s commitment to extend the right to call an inquiry or hearing to navigation authorities, Network Rail and regional transport partnerships”.

Moving on to the Subordinate Legislation Committee perspective, I want to mention one issue on which we were given an assurance from the Executive that I would also like to be put on record. On section 27 of the bill, our report on the bill as amended at stage 2 states:

“The Committee noted that subsection (6)(aa) enables orders etc under the Act to sub-delegate functions. It recognised the need for this type of sub-delegation but was concerned that it could be interpreted as including a power to confer a power to make subordinate legislation.

... In correspondence to the Committee, the Executive confirmed that it has no intention of using the power conferred by section 27(6)(aa) to empower the making of subordinate legislation. However, the Committee was concerned that any future Executive would not necessarily take this view. The Executive also considered that a court would not read this section as sufficient to authorise provision allowing a third party to make subordinate legislation but it seemed preferable to the Committee for

the bill to include a provision to put the position beyond doubt. In oral evidence the Executive assured the Committee that in its view the drafting ‘is sufficient to show that there is no means of passing on the power to make subordinate legislation.’

... The Committee also sought clarification of the reference to ‘any enactment’ in section 27(6)(b) and whether this would include the Act itself.

... Similarly to the position that it had put forward in relation to a point on the Aquaculture and Fisheries (Scotland) Bill, the Executive considered that ‘explicitly stating that the power does not extend to amending the parent Act would cast doubt upon the meaning of numerous provisions in existing Acts of the Scottish Parliament.’

... The Committee did not doubt the stated intention of the Executive in relation to these powers but agreed that the attention of the Parliament should be drawn to the assurances received in oral evidence from the Executive at the Committee’s meeting on 6 February”.

I am pleased to speak today to ensure that we get assurances on those points on record.

In summary, I gather that the Scottish Parliament’s staff costs will decrease by £85,000 and that 280 MSP hours will be saved per project, which I am sure is to be welcomed. I anticipate that removing the requirement for a private bill for a transport-related project will result not only in a saving in staff costs but in a notional saving in MSPs’ time. However, that saving will not be concrete, as I am sure that MSPs will utilise the saved time to conduct other pressing business. We should support the bill.

15:56

**Phil Gallie (South of Scotland) (Con):** There is far too much consensus in this place today, so I intend to cause a ripple—rather than a wave—of dissent.

**Bristow Muldoon:** Which aspect of the European convention on human rights does Mr Gallie feel is to blame for the bill?

**Phil Gallie:** I am not quite sure which aspect of the ECHR is to blame, but I am sure that there is an aspect of it that is to blame.

In his opening speech, the minister spoke about the private bills system as being arcane. I am probably the only member of the Parliament who has run an enterprise that was set up under the old private bills system at Westminster; I am referring to the Lanark and Galloway hydroelectric schemes. The private bills that set up those schemes, which were passed some 80 years ago, dealt with issues in such a way as to protect the public today from what some members—not me, of course—would refer to as the excesses of privatisation in the power industry. Those private bills have been valuable in protecting the public.

In amendment 16, Maureen Watt attempted to deal with the restricted involvement that

parliamentarians will have in the new process. Although I have some sympathy with her in that regard, sadly we could not have agreed to her amendment because, as the minister pointed out, its shortcomings would have had consequences. However, Maureen Watt was right to speak about the involvement of MSPs.

As someone who is about to leave the Parliament, I might be approaching the issue from a position of self-interest. I loved all the hours that I spent as a member of the Edinburgh Tram (Line One) Bill Committee and I am still enjoying my time as a member of the Airdrie-Bathgate Railway and Linked Improvements Bill Committee. I believe that the purpose of MSPs is to ensure that the interests of individuals and constituents are protected. I will come to constituents shortly.

**Ms Watt:** Will the member take an intervention?

**Phil Gallie:** I just want to finish my point.

We are here to guard people's interests and I believe that, in many ways, the private bill committees have done that.

I am disappointed by what has happened to the guarantees that were given to the Edinburgh Tram (Line One) Bill Committee on the provision of a shuttle bus to serve the Western general hospital. In my view, we got a commitment that such a service would be provided and would be continued, but it seems—if what is written in the papers is to be believed—that the promoter is going back on that commitment. I ask the minister to examine the statements that were made in meetings of the Edinburgh Tram (Line One) Bill Committee and the guarantees that were given and to ensure that the shuttle bus that was promised is delivered for people who want to use the Western general.

**Ms Watt:** Phil Gallie is about to leave the Parliament, but he paid it a great compliment. The private bills that it has considered were long and sometimes tedious, but they were obviously a hell of a lot better than those at the House of Commons.

**Phil Gallie:** I did not say that. The bills on the Lanark and Galloway hydroelectric schemes go back about 80 years. If my recollection is correct, we did not have the Scottish Parliament at that time. Both systems have value. There is credit for the Scottish Parliament in the way in which we deliberated on the bills. That contradicts Mike Rumbles's speech, because he expressed disappointment that the bills were considered under parliamentary procedure.

I cannot let Bristow Muldoon's comment about Chancellor Brown's largesse pass without comment. I point out to him that, at a meeting of the Council of Ministers in Amsterdam in 1997,

Tony Blair claimed that Britain's economy was the strongest in Europe. However, it was a Tory Government that established that strong economy and put Gordon Brown in the position to be able to impose tax after tax and dispense the largesse that allowed us to commit to some of the transport schemes.

**Bristow Muldoon:** Will the member confirm that the United Kingdom economy has continued to grow throughout the past 10 years of Labour government? Does he agree that that demonstrates the chancellor's successful economic management?

**Phil Gallie:** We can see that in a different light if we consider the balance of debt, the balance of trade and personal debt. I have great concerns about the UK economy. David McLetchie asked whether we will be able to sustain the level of spending that has been committed, and that question applies irrespective of which Government takes us forward.

As David McLetchie also said, the bill panders to the European Union to some degree. When the minister spoke to amendment 11, his comments were gobbledegook worthy of any European commissioner. I wonder where his ambitions lie.

Some serious issues have been picked up. The bill will certainly speed up some important transport projects that affect the well-being of the country's economy. To that degree—and with the silver tongue of David McLetchie persuading me that the bill is a good thing—I will join in and support the bill at decision time.

**The Deputy Presiding Officer (Murray Tosh):** I call Brian Adam to close for the SNP. [*Interruption.*] Would anyone else like to close for the SNP?

**Members:** No.

**The Deputy Presiding Officer:** In that case, I call Tavish Scott to wind up the debate.

16:03

**Tavish Scott:** That is probably a bit unfair on poor Mr Adam, Presiding Officer.

Before I comment on the brief debate that we have had this afternoon, I advise the Parliament, for the purposes of rule 9.11 of standing orders, that Her Majesty, having been informed of the purport of the Transport and Works (Scotland) Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

I welcome the comments that were made during the debate. A number of Phil Gallie's points might have been slightly outside the direct scope of the

bill, but they were nevertheless good entertainment. He made a serious point about tramline 1 and I undertake to look into the matter.

Phil Gallie was not on such good ground when he talked about the economy. Last night, I listened to a Radio 4 programme presented by Giles Brandreth, whom the Conservatives will know well as a former colleague in another place. He interviewed former Chancellors of the Exchequer including Norman Lamont—we stress the first syllable in Shetland, unlike people in London—or Lord Lamont, as he is now. He was asked some rather pertinent questions about how he dealt with the psychological and political pressure of black Wednesday. I am afraid that some of us still remember that. I am sure that Phil Gallie remembers it, so when it comes to economic management—

**Phil Gallie:** Of course, the minister is quite right to refer to black Wednesday. However, in support of Norman Lamont, I should point out that it was caused by our commitment to the exchange rate mechanism or what might have been described at the time as the localised euro. That action was taken against my better judgment—although I have to say that it received Liberal support.

**Tavish Scott:** Well, I suppose that we should bear in mind what happened at the following election.

However, I should get back to the issue in hand, otherwise I will never get to it. I publicly thank the many interested individuals, public bodies, private corporations and associations that responded to our consultation exercise and freely gave of their time at workshops and bilateral meetings. Their contribution and advice were genuinely appreciated. We are making legislation on behalf of people across the country, and it has been improved by finding solutions and discussing them with people and practitioners in this area.

I also thank my officials Frazer Henderson, Andrew Brown and Catherine Wilson, not least for putting up with me on this bill. They certainly deserve a lot of credit for that. Moreover, given the nature of the business, the draftsmen and the legal team have done an awful lot of work, and I hope that the illustrative draft secondary legislation, which was provided to the Local Government and Transport Committee early in Parliament's consideration of the bill, was genuinely helpful.

Many people in the Parliament have also done a lot to ensure the bill's success. In particular, I thank Sylvia Jackson, her Subordinate Legislation Committee and their officials for their considered scrutiny. In response to a point that she raised earlier, I confirm that we have no intention of using the power conferred by section 27(6)(aa) to

empower the making of subordinate legislation. Although an order under section 1 may authorise the making of byelaws, that is specifically provided for in paragraph 13 of schedule 1. The Executive very much doubts whether a court would interpret section 27(6)(aa) as sufficient to authorise provision allowing a third party to make subordinate legislation and believes that something much more express would be required. I am sure that Sylvia Jackson understands the issues in that respect.

I also thank Donald Gorrie and his colleagues on the Procedures Committee for their interest, and Bristow Muldoon and the Local Government and Transport Committee for their scrutiny and, in particular, for their supportive and comprehensive stage 1 report, which made the bill's passage so much easier.

Finally, on Trish Marwick's comment with regard to her experiences on the Waverley Railway (Scotland) Bill Committee, I think that Phil Gallie made a fair point. Members are here to scrutinise—in, at times, an awful lot of detail—the minutiae of proposals. After all, we are spending taxpayers' money and such work is key to why we are here and why this place exists. I hope that, with this bill, we have managed to get the balance right in moving forward from a process that appears outdated when set beside modern parliamentary conventions.

**Tricia Marwick:** One very good feature of the private bills process was that, with the support of parliamentary officials, objectors came to understand the process and found out how best to represent themselves at our meetings. Will the minister guarantee that, when the bill is passed, those who object to proposals will receive a measure of support to ensure that they fully understand and engage in the new streamlined processes?

**Tavish Scott:** The member makes a fair point. I referred earlier to the consultation that we carried out when we were drafting the bill. In that consultation, we felt it important to take a lot of advice from people who had been through—or who were going through—the private bills process, particularly in relation to proposals involving transport infrastructure, to ensure that any front-loading of the mechanism covers such matters. We will have failed if we do not get those aspects right, because people must have confidence in the system.

I hope that we have achieved a consensus this afternoon and that Parliament will support the motion at decision time.

**The Deputy Presiding Officer:** Ordinarily, we would now move on to decision time. However, at this point, I suspend business until 5 pm.

16:09

*Meeting suspended.***Decision Time**

17:00

**The Presiding Officer (Mr George Reid):** Up to seven questions will be put as a result of today's business. In relation to this morning's debate on tolls on the Forth and Tay road bridges, if the amendment in the name of Tavish Scott is agreed to, the amendment in the name of Mark Ballard will fall. In relation to this morning's debate on early years education, development and care, if the amendment in the name of Robert Brown is agreed to, the amendment in the name of James Douglas-Hamilton will fall.

The first question is, that amendment S2M-5535.2, in the name of Tavish Scott, which seeks to amend motion S2M-5535, in the name of Tricia Marwick, on tolls on the Forth and Tay road bridges, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West)

(LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)

Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 Smith, Iain (North East Fife) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**ABSTENTIONS**

Baker, Richard (North East Scotland) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 56, Against 66, Abstentions 1.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that amendment S2M-5535.1, in the name of Mark Ballard, which seeks to amend motion S2M-5535, in the name of Tricia Marwick, on tolls on the Forth and Tay road bridges, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 MacDonald, Margo (Lothians) (Ind)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)



Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)

Sheridan, Tommy (Glasgow) (Sol)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 7, Against 117, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The third question is, that motion S2M-5535, in the name of Tricia Marwick, on tolls on the Forth and Tay road bridges, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Maclean, Kate (Dundee West) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)

McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 Smith, Iain (North East Fife) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**AGAINST**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**ABSTENTIONS**

Baker, Richard (North East Scotland) (Lab)

**The Presiding Officer:** The result of the division is: For 58, Against 65, Abstentions 1.

*Motion disagreed to.*

**The Presiding Officer:** The fourth question is, that amendment S2M-5549.2, in the name of Robert Brown, which seeks to amend motion S2M-5549, in the name of Fiona Hyslop, on early years education, development and care, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)

MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)

Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**ABSTENTIONS**

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)

**The Deputy Presiding Officer:** The result of the division is: For 67, Against 51, Abstentions 6.

*Amendment agreed to.*

**The Presiding Officer:** The amendment in the name of Lord James Douglas-Hamilton falls.

The fifth question is, that motion S2M-5549, in the name of Fiona Hyslop, on early years education, development and care, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Martin, Campbell (West of Scotland) (Ind)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

#### ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)

Ballard, Mark (Lothians) (Green)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 68, Against 24, Abstentions 31.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament believes that early years education, care and development support for our youngest children can provide firm foundations for later life and welcomes the significant increase in pre-school education entitlement that has been delivered since 1999; recognises that teachers have, and will continue to have, a major role to play in delivering pre-school education; recognises the vital role that qualified early years practitioners play in delivering early years services and welcomes proposals to deliver greater professionalism and improved career pathways for early years staff; welcomes proposals under A Curriculum for Excellence to introduce more active learning into early primary education; recognises that early years strategy needs to reflect these developments, and recognises that the Scottish Executive's investment in education has rebuilt the foundations of a successful education system in Scotland.

**The Presiding Officer:** The sixth question is, that motion S2M-5361, in the name of Tavish Scott, that the Parliament agrees that the Transport and Works (Scotland) Bill be passed, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Transport and Works (Scotland) Bill be passed.

**The Presiding Officer:** That concludes decision time.

## School Transport Safety

**The Deputy Presiding Officer (Trish Godman):** The final item of business today is a members' business debate on motion S2M-5425, in the name of Maureen Watt, on school transport safety. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes that current legislation regarding the provision of seatbelts on school transport does not require all school buses to be fitted with seatbelt facilities; further notes that the mandatory fitting of seatbelts on school buses only applies to those vehicles first used on or after 1 October 2001 or those manufactured six months before that date; recognises that this loophole can result in children's safety being jeopardised, as was experienced at a recent accident in Aberdeenshire, and considers that the Scottish Executive should make representations to the Department for Transport in order to have legislation amended so that all school buses, regardless of age and size, are fitted with adequate seatbelt facilities.

17:08

**Ms Maureen Watt (North East Scotland) (SNP):** I begin by thanking all members who have signed my motion. The lack of seat belts in school vehicles taking children to and from school is an issue in which I have been involved for many years.

My children attended a rural primary school, and although they were not directly affected, as they were initially transported in school transport with seat belts—a people carrier—and then they walked or cycled, children from more outlying areas were carried to school in vehicles without seat belts.

As a school board member and subsequently the chair, I remember that the issue was raised at nearly every meeting as we battled with Aberdeenshire Council to insist on seat belts. Subsequent boards at that school and, according to my mailbag, many other schools and individual parents are still battling.

My decision to try to do something was prompted by a letter from a constituent who was distraught that her five-year-old, on her first day at school, was going to school on a bus without a seat belt. Then, just a few weeks later, a school bus crashed on its way to Netherley primary school. Several pupils were injured in the crash but, thankfully, none of the injuries was serious.

Current legislation seems to have too many loopholes that allow councils the leeway not to insist on seat belts in every vehicle that transports children. That is particularly ironic in light of other, recently introduced legislation, which requires that children under a certain height must, regardless of their age, be restrained in a child's seat or booster

seat. The new requirement must cause great consternation to some parents whose children think that they are old enough to do without a booster seat.

The terms of the current legislation require all cars, minibuses and coaches to be fitted with seat belts, but the mandatory requirement for the fitting of seat belts does not apply to buses unless the bus was first used on or after 1 October 2001. Buses that are designed for urban use, with standing passengers, are exempt from the legislation.

An arbitrary distinction seems to have been drawn between coaches and buses. Since 1991, coaches and minibuses have been required to be fitted with seat belts and coaches have been required to have a speed limiter that must be set at 62mph. However, buses—defined as vehicles that weigh more than 7.5 tonnes—that are not capable of more than 60mph are not required to have a speed limiter and are not required to have seat belts unless they are new and came into service on or after 1 October 2001.

As I recall, when that legislation was introduced, many small rural bus operators feared that they would lose school contracts and be put out of business. Indeed, that happened to some operators. However, it is interesting to note that the bus involved in the Netherley crash was operated by one of Scotland's two main bus companies, which earns profits that run into millions and millions of pounds. In my view, the use of an older bus without seat belts was inexcusable.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Will the member take an intervention?

**Ms Watt:** I knew that Mike Rumbles would want to intervene.

**Mike Rumbles:** The company—Stagecoach—has informed me that the bus that was involved in the accident was new. It came into service in September 2005, so it was only 15 months old.

**Ms Watt:** That is interesting, given that the bus did not have seat belts. There is something wrong with the legislation if that is allowed. I suspect that the vehicle involved was an urban bus that was doing a school run. In my view, that should not be allowed.

Aberdeenshire Council has not lacked an opportunity to implement the legislation. The council's school bus contracts have been up for tender but, in spite of a Scottish National Party motion, the current administration has not insisted on the provision of seat belts as part of that tender.

In preparing for tonight's debate, I tried to contact all 32 local authorities to find out their policies. That is not as easy as one might think. It is interesting to note that the councils next door to Aberdeenshire—Angus Council, Moray Council and Aberdeen City Council—ensure that seat belts are provided on dedicated school buses. However, the situation across the country is patchy.

I hope that the minister will agree that the current situation is unacceptable. I ask him to enter into dialogue with the Department for Transport to see what can be done to enforce the legislation. I also ask him to chivvy local authorities in Scotland to require all contractors that transport children to school to provide seat belts.

The concern of parents is very real. The chair of Netherley primary school's school board recently wrote to me saying:

"I am acutely aware that I am still sending my son to school everyday on a bus which is not safe. If it is involved in an accident in which it turns over, children will die."

17:14

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I congratulate Maureen Watt on securing tonight's debate on this important subject. She referred to the incident involving the Netherley school bus that occurred in my constituency on 1 December 2006. That incident, which involved school transport in which the children were not wearing seat belts, has increased the calls that have been heard over the years for every school bus to have seat belts fitted. Like Maureen Watt, I have long supported such calls and I believe that the law needs to be changed to ensure that all our children travel to school on buses that have proper seat belts fitted.

However, I issue a note of caution because the expert evidence shows that if seat belts had been fitted to the bus that was involved in the accident at Netherley, the fact that it was a side impact means that the children might have suffered greater injuries. The risk assessment that was undertaken after the accident said:

"The children were thrown clear of the seats by the impact and suffered relatively minor cuts and bruises. Had they been wearing seat belts, they would have been trapped in the seats and possibly suffered more serious injuries."

In spite of that opinion, I continue to believe that, on balance, most injuries can be reduced by the wearing of seat belts, and I have called on Aberdeenshire Council and the Scottish Executive to take action.

I wrote to the Executive to ask whether it would provide councils with funds to allow them to renegotiate their contracts with the bus

companies. In a letter to me dated 16 January 2007, Hugh Henry wrote:

"Our guidance encourages education authorities to go beyond the minimum requirements when negotiating contracts ... and consider how they might best encourage pupils to wear seat belts for their own comfort and safety. However, the guidance does not have statutory force nor ... could it be made mandatory. You may note that the Dept for transport will be consulting on proposals to introduce regulations on the wearing of seat belts by children aged 3-13 when travelling on coaches ... These regulations will apply throughout the UK."

The response that I received from Aberdeenshire Council's head of transportation on 18 December 2006 confirmed that in 2004 the council's cross-party education and recreation committee—I emphasise the word "cross-party"—unanimously agreed to adhere to the legislative requirements. The school bus contracts were then let and the majority of them are not up for renewal until 2010.

We find ourselves in a situation in which the Executive cannot provide councils with funds to renegotiate their school bus contracts with the bus companies, the bus companies are unwilling to take extra measures that the law does not require them to take and we in the Scottish Parliament cannot change the law because it relates to a reserved matter, for which the Department for Transport has responsibility.

It seems to me that we should put pressure on the United Kingdom Government to change the law. My Westminster colleague Sir Robert Smith has already taken up the issue directly with the Department for Transport. It also seems that the only opportunity that exists for us to push for a change in Aberdeenshire is to request the council's all-party education and recreation committee to change its tendering requirements when the tenders—

**Ms Watt:** In my speech, I said that in an effort to change the administration's mind, the SNP group on Aberdeenshire Council put forward a motion before the matter was discussed by the education and recreation committee. It was obviously defeated in its attempt.

**The Deputy Presiding Officer:** Mr Rumbles, you are in your final minute.

**Mike Rumbles:** We must stick to the facts. In 2004, the SNP members on the education and recreation committee, along with all the other members of the committee, voted unanimously to adhere to the legislative requirements.

As a result of requests from people such as Maureen Watt and me, who favour a change, the chair of the education and recreation committee, Councillor Dick Stroud, is conducting a review of the whole process. It is a cross-party review.

The school bus contracts will not be renewed until 2010. I know that it is not what people want to hear, but it seems to me that the only effective way of ensuring that all our schoolchildren travel in school buses that are fitted with seat belts is to ask our councillors to make the necessary change when the contracts are renewed. I hope that they will do so. However, we must put pressure on the UK Government to change the law and that is why I support Maureen Watt's motion.

17:18

**Mr David Davidson (North East Scotland) (Con):** I congratulate Maureen Watt on securing the debate. All of us in the north-east have an interest in the issue because of the state of some of the school buses that are being used there.

The Netherley bus crash took place just along from my home and I knew most of the children on the bus—they are neighbours' children. After the crash, I went to the school to talk to the staff and the school board, whose members, too, are neighbours. Mike Rumbles is right to say that the assessment of the crash concluded that some seat belt provision might have caused greater injury. However, the fact is that the bus was not capable of withstanding a side-on collision. A lorry was overtaking the bus when the accident happened. I will come to that in a moment.

I have discussed the issue with both the city and the shire councils and I have got involved with local taxi and minibus companies and with coach companies. I have spoken to Stagecoach, which operated the bus that was involved in the accident, and FirstBus, which has some dedicated school buses, although not many in our part of the world. The boss of Stagecoach was sympathetic, but he said that a business is a business and that he is happy to enter into negotiations about a contract. That is positive, but it takes two to run a contract.

The question is why companies are allowed to use service buses, which are exempt from the legislation. Surely the legislation should apply to any bus that is used to transport children. I presume that the minister would not argue with that.

Councils tell me that they want a legal agreement between pupils and the education authority that states that, if seat belts are provided, pupils will use them. I presume that that is partly to do with insurance.

The other important issue is the lack of a safety framework for the buses. They have thin walls and they cannot withstand a side-on impact. If the bus in the Netherley accident had not been pushed on to a wall, it would have rolled and there would have been very serious injuries.

As Mike Rumbles said, the contract still has a few years to run. There is a need for Executive input to help councils and operators to adopt new contract conditions and get over the difficulty of retrofitting seat belts and restraints, which is not easy and does not always work properly. We need supervisory staff in buses to ensure compliance and to control unruly behaviour, which can distract drivers, and we should end the use of double-deckers on bendy rural roads, because they are not stable.

If, like the Americans, we fitted warning lights and signs to school buses, and if our ministers put pressure on the UK Government to prohibit the passing of stationary school buses on rural single carriageways and on housing estates, some of the accidents that happen when children get on and off buses would be prevented.

**Fiona Hyslop (Lothians) (SNP):** The member will be aware of the Education Committee's keen interest in school transport. We considered a petition on the very matter, and we took responsibility for writing to the UK Government about it.

**Mr Davidson:** I am grateful for that, and I am sure that the committee has the Parliament's support.

The debate is not about petty party squabbles about what happened on a council. The Parliament should be involved in standardising the approaches in Scotland, because we have a duty of care. Parents, schools and local authorities must be assured that the buses that are used for contract runs are fit for purpose and have the appropriate safety features to protect children. That will not be cheap or easy. Retrofitting is not always an option, and there is more to it than just seat belts; other protective devices are needed.

I call on the minister to assure us that he will raise the issue with Her Majesty's Government at Westminster. That should be our starting point when legislation from Westminster needs to be amended. In the interim, however, I am sure that the Executive could help councils and operators to up their standards.

17:23

**Stewart Stevenson (Banff and Buchan) (SNP):** I am sure that there is unanimous agreement that we all wish to do whatever is practical and within the law to protect our youngsters. At the core of our thinking about that, we have to be aware that accidents are about not statistics or probabilities but people. When we take action to address an issue, there may well be unhelpful consequences.

It would be useful if, in responding to the debate, the minister stated the extent to which he agrees with the specific requirements that members have mentioned and then explored the routes by which it might be possible to meet those requirements, because, as we have already heard, the routes are part of the difficulties.

I first fitted seat belts in my car 43 years ago, in 1964. I did so because I met someone who was an accident victim and their brain, frankly, had disconnected from reality. He was a vegetable living in a hospital. That had a profound effect on me. What kind of profound effect must an accident involving a child have on parents, grandparents, siblings and other school pupils? The campaign led by my constituent Ronnie Beaty, who has given evidence to the Public Petitions Committee on another issue related to school bus safety, perfectly illustrates the problem that parents and others face.

We have to concern ourselves with road safety; indeed, the Parliament has duties in that respect. Although we do not have any control over a number of matters, including the construction and use regulations that determine whether seat belts are required to be fitted in certain vehicles, we have control over road markings, the quality of our roads and speed limits, such as the 20mph limit outside schools. Given that responsibility for these matters is divided—in saying that, I am not making a political point; it would not be appropriate—we have to be innovative in how we exercise our powers to achieve our shared objectives.

The fact that the Parliament is, essentially, the source of the transport budgets that schools spend gives us a firm lever—should we choose to use it—to persuade councils to work that little bit harder to write the kind of contracts that we all want and to pressure school bus providers into increasing protection through seat belt installation and other means. On balance, seat belts improve people's circumstances in most cases, although Mike Rumbles quite properly pointed out that, in certain cases, they can make things worse. I have no monopoly on knowing everything that should be done, and I suspect that the same can be said of everyone else.

Although our guidance is not statutory, that does not mean that we cannot take steps to ensure that it is followed. Indeed, just to be partisan for a tiny moment, if my party colleagues on Aberdeenshire Council have got this wrong, I am entirely happy to tell them so and give them the message that the Parliament is sending. I know that Mike Rumbles never hesitates to take a similar approach in his own party ranks.

As a private individual, I have made a number of submissions on safety issues to the Department for Transport. Although I hope that the minister will

take every opportunity to get that department to help us, there are things that we can do to help ourselves, our children and our councils to add protection.

17:27

**Mrs Nanette Milne (North East Scotland) (Con):** I, too, congratulate Maureen Watt on securing this debate. I want to speak about this matter because, like all MSPs who represent large parts of rural Scotland, I have been involved with bus safety for some time now.

In March 2006, following a parliamentary outreach meeting in Huntly at which a number of my constituents described as prehistoric and a disgrace the school buses that were being used to transport children to and from school in Aberdeenshire, I wrote to the Minister of State, Department for Transport, Stephen Ladyman. His response was very like the motion:

“since 2001 seat belt installation has been a requirement in all NEW minibuses, coaches, and buses apart from those specifically designed for urban use with standing passengers ... we aim to bring regulations into force during September 2006 that will require seat belt wearing by seated passengers aged 3 years and above where seat belts are installed”.

That provision is now in force and I welcome it as a step forward, but the UK Government has not addressed the safety of children, mostly in rural areas, who travel in older buses along some of Scotland's most dangerous roads—including the A96 in central Aberdeenshire and the adjacent narrower rural roads. Many parents are extremely concerned for their children's safety on those roads, particularly in wintry weather such as we have experienced this week. Indeed, I have received representations from parents from the Inch area and Gartly, whose children travel without seat belts in double-decker buses along those dangerous roads to the Gordon Schools in Huntly.

In light of the recent tightening of the seat belt laws as highlighted by Maureen Watt, the UK Government should also examine the safety of buses that carry schoolchildren and require seat belts to be provided on such vehicles.

Another problem is behaviour on school buses, which David Davidson mentioned. Many parents and teachers think that behaviour would be improved by the use of seat belts. Many bus drivers have complained that children who travel on buses without seat belts often move around the bus in transit, which puts their own safety at risk and distracts the driver.

In the absence of legislation to make seat belts compulsory on all buses, I would like local authorities to progress the matter and take more



responsibility for pupils' safety on school buses. Moray Council did so some four and a half years ago, when it decided to make seat belts a requirement on all its school buses. I commend it for taking such a responsible initiative.

It is time to put our children's safety first by bringing school buses into the 21<sup>st</sup> century. As we approach the five-year tendering cycle, I would like all of Scotland's local authorities to take a leaf out of Moray Council's book and put out tender documents that state that seat belts are a requirement in all their school buses. I ask the Executive to encourage that approach and to put pressure on the UK Government to update the seat belt legislation by making the installation of seat belts compulsory on all buses that are likely to have children as passengers.

In recent years, much has been done in various ways to improve the safety of our children. Safer school buses would provide reassurance to the many concerned parents throughout rural Scotland whose children depend on school transport.

17:31

**Linda Fabiani (Central Scotland) (SNP):** I am interested in all the speeches that have been made. The reasons for members from the north-east speaking have become apparent.

Avondale, where I live, lies in Central Scotland, which I represent. The secondary school for Avondale—Strathaven academy—will soon be replaced under South Lanarkshire Council's public-private partnership schools contract. That matter has been debated in the Parliament, so I will not discuss all the wrongs that are involved. The aspect that is relevant to this debate is school transport. The outlying rural communities and households of Avondale are already served by school buses, so the debate is relevant to them.

Later this year, Strathaven academy will close for demolition. Despite a continuing campaign by parents, the council continues to insist that, rather than investigate building a new academy in Strathaven, where sites are available, and moving pupils in, it will bus schoolchildren to a school some nine miles away, in East Kilbride, along a rural road that is deemed by locals to be potentially dangerous. It seems that around 20 buses will travel along that road every day and return along it. I understand parents' worries about that. We do not know what kind of buses will be involved—whether they will be single-decker or double-decker, or whether they will be old or new. Despite the plans for what will happen later this year, parents do not know what safety issues may arise for their children or whether there will be supervision on the buses.

I want to put it on record that the issues that members have raised should be addressed. Mike Rumbles talked about lobbying Westminster. I hope that the minister will agree to do that, but we must consider the matter as a whole rather than only one issue.

Maureen Watt is to be congratulated on securing the debate. When we hear stories about what can happen—such as those that we have heard today—we should agree that safety should always come first, as Nanette Milne said. I ask South Lanarkshire Council please to listen to the parents in its area and to understand that, like all parents in Scotland, they have safety concerns. I ask it to rethink its idea of charging buses along the road, and back, for two years.

17:33

**The Minister for Transport (Tavish Scott):** I welcome the chance to make a brief speech in the debate. I acknowledge the cross-party support for the motion that was initiated by Maureen Watt on the importance of school transport safety and give the assurance that many members have requested that we will stress to the Department for Transport the specific points that have been raised in the debate and the more general observations on the legislation, which is reserved, as members have said and as the motion points out. We will certainly take the matter up in a number of ways with the department.

It is important to consider the efforts that we are making. As Mike Rumbles and Stewart Stevenson said, school transport safety is not simply a reserved matter. We should consider the powers that we have to take action. It is important that we make every effort to meet and bring down our road casualty targets. The current target for 2010 is to reduce all road deaths and serious injuries by 40 per cent—the target is a 50 per cent reduction for children.

In 2005, fatal and serious casualties were 39 per cent below the 1994 to 1998 average and child fatal and serious casualties were 56 per cent below that average. There is progress, but we must not be complacent, given the context of the incident that Mike Rumbles spoke about or the general points that were made by Linda Fabiani and other members.

Ensuring the safety of children on our roads is paramount, especially on journeys to and from school. I will deal with the steps that we are taking in this area.

We are grant funding local authorities to help safeguard children by introducing a 20mph speed limit around all schools. The most recent figures from local authorities show that those schemes are now in place at seven out of 10 schools in

Scotland. The motion also seeks to ensure that all school buses are fitted with seat belts. Legislation on that point is of course the preserve of the United Kingdom Parliament, but education authorities have a statutory duty to provide school transport and they are required to have regard to the safety of pupils.

Our guidance covers both pupil and bus safety issues and advises on contracting with transport providers, including stipulating the maximum age of vehicles that are to be used for school transport. The guidance also covers matters that are reserved to the UK Parliament, such as the statutory provisions regarding seat belts, school bus signs, hazard warning lights and the use of vehicles that are in a fit and roadworthy condition. Therefore, we take seriously Stewart Stevenson's point about ensuring that the approach to safety is a complete package for local government, and education authorities in particular, across the country.

Although the guidance is not mandatory, the legal requirements must be complied with. Although not all types of bus are required to have seat belts fitted, it is open to education authorities to specify, in negotiating school transport contracts, that only vehicles with seat belts should be used. The Scottish Consumer Council's report on school transport contracts, which was published in 2005, was helpful in that it commended that point and others to local government. Among other issues, the report raised the possibility of a good-practice guide, which we have taken forward in conjunction with the Convention of Scottish Local Authorities and following concerns raised by the Education Committee. We expect to receive a report on a range of bus and pupil safety issues within the next few weeks. We believe that the good-practice examples that are included in the report will help authorities to drive up the quality and standards of school transport, thus making it more attractive to pupils and parents. It will also provide local authorities with enough further inducement to secure school transport contracts that meet the wishes of parents and pupils without recourse to further legislation.

It is important to recognise that bus and coach travel is very safe in this country and deaths and serious injuries are fortunately relatively rare. Seat belts offer passengers increased protection, even though I take the points that Mike Rumbles and David Davidson made about the assessment of the incident at Netherley. The majority of minibuses and coaches are fitted with seat belts and some buses are also being produced with them. A European Union directive envisages that the new rules on buses and coaches will apply to every passenger over the age of three. The UK Government has not extended the legal

requirement to use seat belts to children under 14 on the larger buses and coaches because of the difficulty of enforcement.

It is generally the driver's duty to ensure that child passengers under the age of 14 wear seat belts, but there is a practical difficulty in making bus and coach drivers responsible for ensuring that children are wearing seat belts. The Department for Transport proposes to conduct further consultation and will prepare additional regulations to reflect the outcome. I will ensure that the views that have been expressed this evening are fed into that consultation.

We take these matters very seriously. As Linda Fabiani and others made clear, child safety is an extremely important issue. No one wishes to compromise on achieving all that we can in that area and I will certainly ensure that we take these matters forward to our discussions with the Department for Transport.

*Meeting closed at 17:39.*

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