

# **MEETING OF THE PARLIAMENT**

Wednesday 10 February 2010

Session 3

£5.00

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Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by  
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## Scottish Parliament

*Wednesday 10 February 2010*

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 14:00*]

### Time for Reflection

**The Deputy Presiding Officer (Alasdair Morgan):** Good afternoon. The first item of business is time for reflection, for which our leader is David Duncan, from the Scottish Inter Faith Council.

**David Duncan (Scottish Inter Faith Council):** Good afternoon.

A number of studies show that Muslims in Scotland are very proud of their Scottishness. I would like to share some reasons that I have heard why Muslims, from Falkirk to the far east, hold our small nation so dearly. By far the most shocking reason that I have heard why Muslims love Scotland is the rain. To most people, the rain can easily be seen as a nuisance. However, throughout the Qur'an, God frequently requests us to reflect on the water cycle. Water, as vapour, is drawn up miles into the sky and stored as clouds. It then condenses, falls to earth, flows through immense mountain landscapes such as Glencoe, through underground springs to crashing rivers, and ends up pure and fresh for us to drink. Rain can be a continual reminder that we are beneficiaries of, and participants in, systems that are far grander than any feat of human engineering yet.

Why do Muslims love Scotland in particular? I see that love as going beyond geography, a border or an accent—although many Glasgow Muslims would strongly argue that “Ye cannae beat it.” Mohammed tells us:

“I was sent to perfect good character.”

Good character is of the utmost importance to Muslims, and it is something that the Scots as a nation definitely have. Our Scottish character has many inputs. The major religious contributor to it is Christianity, preaching a message of love. On the secular inputs, there are, of course, the great thinkers of the Scottish enlightenment, who made strong and sincere efforts to find out a true and good way to conduct ourselves. That mix of streams produces a character that loves its neighbour and that knows that we are all, in essence, the same: we are members of a world family who want to meet and help one another. That is why I would say that Muslims in Scotland find so many similarities between their religion and their Scottish culture, and why I would say that Muslims love Scotland. And God knows best.

Verse 14 of Sura Al-Hujurat, which is the 49<sup>th</sup> sura of the holy Qur'an, says:

“O mankind! Behold, We have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another (not despise each other). Truly, the most noble of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is all-knowing, all-aware.”

## Question Time

### Scottish Parliamentary Corporate Body

14:03

#### Chamber Tickets

**1. Elaine Smith (Coatbridge and Chryston) (Lab):** To ask the Scottish Parliamentary Corporate Body what consultation was undertaken with MSPs and their staff prior to the decision to introduce changes to the chamber ticketing procedures. (S3O-9559)

**Tricia Marwick (Central Fife) (SNP):** The SPCB regularly reviews the system to enable members of the public to watch business in the Parliament. That falls within its statutory remit. The SPCB did not formally consult members on changes to the current ticketing system.

Ticketing to watch proceedings in the chamber has proved to be very popular with the public, especially the 11.40 am to 12.30 pm slot on Thursdays, which includes First Minister's question time. Demand for tickets for that frequently outstrips supply. The SPCB's decision to introduce adjustments was taken following feedback from members on the difficulty of getting tickets for constituents. By changing the maximum number of tickets that an individual member can book in advance and shortening the booking period, the SPCB aims to enable a wider cross-section of constituents from throughout Scotland to get access to the chamber.

**Elaine Smith:** Is the SPCB aware that the reduction in the block ticket allocation will exclude schoolchildren from my constituency? We have always needed to take the full allocation of 25 tickets and to split the group into two. Will the SPCB agree to consult fully on all the implications before implementing such radical changes to a service for members in the future?

**Tricia Marwick:** The SPCB will always listen to members and take on board their feedback when they raise issues. I recognise the problems with groups of 25 to 30, in particular, which Elaine Smith has raised. However, it is up to individual members to make arrangements with their constituents and guests in line with the ticketing arrangements that are set out by the SPCB.

The system that is operated is designed to ensure that the maximum number of tickets are used, including those that are returned at the last minute. For example, visitor services staff contact members' offices before each plenary day to inquire whether reserved tickets are still required. If they are not, they are put back into the system for reallocation to other members' guests. There is

also a ticket collection cut-off time to ensure that pre-booked tickets are not wasted. That arrangement is also in place to help members. The advance booking period has been changed from 13 weeks to eight weeks and dates are publicised to members. That means that tickets are released on a shorter cycle, which will reduce the booking times.

We understand that there are pressures on members, particularly when they want to bring large groups of people to the Parliament, but there are 129 members and a limited number of tickets. The SPCB is trying hard to ensure that the maximum number of people from throughout Scotland get the opportunity to come into the Parliament. The vast majority of tickets that are given out, particularly for the 11.40 am to 12.30 pm slot on Thursdays, are for members themselves.

Although I understand the particular problem that Elaine Smith highlights, I say to her that the changes were made in response to a number of members approaching the corporate body to say that they simply could not get any tickets for month after month. We will always look at the system, but I believe that it essentially works well. We have tweaked the system around the edges, but if any member, including Elaine Smith, has concerns about it, they should feel free to approach the corporate body and we will look at it again.

#### 10:10 Campaign

**2. Robin Harper (Lothians) (Green):** To ask the Scottish Parliamentary Corporate Body whether it will sign up to the 10:10 campaign to cut carbon emissions by 10 per cent in 2010. (S3O-9561)

**Alex Johnstone (North East Scotland) (Con):** The SPCB has signed up to the 10:10 campaign to demonstrate its commitment to reducing our carbon emissions. By March 2010, we will have reduced our carbon footprint by just under 10 per cent from a 2005-06 baseline. We are developing a five-year carbon management plan with a target to reduce emissions by at least 20 per cent by 2015.

**Robin Harper:** It is comforting to know that we have every chance of meeting the deadline by March, although the baseline has been set rather far back. Does the SPCB recognise how important it is to involve parliamentary staff and members if we are to meet the deadline? Perhaps we should see by how much we can exceed it. There are several ways in which to involve members. One is—

**The Deputy Presiding Officer (Alasdair Morgan):** I do not want to hear several ways, Mr Harper. You are asking a question.

**Robin Harper:** I am sorry. Does the SPCB acknowledge that it will be important to involve staff and MSPs in taking the commitment forward and that it will affect lift use and so on?

**Alex Johnstone:** The corporate body fully acknowledges that it will require the assistance of everyone, staff and members alike, to ensure that the building is run more efficiently. We see opportunities to reduce energy consumption through more efficient use of resources including, for example, the use of less hot water and efficiencies that will take place in information technology, heating systems and lighting systems in the Parliament. We will take an inclusive approach and we will require everybody to work together to achieve the objectives.

### Publicity

**3. John Wilson (Central Scotland) (SNP):** To ask the Scottish Parliamentary Corporate Body how much was spent on publicity in each of the last two years. (S3O-9560)

**Tricia Marwick (Central Fife) (SNP):** One of the Scottish Parliamentary Corporate Body's key priorities is to promote public engagement in the Scottish Parliament's work. A wide range of activities is carried out across a number of offices to make sure that the Parliament's work is transparent and visible to the public; to increase awareness and understanding of its role; and to build confidence that it is easy to engage with members and the Parliament as an institution. Those activities include publications, the website and the televising of parliamentary business. There is no central publicity function.

There are two main ways in which the Parliament proactively pushes out—through the print, broadcast and internet news media and advertising—information to the public about current business and engagement activities. First, the media relations office is responsible for promoting the work of the Parliament to news and photographic media. The total annual cost of that function was £596,000 in 2008-09 and £577,000 in 2007-08.

Secondly, the Parliament currently uses the Scottish Government marketing services framework to advertise public engagement activities. In 2008-09, the Parliament spent £166,000 on advertising its engagement activities and part of its tenth anniversary, and in 2007-08 it spent £54,000.

**John Wilson:** I want to get to the root of the figures that Tricia Marwick has given, because there is some confusion about what is being spent on publicity in the Parliament. It would be useful if the SPCB could pull all that together.

According to the figures that we have received today, there seems to have been a decrease of roughly £19,000 between 2008 and 2009. Is that trend likely to continue or is the Parliament likely to spend more money on publicity?

**Tricia Marwick:** Like every other public body, the SPCB will be looking very carefully at its budgets over the next few years. We will certainly scrutinise every avenue of parliamentary services, including the publicity and press budget.

**Kenneth Gibson (Cunninghame North) (SNP):** One of the ways in which MSPs publicise what they do is through their work with their constituents, which obviously involves communicating with them. We know that budgets are tight but, in this first year of capped budgets for postage and stationery, will the SPCB—in setting next financial year's budget—take into account the fact that, in April, first-class postage will increase by about 7 per cent and second-class postage by 11 per cent?

**Tricia Marwick:** The Parliament will always look at members' representations about any of the allowances. As Kenneth Gibson knows, the budget is capped and the SPCB will, of course, consider whether allowances need to be uprated in the coming financial year. I invite him to make the representations that he has made this afternoon directly to the SPCB. I am sure that when the allowances are set we will look at what he has said.

### Blood Donation

**4. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Parliamentary Corporate Body whether parliament staff are offered the opportunity to donate blood at private or organised group sessions and whether staff continue to be paid while taking time to donate blood. (S3O-9556)

**Mike Pringle (Edinburgh South) (LD):** Parliament staff are given the opportunity to donate blood during working hours when the mobile blood transfusion unit visits Holyrood park. We will have to get the exact figures from the Scottish National Blood Transfusion Service, but we think that about 30 people take advantage of that service. I have further information on the issue that I will not read out at the moment, but I am happy to pass it on to the member.

**Rhoda Grant:** Given that most donor sessions tend to take place on Monday when MSPs and their staff are out of the Parliament, what steps is the SPCB taking to encourage those people to give blood? Is it, as I asked in my initial question, making the facility available at no cost to staff?

**Mike Pringle:** Yes—the facility is available at no cost to staff: they get time off to go and give blood.

To be honest, never having given blood here, I was not aware that it is done only on a Monday. We could perhaps look at that because most MSPs and their staff are not here on a Monday, and I am sure that a lot of them would want to donate blood. I would like to encourage more people to donate blood when the SNBTS is here. I will take that up with the necessary official and find out whether we can get the SNBTS to come on a Wednesday or Thursday at some point in the future.

### Access Audit

#### 5. Marlyn Glen (North East Scotland) (Lab):

To ask the Scottish Parliamentary Corporate Body what progress has been made regarding the access audit that it agreed to carry out of the area between the main hall and the garden lobby. (S3O-9558)

**Mike Pringle (Edinburgh South) (LD):** Marlyn Glen will be aware that I was at committee when her colleague Elaine Smith raised the issue. We took that seriously, and an access audit has been commissioned to assess the adequacy of the route between the main hall and the garden lobby. The audit will also identify any options for improving the access and a draft report, to include such budget costs as might be, will be available on or around 31 March for consideration by the SPCB.

**Marlyn Glen:** It is important that access is improved, particularly for wheelchair users on sitting days. I thank the member for giving a definite date for the report.

Will there be an opportunity for comment to be made on the findings?

**Mike Pringle:** Yes. There will be once we get the report. I did say that we would get it on or around 31 March—not actually on that date. We hope to get it by then. The SPCB will obviously consider it, and I am sure that we will be more than happy to make the findings public, if anyone is interested. However, at the end of the day, the SPCB will have to make the decision and, as I am sure the member is aware, it will depend on exactly how much it costs: budgets are extremely constrained at present.

### Videoconferencing

**6. David Stewart (Highlands and Islands) (Lab):** To ask the Scottish Parliamentary Corporate Body what progress has been made in upgrading the Parliament's videoconferencing facilities. (S3O-9557)

**Alex Johnstone (North East Scotland) (Con):** A project to replace the current videoconferencing facilities within the Parliament with more modern, high definition equipment has been defined and

financial resources for this project will be requested in the financial year 2010-11. The project will proceed if the resources become available.

**David Stewart:** What progress has been made in assessing the benefits to members and the public of the new generation of videoconferencing systems, which are known as telepresence systems? Does Mr Johnstone share my view that it is important that Parliament should join the new revolution in communications technology?

**Alex Johnstone:** The corporate body is aware of the benefits offered by that type of technology, and encourages wider use of it where appropriate. We have no current plans to implement telepresence facilities because the current facilities meet requirements. However, to ensure that we can, if required, purchase such facilities in the future, Parliament officials are participating with the Scottish Government to let a contract.

**The Deputy Presiding Officer:** I apologise to the member whom I did not call earlier. I thought that we were going to be struggling for time, but these things are notoriously difficult to predict. In fact, we have some time in hand. I therefore suspend the meeting until 14:20.

14:18

*Meeting suspended.*



14:20

*On resuming—*

## **Ure Elder Fund Transfer and Dissolution Bill: Preliminary Stage**

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-5672, in the name of David Stewart, on behalf of the Ure Elder Fund Transfer and Dissolution Bill Committee.

14:20

**David Stewart (Highlands and Islands) (Lab):** I am pleased to open this preliminary stage debate on the Ure Elder Fund Transfer and Dissolution Bill. It might not set pulses racing across the chamber, but it is, nevertheless, important. The bill is the 11<sup>th</sup> private bill in the Scottish Parliament and the first in the current session. From a personal perspective, it has been interesting to work on it and see how the procedure for public bills, which form the majority of our legislative work, varies from the private bill procedure.

I will set the scene for the need for the bill and then briefly recap some of the main points of the committee's preliminary stage report. Generally, private bills propose laws that apply to a particular individual, group of individuals or corporate entity. According to my research, about 11,000 private acts—or personal acts, as some of them are known—have been passed in the UK since 1539. Private bills were fairly common in the 19<sup>th</sup> century, but they are now very rare, because new planning legislation that was introduced in the 1960s removed the need for many of them. However, some organisations and bodies still need to take private bills through the Parliament.

The Ure Elder Fund for Indigent Widow Ladies is one such body. The fund was constituted by an act of Parliament in 1906 and is a registered Scottish charity. Its main purpose, as the name suggests, is the relief of impoverished widows connected with Glasgow—more specifically, Govan. However, the trustees of the fund are permitted to pay a maximum of only £25 per annum for each of the selected beneficiaries. In 1906, £25 was a reasonable sum of money, as you might recall, Presiding Officer. To put it in context, the average wage in the early years of the 20<sup>th</sup> century was about £1.40 per week. In the modern context, £25 per beneficiary per annum does not give the trustees scope to provide the benefit that they wish to provide, or that was

intended when the fund was set up by Mrs Isabella Elder.

Mrs Elder was concerned—rightly, in my view—that the financial legacy should be put to good use and managed properly. At the time, the best way in which to ensure that seemed to be by setting up the fund through legislation. However, as members will be aware, charity law has been reviewed and changed in the many years since the fund was established and charities are now subject to tight and rigorous scrutiny. It is unlikely that a charity would be set up today under an act of Parliament. The charitable sector in Scotland is regulated by the Office of the Scottish Charity Regulator. Our committee took evidence from OSCR and heard that, although there are several historical reasons for charities to be constituted by enactment, most of those reasons no longer apply because of legislative changes. As I said, few charities would nowadays be constituted under such an enactment.

To modernise the fund and maximise its benefit, it is clearly necessary to reorganise it. Therein lies the need for private legislation. The bill will transfer the property, rights and interests of the fund to a new charitable trust. Once the transfer has taken place, the bill will allow for dissolution of the fund and the repeal of the Ure Elder Fund Order Confirmation Act 1906.

The committee considered the steps that the trustees of the fund took in relation to reorganisation. We examined the pros and cons of alternative solutions and are content that a private bill is a reasonable way forward for the fund. We were reassured that the new charity will stay true to the spirit of Mrs Elder's intentions while giving the trustees the means to help more people with a more appropriate level of grant. The committee understood that, when more people can be helped, the trust will become more widely known and will attract more applicants, so Mrs Elder's legacy will indeed be put to good use. We were also reassured that the new charity will be well regulated and open to greater scrutiny and accountability than was imagined by Mrs Elder when she set out her intentions. Accordingly, the committee agreed that it would recommend to Parliament that it agree to the general principles of the bill.

Before I close, I will touch on two other issues in the committee's report. In taking evidence, the committee learned that around 185 charities were set up under legislation. Some could be in similar circumstances to the Ure Elder fund, requiring an act of Parliament to reorganise and move forward. It was put to the committee that there might be scope for a different process to help such bodies, which could be looked at in the context of a charity law review. The relevant minister, Fergus Ewing,

has written to me and confirmed that the Scottish Government is committed to reviewing by 2015 the Charities and Trustee Investment (Scotland) Act 2005. The committee also recommends, should the Parliament agree today to the general principles of the bill, that the Parliamentary Bureau consider suspension of the relevant standing orders, which would allow us to leave out consideration stage and move to the final stage. As members are aware, consideration stage is about considering objections and amendments to a bill. As we have none, the committee considers that to be a sensible approach that will still allow scrutiny of the bill by Parliament at final stage.

I thank my fellow committee members, Nanette Milne and Shirley-Anne Somerville, and the clerks for their assistance in deliberations on the bill. I am confident that the bill is necessary and that it is appropriate for the Ure Elder Fund for Indigent Widow Ladies.

I therefore move,

That the Parliament agrees to the general principles of the Ure Elder Fund Transfer and Dissolution Bill and that the Bill should proceed as a Private Bill.

14:26

**Shirley-Anne Somerville (Lothians) (SNP):** I echo some of David Stewart's comments: we as a Parliament need to think about the best way to deal with private bills such as the one about which we are speaking today. I understand why the Ure Elder Fund Transfer and Dissolution Bill has come before the chamber and that there will be a similar bill on the Memorial hall in Falkirk. We have to wonder whether it is the most cost-effective approach for charities or the Parliament in terms of managing time and resources. That is not in any way to take away from the bill's importance to the trustees and, which is probably more important, to the people who will benefit from it in the future. We must, however, bear it in mind that there might be a more effective way of dealing with such matters.

I am pleased to note that the trustees have chosen to retain the original intentions that were expressed in Isabella Elder's will that the new trust should assist widowed ladies in Glasgow as well as maintain the family burial ground in the Glasgow necropolis. The purposes of the trust will therefore encompass the prevention and relief of poverty, the advancement of health and education and the relief of people who are in need by reason of age, ill health, disability or financial hardship, all focusing on the greater Glasgow and Govan areas. I am also pleased that the purpose of heritage and culture will now be included.

Before concluding, I will pay tribute to the lady who wished the trust to be set up. Isabella Elder was a fine and upstanding woman in numerous

ways, but made a particular mark on the life of Glasgow to which we should pay tribute. After the death of her husband, she became the sole owner of a shipyard in Govan that was recognised at the time as one of the world's leading shipbuilders and marine engineers—something that we should be particularly proud of for a lady of that time. She also had a keen interest in higher education, particularly the University of Glasgow. I am pleased to note, however, that she contributed to the building fund of the Glasgow and West of Scotland Technical College, which was the forerunner of the University of Strathclyde—a fine institution that I attended when studying for my first degree. I am glad that I have a small personal link to some of Isabella Elder's work that contributed to Glasgow.

I wish the trustees every success with the new trust and in their assistance of the people and new projects that they will begin in the future.

14:29

**Nanette Milne (North East Scotland) (Con):** I thank the other members of the committee for their contributions to the debate. Although the debate has been short and not very well attended, that should not be construed as reflecting the importance of the bill to the trustees of the Ure Elder Fund, for whom it is an essential step towards helping them keep faith with the intentions of the fund's instigator a century after it was set up. The Parliament's agreement to letting the bill proceed is important to not only the fund's trustees but the greater number of people who would be assisted more meaningfully by the changes that are proposed.

As David Stewart said, scrutiny of the bill has been an interesting process for the committee, not least because of the background to it and the history of Isabella Elder, who was the architect of the fund.

As Shirley-Anne Somerville said, Isabella Elder was an impressive lady and had many ideas that would not be out of place today. For example, she started classes that taught people how to provide the best nutrition on a limited income—a common advertising theme for some of our supermarkets and something that could well be replicated for the many people today who live on convenience foods because they do not know how to cook.

Isabella Elder's contribution to society becomes even more remarkable when we consider the world of 1905—the year in which she died, aged 77—and the place of women in it. That year, Eleanor Roosevelt married Franklin D Roosevelt. History records her work in the ensuing years to enhance the status of women and her work as a volunteer in the slums of New York. Isabella Elder

had, before that, been doing similar work in Govan in Glasgow for many years, to the benefit of many underprivileged and impoverished women in that area. She was, indeed, a pioneer in many ways.

I will quote something that Eleanor Roosevelt said and with which I am sure Isabella Elder would have agreed. She said:

“One thing life has taught me: if you are interested, you never have to look for new interests. They come to you. When you are genuinely interested in one thing, it will always lead to something else.”

How true that is.

Isabella Elder’s school for cooking and domestic economy led to lectures for women on clothing cleanliness and how to prevent the spread of infectious diseases, and then to the provision of a district nurse to give instruction to her classes. Again, that is work that would not go amiss today.

She took a particular interest in promoting opportunities for women in higher education and she set up a medical school for women at a time when women were rarely educated to such a level. When women were finally admitted to universities, the first students from her school were able to graduate. She bore the whole expense of building and furnishing a cottage hospital in Govan and the subsequent running costs: largesse, indeed.

Elder park in Govan was provided by Isabella Elder when she bought land opposite her late husband’s shipyard. She designated the park as a recreational space for local people.

A great deal of that good lady’s work was directed towards the further education of women and to improving the health and wellbeing of the people of Glasgow.

I think that Mrs Elder would have approved of the way in which the trustees of the fund have resolved to carry on her work and legacy by modernising the fund to help as many people as possible. I hope that in the future many deserving women will derive significant benefit from the fund, as Isabella Elder intended when she set it up as a tribute to her brother and her husband.

I urge the Parliament at decision time to agree to the general principles of the bill and to agree that it should proceed as a private bill.

## Control of Dogs (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-5581, in the name of Christine Grahame, on the Control of Dogs (Scotland) Bill.

14:33

**Christine Grahame (South of Scotland) (SNP):** It is with great pleasure that I open the debate on the Control of Dogs (Scotland) Bill. I thank the Local Government and Communities Committee for its scrutiny of the bill and for making me feel briefly like a minister under interrogation. I also thank all those who have worked so hard on the bill, including the self-effacing non-Executive bills unit staff who are present in the chamber today, and my colleague Alex Neil and his staff for all the work that they put into developing the policy before Alex Neil was elevated to the lofty heights of ministerial office and became a willing victim of promotion.

Members who know Alex Neil will know that he does not get on well with dogs, but I am a dog lover. However, owning a dog is not a right but a privilege. Every dog owner, regardless of their personal circumstances, has a duty to ensure the welfare of their animal and to ensure that their dog is kept under control at all times, in the interests of public safety. If they cannot do that, their behaviour should be challenged, to be frank.

The bill is not intended to penalise responsible dog owners. It should improve their experience by addressing irresponsible dog ownership and reducing the threat that out-of-control dogs pose. Sadly, while most dog owners are responsible, there is a growing problem with dog owners who do not look after their dogs properly, whether through a lack of knowledge that means that they do not provide appropriate training or socialisation, for example, or by deliberate action, such as the use of status dogs that are taught to act aggressively.

We need only pick up the papers and read about recent dog attacks to know that the Dangerous Dogs Act 1991 has failed to improve public safety. That legislation was passed in haste and has been repented at leisure. In Scotland, about 600 attacks are reported each year, which is more than double the figure 10 years ago.

By focusing on deed, not breed, my bill will reduce the number of attacks in two ways. The dog control notice regime will give authorities the power to require dog owners to keep their dogs under control or face a criminal conviction. If used properly, that power will reduce the number of

lower-level incidents—I stress that phrase—in which dog owners perhaps need guidance on how to keep their dog under control. It will also prevent many dogs from developing more dangerous behaviour that might lead to dog attacks.

The bill requires owners to ensure that their dogs are kept under control at all times and in all places—I emphasise that. Currently, if a child is attacked in a dog's home, where it is permitted to be, the owner cannot be held legally responsible unless the dog is of a banned breed. That is clearly wrong. My bill extends to all places existing offences that relate to dogs that are dangerously out of control.

I thank the Local Government and Communities Committee for supporting the bill's general principles. I will tackle the main issues that the committee raised, which were corroboration, the definition of "out of control" and implementation costs.

On corroboration, I agree with the committee that the bill does not require authorised officers to work in pairs to serve dog control notices. I understand that the committee's concern is that the validity of a notice

"may be used as a defence in a criminal prosecution."

My clear view is that the offence of failure to comply with a notice, as provided for at section 5, is a separate matter that relates to a separate and subsequent incident. Corroboration is therefore required only for the incident that is the breach. As I explained to the committee, that is because we will move from a civil matter to a criminal matter—a breach—that requires corroboration. If members would like the rather lengthy technical answer, I can return to the issue in my closing speech.

The definition of "out of control" gave rise to concern. The bill provides a two-part test to assist authorised officers in assessing whether a dog is out of control. The first part is that the dog

"is not being kept under control effectively and consistently"

and the second part is that the dog is causing

"reasonable ... alarm, or ... apprehensiveness".

The two parts must be taken together and provide the basis on which an authorised officer can determine whether a dog is out of control—the word "and" is crucial.

Formulating an appropriate test is not easy. Providing a definitive list of behaviours or actions to cover out-of-control behaviour is neither practical nor beneficial. Each case must be assessed on individual circumstances.

The committee heard concerns that "reasonable ... alarm, or ... apprehensiveness" is too imprecise and might lead to inconsistency in notices. Many

acts use a reasonableness test, which is a widely recognised proposition. It applies to MSPs when we consider what interests to register. The test for registration is whether a fair minded and impartial observer would reasonably consider that an overseas visit, for example, would prejudice the member's behaviour. Historically, that was known as the test of what the man on the Clapham omnibus would think.

Under the bill, when considering whether a dog is out of control, authorised officers will have to act objectively and ask themselves whether a fair-minded and impartial observer would conclude that the dog was causing alarm or apprehensiveness.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** In country areas, dogs often escape from gardens. If, for instance, a dog took a rabbit, a reasonable person might conclude that somebody would be apprehensive about that and not like it, but that would not come anywhere near what most people would consider alarm or apprehensiveness. Will the member make the intention absolutely clear?

**Christine Grahame:** The member has just illustrated why one would not try to pin down every circumstance. The facts and circumstances of every case determine what is reasonable. My observation on the case that the member cited is that it would not meet the reasonableness test: nobody would have been put in a state of alarm.

The bill requires authorised officers to explain the reasons that led them to issue a notice. If someone does not like the reasons and objects to the serving of the notice, they can appeal. The measure will be tested. I believe that there are sufficient safeguards in the bill. The reasonableness test is a common one. I also believe that the bill's definition of "out of control" will work in practice.

Given that I am short of time, Presiding Officer, I will deal quickly with the issue of size and power, which some committee members thought would undermine the theme of deed not breed. I do not share witnesses' concerns in that regard. The provision is framed in such a way that it focuses on deed. Let me explain. A dog that is large and powerful and which might otherwise cause alarm or apprehensiveness, such as a Rottweiler, but which is kept under control cannot be the subject of a notice. The same Rottweiler, if it were walked by an eight-year-old child who was incapable of controlling it because of its sheer size and power, could be considered to be out of control, but only if, for example, it snapped at people or other dogs. The deed is the actions of the dog allied to allowing a child to take charge of a dog that is simply too big for them to control.

Taking the argument one step further, a dog that is not large or powerful, such as a Yorkshire terrier, but which behaved in a manner that caused alarm or apprehensiveness and which was not controlled effectively and consistently would be considered to be out of control. That goes to the heart of the approach in the bill. The breed or size of dog that is misbehaving is irrelevant.

**The Deputy Presiding Officer:** The member must now wind up.

**Christine Grahame:** I have other points to make, Presiding Officer. I hope that I can address them in my summing up.

I move,

That the Parliament agrees to the general principles of the Control of Dogs (Scotland) Bill.

**The Deputy Presiding Officer:** I call Duncan McNeil to speak on behalf of the Local Government and Communities Committee.

14:42

**Duncan McNeil (Greenock and Inverclyde) (Lab):** I apologise, Presiding Officer, for arriving late in the chamber. I am getting confused in my old age. I noted down three different times for the debate—2.45 pm, 3.00 pm and whenever I was to arrive. Please accept my apologies. No offence was intended.

I am pleased to be taking part in this debate as convener of the lead committee that considered the bill. I pay tribute to Christine Grahame for bringing forward the legislation and to Alex Neil for his work on the bill before he was elevated to ministerial office. I also thank all the witnesses who provided the committee with evidence, particularly the dog wardens who gave good and practical evidence on their daily and weekly involvement in dealing with dogs that are out of control. I think that all committee members were impressed with the evidence. I am also grateful to my colleagues on the committee for their input and to our clerks and researchers, who were as hard working as ever.

In the time that is available to me, I intend to focus on just a few of the key issues on which the committee reported. The bill seeks to address the underlying reasons why dogs become out of control and dangerous. I am no expert on dogs. That said, all politicians have experience of dogs—including dangerous dogs—from delivering leaflets and campaigning. From the evidence of the experts, it is clear that a dog becomes dangerous; it is not born that way.

As Christine Grahame said, the bill is about prevention. It seeks to influence the behaviour of the dog owner in order to improve the behaviour of the dog. We all can conjure up images of people

who use dogs almost as offensive weapons. In that regard, the committee supports the introduction of a dog control notice regime. The notices have become affectionately known in the media as dog antisocial behaviour orders—or dog ASBOs—a description that is perhaps not entirely wide of the mark.

The committee welcomes the fact that the focus in the bill is on deed and not breed. That is unlike much of the current dog legislation, where the focus is the other way round or, if I might be indulged for a moment, Presiding Officer, where the tail appears to wag the dog—boom, boom.

There were some concerns in evidence about the definition in the bill of a dog that is out of control and the use of terms such as giving rise to “reasonable ... alarm” and “apprehensiveness”. We felt that such language was imprecise and could lead to confusion in interpretation, particularly for those who are charged with determining whether a dog is actually out of control. It is important that there is clarity in that regard.

The committee welcomes the bill’s intention to address a deficiency in the Dangerous Dogs Act 1991 so that if a dog attacks someone in the home in which it is kept, the owner will no longer be immune from prosecution. I am sure that all members have seen and read about the devastating consequences of attacks by dogs in the home, especially where young children were involved. If the bill goes some way towards preventing such attacks, it will be worth while.

I turn to the issue of cost. Given the poverty of information regarding the number of dangerous dogs in Scotland, the committee and Christine Grahame acknowledged that there is a degree of uncertainty about the financial assumptions that have been made in the financial memorandum. The Scottish Government also acknowledged that the estimates

“may be on the low side”.

Local authorities expressed concern to us about the bill’s assumption that no additional costs to them would arise from the legislation.

**Christine Grahame:** Does the member recognise that Dundee City Council agreed with the figures in the financial memorandum? Not all local authorities in Scotland took the same view.

**Duncan McNeil:** The member is correct. However, councils operate at different levels; some have no dog wardens at this time. If the bill is passed, there will be an expectation, at least, that they should operate to a minimum required standard, which will incur costs. As some councils have said, they may have to employ additional staff to do justice to the bill. Councils also thought

that there was the potential for additional costs to fall to them as a result of any transfer of responsibilities from the police, who, as members know, deal with many stray dogs at weekends and so on. The committee welcomed the Scottish Government's confirmation that it is seeking to engage with the Association of Chief Police Officers in Scotland and the Convention of Scottish Local Authorities to discuss the matter.

The committee reported on a number of other issues, such as corroboration of evidence and access to private property to serve a notice, that I do not have time to cover today. My final point concerns the power under the bill to establish a Scottish dog control database. The Scottish Government does not support that proposal, and the committee is not convinced of its merits, especially given the likelihood that only a small number of notices will be issued. However, the committee is attracted by the proposal that a register of disqualified owners be established, to enable information to be shared among local authorities, the police and others. The Scottish Government has indicated some support for that suggestion, and we have recommended that it be explored further.

This is a good bill with good intentions. It has a lot to commend it, and I hope that it will make a difference, if enacted. The committee therefore recommends that the general principles of the bill be agreed to.

14:48

**The Cabinet Secretary for Justice (Kenny MacAskill):** I thank Christine Grahame and the non-Executive bills unit for their work. Like other members, I commend Alex Neil on laying the foundations for the bill and thank the members and clerks who were involved in preparing the stage 1 report.

The Scottish Government welcomes the policy objective of the bill, which is to make our communities safer by enabling effective preventive action to be taken against dogs that are out of control. The creation of a dog control notice regime will encourage dog owners to take responsibility for the actions of their dogs. Under the bill, authorised officers will be able to issue a dog owner with a dog control notice if their dog is found to be out of control. Such notices will be civil notices, but it will be possible to prosecute dog owners if they breach the terms of a notice.

Before a dog control notice can be issued, the dog in question must be deemed to be out of control. We are aware that some concern has been expressed about the definition of "out of control" in section 1. The out of control test is a two-part test, both parts of which must be met. In

our view, the two-part test is satisfactory. However, we note that the stage 1 report suggests that the bill is "too imprecise" on exactly what constitutes

"reasonable...alarm, or apprehensiveness"

in the test. In their evidence, some people complained about the inclusion in the test of a reference to a dog's "size and power". It will be interesting to hear views on that during the debate.

There has been some discussion regarding the costs of the new dog control notice regime. The main responsibilities under the proposed regime will fall on local authorities, as Duncan McNeil mentioned. In their stage 1 evidence, some local authorities indicated that existing dog wardens would take on the role of authorised officer without any new costs being incurred. Others disagreed, suggesting that higher costs would result from employing and training new staff. Our position is that the new dog control notice regime is designed to be a preventive regime. We do not expect thousands and thousands of dog control notices to be issued every week.

We hope that local authorities will be able to act as Dundee City Council has done. In its evidence on the proposed new regime, it said:

"the costs can be absorbed."—[*Official Report, Local Government and Communities Committee*, 18 November 2009; c 2667.]

Should the new responsibilities, once implemented, give rise to a request from local government for extra central Government resources, discussions would have to take place in accordance with the concordat with COSLA and local authorities.

**David McLetchie (Edinburgh Pentlands) (Con):** Historic.

**Mike Rumbles:** Historic.

**Jim Tolson (Dunfermline West) (LD):** It's no historic any more.

**Kenny MacAskill:** You can have it as "historic" if you want. Anyway, those discussions would have to take place. I can tell Mr McLetchie—Mr McNeil referred to this—that we are conscious of the divergence of views on the matter.

Dundee City Council might have problems in some areas, as is the case elsewhere, but that authority feels that the matter can be dealt with under the existing regime. It seems to the Government that if Dundee City Council can deal with such matters, other local authorities, too, should be capable of addressing them using current resources.

The bill seeks to amend the Dangerous Dogs Act 1991, as Christine Grahame said, so that it will

be an offence for a person to allow a dog to be dangerously out of control in "any place". We recognise that that gap in the law has to be addressed. Currently, as Christine Grahame emphasised, a dog owner is liable only if their dog is dangerously out of control "in a public place". It is right and appropriate that dog owners are held accountable for their dogs both in public and in private, and we welcome the change.

For those reasons, we are happy to support the bill at stage 1.

14:52

**Michael McMahon (Hamilton North and Bellshill) (Lab):** I congratulate Christine Grahame on introducing the bill and on all her efforts since June last year, when she picked up the baton that was passed to her by Alex Neil, who pursued the issue originally. I thank the members of the Local Government and Communities Committee and their clerking team for their work in scrutinising the bill since being designated the lead committee. I also thank NEBU for its efforts to ensure that the bill could be discussed today. I pay tribute to those who gave evidence on the bill and highlighted a variety of pertinent issues, some of which remain outstanding this afternoon and have already been outlined.

Whatever issues remain outstanding, the starting point of the bill is right. The Dangerous Dogs Act 1991 was much criticised at the time, as it was viewed as a knee-jerk reaction to a distressing problem. The spate of horrific dog attacks that preceded that legislation were not acceptable, and the issue required to be addressed. However, the haste with which that legislation was passed prevented effective analysis of the causes of the problem and a proper determination of the necessary measures to address it. Christine Grahame is therefore accurate in her assessment that the current legislation on dogs is piecemeal, and has tended to focus on breeds of dogs and dangerous dogs rather than on why dogs become out of control and on what has to be done to tackle the dog owner who fails to control their pet.

Shining the spotlight on the act that takes place instead of on the type of dog involved is eminently more sensible, and it is hardly surprising that the Kennel Club and the Scottish Society for the Prevention of Cruelty to Animals support the bill as a result. Nevertheless, Labour members are concerned about aspects of the bill.

The bill primarily aims to create an administrative regime that seeks to influence the behaviour of dog owners and to promote responsible ownership, but the measures that are outlined to achieve that will require a sizeable

injection of cash into local authorities, especially to provide for the administration of dog control notices. Christine Grahame has argued that the officers who would be involved are already employed by local authorities, which must deal with dogs, and that the new duties in the bill would be subsumed into existing duties. However, although the Scottish National Party Government has tried its best to deny the consequences of its budget, the reality is that local authorities are cutting staff by the thousand and that cuts are falling in areas such as community safety and are affecting community wardens and other people who deal with responsibilities in relation to dog fouling and dog-related antisocial behaviour.

The evidence that was presented during the consultation is a year old, but even a year ago local authorities were advising the Parliament that they would need to recruit additional staff to implement the proposed DCN regime. If the regime would have been a problem for councils in 2008-09, it would be a bigger burden on councils this year, given the fiscal constraints that they face and will face in the future.

Issues that have been raised about corroboration are of equal concern. The validity of corroboration is a complex issue, which requires much more scrutiny. The definition of "out of control" is an issue, because judging what it means is subjective. The formulation of a test that applies across a range of situations is a major concern.

**Christine Grahame:** With respect, does the member appreciate the distinction between civil and criminal law? There is no mandatory requirement for corroboration in a civil matter.

**Michael McMahon:** That argument has been made, but the issue still requires scrutiny, because what frightens one person might not concern another. The "how long is a piece of string?" approach to the definition is not good enough, and assertions of validity are not sufficient. We need to be confident that the bill would be effective.

I look forward to the rest of the debate. I hope that members raise the financial and technical issues that were identified in evidence at stage 1, and I hope that answers that alleviate our anxieties will be provided.

14:56

**David McLetchie (Edinburgh Pentlands) (Con):** I apologise for my late arrival in the chamber, particularly to Christine Grahame, and to Duncan McNeil, during whose speech I arrived. I was caught out by the speed with which the Scottish Parliamentary Corporate Body dealt with members' searching questions on its stewardship of the Parliament.

When that political Rottweiler, Alex Neil, was promoted to the post of Minister for Housing and Communities, to lead the SNP's savage attack on the rights of Scotland's tenants, one of the few welcome consequences of the change was that Christine Grahame became the member in charge of the bill.

**Christine Grahame:** I ask the member to desist from calling me a poodle.

**David McLetchie:** A poodle?

**Christine Grahame:** Yes.

**The Deputy Presiding Officer:** Can we get on with the bill, please?

**David McLetchie:** I had no intention of calling Ms Grahame a poodle. I commend Alex Neil for his work on the bill proposal and Christine Grahame for the characteristic vigour with which she picked up the baton, as Mr McMahon put it—or indeed the stick, leash or muzzle.

The legislation in the field is in need of modernisation. On the basis of all the evidence, it is fair to conclude, as the Local Government and Communities Committee did, that the breed-based approach that was taken in the 1991 act has not worked. Particular breeds have been banned and might even have died out in this country, but there are still many cross-bred dogs that have been bred and trained to exhibit aggressive behaviour, which cause alarm to people and are a threat to public safety. For people who take a perverse delight in intimidating their neighbours, engaging in gang conflict or strutting their stuff in the hood, a powerful dog is a fashion accessory and a weapon. In many cases, as we know, the dog owners are a good deal more dangerous than the dogs. We need to change the law, as Christine Grahame has said. We need to focus on irresponsible dog owners and to extend the ambit of the law to cover the behaviour and control of dogs on private property.

The bill will create dog control notices and place dog wardens, who are employed by local authorities, at the forefront of policing irresponsible behaviour. I confess that I am sceptical about the modest costs of the new approach as claimed in the financial memorandum. My view is shared by the National Dog Warden Association, which provided evidence. However, that is not an argument against the measures in the bill, although the issue will bear further examination as the bill progresses through the Parliament.

Some of the evidence that the Local Government and Communities Committee heard focused on whether corroboration will be necessary in the serving of a dog control notice, given that the breach of such a notice might lead to a criminal prosecution, in which the notice's

validity might be an issue. That has a bearing on the financial aspects, because it could require dog wardens to work in pairs to provide corroboration, thereby increasing the costs that are associated with the bill. However, on the basis of the further submission that Christine Grahame made to the committee and the discussion to date in light of the committee's stage 1 report, I am satisfied with the analysis that corroboration is not a legal necessity.

Having said that, because breach of a dog control notice will be a criminal offence, it will have to be corroborated by witnesses. We are all well aware that it can be difficult to persuade people in some communities to come forward in support of complaints and to act as witnesses to the breach of a notice in relation to other aspects of antisocial behaviour. Therefore, witnesses to the breach of a dog control notice may still have to come from the ranks of the professionals rather than the public if justice is to be done and our neighbourhoods are to be made safer.

The Conservatives support the bill's objectives. We hope that the mechanisms that it introduces and the changes in the law that it makes will fulfil those objectives, make our communities safer and advance the welfare of animals in Scotland. For that reason, the bill deserves a fair wind in the Parliament, and I look forward to its passage on to the statute book.

15:01

**Mike Pringle (Edinburgh South) (LD):** The Control of Dogs (Scotland) Bill was introduced on 22 June 2009 by Christine Grahame MSP. The bill seeks to modernise the law on the control of dogs and has four main aims: to introduce a new regime of dog control notices, which will enable local authorities to impose measures on owners or persons in charge of dogs; to provide the Scottish ministers with a power to establish a national database of dog control notices; to enable a local authority to apply to a court to have a dog destroyed if it considers that the dog is out of control and dangerous; and to extend a person's liability for a dog that is dangerously out of control such that it applies in all places.

The policy memorandum suggests that irresponsible ownership of dogs is the main factor underlying the increasing rate of dog attacks. Such irresponsibility includes owners not undertaking training with their dogs, not treating dogs correctly or not socialising dogs properly. Other factors that are highlighted include individuals who are engaged in criminal or risk-taking activities keeping powerful dogs as status symbols or accessories to their own aggressive behaviour and a growing trend for urban gangs to use aggressive dogs as weapons.



Four United Kingdom acts relate to dangerous dogs: the Dogs Act 1871; the Dangerous Dogs Act 1989, which amends the 1871 act; the Dangerous Dogs Act 1991; and the Dangerous Dogs (Amendment) Act 1997, which amends the 1991 act. The reason that I mention all four acts is that that complexity causes considerable problems in the courts, as a friend of mine who is an advocate has experienced. He has prosecuted in several dangerous dog cases and feels that there are problems with the way in which owners are prosecuted. Several different laws can be used to prosecute, which means that there are often unintended consequences and that punishments are not necessarily uniform.

The principle in the bill of focusing on deed not breed caused considerable discussion. In the consultation, 39 respondents explicitly supported that approach, while only six were opposed. However, some breeds are clearly far more aggressive than others. For example, a Rottweiler is obviously more dangerous than a Chihuahua, Scottie or west Highland terrier due to its sheer size, weight and bite force. I suggest that more work needs to be done on that area of the bill.

**Christine Grahame:** Will the member give way?

**Mike Pringle:** I do not have time. I am sorry.

The consultation by Alex Neil MSP dealt with the definition of a dog “being dangerously out of control” and elicited a wide range of responses. Respondents either offered definitions of the phrase or gave examples of behaviour by dogs that could constitute being dangerously out of control. However, I am not sure that the definition of a dangerous dog has been bottomed out.

No financial costs are expected to fall on the Scottish Government, assuming that the Scottish dog control database is not established initially. Should such a database be created, it is anticipated that it will cost £7,500. However, I do not think that the cost has been defined, as others have said. The figure was based on the experience of establishing a nationwide database under the Tobacco and Primary Medical Services (Scotland) Bill, but I am not sure that the cost will be the same for the proposed dog control database.

As we have heard, the costs that are set out in the financial memorandum caused the committee some concerns. Michael McMahon, in particular, has expressed those concerns. Concerns were also expressed by local authorities, which felt that the estimates were on the low side. The committee will revisit that issue at stage 2, and it has asked the member responsible to respond to the concerns that have been raised.

15:05

**Christopher Harvie (Mid Scotland and Fife) (SNP):** I congratulate Christine Grahame on her work on the bill. We do not know how many dogs there are in Scotland, but we guesstimate that there are between half a million and a million. I wonder whether there is a connection with the Scots language itself in terms of the ambiguity of its syntax, an absolutely inscrutable example of which the great Conservative politician John Buchan encountered in the Borders: “Whae belongs this wee dug?”

It is a fact that, in 2006-07, 623 offences were recorded under the Dangerous Dogs Act 1991—the numbers have been steadily increasing since 1999. The 1991 act banned a number of breeds as particularly dangerous, and the intention was that they would die out altogether. However, there are still perhaps 10,000 pit bull terriers in Britain, though it is reassuring that there are not many Japanese tosas, which I have seen defined as a sort of canine sumo that weighs up to 17 stone—members will know one when they see one.

The Dangerous Dogs (Amendment) Act 1997 amended the 1991 act by allowing owners of four dangerous breeds to reapply for their dogs to be placed on the index of exempted dogs, subject to various conditions. However, that legislation placed great emphasis on the dog and less emphasis, as people have pointed out, on the owner. Christine Grahame’s bill nails the owners of out-of-control dogs. Dog notices served on owners of such dogs will ensure that offending dogs are microchipped. As we have heard, authorised officers will be able to impose further conditions.

Vagueness about dog numbers potentially raises a financial issue, as Michael McMahon pointed out. A long-term decrease in dog attacks and incidents involving dogs will mean savings. In that context, the reintroduction of dog licences might be worth considering. The history of dog licences slept and slept: they were 7/6d when they were first imposed in Queen Victoria’s day and remained at that price into the decimal age, until Thatcher abolished them in 1987. In Europe, dog licences do not seem to be a problem. Dogs must be registered, with tattooing and micro-chipping often required, in almost all European Union countries. Ireland collects an annual licence fee, and it costs about 150 euros a year in Germany to run an Alsatian. In Switzerland and Austria, mandatory registration and insurance are accompanied by a dog tax that is paid annually to local authorities. Incidentally, one should always remember the great definition of American democracy, which is that everyone is elected—from dog catchers to Presidents. They sometimes

seem to make terrible mistakes, though, in electing people to the latter position.

Dog taxes that are dependent on the size and breed of dog have the advantage of making people think twice about dogs that are big or hard to control. With regard to dog licences, we need funds to install bins for dog dirt, fence off kids' playgrounds and make parks safe for children. Judging by the letters that I get about park conditions, I am sure that angry voters send photographs of canine deposits on the grass to many MSPs, who of course realise the threat that such deposits pose to children running free. A small licence fee would not put great pressure on individual dog owners, but would provide local authorities with the means to fund cleanliness measures and the dog control measures that are specified in the bill.

Christine Grahame's bill parallels European measures. The 1991 act caters for all breeds of dog, including dogs that could benefit from the proposed new measures. Targeting deed, not breed, would be a considerable improvement on the existing legislation.

15:10

**Elaine Murray (Dumfries) (Lab):** I speak as a dog lover who has had the pleasure of owning several dogs over the course of my life. I also speak as someone who has twice received hospital treatment due to attacks by dogs—not my own dogs. I was a signatory to the bill, and I have watched its progress with interest.

The principles of the bill have received support from a range of organisations: the Dogs Trust, the Scottish Society for the Prevention of Cruelty to Animals, Advocates for Animals, the Kennel Club, the British Veterinary Association and the Communication Workers Union. One of the first questions I was asked when I visited local sorting offices before Christmas was, "What's happening with Christine Grahame's bill?"

The Dangerous Dogs Act 1991 makes it an offence to allow a dog to be dangerously out of control in a public place or in a private place where the dog is not permitted to be. In most instances when postal workers are attacked—indeed, in the two instances when I was attacked—the dog is in its own territory. Some 70 per cent of the 6,000 attacks by dogs on postal workers in the UK take place on private property where the dog's presence is permitted, and the extension in the bill of liability for a dog that is out of control to its behaviour in all places would help to protect those workers.

The bill rightly recognises the behaviour of dog owners as the primary cause of attacks by dogs. There are two principal reasons for that. The first

is ownership of dogs by people who do not understand how to train and control them—if a human being is not in control, a dog may become aggressive because it is nervous or feels that it has to take control itself. The other reason, which David McLetchie and Mike Pringle referred to, is the deliberate encouragement of aggressive canine behaviour as part of the owner's more general antisocial behaviour. Dogs were used in warfare in many early civilisations, and unfortunately some are still obtained and used deliberately for the purposes of intimidation.

While I support Christine Grahame's bill, I believe that, as it stands, there is an anomaly in it. The bill concentrates on deed not breed, but the list of prohibited dogs—pit bulls, Japanese tosa, fila brasileiro and dogo argentino, which sound a bit like cartoon characters but are actually large US mastiff-type dogs—will remain. Only pit bulls have been an issue in Britain; the others are virtually unknown here.

The Dangerous Dogs Act 1991 was, in part, a response to the tragic killing of an 11-year-old girl in Dunoon by two Rottweilers. Other breeds, including Staffordshire bull terriers and one of my favourite breeds, the Jack Russell terrier, have been known to attack people. Indeed, Jack Russells have a bad record of on occasion killing young babies.

Pit bulls also have a bad reputation, but the pit bull is not actually a breed of dog. It is a type of dog that is defined by the characteristics of the American pit bull. It is therefore defined by physique and conformation, and not by lineage. A Staffordshire bull terrier crossed with a Labrador could produce a pit bull terrier type dog, and anyone who obtains a pup that grows up into that type of dog is in theory committing an offence if they do not have it destroyed. The law is unworkable in practice, which we know as there are many pit bull type dogs still living in the UK, some of which are dangerous but most of which are probably not.

The Kennel Club, which also submitted evidence on behalf of the dangerous dogs act study group, states in its own submission that

"it may not be practical in the current political climate to remove the list of banned breeds".

However, if the argument really is about deed not breed, that is a bit of a cop-out. Owners who have out-of-control, aggressive pit bull type dogs should be prosecuted; owners who have well-disciplined and well-behaved pit bull type dogs should not be forced to have them destroyed if the dog's only offence is the way that it looks.

My preference would be the repeal of sections 1 and 2 of the Dangerous Dogs Act 1991, although I understand that that may be difficult at the

moment. If that is not acceptable, I believe that the index of exempted dogs should be reopened to owner-led applications, which would enable the responsible owners of pit bull type dogs to apply for exemption and to register them if certain requirements are met, such as muzzling. I therefore suggest that the Scottish ministers invoke their powers under subsections (5) and (6) of section 1 of the Dangerous Dogs Act 1991 to reopen the index of exempted dogs to owner-led applications.

15:14

**Jim Tolson (Dunfermline West) (LD):** I have given my support to Ms Grahame to ensure that the bill is debated both in committee and in the chamber. I have done so because I am concerned that the Dangerous Dogs Act 1991 may not now provide adequate protection to members of the public—we have certainly heard evidence of that today.

As many other members have done, I want to emphasise that the bill is by no means an attack on dog owners—far from it—but it is a serious attempt to put in place training for people and animals when such training is necessary, and to implement enforcement procedures such as dog control notices.

I applaud Alex Neil, whose elevation to high office meant that he could no longer proceed with the bill, and Christine Grahame, for introducing it. The simple focus of their concern, which involves a change of emphasis from breed to deed—and the deeds that very few dogs carry out—is correct. The Local Government and Communities Committee's evidence sessions on the bill were among the most informative that I have taken part in in more than two years, and there have been a number of extremely good and heartfelt speeches in today's debate.

I want to touch on what members have said about some of the key points in the bill. The minister was among those who said, quite rightly, that the bill will help dog owners to become more responsible. That is very much the case, given that it adopts a carrot-and-stick approach. It makes it clear that when a dog needs training, that will be a requirement. The associated issues of the cost and availability of such training should be examined in more detail at stage 2 but, in many ways, the bill provides a preventive regime, which is most welcome.

Most members have dealt with the bill's focus on deed not breed. Michael McMahon was quite right to say that the bill is a welcome step forward from the 1991 act, which David McLetchie and others, including me, feel has not worked. It had the wrong emphasis and, as many members have

said, was brought in in haste after some extremely concerning incidents in Scotland and elsewhere.

Only a few members have discussed the Scottish dog control database. Further investigation is required at stage 2 of the Government's ability to provide it and the costs that would be involved. It appears, certainly from the Scottish Parliament information centre briefing, that those costs might be relatively low. As I said in committee, I believe that there are advantages to having a centralised database when the information is largely already collected by our local authorities at a fairly minimal cost.

We have all encountered dangerous dogs during our campaigning, which involves putting our fingers through letterboxes. Fortunately, I and others have come back with our fingers intact, but there have been a few close shaves over the years. In 25 years of campaigning, the closest that I have come to being attacked is feeling the warm breath of a dog or a wet nose on my fingertips, and that is quite close enough. That is one reason why I feel that the focus on deed not breed is so important. The big dogs tend to give a warning when someone comes near their letterbox, whereas little terriers hide at the back and wait for the chance to snap at whoever puts their fingers through—including Tories.

Joking aside, the points that have been made are well founded. The issue is a serious one, whether we are talking about politicians, posties or anyone else. We must ensure that anyone who goes near dogs will be safer. Unfortunately, it is often close family members who are the victims of attacks.

I am supportive of the bill. I believe that it makes major improvements to existing legislation and that it will provide better protection for constituents of all ages. Although members of the Lib Dem group have a free vote on the issue, I hope that many of them, and others, will join me in supporting the bill at stage 1 later this afternoon.

15:18

**Michael McMahon:** As was the case during the Local Government and Communities Committee's deliberations on the bill, there has been an understandable consensus on the aims and general principles of Christine Grahame's bill. The proposal to focus on deed not breed and to establish an administrative regime to influence the behaviour of dog owners has widespread support. Requiring a dog owner to keep their dog on a lead, among other things, does not appear to be a particularly onerous requirement when the safety of individuals and our wider community is at stake, so it is hardly surprising that the bill's measures have found support.

However, we cannot ignore the concerns that emerged during stage 1 scrutiny of the bill. Earlier, I raised the issue of the cost to local authorities of the bill's provisions. Those fears have not quite abated as the debate has unfolded. Even the Scottish Government considers that the financial estimates on the establishment of a DCN regime may be on the low side. We must be careful not to burden our councils with measures that have resource implications that are not properly provided for.

Most of the local authorities that gave evidence expressed concern about the bill's cost implications. Scottish Borders Council specifically asked for central Government to make additional funds available to pay for the impact of the bill. Christine Grahame has repeated her comparison between her bill's potential financial impact and the impacts of the Dog Fouling (Scotland) Act 2003 and the Civic Government (Scotland) Act 1982 to argue that costs will not rise, but I remind her that councils have rebutted that comparison and called it "disingenuous", among other things. They have pointed out that her bill will place a duty on them to act and to monitor compliance, and that that will have considerable costs.

Concerns have also been expressed about the increases in costs that will be incurred by the transfer from the police to councils of responsibilities for dealing with stray dogs. It was claimed in evidence that was provided to the committee that the costs to local authorities would soar, because they do not currently provide 24-hour cover and out-of-hours working, and do not have the facilities or the funds to do so. It is also worrying that no discussions appear to be taking place between the police and local authorities on the transfer of budgets to cover any shift in responsibility.

In such a short debate, it has not been possible for me to cover all of the bill and to consider the implications and merits of provisions such as those on a Scottish dog control database or the opportunities that could have been missed in not seeking to amend further the Dangerous Dogs Act 1991. I am pleased that other members have focused on those issues, which can be considered at stage 2. We can look forward with confidence to the committee dealing with those concerns and others that must be addressed at that stage. In the meantime, we will give the bill a fair wind, as others have asked us to do, and encourage the bill's progress. I will be happy to support its general principles when we vote this afternoon.

15:21

**Kenny MacAskill:** Christine Grahame ably laid out the purposes of the bill, which has received uniform support across the chamber. As Michael

McMahon said, there are legitimate matters that will have to be teased out—that will be the committee's purpose—but I think that everybody supports the points that Christine Grahame made. Possessing a dog is not a right; it is a privilege. It is not a matter of being anti-dog. We have heard numerous jokes and anecdotes, but, sadly, tragedies occur. Related legislation has been passed as far back as the 19<sup>th</sup> century. Even during my time as a practising agent, three related bills were introduced because the existing provisions were not fit for purpose. Those pieces of legislation have been referred to.

It seems to me that Christine Grahame has managed to address a lacuna in the law. There are matters that must be addressed, but the bill strikes a balance. We should not interfere with people enjoying the company of a dog and the responsibility that goes with having a dog, never mind people's need for working dogs in rural and other areas. Equally, we must remember, as Christine Grahame pointed out, that there have been 800-odd reported attacks that have affected people at work and in their own homes. That is tragic and is why we must tackle the matter.

The bill seems to us to be a proportionate response to deal with the issues that we face. As I have said, points have been made that will have to be teased out. Ms Grahame will doubtless mention those in summing up, and they will be considered further.

Members, including Michael McMahon, have, correctly, mentioned costs. In my opening speech, I said that it appears that there is a dispute about costs between councils. Scottish Borders Council seems to think that significant costs will be incurred, but Dundee City Council seems to think that the bill will simply give it additional powers to take action, and that it will operate within the framework that it currently uses. If the bill is passed, we will be happy to discuss such matters with local authorities, but it seems to us that additional funding will not be required. There is certainly no available funding at present. Our view is that Dundee City Council's suggested approach is appropriate.

David McLetchie rightly raised in committee the issue of corroboration, which Christine Grahame has addressed, and which can be further teased out. We are talking about a civil penalty that will have criminal consequences if it is breached. Corroboration will be required not at the instance of the imposition of the initial civil penalty, but with respect to whether the criminal penalty has been issued. Such matters arise in various other walks of life. It is clear that we must ensure that the legislation is appropriate so that those who breach it can be held to account and can face appropriate

punishment. We recognise that corroboration is required for the latter purpose.

Mr McLetchie made the valid point that some people who have a propensity to be on the receiving end of notices might be people who cause alarm to others in the community. If the question is whether corroboration can be dealt with by wardens or officers, that seems to us an appropriate matter to consider.

On the question of a database, we believe that the committee and others are correct to argue that a national database is not necessarily appropriate. We have to consider what such a database would be for, who would access it, why they would access it, and what they would do with the information. It is clear that appropriate information should be available. As far as I am aware, most police forces have a database, because, whether they meet the 17-stone Japanese dogs that Christopher Harvie mentioned or any other dogs, they require to know whether a household has a weapon, such as a shotgun, or a dangerous dog. Such information is already taken on board by the police and other authorities. However, who else would access the information on a national database, and why? If somebody who should not hold a dog was doing so, what would we do about it? We do not rule out using the benefits of modern technology, but we have to work out a system that is not unduly bureaucratic and does not simply result in increased costs, given that the question of costs appears to be significant to some councils. We also have to work out what we would do with the information. We are genuinely open-minded on the issue, and the details can be discussed and debated by the committee.

It simply falls to me to say that we are grateful to Christine Grahame for bringing the bill to the Parliament and that it seems to us that it should be supported at stage 1. There are matters that have to be further teased out, but there is a gap in the law and the bill will improve the situation.

**Duncan McNeil:** Does the cabinet secretary recognise, as the committee does and as Michael McMahon said, that there is an issue about the current warden service? In effect, local authorities are providing a 9-to-5 service. We heard in evidence that, outwith those hours and at weekends, responsibility for the control of stray dogs is transferred to the police, with an associated cost. What discussions have taken place with the police authorities? Does the cabinet secretary recognise that there is an issue about the need to transfer responsibilities and about the budgetary issues that arise from that?

**Kenny MacAskill:** There are two issues. The first was raised by Mr McMahon, who asked what the costs of the bill will be. We stand behind Dundee City Council, which says that they can be

soaked up. Scottish Borders Council says that that is not the case, but our view is that some councils have expressed their ability to deal with the matter and so should others. The second issue is a matter of debate between Strathclyde Police and local authorities, and discussions on what should happen continue between COSLA and the police forces. As I said, there are two issues. The second is a matter of discussion and negotiation. The first issue requires further consideration and the committee will doubtless touch on it.

15:28

**Christine Grahame:** I thank the cabinet secretary and all members who have spoken. I particularly welcome their critical comments because those are always important in testing legislation at stage 1. I will address some of the points that were mentioned, particularly on costs, as I was not in a position to do that in my opening speech.

Local authorities will play an integral part in enforcing the bill, but they already carry out many dog-related duties under the Dog Fouling (Scotland) Act 2003, the Civic Government (Scotland) Act 1982 and various pieces of animal health and welfare legislation. They have to be staffed appropriately to carry out those duties and obligations. In relation to Scottish Borders Council in particular, the community wardens already deal with dogs on the loose in parks and so on.

I understand the remarks that were made about the financial memorandum, but it contains the best evidence that was available and I have been unable to secure any other—I will be delighted if the committee can obtain better evidence. However, we should acknowledge that the bill will lead to savings on two levels. First, by identifying and managing the behaviour of out-of-control dogs early on, it will ultimately reduce the workload for the police and, in turn, procurators fiscal and the Scottish Court Service. As a culture of greater owner responsibility develops, the workload of local authority staff will reduce.

The second and evidently more important saving relates to trips to accident and emergency units and general practitioners—and, indeed, the saving of lives in general. I was interested in Elaine Murray's comment that the important issue was the deed, not the breed, and that Jack Russells have been the perpetrators of savage and often fatal attacks in the home.

I think that the issue of stray dogs is a bit of a red herring. My bill does not disturb the present legislation's position on that issue. As a dog unaccompanied in a public place will continue to be treated as a stray under section 3 of the Dogs Act 1906 and sections 149 and 150 of the

Environmental Protection Act 1990, it can still, when discovered by the police or a local authority officer, be seized, sold or destroyed. In fact, my bill could directly assist by ensuring that the owners of abandoned dogs are identified. After all, if the dog has already been the subject of a dog control notice, it will have been microchipped.

In that respect, with regard to Christopher Harvie's remarks about dog licences and in response to the suggestion that all dogs be microchipped, I point out that this is a member's bill and has to be simple and straight to the point. I have sympathy for such points of view, but I think that that debate is for another time.

David McLetchie dealt with the issue of corroboration with his usual elegance, and he has conceded that although corroboration is not necessary in civil matters, it is when the matter becomes a criminal one. However, on the question whether the test of reasonableness has been properly applied with regard to a dog control notice, someone who has been served with such a notice can within 21 days appeal under the civil appeals procedure the appropriateness of the decision. In any case, when the decision to issue a notice is close to the wire and when there might be something of a grey area, the decisions made by sheriffs will set the bar and act as a guide. Such an approach is nothing new and is, in fact, consistent with other legislation.

I think that I have covered most of the issues that have been raised—I do not think that I have missed anything. I certainly do not see anyone trying to intervene or draw to my attention the fact that I have not responded to their points.

I am quite prepared to meet the concern expressed by the Subordinate Legislation Committee about an amendment to a particular section. It is a bit of a belt-and-braces matter, but I do not think that it will give me any difficulties.

I thank everyone who has taken part in the debate and look forward to stage 2.

## Local Government Finance (Scotland) Order 2010

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-5649, in the name of John Swinney, on the Local Government Finance (Scotland) Order 2010.

15:32

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** The motion seeks the Parliament's agreement on the allocation of revenue funding to local authorities for 2010-11.

In 2010-11, the Scottish Government will provide councils with almost £12 billion, which includes total revenue funding of £11.141 billion and support for capital expenditure of more than £843 million. Although it is not contained in this order, we have earmarked a further £70 million to enable councils to freeze council tax again next year and I am delighted that seven councils—East Lothian, Midlothian, North Lanarkshire, Renfrewshire, West Lothian, Glasgow City and West Dunbartonshire—have already decided to freeze their council tax for a third consecutive year. I urge all councils to follow their lead. Once all councils have set their rates, I will bring a further order to the Parliament to allow the extra funding to be issued.

The order distributes £10.085 billion out of the total £11.141 billion. The balance includes £533.1 million of ring-fenced grants, mainly the police grant; £273.5 million for police and fire pensions paid to police and fire boards; £39.5 million for additional police officers; £86.5 million paid to criminal justice authorities; and £123.1 million to be distributed later, including £37.5 million for the teachers induction scheme and £15.6 million for adult support and protection.

Although it is not part of this order, the overall package includes support for capital funding of more than £843 million. Over the 2008 to 2011 spending period, total support for capital investment will amount to more than £2.8 billion, an increase of £200 million on the period 2005 to 2008.

Turning to 2009-10, the order seeks approval to distribute an additional £76.9 million to allow councils to carry through a number of agreed spending commitments that have arisen since the 2009 order was approved. They include: £37.5 million for the teachers induction scheme; £15.6 million for adult support and protection; £7 million for the zero waste fund; £6 million for backdated fire pensions and commutations; and

£3 million to employ 100 extra teachers. Those resources are provided to help local authorities to meet the many challenges that they face, now and in the future, so that they can provide the vital services upon which communities across Scotland rely. The local authorities of Scotland face those decisions in partnership with the Scottish Government and recognise that, during the current spending review, the share of the budget that is going to local authorities has increased as a consequence of the Government's decisions on allocations to local authorities.

In October, I announced a new scheme to enable councils to apply for consent to borrow to meet equal pay back-pay costs. After consideration of the applications received, I confirm—and I will set out the details in a letter to the convener of the Local Government and Communities Committee—that I am granting consents with a total value of £65.4 million, which will come into force with immediate effect. Those further consents are additional to the £11 million that I announced last year for Aberdeen City Council.

In recognition of the pressure on councils that has been caused by damage to the local roads network across Scotland in the recent severe winter weather, I confirm that the Government is providing an additional £5 million in 2009-10 to be shared across all councils.

In November, I announced the lowest national poundage rate ever set in Scotland for business rates, matching that in England. We estimate that that will benefit Scottish businesses by more than £200 million in 2010-11. That means an average benefit of more than £1,000 per business property. In connection with the 2010 revaluation, our analysis indicates that almost 60 per cent of businesses will see their bills fall, with average savings of more than £1,300, which is almost double the reported figure in England. That is before the application of any of the relief scheme that we have made available.

Central to our consideration has been the question of transitional relief. Evidence shows that a transitional relief scheme would increase the rates bills of most small and medium-sized private sector businesses, which are at the very heart of our economy. Eight out of 10 properties that would have seen bills fall would be worse off. The retail sector alone would lose £25 million. Another consequence of a transitional relief scheme would be that the public sector would benefit at the expense of the private sector. Such outcomes are not desirable, so I have concluded that there will not be a transitional relief scheme to accompany the revaluation.

**Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD):** Given the fact that, after the

previous revaluation in Scotland, the Government consulted on giving the business community and others an opportunity to express their views on the prospect of a transitional relief scheme, why did the Scottish Government choose not to do so on this occasion?

**John Swinney:** The Government chose not to do so because we looked carefully at the evidence, which demonstrated the factors that I set out in the comments that I have just placed on the record.

Following revaluation, the thresholds for payment of the supplement for larger businesses and for rural relief, which provides a vital lifeline to our rural communities, will both rise from 1 April. We will further expand the criteria for eligibility under the small business bonus scheme from 1 April to those who have more than one property, and whose cumulative rateable value is less than £25,000. That means that 3,600 more properties will be eligible for a discount on their rates bills.

To support the renewable energy sector, I am introducing a new targeted, stepped relief scheme, offering discounts of up to 100 per cent. Those reliefs, which are the most generous in the United Kingdom, will provide a real boost to businesses in Scotland. Information on individual property values is being released by the assessors today on their website. Details of relief schemes and a rates calculator will be on the Scottish Government website.

In summary, the total funding going from the Scottish Government to local government next year will amount to almost £12 billion. That is the funding that we have put in place to ensure that our local authorities are able to deliver the services that are expected by the communities of Scotland.

I move,

That the Parliament agrees that the Local Government Finance (Scotland) Order 2010 be approved.

15:40

**Michael McMahon (Hamilton North and Bellshill) (Lab):** If ever a speech from a Government minister confirmed the impression of many on the Labour benches that the Government operates in a parallel universe, we have just heard it from Mr Swinney. Here in the real world of Scotland in the third year of a Scottish National Party Government, *The Herald* newspaper can run articles for a whole week exposing the effects of the £270 million-worth of cuts that it has identified are being forced on our local authorities. In today's Scotland, our biggest public service union warns us of the dangers of the cuts that are being imposed on our front-line services because of the

£305 million-worth of reductions in council budgets that it has identified.

The reality for many Scots as we move into the second decade of the 21<sup>st</sup> century is that local authorities are taking community wardens off our streets and reducing library opening hours and roads maintenance and resurfacing. In education, further cuts are planned in the number of teachers, classroom assistants, janitors, workshop technicians and cleaning staff. That is all at a time when the Scottish Government has nearly £1 billion more to spend than last year and greater resources than any previous Administration had.

That is the reality in today's Scotland, yet over in the alternative realm of concordat land that is inhabited by the SNP, all is well. In concordat land, the SNP can claim, despite all the evidence to the contrary, that its budgets have been cut while the funds that are available to local authorities are on the increase. In concordat land, the cabinet secretary wants us to believe that he has delivered a bountiful sufficiency of funds and that local government has been given the flexibility that it needs to respond to local needs. He wants us to share his view that the concordat creates greater flexibility, when the reality is that it restricts the single most important mechanism of financial autonomy that is available to local authorities: the council tax.

**Alasdair Allan (Western Isles) (SNP):** If I understand the member correctly, he is saying that the Scottish budget has gone up. In that case, as it is indisputable that the share of the Scottish budget that is being allocated to local government has also gone up, how can he accuse the Scottish Government of meanness in that respect?

**Michael McMahon:** Because the reality is that what is being counted has gone up, but the actual funds have not. The cabinet secretary has added funding streams to his calculations. His letters to the Scottish Parliament information centre show that there is no like-for-like comparison between the figures when we were in Government and his current calculations.

**John Swinney:** I have in front of me the like-for-like comparison, which shows that, when I became Scotland's finance minister, the share of the budget going to local authorities was 33.39 per cent and now it is 34.08 per cent. It has gone up under the SNP Government.

**Michael McMahon:** What the cabinet secretary is counting has increased, but the actual amount of money has not.

Freezing the council tax is not in itself the problem, but the way in which it is done under the concordat is Tory capping by another name. It is little wonder therefore that Mr Swinney's acolytes in the Tory party are always eager to support his

budgets. Probably the only thing on which Labour agreed with the Tories about Mr Swinney's budget was that it was a Conservative budget.

**Derek Brownlee (South of Scotland) (Con):** If capping is somehow a Conservative principle, will Mr McMahon explain why the UK Government retains the ability to cap in England? That is still a Labour Government, is it not?

**Michael McMahon:** Because we want to retain the ability to protect local people. That is not the same as using the power when local authorities are being reasonable and responsible.

Last month's budget was not alone in being supported by the Conservatives as a Conservative measure. The fact is that we have merely arrived at a position that Labour forecast would happen under the terms of the concordat when it was set out in the spending review of 2007. As far back as that, the underfunding of new spending commitments, the unachievable doubling of efficiency savings targets and the loss of flexibility through the council tax freeze were evident and their consequences were inevitable. For the past two years, we have predicted the impact of the fiscal squeeze on councils and argued that, contrary to the efficient government agenda, budget savings were being made in front-line services.

While the Convention of Scottish Local Authorities sucked on the lollipop of de-ring fencing, under the concordat individual councils were being forced to cut services to achieve their savings targets over three years. Cash efficiencies were to be made through reducing back-office costs and bureaucracy, better procurement and better asset management. The concordat states that such savings should be redeployed

"against ongoing pressures and address local priorities."

Falkirk and Stirling Councils have both made savings in procurement and Glasgow and East Dunbartonshire have delivered some of their savings through property and asset management. In all authorities, however, the cuts will be deep and the impact on jobs and services will be severe. South Ayrshire reported that it needs to achieve a significantly reduced expenditure in employee costs by reducing the workforce to help find savings of £7 million and it has also agreed a 6 per cent rent increase. Highland has set a savings target of £11.45 million in education and £5 million in social work.

Michael Forsyth would be glowing with pride that his party has worked with the SNP to pursue the decimation of public services that he once dreamed of. Every community in Scotland will suffer because the SNP has done a deal with the Tories to launch the biggest assault on local services since Thatcher. The cuts will adversely



affect jobs and services at a time when the economic recovery would benefit from retaining them. I look forward to the rest of this afternoon's debate, but I fear that, when it is over, some of us will be left to wonder whether we inhabit the same world as the cabinet secretary and the rest of his party.

15:46

**Derek Brownlee (South of Scotland) (Con):** Mr McMahon talked about a parallel universe—it might well be a parallel universe in which Michael Forsyth is glowing with pride at me and the other Conservative MSPs, but if that is the case, we will understand it better from Mr McMahon than from anyone else.

Some of the stuff that we heard from Mr McMahon is just utterly implausible. We were told that all local government's problems are somehow the fault of the Conservative Party, which is not in Government, or the fault of the Scottish Government. If we look at the broader issues that councils are facing, we all appreciate that throughout the country councils are facing reductions in their income from the usual fees and charges that they tended to rely on. Yes, they have a council tax freeze, but they are still funded to a greater extent than inflation requires to benefit from that council tax freeze. If we look at the cumulative figure across local authorities in Scotland, there is probably a net benefit to the tune of something like £45 million.

If, somehow, it is all the Conservative Party's fault that councils in Scotland have to reduce spending, I wonder why the Local Government Association in England issued a press release suggesting that

"Town halls are having to tighten their belts in exactly the same way as hard-pressed families are"

and that

"Council income is falling sharply at a time when more and more people are turning to the town hall to help people through tough times."

The Local Government Association in England said that

"A half of councils have already cut jobs ... and seven in ten anticipate making further cuts."

The Conservative Party has nothing to do with the Government of England and, unless before we came to the chamber the Scottish Government managed to annex England and Mr Salmond took his ambition to a true unionist level by becoming First Minister of England as well, it is rather difficult to see how the Scottish Government can be blamed for the problems faced by councils south of the border.

What we have heard from the Labour Party is a repeat of the tirade that we heard last week about how councils are short of money. Last week Labour members of course had no suggestion about where the money should come from. That is ironic, because one would have thought that the first stop that they would make to find that funding would be the Labour chancellor at number 11 Downing Street. He, however, is busy talking about funding cuts of 17 per cent in real terms. It is difficult to see where the Labour Party expects all the extra money to come from. Perhaps we will hear now that Mr McMahon has risen.

**Michael McMahon:** Does Mr Brownlee accept that we do not expect it to come from anywhere, because the Government already has it? There is an extra £1 billion in the Government's coffers this year, but it has chosen not to spend it on the right priorities.

**Derek Brownlee:** In that case, perhaps the member can tell us which priorities he does not support getting that money. I did not hear the Labour Party say last week that the national health service, the transport system or anything else should get less money. What the member says is brazen; it is the cheapest form of political game, it does not fool the public and it is pathetic.

When we look at the situation facing councils, we all acknowledge that they face difficulties in their forward planning and that, in common with the rest of the public sector, councils will have to make some pretty difficult decisions. Of course, that is because of the truly legendary scale of the financial incompetence of the Labour Government that is sitting in office at Westminster—a fact that conveniently passes by the Labour members in the chamber. It beggars belief that, at a time when the UK Government is passing blame to all and sundry, Labour members are happy to stand up and spout the sort of nonsense about cuts that we have heard this afternoon.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I thank the member for taking an intervention. As I understand it, the Conservatives will vote for the local government finance order tonight. We accept that there are difficult times ahead, but my concern is that we have the lowest ever funding settlement per head of population. If the Conservatives vote for the settlement, they will be supporting the worst ever funding settlement for Aberdeenshire Council.

**Derek Brownlee:** If I am correct, what we will support this evening is the same allocation methodology that was used by the Administration of which Mr Rumbles was such a fervent admirer. There is a particular issue about whether the allocation methodology is fair. As I have said before, the recent review was not sufficiently impartial; it excluded issues such as rurality,

which, in the case of Aberdeenshire, probably would be beneficial. I accept that the current allocation formula is not necessarily perfect. I also accept Brian Adam's point that for as long as COSLA is involved we might not get much progress on that. The allocation formula is one issue. The sum of money is the issue that the Labour Party has raised. Both are to some extent false issues.

I turn to the news on the road fund, which local authorities will welcome. I would welcome clarity on how, specifically, it will be allocated to local authorities. I am particularly grateful for the news about the business rates relief for multiple properties, which is an issue that I raised in last week's debate on the budget. Progress has been made, particularly in relation to the business rates announcement today.

If we are honest about the future funding of councils and every other public sector organisation, we will acknowledge that there are very tough times ahead. Rather than try to pretend that we can magic money out of thin air, it would be much better if we focused on how we allow local authorities and other public bodies to deal with the constrained times that are inevitably coming.

15:52

**Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD):** Given our discussions with local government colleagues about setting their budgets for the coming year, we all know the difficulties that they are already facing in council chambers and local services. Similarly, we all know that the difficulties will continue. Indeed, we know that they will get considerably worse.

That is why the cabinet secretary's tone today was substantially different to that of his speech of two years ago, which I reread in advance of the debate. Today, there was scant reference to the brand new relationship with local government. I am not even sure that we heard any references to the concordat.

**Mike Rumbles:** Historic concordat.

**Jeremy Purvis:** As my colleague points out, we now know that it is genuinely a historic concordat. Times have changed.

**John Swinney:** Mr Purvis is always very proper about the record and I would not want him not to properly recount my remarks. He will know that I said that the Government works in partnership with local authorities at local level. That is how this Administration started out and how it intends to carry on.

**Jeremy Purvis:** For a moment I thought that the cabinet secretary was about to say, "and that is

how this Administration will end." As we have seen from class sizes and a number of other areas, I think that it probably was going in that direction. The former Cabinet Secretary for Education and Lifelong Learning carried on the same narrative, which ended with her threatening the removal of local power.

The context that we see is a financial context. The information with which the Parliament is provided by its independent information centre, SPICe, is interesting and helps us to understand exactly the position that we are in. What the Government did not say is that, in real terms, the combination of revenue and capital increase for the coming year is 0.02 per cent. That is in a year where there has been real-terms growth of considerably more than that in the Scottish Government's budget—of course, that is recognising the change in the profile of accelerated capital.

The SPICe briefings are very clear. I read with interest the cabinet secretary's supplementary evidence to the Local Government and Communities Committee's consideration of the budget. The SPICe information, which looks at outturns and published budget figures, is, in my view, the authoritative view on the share of expenditure in this spending review period.

For the spending review period that covered 2005-06, 2006-07 and 2007-08, the outturn figures show that local government's average share of the Scottish budget was 34.2 per cent; whereas the average budgeted share from 2008-09, 2009-10 and 2010-11 is 33.8 per cent. That is a fair comparison of the Government's priority in the current three-year spending review period with that of its immediate predecessor. The difference is shown by a reduction from a share of 34.2 per cent before to 33.8 per cent now.

Are those statistics academic? They are not, because we know that they reflect directly local government's ability to deliver in the context of an overall budget that is growing this year. The cabinet secretary's supplementary submission gives the game away—he repeated what that submission says today. He uses as a comparison a baseline in 2007-08 that was increased by £172 million, which includes funding from which ring fencing was removed. That allowed the Government to say to local government when it signed the concordat that local government's share of the overall pot had increased.

The reality for our constituents is that we know that cuts are looming and that 11 local authorities will experience a real-terms cut in their budgets for the coming year. That will have a direct impact on local services. To an extent, that will be offset by charge increases. The Government never mentions that one option that is at local

government's disposal is to increase charges on the most vulnerable in society.

I will describe another alarming aspect of what the Government has said today. As a result of the rates revaluation exercise that is being done, 40 per cent of businesses expect an increased rates bill, but the Government has decided not to have a transitional scheme for businesses that face increased bills from April. Members have probably been lobbied today—that would be no surprise—by retailers and others that know only now, in February, that businesses will have increased bills but no transitional mechanism in the new financial year.

When I challenged the cabinet secretary about that in December, he said that the situation in England and Wales was different because a transitional scheme is a statutory obligation there, whereas such a scheme is not required in Scotland. Before the previous revaluation exercise was completed in 2005, the previous Government consulted from June 2004 on what the business community wanted in any transitional scheme. One proposal was phased introduction of any increased bills. However, without publishing any information, any analysis of the increase or any assessment for the Parliament of the types of businesses whose bills might increase, the current Government has said simply that no transitional scheme will be introduced. As we still do not know whether we are coming out of the recession, that is not the type of response that we should have from the Government.

In many respects, it is understandable that the Government's tone has changed considerably from the bravura of previous years. If anything this afternoon gives us considerable concern, it is that businesses still do not know the position on the increased bills that they will face from 1 April.

15:58

**Bob Doris (Glasgow) (SNP):** I approach the debate on the Local Government Finance (Scotland) Order 2010 with a heavy sense of realism. I hope that we as a Parliament can unite at decision time to approve the order. In doing so, we must all face up to the reality that a combination of UK Government cuts to Scotland's budget and the general fallout from a recession from which we are starting to emerge only now is having a serious impact on public spending. To deny that is to hide from reality. Scotland's Parliament has £814 million less to spend than was initially estimated for 2010-11. That is fact.

**Jeremy Purvis:** Will Bob Doris refer to the SPICe document? He said that the Parliament has about £800 million less at its disposal. To be accurate, he knows that more than £300 million of

that is spending that the Government chose to accelerate. If he wishes to be accurate, let us have some accuracy in the chamber.

**Bob Doris:** The member made exactly the same intervention at exactly the same point in a previous debate. Indeed, Jeremy Purvis agreed with that capital acceleration because of the recession. We need a proper political debate on the £814 million less that we have to spend. Many people are in denial about the issue. My next comment was aimed at the Labour benches but, given the *pièce de résistance* that is Mr Purvis on the Liberal Democrat front bench, I will instead aim it at him: arguments such as his make people look very foolish indeed.

Within the context of a shrinking Scottish budget, it is heartening to see a larger share of the spending cake being given to councils than was the case in previous years. This is the third consecutive year under this Government that that has happened. Over the past three years, under the Labour and Liberal Democrat Executive, the figure went down, down, down.

It is, however, fair to say that, even given the average real-terms increase to councils of 1.4 per cent, there are difficult times ahead for local authorities. The increase is not brilliant but, given the current financial predicament, it is not bad at all. In particular, modest—at best—budget increases are to be expected in future years. That will lead to challenges for local authorities, including my own in Glasgow.

I could put the boot into Labour-controlled Glasgow City Council by going on about the mass closure of primary schools or Steven Purcell not believing in lower class sizes, but I will, instead, look at things from another angle. Councils plan their budgets over the medium term; they must take the decisions that they feel are right for them. That is what Glasgow City Council is doing, even if I disagree with its actions. One decision that it has taken on which I agree is its democratic decision to—once again—freeze the council tax. The people of Glasgow welcome that, as will people across Scotland, hopefully in every local authority area. That is what will be achieved this afternoon if we vote for the order.

During such hard-pressed times as these, the council tax freeze is particularly welcome. Over a three-year period, it amounts to £160 million in people's pockets, once baselining of the £40 million per annum is accounted for. That is very welcome indeed.

I turn to Derek Brownlee's speech and his point that the funding distribution mechanism under the Scottish Government is identical to that of the Labour-Liberal Democrat Executive. If different MSPs in different parts of the country are not

happy with the settlement in their area, they should come to the chamber and say how they would unpick it. They would have to tell us which part of the country they would take money from in order to give money to their area.

This is a fair budget settlement for local authorities. It is rising in real terms and local authorities are getting a larger slice of the spending cake than ever before. I am sure that we will come together to support the order at 5 pm.

16:03

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I will focus on two crucial issues—distribution and priorities—both of which are increasingly important as budgets get tighter. Michael McMahon spoke of that earlier.

On 26 November, I asked the cabinet secretary why Edinburgh was getting a revenue increase of 1.76 per cent when the Scottish average was 2.9 per cent. He gave an impeccably technical answer, as he does. That kind of gap did not matter in years gone by. For example, five or six years ago, if the Scottish average was 6 per cent and Edinburgh got 5 per cent, it did not matter too much. That said, we have to accept that, as budgets get tighter, the floor arrangements for revenue distribution must be looked at again. Before Bob Doris gets to his feet, I say to him that the suggestion would also benefit Glasgow. Edinburgh and Glasgow are the only two mainland local authorities to get an increase of less than 2 per cent. The issue is serious and it will become even more critical as budgets get tighter. The issue is particularly important for Edinburgh, which has the fastest-growing population in Scotland.

Of course, the problem is compounded by the council tax freeze. Edinburgh is getting a cash increase in revenue of £14 million this year, half of which—£7 million—is to cover the council tax freeze. In effect, the cash increase for Edinburgh is less than 1 per cent. The distributions have to be looked at again in light of the new financial circumstances. That has happened in the health budget. Under the new formula, NHS Lothian is owed many millions of pounds because the Cabinet Secretary for Health and Wellbeing has slowed down distribution to health boards to a crawl. She puts forward reasonable arguments for doing so, but the issue must be looked at again in the area of health and local government.

Within the money that is allocated, the council has choices. I commend the budget that the Labour opposition in Edinburgh will present tomorrow, which is designed to protect schools and other front-line services. Many organisations in my constituency such as North Edinburgh Childcare, the Pilmeny Development Project,

Granton Information Centre, the North Edinburgh Trust and others would be protected by the Labour shadow budget; unfortunately, the Labour group is not in control, but it has made its priorities clear. The Scottish Government should also have a view on its priorities for local government and a mechanism for delivering them. During the budget process, we heard a great deal from the Cabinet Secretary for Finance and Sustainable Growth about protecting front-line services, but talk of protecting such services without a mechanism to do so is meaningless.

I want to focus on education, although that is not the only service that is affected. As all of us know, and as Iain Gray pointed out at First Minister's question time last week, many local authorities in Scotland face real-terms cuts in education spending. There has been a great campaign in Edinburgh, so the threatened cuts to school budgets next year of 2.5 per cent have been reduced to 1 per cent, but over the past few days I have spoken to parents and headteachers in my constituency who believe that those cuts will still have a profound effect on their schools. In fact, there are other hidden costs, such as the devolved budgets for heating, waste and maternity holiday pay, for which there are overspends at city-wide level that schools will have to pick up. The Government must find a mechanism to ensure that local government prioritises schools because, as I have said several times in the past few months, nothing is more important to the future of Scotland than the education of our young people. As budgets get tighter, it will become increasingly important for the Government to decide what its priorities are and to find a mechanism for delivering them.

My time is nearly up, so I will make two final points. First, I know that the Scottish Government and the City of Edinburgh Council have discussed tax increment financing. I would welcome an update on those discussions, as such financing would help infrastructure development at the waterfront in my constituency. Secondly, two or three weeks ago, the City of Edinburgh Council raised with me the problem of private sector housing grant coming as capital. That has been resolved for this year, but it would be good if in future years private sector housing grant could come as revenue. It could then be used for the private sector leasing scheme that is essential for Edinburgh to meet its commitments on homelessness.

16:07

**Ian McKee (Lothians) (SNP):** I am happy to speak in the debate, because the relationship between central and local government is fundamental to democracy. I am sure that I can

count on agreement from the chamber on that point, although perhaps not on other matters. Over recent years, the relationship has become unbalanced, with central Government taking into its power more and more functions that were previously exercised locally. The result has been a double negative whammy, with central Government becoming overburdened and unable to cope efficiently with the responsibilities that it has taken on, while local government has become emasculated and seemingly more and more irrelevant to the daily lives of those whom it purports to represent.

Local government should be important. Only people who live locally can fully appreciate local circumstances or judge fairly between competing local priorities. I am delighted that the SNP Government has recognised that fact and entered into a concordat with local authorities up and down the country, partially restoring to them decision-making powers that should never have been taken away in the first place. I look forward to more such powers being handed over in the years to come, so that once more residents of a city, town or small burgh can see the relevance of casting their votes to elect councillors who will make such decisions wisely.

Of course, there are pitfalls in that transfer of responsibility. Instinctively, we shy away from postcode differences in services—after all, we all live in the same country and pay the same taxes. However, if we are truly to allow local decision making we must be adult enough to accept that that will result in variations and to live with the consequences. Local councils must be free to allocate their funds as they see fit, without central interference. That is one good reason for central Government to avoid exercising undue influence.

**Jeremy Purvis:** I understand the thrust of what the member is saying and why he is saying it, but does he feel that a single outcome agreement cannot be put in place until it is signed off by a minister? Is that consistent with what he is saying regarding local freedom of decision making?

**Ian McKee:** I am grateful to Mr Purvis for raising that point. We are on a journey, and we have not reached the end of it. Over many years, more and more decisions were taken away from local authorities; we are in the process of restoring that decision making, but that in itself is a gradual process involving co-operation between central Government and local authorities. That journey will continue for as long as this SNP Government is in office—which I am sure will be for many years to come, as Mr Purvis will be pleased to hear.

It is no exaggeration to say that we are on the verge of the biggest enforced cutback in public spending in recent memory. Difficult decisions have to be made and there will be unavoidable

pain, but I am proud of the steps that the SNP Government has taken to protect people from the worst of the cutbacks and to help very small businesses survive the downturn, because small businesses will form the backbone of a future recovery.

We are freezing the council tax once more. Today, around 150,000 small to medium-sized businesses are eligible for rate relief of up to 100 per cent. Local government's share of the Scottish budget has risen—I am certain—in percentage terms every year since 2007, reversing a decline over the previous four years.

However, the Scottish Government is not insulated from financial management decisions—or, should I say, financial mismanagement decisions—that are taken at Westminster. Although it is true that there has been a global downturn, the effect on the United Kingdom has been far more severe than in most other western countries, due to imprudent management of the economy in the good years. While Scotland remains a part of the United Kingdom we must share the consequences of that.

The increase in the departmental expenditure limit for Scotland has plummeted over the past year, and worse is to come. Unlike in England, where Alistair Darling has cut the communities and local government budget by almost £3 million, the SNP Government is looking after the interests of local government in Scotland.

I commend the Local Government Finance (Scotland) Order 2010 to the Parliament.

16:12

**David Whitton (Strathkelvin and Bearsden) (Lab):** For me, sadly, this debate is a case of *déjà vu*. I stood in the chamber nearly a year ago and asked the cabinet secretary to sit down again with local government representatives and negotiate a new deal to replace the concordat. The local government settlement for 2010-11 continues the underfunding of the concordat, and it will bring with it further job losses and service reductions. We know that the £70 million of funding for the council tax freeze was, and is, not enough to fund all the commitments that are expected of local government. The cabinet secretary's claim to have protected front-line services is hollow indeed.

The Scottish Government's inability to respond to the recession is wreaking havoc on councils throughout Scotland. The Government's refusal to accept that, by freezing council tax for the third year and using local government funding as an incentive, comes at a very high cost. Those who favour a council tax freeze say that it saves people money, but it is regressive: people who live in band G homes, who can afford to pay more, save

more than those at the bottom of the scale, but the impact of service cuts is greater on the poorest in society. For councils, it removes a vital income stream, which could be spent on the services and jobs that they should be delivering.

**Gavin Brown (Lothians) (Con):** If every council in Scotland had a council tax increase in line with inflation, how much does the member think would be raised?

**David Whitton:** I am delighted that Mr Brown has asked me that question. By my calculation, it would be about £70 million—the same as the fund that was set aside by Mr Swinney for the council tax freeze.

**John Swinney:** Will Mr Whitton give way on that point?

**David Whitton:** I am always delighted to give way to Mr Swinney.

**John Swinney:** Unless I am missing something, does that not mean that we have heard confirmation from Mr Whitton that the council tax freeze is fully funded by the Scottish Government?

**David Whitton:** No, it does not. The council tax freeze that the cabinet secretary is talking about—£70 million—equates to about 3.2 per cent, as I understand it, although the cabinet secretary may wish to stand up again and correct me if I am wrong. If I am wrong, I will of course correct that.

**John Swinney:** Mr Whitton tempts me. I have not seen the figure today, but the rate of inflation was below 3 per cent last month, so clearly the Government is fully funding the council tax freeze.

**David Whitton:** Yes, but the cabinet secretary has not taken account of efficiencies. We could bandy figures around all day. Suffice to say that the cabinet secretary thinks that he is right, I think that I am right and Gavin Brown thinks that he is right—someone else has got it wrong and it ain't me.

The council tax freeze is not the only issue; the level of funding for the freeze needs to be reconsidered. As Mr McMahon said, Unison estimates that councils face a cut of about £300 million and the loss of 3,000 jobs during the coming year. It is not the better-paid public servants who will be hit hardest; the care assistants who treat people in their homes and the learning assistants in our schools could be first to lose out. Unison says that the big departments—social work and education—will bear the brunt of the cuts. Is it right that the people who care for some of the most vulnerable people are the first in line for the dole queue?

Mr McMahon ran through a list of councils that face difficulties, and I will consider others. Aberdeenshire Council, which Mr Rumbles often

mentions, has said that the council tax freeze could not be maintained on an on-going basis. That view is shared by Dundee City Council, Falkirk Council, Highland Council and South Ayrshire Council, which said that the council tax freeze is not sustainable and reduces local authorities' flexibility in relation to the generation of funding. In their joint submission, the councils went on to say:

“Extending the council tax freeze will require additional funding to be allocated by the Scottish Government”.

The councils made those comments in September, but did Mr Swinney listen? He did not, and local authority staff throughout the country are paying the price with their jobs. Labour-led East Dunbartonshire Council—my local council—will have to cut £20 million from its budget during the next three years, on top of £8 million this year. Council leader Rhondda Geekie predicts protests and placards, but she has no way out. The £5 million for road improvements that the cabinet secretary announced is welcome, but it is not nearly enough. We could probably spend that on the roads in East Dunbartonshire alone.

The Scottish National Party Government cannot ignore the fact that the concordat is now not working—those are not my sentiments, but those of Brian Adam, the SNP's chief whip. He demanded an independent review of the funding formula when he spoke to *The Press and Journal* in November. He said:

“People, including myself, will be bitterly disappointed this review of the distribution formula has in essence seen no change to the way money is shared between local authorities.”

Mr Swinney has demonstrated his stubbornness, for example by refusing to change his mind about the Glasgow airport rail link. If he does not listen to Mr Adam and SNP councillors throughout Scotland, I fear that he will live to regret it.

16:17

**Alasdair Allan (Western Isles) (SNP):** The Local Government Finance (Scotland) Order 2010 allows local councils around Scotland to pass their budgets. Local services cannot be planned and we cannot pave the way for the funding that is needed for the council tax freeze unless the order is approved. I do not know what stance parties will take on the order when we vote on it at 5 pm. Parties have a perfect right to block the order, if they are prepared to explain their position to apoplectic local authorities up and down the country. They might of course try to justify a delay by pointing to amendments to the budget that they still hope will be made, but no amendments have been proposed that would actually reallocate money in the budget. It is to be hoped that the

sweet voice of reason has prevailed and that any discordant voices in the Parliament have been smothered under the burden of John Swinney's reasonableness.

However much some members argue that black is white, night is day and Scotland's budget is going up and up, everyone knows that the Scottish Government has more than £800 million less to work with than was initially advised. That makes the commitments on local government in Mr Swinney's budget all the more significant. Despite Mr Swinney having significantly less money at his disposal this year than was originally intimated by the London Government, and despite undertaking to protect the health budget, the Scottish Government has devoted a greater share of its resources to local government than was allocated last year.

As we heard, the previous Executive cut the share of the budget that went to councils year on year, whereas the Scottish Government has increased the share every year. As others have pointed out, the allocation for local government for 2008 to 2011 is 12.9 per cent up on that for 2005 to 2008. However, perhaps a more significant point than all those figures is the fact that the Government has brought to an end a generation of micromanagement of council finances. Ring fencing in its old form is passing into history. When even Mr McMahon acknowledges in *Holyrood Magazine* that Labour has

"lost the argument on ring fencing",

we know that it has finally been accepted that a healthier balance of power must exist—and does now exist—between Scotland's local and national Government.

The Local Government and Communities Committee, on which I serve, acknowledged that fact in its report on local government finance. As is right, the report makes no attempt to minimise the serious strains under which local government, like national Government, in Scotland finds itself or the difficult choices that councils will face in determining what they can do over and above their statutory duties in the lean budget settlement years that lie ahead for Scotland.

The report, which followed an inquiry that took evidence from councils throughout Scotland, calls for a fundamental review of the expectations of local government. It calls for local government to be ambitious in spite of the pressures and talks about benchmarking rather than just achieving minimum standards. It also examines the issues around the sharing of services. The obvious way to share services in remote and rural parts of Scotland such as my constituency is surely not for councils to get bigger, but to share some of the

parallel bureaucracies that exist with, perhaps, health boards in the same small place.

The order, like the committee report, acknowledges that councils deserve support. Despite Scotland's declining budget and the pressures from another place that face Scotland, it seeks to give councils that support and I support its approval.

16:21

**Nicol Stephen (Aberdeen South) (LD):** I speak against the funding settlement for local authorities in Scotland, particularly because of the unfair settlement for Aberdeen City Council, which receives only 84 per cent of the national average funding support. Total funding per individual is just over £1,680; in Glasgow, the figure is more than £2,420 per individual. That creates a funding gap of more than 44 per cent.

**Alasdair Allan:** Do the Liberal Democrats in Aberdeenshire Council support Aberdeen City Council's complaint in that respect?

**Nicol Stephen:** Aberdeenshire Council supports a fair funding formula of exactly the sort that I am about to describe and finds it equally aggravating that Aberdeen would receive more than £155 million more each year—a staggering figure—if it received the same average per head as Glasgow.

**Bob Doris:** I ask Nicol Stephen for a bit of clarity: how much less money would the Liberal Democrats give Glasgow? I will be sure to let my constituents in Glasgow know.

**Nicol Stephen:** As Bob Doris knows, there is a funding floor in the formula, whereby not only millions but tens of millions extra are pumped to Glasgow each year. Let us consider not only Glasgow, but the Scottish average: if Aberdeen City Council was to receive that, it would receive £66 million more each year.

My point is simple: basic services—such as education and social work—require core funding and, if that funding falls below a minimum level, particularly for a sustained period, it will have the most severe consequences for council services. That is what we now see in Aberdeen, where unacceptable cuts are causing real pain and anger. Every week, Aberdeen City Council's budget crisis is in the news—not only is it in the local or regional news, but it regularly leads the Scottish national headlines. There are cuts in schools and social work, cuts for carers and cuts in services for the elderly, the disabled and children. Further major real-terms cuts over the next three years will hammer Aberdeen City Council even harder.

For the past two years, Aberdeen has suffered funding of below 85 per cent of the national average, which is set to continue with the poor settlement for 2010-11. Today, I am campaigning for a funding floor for all local authorities to ensure that every council gets at least 90 per cent of the average Scottish funding. The members who intervened on me earlier should be aware that I have broad support for my campaign. Indeed, as has been said, Scottish National Party members are concerned about the funding situation for Aberdeen and the north-east and would support a formula of the kind I suggest, which would give Aberdeen an extra £25 million a year and similarly benefit five other councils: Edinburgh, Aberdeenshire, East Dunbartonshire, East Lothian and Perth and Kinross. Instead of that, though, we get precisely nothing.

The First Minister said that he would not leave Aberdeen in the lurch. John Swinney signalled that he favoured a significant review of local government funding, and some councils have repeatedly referred to that review as some sort of totemic, groundbreaking golden breakthrough. However, we have achieved precisely nothing.

We have seen that, through the actions taken to introduce additional support for the City of Edinburgh Council, its funding increased both last year and this year. It can be done, if there is a will to do it, but the cabinet secretary lacks the will.

In Aberdeen, the cuts are now acute and the damage to services is unacceptable. That is why I will vote against the order at decision time.

**The Deputy Presiding Officer:** We move to winding-up speeches. I call Alison McInnes; I can give you just over four minutes, Ms McInnes.

16:26

**Alison McInnes (North East Scotland) (LD):** Thank you. I am disappointed that we have had such a short debate this afternoon.

Councils deliver valued services to our communities, week in and week out. However, as we have heard during the debate, all councils face significant pressures this year and next. The total allocation declines in real terms for 11 local authorities this year. We have heard about cuts to valued services and a significant reduction in workforces. Of course, the loss of a great deal of experience and knowledge goes with that.

The recession has meant a reduction of income for councils and added pressure on social services. Additional unplanned expenditure in dealing with the exceptional winter weather and its aftermath has compounded the difficulties that councils face this year. The £5 million that Mr Swinney announced this afternoon is welcome,

but I would be interested to know whether it will be distributed in proportion to the road mileage that each council is responsible for.

This time last year, the cabinet secretary assured me that he would initiate a review of the distribution methodology. I had high hopes that we would see a fairer and more transparent settlement this year. Sadly, that is not so, and I am utterly disappointed that the cabinet secretary did not grasp the opportunity to secure a modernised and transparent grant allocation process; instead, he has allowed the status quo to prevail. The fact that we have always done something in a particular way is not a sufficient reason to keep doing it, particularly if it is patently unfair.

Several councils felt let down by the cabinet secretary's refusal to modernise an outdated allocation system. I have long argued—and will continue to argue—that the indicators that are used to calculate council funding are no longer fit for purpose and must be reviewed. New criteria should target the main areas of spending needs in councils and use indicators that are intuitively, as well as statistically and logically, valid. For example, they could take into account population, deprivation, the number of people over 85, the number of school pupils, sparsity and road length. I welcome Malcolm Chisholm's conversion to the cause.

**John Swinney:** I stand to be corrected, but I am pretty sure that all those factors drive the distribution formula.

**Alison McInnes:** Indeed, those are some of the factors, but the problem is that there are just so many distribution factors—around 120 of them.

As we know, Mr Swinney chose to accept without question COSLA's view that everything is hunky-dory, then he rubbed salt into the wound by refusing to recalculate the distribution of previously ring-fenced funding. It is absurd to agree on the one hand that the preferred option for distributing any new funding should be the agreed distribution formula, while saying on the other hand that the preferred system should not be used in the future to allocate previously ring-fenced moneys more fairly.

What is to be done, therefore, to help councils such as Aberdeen City Council, which face the kind of problems that Nicol Stephen outlined? The gap between the best-funded council and the poorest-funded one is far too great, given that they all have statutory services to deliver. Setting aside the special case of island councils, the range goes from 123 per cent down to 84 per cent. Does the cabinet secretary agree with his colleague Brian Adam that such a difference between the lowest and highest rate support grants for mainland



authorities is distinctly anomalous? I think that that is putting it very politely.

I support Nicol Stephen's calls for a safety net for the poorest-funded councils. The Government must introduce a funding floor below which no council should fall—for example, a funding level of 90 per cent of the Scottish average per head of population. There used to be only a couple of councils in that category, but Aberdeen City, Aberdeenshire, East Dunbartonshire, East Lothian, the City of Edinburgh and Perth and Kinross councils all now receive less than 90 per cent of the Scottish average. I urge the Government to look at the matter again.

Across Scotland, the council tax freeze seriously hinders the financial autonomy of local authorities. It deprives them of almost all discretion to raise local revenue for services in their area. Equally, decision making is constrained by pressures to deliver uncoded and unrealistic SNP manifesto commitments. That is not valuing but devaluing local government. Mr Swinney said that local government works in partnership with his Government; I wonder whether instead it works under pressure from his Government.

I will not block the order today as councils need certainty of funding, but I am deeply disappointed.

16:30

**Gavin Brown (Lothians) (Con):** This is a difficult debate at a very difficult financial time for councils throughout Scotland. Yes—there is a cash-terms increase in the revenue budgets of councils and, as the Government says, there is an increase in the overall share of the budget that is going to local authorities, but that does not mean that there is not a great deal of pain.

In the overall real-terms revenue and capital budgets for councils, the position is pretty much static. Jeremy Purvis made the fair point that the official figure is a 0.02 per cent increase in real terms, which must be borne in mind.

The difficult fact is this: in order to give more to local government, any party or MSP must explain clearly where the money will come from. About a third of the Scottish budget goes to local authorities and about a third goes to health. Will anyone propose taking money from health? In the other third, we have funding for finance and sustainable growth—which includes transport—justice and education. Any party that wants to increase the amount of money that is going to local government has to be specific about where it will come from. Perhaps the settlement is not a great deal for local government but, from where we are standing, it would be difficult to propose a better one.

Councils are not funded only by central Government. They also have council tax collection, but we must consider what has happened to that during the downturn. As Derek Brownlee and others have pointed out, they are also funded by the various fees and charges that they make on residents and people who visit their council areas. There is no doubt that they are facing a shortfall in collections from fees and charges. In planning, for example, the number of applications has dropped substantially, so income that councils might have expected to receive from planning is simply not going to materialise. There is a legitimate debate to be had about that.

**David Whitton:** Mr Brown asked me a question earlier about inflation. Does he agree that, if the £70 million that the cabinet secretary has for local councils was given to them and they then got an additional £70 million or so by raising council tax in line with inflation, that would relieve some of the pressures that he is talking about?

**Gavin Brown:** That would give the councils an extra £70 million, but it would put increasing burden and pain on the hard-working families across Scotland who pay council tax. I am pretty sure that residents in David Whitton's constituency would not thank him for suggesting that council tax increases should happen in his local authority.

We have nailed one of the myths today—that the council tax freeze is somehow a bad thing. The Labour Party has said that it is regressive and that it leads inevitably to cuts in council services. Labour members may say that it is regressive, but they did not seem to have any difficulty with the VAT decrease—a tax decrease that allows the person who buys a Lamborghini, for example, to get much more cash back in hand than people who buy small electrical goods in a shop. That tax cut was somehow not regressive, in the Labour Party's analysis.

We have also put to bed the myth that the freeze leads inevitably to cuts: David Whitton suggested that if council tax were increased in line with inflation, that would raise £70 million—the exact sum that is given to councils for agreeing to a council tax freeze.

We welcome various items in last week's budget and today's announcement by the cabinet secretary. The lower poundage rate for businesses is to be welcomed. It is vital that we have, at worst, parity with the rate south of the border. It would be nice if we had a lower rate than England's, but it certainly should not be any higher.

We also welcome the increase in the threshold for the small business bonus scheme that was announced last week, which will go down well in constituencies across Scotland, and we welcome

today's announcement about business rate relief on multiple properties that have a combined rateable value of up to £25,000. I think that the cabinet secretary suggested that about 3,600 properties across the country would benefit. We look forward to seeing the detail. For those reasons, we will support the order at 5 o'clock.

16:36

**Michael McMahon:** We have listened to the Government tell us that we have a local government finance order that represents a good deal for our local authorities and public services. Jeremy Purvis was right to point out that the cabinet secretary's remarks on the order were delivered in a much more subdued manner than usual.

The cabinet secretary is regularly held up by his leader and his back benchers as some kind of financial wizard who has overcome the financial deficit that was imposed on him from London to deliver a favourable package of funding to our councils. I do not know whether Mr Swinney dabbles in magic, but he has certainly conjured up the loss of 3,000 jobs with his funding package. No amount of magic will hide the fact that education staff cuts will affect teachers, classroom assistants, janitors, workshop technicians and cleaning staff. Local authorities have already made that clear. I do not know what tricks the cabinet secretary thinks he can deploy to hide the impending reductions in library opening hours, in grass cutting, in recreation centres and in grants to voluntary organisations, or what sleight of hand he intends to use to make the cuts in road maintenance, resurfacing, salting and gritting and other parts of transport budgets appear to vanish. A cloak of £5 million will certainly not hide them.

The settlement that has been announced today will hamper economic recovery, because it will result in the loss of jobs and services when the situation demands that we do what we can to protect jobs and services in order to avoid further recession. Local government finance has become another victim of the Scottish Government's inability to respond to the recession. Since the signing of the concordat in 2007, a global recession has occurred, but the SNP has not changed local government finance to take cognisance of that fact. At the same time as being hit by an upturn in demand for the services that they provide, local authorities have experienced a loss of income.

**Joe FitzPatrick (Dundee West) (SNP):** In the light of his comments, will Michael McMahon explain why the Labour Party did not lodge an amendment to the budget that would have resulted in local government receiving more funds?

**Michael McMahon:** If Mr FitzPatrick had spent any time in the chamber listening to the debate before he made his intervention, he would have heard that explanation. He can read it in the *Official Report*.

More and more local authorities are publicly stating that the council tax freeze is increasingly unsustainable, but today's settlement continues the underfunding of the concordat, so further job losses, service reductions and increases in charges will result. As David Whitton said, the finance secretary's claim that he has protected front-line services is therefore extremely hollow.

The evidence is clear. Cuts have been made in front-line service budgets, as well as in back-office functions and bureaucracy, that go well beyond the assumptions that the minister made in setting his efficiency targets. The reality is that councils report that they are having to make reductions in excess of £270 million simply to balance the books and deliver the council tax freeze. As was reported in our newspapers this week, that freeze will allow someone like Alex Salmond to make a saving of £316 and someone like Nicola Sturgeon to make a saving of £336; Mr Swinney will make a saving of £272. At the same time, pensioners across the country face increased charges for services.

**Derek Brownlee:** Is that why Glasgow City Council froze the council tax without any support from the Government?

**Michael McMahon:** Glasgow City Council made sensible decisions. It balanced its budgets and has other ways of doing things. It will do that again in this financial year.

The reality is that local authorities have had it impressed on them by the concordat that the flexibility that they require in order to make judgments in their local areas has been removed from them. Glasgow City Council did not need the concordat to freeze the council tax. It made sensible decisions prior to the Government's coming to office.

I know that Mr Brownlee wants to get back in. I would be happy to let him do so, but I have made my point, which he cannot answer.

In almost every debate, Scottish National Party back benchers have been dragooned into action armed with their central office briefings and their blind loyalty. This afternoon, they have gone into battle to defend their Government, regardless of evidence that shows that they should do the contrary. We are talking about the only deal that is available—that is probably the only thing that I agree with Mr Allan about. Local authorities cannot be denied the available money, even if we fundamentally disagree with the budget that has been set for them.

No amount of sophistry from the SNP can hide the fact that Scotland's local authorities are making real cuts. They are Mr Swinney's cuts. Labour will spend the next year ensuring that every pensioner who has to pay for their services, every council employee who loses their job, and every young person who is denied an opportunity to reach their potential knows that the SNP Administration is to blame for that reality.

16:41

**John Swinney:** The distribution formula has been discussed. In her summation, Alison McInnes said that the formula should reflect areas' population, deprivation, rurality, road lengths, school population and over-85 population. For the record, I confirm that population is the key driver of the distribution formula, that different age bands are distinguished to reflect the circumstances that Alison McInnes correctly highlighted, and that deprivation, rurality and road lengths are taken into account. That clarifies the question about its content.

**Alison McInnes:** My point—which perhaps I did not make clearly enough—was that the distribution formula needs to be simplified. More than 100 indicators are used. I suggested the key indicators that should be used and that they would deliver a fairer settlement.

**John Swinney:** Okay. The point is made.

In a sense, that brings me to points that Nicol Stephen and Mr Rumbles have advanced. Mr Chisholm made a similar point from a slightly different perspective. On behalf of his constituents, Mr Chisholm expressed his concern about the level of increase for the City of Edinburgh Council that has been generated by the distribution formula. The self-same formula is delivering a revenue increase of 3.41 per cent for Aberdeen City Council and a revenue increase of 3.45 per cent for Aberdeenshire Council, compared with a total increase of 2.93 per cent in Scotland. I advance those facts simply to highlight the fact that, within the distribution formula, there are clearly allocation differences that are driven by the indicators—I refer to the point that I made to Alison McInnes. In some circumstances—for the north-east authorities, for example—it is driving a percentage increase that is higher than the Scottish average. In Mr Chisholm's constituency, the increase is below that.

**Mike Rumbles:** The minister is missing the point. With a figure of 87 per cent of average funding per head of population, Aberdeenshire Council has the lowest-ever settlement. How far is the cabinet secretary willing to let it go down?

**John Swinney:** The positions of Aberdeenshire Council and Aberdeen City Council in the funding

level rankings have not simply happened overnight; rather, they have built up year after year with the application of the distribution formula by an Administration of which Mr Stephen was a prominent part and of which Mr Rumbles was an enthusiastic supporter.

**Malcolm Chisholm:** I thank the cabinet secretary for correctly distinguishing between what the Liberal Democrats and I have said, but does he accept my point that the floor on annual increases should be considered as budgets get tighter? As I have pointed out, that would benefit Glasgow City Council as well as the City of Edinburgh Council, as they are the only mainland authorities with increases of less than 2 per cent this year.

**John Swinney:** The floor is revisited as part of each spending review to ensure that we take those circumstances into account. That will certainly be the case in relation to the setting of the floor in the distribution formula for the next spending review.

I want to correct a point that Mr Stephen made. If I picked him up correctly, he said that Glasgow regularly gains from the floor: however, Glasgow has not gained from it in any financial year in the spending review over which I have presided.

Mr Chisholm asked for an update on tax increment finance, or TIF. The discussions between the City of Edinburgh Council and the Scottish Futures Trust are going well. They are constructive, and we hope to be able to advance a scheme. I assure Mr Chisholm that I will be happy to talk to him about that in more detail—it is a project that we are keen to advance.

Mr Whitton shed some clear light on the council tax freeze. It is beyond peradventure that the council tax freeze is now absolutely and completely funded by the Government. The gross domestic product deflator for 2010-11, which is set by Her Majesty's Treasury, is 2.25 per cent. If Mr Whitton's calculations are correct, £70 million equates to about 3.2 per cent, so the Government is not only funding the council tax freeze but funding it with some style and some margin of additional contribution.

A number of members focused on the adequacy of funding for local authorities; it was the centrepiece of Mr McMahon's argument. Mr Brown quite fairly asked where the money would come from to give local authorities a greater share of the fixed budget within which we operate. If I had continued the level of funding that was given to local authorities when I came to office in 2007-08—the level that I inherited from the Labour Party and the Liberal Democrats—councils would have received £80 million less in 2008-09, £209 million less in 2009-10 and £243 million less in 2010-11.

Under the Labour Party's plans, local authorities would have been £531 million worse off if I had not improved the financial position of local government in Scotland. For all the bluff and bluster on the point, the Labour Party's plans, which I inherited, would have had local authorities £531 million worse off. At no stage during the budget process that we have just gone through did the Labour Party advance an argument for an increase in funding for local government—at not one stage was that undertaken.

When Mr McMahon dealt with Mr FitzPatrick's intervention, he said that, if Mr FitzPatrick had been here for the debate, he would have heard where the Labour Party would get the extra money from to fund the local authorities. I might have dozed off during that part of Mr McMahon's speech, but in fact it was not there. There was not a single piece of information about where we would have taken money from—another area of the fixed budget—to give to local government. The Labour Party resisted the difficult decisions on transport expenditure that I arrived at and discussed in the budget debate last week.

I am the first to acknowledge that we are in a difficult financial climate for public services in Scotland. However, I am glad that the partnership between national and local government works effectively to deliver public services to the people of Scotland and, in so doing, to deliver on their expectations and entitlements. That will be supported by the passing of the order tonight.

## Business Motions

16:49

**The Presiding Officer (Alex Fergusson):** We move to the next item of business. I am looking in vain for the Minister for Parliamentary Business. I see that he has just made it to the chamber. We are a little ahead of schedule.

I make members aware that a revised version of section A of today's *Business Bulletin* is now available at the back of the chamber. It includes a new business motion that sets out a programme of business for the weeks beginning 24 February and 1 March. The previous version, which was printed in this morning's bulletin, has been withdrawn. We will come to that item in a moment.

For now, the next item of business is consideration of business motion S3M-5708, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a revision to the business programme for Thursday 11 February. I call on Bruce Crawford to move motion S3M-5708.

16:50

**The Minister for Parliamentary Business (Bruce Crawford):** In moving the motion, I think it only fair to reflect on the reasonable point that was made last week by Lord Foulkes that members, particularly those who are not on the Parliamentary Bureau, should receive an explanation as to why such changes are made. We had originally agreed that the debate on the Brian Pack inquiry would take place on Wednesday 24 February with the preventing obesity in Scotland debate taking place on the Thursday afternoon—

**The Presiding Officer:** With respect, minister, I say that I think that you are one motion ahead.

**Bruce Crawford:** I apologise.

**The Presiding Officer:** Will you move motion S3M-5708?

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Thursday 11 February 2010—

(a) after

9.15 am

Parliamentary Bureau Motions

*followed by*

Stage 3 Proceedings: Home Owner and Debtor Protection (Scotland) Bill

insert

*followed by*

Scottish Government Debate: Access to BBC Alba

and (b) after

2.55 pm Equal Opportunities Committee  
Debate: 3rd Report 2009: Female  
offenders in the criminal justice  
system

insert

*followed by* Legislative Consent Motion: Bribery  
Bill – UK Legislation

*followed by* Legislative Consent Motion: Crime  
and Security Bill – UK Legislation—  
[Bruce Crawford.]

*Motion agreed to.*

**The Presiding Officer:** Well done.

Now, minister, the next item of business is consideration of business motion S3M-5743, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

I call Bruce Crawford to move and explain motion S3M-5743.

**Bruce Crawford:** I get my big chance again.

It was originally agreed that the Brian Pack inquiry debate would take place on Wednesday 24 February with the preventing obesity in Scotland debate taking place on the Thursday afternoon. However, it was brought to my attention that the Rural Affairs and Environment Committee is meeting in Caithness on 23 February and its members are not due back until 13:15 on Wednesday 24 February. As one might imagine, most of the committee members will want to take part in that debate so, to allow that to happen, we have proposed that the Brian Pack inquiry be moved to Thursday afternoon. The preventing obesity in Scotland debate will now take place on Wednesday 24 February.

I move,

That the Parliament agrees the following programme of business—

Wednesday 24 February 2010

2.30 pm Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Scottish Government Debate:  
Preventing Obesity in Scotland  
*followed by* Business Motion  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business

Thursday 25 February 2010

9.15 am Parliamentary Bureau Motions  
*followed by* Scottish Liberal Democrats Business  
11.40 am General Question Time  
12.00 pm First Minister's Question Time

2.15 pm Themed Question Time  
Rural Affairs and the Environment  
Justice and Law Officers

2.55 pm Scottish Government Debate: Brian  
Pack Inquiry – Single Farm Payment

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 3 March 2010

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Scottish Government Business

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 4 March 2010

9.15 am Parliamentary Bureau Motions

*followed by* Scottish Government Business

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed Question Time  
Finance and Sustainable Growth

2.55 pm Scottish Government Business

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

*Motion agreed to.*

## Parliamentary Bureau Motions

16:52

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of Parliamentary Bureau motions. I ask Mike Rumbles to move motion S3M-5710 on the establishment of a committee to consider the End of Life Assistance (Scotland) Bill. As there is an amendment to the motion, 10 minutes have been allocated for a debate.

*Motion moved,*

That the Parliament agrees to establish a committee of the Parliament as follows—

Name of Committee: End of Life Assistance (Scotland) Bill Committee;

Remit: To consider and report to the Parliament on the End of Life Assistance (Scotland) Bill;

Duration: Until the Bill has received Royal Assent, falls or is withdrawn;

Number of members: 6;

Convenership: The Convener will be a member of the Scottish Liberal Democrat Party and the Deputy Convener will be a member of the Scottish National Party;

Membership: Helen Eadie, Ross Finnie, Nanette Milne, Cathy Peattie.—[*Mike Rumbles.*]

16:52

**Margo MacDonald (Lothians) (Ind):** In speaking to my amendment, I stress two points from the outset. First, I have absolutely no animosity towards the members of the Health and Sport Committee or the proposed ad hoc committee either collectively or individually. Secondly, I put on record that I regret that voting this evening will follow party lines.

In asking Parliament to choose the Health and Sport Committee as the preferred committee to scrutinise and investigate the bill, I am doing nothing more than the business team did when it recommended to the Parliamentary Bureau that the End of Life Assistance (Scotland) Bill go to the Health and Sport Committee, as it was best placed to deal with the subject. I hope that Mr Rumbles will explain why that recommendation was not accepted.

Members should not infer from my amendment that I think that the Health and Sport Committee is the only committee capable of investigating the bill. However, I think that it is the best prepared to do so because of its experience of working in a collegiate fashion over a wide range of health-related issues and, as a group, being prepared to agree to disagree over detail A while showing, when necessary, complete unity of purpose in facing down the Government over detail B. The

committee's credibility is enhanced not only by the membership of two general practitioners but by the bonus of one of them having specialist psychiatric experience. I also believe it to be a bonus that, although she does not know where she comes down on the bill, the convener thinks that there should be a public debate because of the public interest in the matter.

That I believe that the balance of opinion is probably against the bill is of no import, but it is very important that the committee's composition should result in balanced scrutiny. That is relevant because, with such a bill, on which members will have a free vote that they will cast according to conscience, the expected outcome is not a report signed off in the committee's name that has the support of the majority of members but an in-depth summary of the information that the committee's investigation has uncovered, which will be presented to MSPs as a neutral document, not as a recommendation.

I also presume that the Health and Sport Committee will be considering the forthcoming bill on palliative care.

Perhaps the strongest reason for MSPs to support the amendment is that, if they do not, the impression will be transmitted to the public in Scotland and beyond of the Parliament as a latter-day Tammany hall, when we could instead demonstrate our ability to deal with sensitive legislation in an efficient and intellectually and morally robust manner. The Parliament is quite capable of doing that, thereby recovering some of the respect and hope that our political and public institutions have lost during the past few years. We will lose that opportunity and create the impression that we are out of our depth when we are dealing with anything other than the mediocre, mundane and unimaginative, which could be the charge that is levelled at us if we vote to demote the Parliament's trust in its Health and Sport Committee's professionalism and probity. As the End of Life Assistance (Scotland) Bill's sponsor, I would obviously like it to pass, but it is just as true to say that the way in which the Parliament processes the bill is as important to me as its eventual decision on whether to pass it or not.

I move amendment S3M-5710.1, to leave out from "establish" to end and insert:

"refer the End of Life Assistance (Scotland) Bill to the Health and Sport Committee under Rule 9.6.1 of Standing Orders."

16:56

**Paul Martin (Glasgow Springburn) (Lab):** I rise to support the Parliamentary Bureau motion in the name of Mike Rumbles. I am particularly delighted to submit the names of Cathy Peattie

and Helen Eadie to serve on the ad hoc committee that is being proposed. Everyone in the chamber will know that both members are recognised for their diligence and fairness when considering legislation, and I can assure anyone who asks that both members have no fixed views on Margo MacDonald's bill.

When the Parliamentary Bureau considered the bill, it was very clear that the proposals in the bill did not fit within the remit of any particular committee. There is a case for both the Health and Sport Committee and the Justice Committee to be considered as the committee to which the bill should be referred. On those facts, we proposed the formation of an ad hoc committee.

It is important to point out that the bill will receive the same stage 1 scrutiny that every other member's bill receives when it is considered by Parliament. The ad hoc committee will receive evidence at stage 1, and witnesses will be given the opportunity to provide written and oral evidence to the committee.

During the Parliamentary Bureau's discussions of the issue, the case was clearly made for an ad hoc committee. I believe that it will have the opportunity to develop some of the issues that were debated during the consultation process. The same opportunity might not have been afforded during the Health and Sport Committee's considerations.

I call on the Parliament to support the motion, taking into consideration the issues that I have raised.

16:58

**Patrick Harvie (Glasgow) (Green):** I am grateful for the opportunity to speak against what is an extraordinary proposal to create an ad hoc committee for normal legislative business.

As I understand it, there are three main arguments in favour of having an ad hoc committee. The first is that the convener of the Health and Sport Committee has been mistakenly perceived by some people as having expressed a view on the merits of the bill. Even if that were true, it would be irrelevant. It implies that any member who stands for election to the Parliament on a manifesto that includes a specific legislative commitment is unable to chair the relevant committee. Committee conveners in the Parliament are not judges, and it would be an extraordinary departure for us to treat them in that way.

The second argument is on remit. Where two committees have a relevant interest in a bill, our normal procedure is to assign a secondary committee to give parliamentary scrutiny. The

proposed ad hoc committee appears to be another extraordinary departure from our normal procedure.

The third argument is that there is moral content to the proposals in the bill. Is anyone seriously suggesting that our normal committees are not capable of seriously and sensitively considering moral arguments on access to reproductive health services, fertility services, family law, civil liberties, adoption, or equalities policies? All those issues have serious moral argument in their content, and those arguments should and could be heard. Again, it would be an extraordinary departure from procedure to say that our normal committees cannot deal with those arguments properly through the normal process.

I support the amendment.

17:00

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** On behalf of the Parliamentary Bureau, I will respond to the points that have been made by Patrick Harvie and the sponsor of the bill, Margo MacDonald. The bureau's job is to examine each bill as it comes before us and to recommend to the Parliament the most appropriate way for colleagues to examine it. Our approach to this bill is no different from our approach to any other bill that has come before the bureau.

As members are aware, meetings of the Parliamentary Bureau have never taken place in public. On this occasion, that has led to assumptions being made as to what took place in the bureau when it met last week and decided—without the need for a vote, I must say—to recommend the setting up of an ad hoc committee of six members to examine the bill. I reassure Margo MacDonald and Patrick Harvie that the only reasons that were raised at the bureau meeting last week were to do with the nature of the bill. We did not concern ourselves with any other issue.

The bill is unique. All four business managers indicated that their MSP colleagues would have an unwhipped or free vote. We have had free votes in the Parliament before but, as far as I can recall, there has never been another bill on which all the parties have had truly free votes. All four business managers confirmed that MSP colleagues would vote on the bill without any pressure from their political parties. Why is that? It is because the bill clearly deals with serious moral and ethical issues and is not only a health matter. Some business managers argued that the Justice Committee has a major role, too.

I assure the Parliament that the members of the bureau have not only done our duty but taken the issue very seriously indeed. We are recommending to colleagues what we believe is

the right thing to do. The convener of the committee that will examine the bill, if the Parliament so approves, will be Ross Finnie. I trust that every colleague in the chamber will accept that that proposed appointment, together with the appointment of other members of the committee, signals the seriousness with which the bureau and, I hope, the Parliament take the membership and work of the committee.

My final point is about the amendment. It cannot be right that any member in charge of a member's bill should be in the position of asking Parliament to send it to his or her preferred committee. If that is not a conflict of interest, I do not know what would be.

**Tricia Marwick (Central Fife) (SNP):** Will the member give way?

**Mike Rumbles:** Colleagues should not support the amendment for that reason, if for no other.

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

**Members:** Give way.

**The Presiding Officer:** Order.

**Mike Rumbles:** On behalf of the Parliamentary Bureau, I ask members to accept the recommendations that we are making to the Parliament in good faith as the best way forward for the examination of the bill.

**Christine Grahame (South of Scotland) (SNP):** On a point of order, Presiding Officer. I refer you to rule 9.6.1 of standing orders, which states:

"Once a Bill has been printed, the Parliamentary Bureau shall refer it to the committee within whose remit the subject matter of the Bill falls."

That is mandatory, not discretionary. The rule continues:

"That committee (referred to as 'the lead committee') shall consider and report on the general principles of the Bill."

For completeness, I will continue. It states:

"Where the subject matter of the Bill falls within the remit of more than one committee the Parliament may, on a motion of the Parliamentary Bureau, designate one of those committees as the lead committee."

The next stage for the bureau is set out in paragraph 23 of the guidance for members of the bureau, which states:

"The Bureau reaches decisions on the referral of Bills to committees informed by the recommendations of either the clerks in the Legislation Team or the Non-Executive Bills Unit, where appropriate. Where there are ... overlapping remits or doubts as to the most appropriate committee, committee conveners and clerks will, prior to making recommendations, hold discussions with the clerks".

Paragraph 3 of the paper to the bureau on the referral states:

"It is considered that the Bill falls within the remit of the Health and Sport Committee: only certain terminally ill or physically incapacitated persons are eligible to make requests under the bill and registered medical practitioners have a central role in the bill in approving requests."

It continues by arguing that, although many people will see

"the provision of end of life assistance as a moral or ethical issue rather than purely a health one, such issues do not clearly fall within the remit of any other committee."

That dismisses the Justice Committee and is purely a recommendation that the bill should go to the Health and Sport Committee.

I return to the fact that standing orders state that the bureau

"shall refer it to the committee within whose remit the subject matter of the Bill falls."

There is no discretion there. Presiding Officer, I seek your guidance as to whether, on this occasion, the bureau has breached standing orders.

Subsidiary to that is the fact that because the process is clouded in mystery, rumours are running wild. Mr Rumbles is quoted in the new publication, the *Caledonian Mercury*, as saying:

"Ms Grahame is a signatory to Ms MacDonald's bill and, as such, supports it."

That is not so. I have not signed any bill—I signed a proposal for debate. Apparently, that was put to members of the bureau.

I have heard that one reason for referring the bill to an ad hoc committee is to park the referendum bill, and I have heard a lot of other reasons, but those are ancillary. The main argument is that, under standing orders, it is mandatory that the bureau shall refer the bill to the lead committee. The Health and Sport Committee was recommended. The Health and Sport Committee collectively wrote to the bureau to ask why the bill was not referred to it, but we have had no answer.

Presiding Officer, I seek your guidance with regard to the breach of standing orders.

**The Presiding Officer:** I am grateful to Ms Grahame for giving notice of her point of order.

I do not believe that there has been a breach, because the paper to which Ms Grahame refers was the first of two papers that the bureau received. In its original discussions on that paper, the bureau determined that it wished to consider the matter further. A further paper was received at the bureau's next meeting and, after consideration, the bureau took the decision to set up what is referred to as an ad hoc committee, as it was quite entitled to do.



**Christine Grahame:** On a further point of order, Presiding Officer. In light of that, and given that we are not privy to that second paper—the one from which I quoted was somehow given to me—is it the position that the Standards, Procedures and Public Appointments Committee should inquire into the activities of the bureau, which seems to be under no scrutiny whatsoever?

**The Presiding Officer:** With the greatest respect, Ms Grahame, your point of order was on a paper that I am not quite sure how you came to be in possession of in the first place. It was the private business of the bureau. There has not been—[*Interruption.*] Members should not talk to each other or insult each other across the floor of the chamber.

Members should be quite aware that there has not been a breach by the bureau of our standing orders.

**Margo MacDonald:** On a point of order, Presiding Officer. I wonder whether there has been a breach of our standing orders. In summing up, Mr Rumbles hinted—rather than spelled out—that I had somehow taken advantage of the rules of the Parliament in asking for the bill to go to a particular committee. I put it down in the recognised way and invited my colleagues to vote in support of that notion. I am quite prepared to accept that they did not, so in what way have I had any advantage?

**The Presiding Officer:** I will need to consider what Margo MacDonald has said. I assure the chamber that that issue was in no way taken into consideration when the bureau took its decision to establish a special committee.

I will put the question on the motion and the amendment at decision time.

The next item of business is consideration of four further Parliamentary Bureau motions. I ask Bruce Crawford to move motions S3M-5711 and S3M-5712, on approval of Scottish statutory instruments.

*Motions moved,*

That the Parliament agrees that the draft Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2010 be approved.

That the Parliament agrees that the draft Health Board Elections (Scotland) Amendment Regulations 2010 be approved.—[*Bruce Crawford.*]

**The Presiding Officer:** I ask Bruce Crawford to move motion S3M-5713, on parliamentary recess dates, and motion S3M-5714, on the days when the office of the clerk will be open.

*Motions moved,*

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 9 October – 24 October 2010 (inclusive).

That the Parliament agrees that, between 1 September 2010 and 6 December 2010, the Office of the Clerk will be open on all days except: Saturdays and Sundays and 3 December 2010.—[*Bruce Crawford.*]

**The Presiding Officer:** The questions on the motions will be put at decision time.

## Decision Time

17:09

**The Presiding Officer:** There are nine questions to be put as a result of today's business. The first question is, that motion S3M-5672, in the name of David Stewart, on the Ure Elder Fund Transfer and Dissolution Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Ure Elder Fund Transfer and Dissolution Bill and that the Bill should proceed as a Private Bill.

**The Presiding Officer:** The second question is, that motion S3M-5581, in the name of Christine Grahame, on the Control of Dogs (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Control of Dogs (Scotland) Bill.

**The Presiding Officer:** The next question is, that motion S3M-5649, in the name of John Swinney, on the Local Government Finance (Scotland) Order 2010, 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)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Allan, Alasdair (Western Isles) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)

Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McMillan, Stuart (West of Scotland) (SNP)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (West of Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Wilson, Bill (West of Scotland) (SNP)  
Wilson, John (Central Scotland) (SNP)

**AGAINST**

Stephen, Nicol (Aberdeen South) (LD)

**ABSTENTIONS**

Brown, Robert (Glasgow) (LD)  
Finnie, Ross (West of Scotland) (LD)  
Hume, Jim (South of Scotland) (LD)  
McInnes, Alison (North East Scotland) (LD)  
O'Donnell, Hugh (Central Scotland) (LD)  
Pringle, Mike (Edinburgh South) (LD)  
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
Smith, Iain (North East Fife) (LD)  
Smith, Margaret (Edinburgh West) (LD)  
Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
Tolson, Jim (Dunfermline West) (LD)

**The Presiding Officer:** The result of the division is: For 106, Against 1, Abstentions 12.

*Motion agreed to,*

That the Parliament agrees that the Local Government Finance (Scotland) Order 2010 be approved.

**The Presiding Officer:** The next question is, that amendment S3M-5710.1, in the name of Margo MacDonald, which seeks to amend motion S3M-5710, in the name of Mike Rumbles, on the establishment of a committee, be agreed to. Are we agreed?

**Members: No.**

**The Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
Allan, Alasdair (Western Isles) (SNP)  
Brown, Keith (Ochil) (SNP)  
Campbell, Aileen (South of Scotland) (SNP)  
Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
Constance, Angela (Livingston) (SNP)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perth) (SNP)  
Don, Nigel (North East Scotland) (SNP)  
Doris, Bob (Glasgow) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
FitzPatrick, Joe (Dundee West) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gibson, Rob (Highlands and Islands) (SNP)  
Grahame, Christine (South of Scotland) (SNP)  
Harper, Robin (Lothians) (Green)  
Harvie, Christopher (Mid Scotland and Fife) (SNP)  
Harvie, Patrick (Glasgow) (Green)  
Hepburn, Jamie (Central Scotland) (SNP)  
Hyslop, Fiona (Lothians) (SNP)  
Ingram, Adam (South of Scotland) (SNP)  
Kidd, Bill (Glasgow) (SNP)  
Lochhead, Richard (Moray) (SNP)  
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
MacDonald, Margo (Lothians) (Ind)  
Marwick, Tricia (Central Fife) (SNP)  
Mather, Jim (Argyll and Bute) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
McKee, Ian (Lothians) (SNP)  
McKelvie, Christina (Central Scotland) (SNP)  
McLaughlin, Anne (Glasgow) (SNP)

McMillan, Stuart (West of Scotland) (SNP)  
Morgan, Alasdair (South of Scotland) (SNP)  
Neil, Alex (Central Scotland) (SNP)  
Paterson, Gil (West of Scotland) (SNP)  
Robison, Shona (Dundee East) (SNP)  
Russell, Michael (South of Scotland) (SNP)  
Salmond, Alex (Gordon) (SNP)  
Somerville, Shirley-Anne (Lothians) (SNP)  
Stevenson, Stewart (Banff and Buchan) (SNP)  
Sturgeon, Nicola (Glasgow Govan) (SNP)  
Swinney, John (North Tayside) (SNP)  
Thompson, Dave (Highlands and Islands) (SNP)  
Watt, Maureen (North East Scotland) (SNP)  
Welsh, Andrew (Angus) (SNP)  
White, Sandra (Glasgow) (SNP)  
Wilson, Bill (West of Scotland) (SNP)  
Wilson, John (Central Scotland) (SNP)

**AGAINST**

Aitken, Bill (Glasgow) (Con)  
Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Brocklebank, Ted (Mid Scotland and Fife) (Con)  
Brown, Gavin (Lothians) (Con)  
Brown, Robert (Glasgow) (LD)  
Brownlee, Derek (South of Scotland) (Con)  
Butler, Bill (Glasgow Anniesland) (Lab)  
Carlaw, Jackson (West of Scotland) (Con)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Eadie, Helen (Dunfermline East) (Lab)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Finnie, Ross (West of Scotland) (LD)  
Foulkes, George (Lothians) (Lab)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gillon, Karen (Clydesdale) (Lab)  
Glen, Marlyn (North East Scotland) (Lab)  
Godman, Trish (West Renfrewshire) (Lab)  
Goldie, Annabel (West of Scotland) (Con)  
Gordon, Charlie (Glasgow Cathcart) (Lab)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (East Lothian) (Lab)  
Henry, Hugh (Paisley South) (Lab)  
Hume, Jim (South of Scotland) (LD)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Johnstone, Alex (North East Scotland) (Con)  
Kelly, James (Glasgow Rutherglen) (Lab)  
Kerr, Andy (East Kilbride) (Lab)  
Lamont, John (Roxburgh and Berwickshire) (Con)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
Macintosh, Ken (Eastwood) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McConnell, Jack (Motherwell and Wishaw) (Lab)  
McGrigor, Jamie (Highlands and Islands) (Con)  
McInnes, Alison (North East Scotland) (LD)  
McLetchie, David (Edinburgh Pentlands) (Con)  
McMahon, Michael (Hamilton North and Bellshill) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Milne, Nanette (North East Scotland) (Con)  
Mitchell, Margaret (Central Scotland) (Con)  
Mulligan, Mary (Linlithgow) (Lab)  
Murray, Elaine (Dumfries) (Lab)  
O'Donnell, Hugh (Central Scotland) (LD)  
Park, John (Mid Scotland and Fife) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 49, Against 69, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S3M-5710, in the name of Mike Rumbles, on the establishment of a committee, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Annesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)

McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLaughlin, Anne (Glasgow) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)

Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### ABSTENTIONS

Morgan, Alasdair (South of Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 69, Against 48, Abstentions 1.

#### *Motion agreed to,*

That the Parliament agrees to establish a committee of the Parliament as follows—

Name of Committee: End of Life Assistance (Scotland) Bill Committee;

Remit: To consider and report to the Parliament on the End of Life Assistance (Scotland) Bill;

Duration: Until the Bill has received Royal Assent, falls or is withdrawn;

Number of members: 6;

Convenership: The Convener will be a member of the Scottish Liberal Democrat Party and the Deputy Convener will be a member of the Scottish National Party;

Membership: Helen Eadie, Ross Finnie, Nanette Milne, Cathy Peattie.

**The Presiding Officer:** The next question is, that motion S3M-5711, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

#### *Motion agreed to,*

That the Parliament agrees that the draft Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2010 be approved.

**The Presiding Officer:** The next question is, that motion S3M-5712, in the name of Bruce Crawford, on approval of an SSI be agreed to.

#### *Motion agreed to,*

That the Parliament agrees that the draft Health Board Elections (Scotland) Amendment Regulations 2010 be approved.

**The Presiding Officer:** The next question is, that motion S3M-5713, in the name of Bruce Crawford, on parliamentary recess dates, be agreed to.

#### *Motion agreed to,*

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 9 October – 24 October 2010 (inclusive).

**The Presiding Officer:** The final question is, that motion S3M-5714, in the name of Bruce Crawford, on the office of the clerk, be agreed to.

#### *Motion agreed to,*

That the Parliament agrees that, between 1 September 2010 and 6 December 2010, the Office of the Clerk will be open on all days except: Saturdays and Sundays and 3 December 2010.

## The Bike Station

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S3M-5359, in the name of Ian McKee, on the Bike Station makes climate change a local challenge. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament congratulates The Bike Station, Edinburgh's bicycle recycling and cycling promotion charity, for its continued work in championing active travel; notes that the charity promotes cycling as a healthy and sustainable means of transport across Edinburgh and the Lothians and works to support people to start and keep cycling while assisting other organisations to promote cycling and bike maintenance skills; further notes that the charity has recently been awarded funding from the Scottish Government Climate Challenge Fund to take on the 80-40-20 challenge, aimed at encouraging commuters to leave their cars at home and use public transport or take up cycling; considers that the project will help reduce carbon gas emissions as well as improving the general health of people in the region; congratulates the charity's manager, Mark Sydenham, for taking on the challenge, and wishes the project every success in getting the people of Edinburgh to take local and concrete action to fight climate change.

17:14

**Ian McKee (Lothians) (SNP):** It gives me great pleasure to open this debate and to highlight the excellent work that is carried out by the Edinburgh Bike Station and its manager Mark Sydenham, who has been named in *The Scotsman's* list of the top 50 people who are working for a sustainable Scotland. That record has enabled the Bike Station to obtain in the sixth round of funding from the climate challenge fund a grant of £750,000 to promote cycling and sustainable commuting in Edinburgh in the next 15 months, with the aim of avoiding the emission of 4,847 tonnes of CO<sub>2</sub>.

What does the Bike Station do? It repairs unwanted bikes and puts them on the road. There are about 150,000 bicycles in Edinburgh, many of which are unwanted. The Bike Station has taken in more than 19,000 bikes and kept 270 tonnes of waste out of landfill. Once its trained mechanics have refurbished the bikes, they are sold at low cost, and 84 per cent of the buyers would almost certainly not have bought a bike otherwise. Even a bike that is past the point at which it can safely be put on the road again has many parts, such as a light bracket or a bell, that can be used on other bikes. Metal parts that are beyond redemption are scrapped, which leaves only the tyres, which cannot be recycled.

The Bike Station has an educational function. It provides cycle training and runs repair workshops so that users learn not only to use their bicycles

safely but to keep them in a safe condition. Even a bike that is in immaculate condition when it is bought needs regular care and attention. The Bike Station runs a mobile mechanic service called Dr Bike, which provides a mobile MOT service at schools, workplaces and events. That attracts people to use their bicycles, at least on the day on which the service is offered, so that they can benefit from having their bicycles serviced.

On the wider education front, the Bike Station liaises with employers and other organisations to promote cycling and maintenance skills. More and more employers are using the Bike Station to offer free cycle training as a way of overcoming the barriers to cycling to and from work in the rush hour. In co-operation with Lothian and Borders Police road safety unit, the City of Edinburgh Council and active schools co-ordinators, the charity delivers cycle training in schools to primary 5 classes, a playground-based set of skills sessions to primary 6 classes and further advanced work for primary 7s.

As the Bike Station is a social enterprise, the money that it receives from selling bikes helps to support its work of promoting cycling.

I will say a word about the 80:40:20 challenge, the aim of which is that 80 per cent of people will change their driving practices, 40 per cent will start to take the bus, cycle or walk and 20 per cent will regularly use those transport methods. Its message is that the response to climate change is not just to be left to Governments and large international organisations; it is to be tackled locally and by individuals. Indeed, if individuals are not motivated and involved, all the larger campaigns will founder.

As a former general practitioner, I am also interested in the health benefits that ensue from more folk getting on their bike, to paraphrase Lord Tebbit in a different context. Cycling can be part of a programme to lose weight. An hour's cycling can burn away about 300 calories. We are increasingly concerned these days about the epidemic of obesity that seems to be sweeping the country. Increasing physical activity has a large part to play in containing weight gain. The exercise of cycling reduces the risk of heart disease and other circulatory disorders and reduces levels of stress and depression.

The generous grant that has been awarded to the Bike Station will enable it to press on with its plans to promote cycling and sustainable commuting by working with partners such as Lothian Buses, the City Car Club, the Edinburgh Bicycle Co-operative, Cycling Scotland and many others to provide practical assistance from free bicycle loans to maps, pedometers, free trial Lothian Ridacards, electric bikes and other means

of weaning individuals off private cars and on to more sustainable life modes.

Over 12 months, the target is to recruit 12,500 employees from 250 workplaces, of whom 10,000 will reduce their car usage, 5,000 will use public transport or walk or cycle to work at least one day a week, and 2,500 will do that three days a week. If the Bike Station is successful in its aims, an economic return of around 400 per cent will result.

The motion congratulates this innovative company on a successful application and on its active involvement in environmental and community affairs. The motion also congratulates it on its extensive and value-for-money services to local people, and on the support and expertise that it provides to other organisations. The Bike Station is getting the people of Edinburgh fit and healthy and making climate change a truly local challenge.

I congratulate Mark Sydenham and his team, who are in the public gallery today. I wish them well in their venture.

17:20

**Gavin Brown (Lothians) (Con):** I congratulate Dr Ian McKee on securing the debate. In his speech, he recounted a pretty happy story about an impressive outfit. Indeed, he outlined neatly what the Bike Station does to promote cycling. In ways that are different from many other organisations, the Bike Station gets involved in bike repair and maintenance and, in a pretty unique way, recycles bikes. Dr McKee gave a good indication of the number of bikes that the organisation has recycled over the past couple of years.

He mentioned the Bike Station's latest project—a £750,000 project to encourage people to lead healthier lives by leaving their cars at home, using public transport and, ultimately, cycling or walking. There is a double benefit from what the organisation is trying to do. The first is the benefit to Edinburgh from a reduction in carbon emissions. The second is that people will lead healthier lives by taking more exercise, thereby getting fitter and living longer—a benefit that, as a former GP, Ian McKee is happy to bring to members' attention.

An impressive aspect of the organisation is the fact that it does not work alone. Dr McKee mentioned about a dozen partners with whom it works, including Lothian Buses, the City Car Club and Cycling Scotland. On looking through the Bike Station website, I noted that it is working with about 15 organisations to try to ensure that it achieves the pretty strenuous targets that it has set for the next 12-month period.

I was struck by quotations that I found both on the website and in interviews in the *Edinburgh Evening News*. First, given that

“People might be afraid to cycle down somewhere like Leith Walk”—

which is a fairly busy road—

“we find a quicker and quieter route.”

The Bike Station not only encourages people to cycle but helps those who would have to travel from home to work and vice versa along routes that are not conducive to cycling to find the best route, one that makes cycling a feasible and safe option.

The second quotation that I was struck by is a simple one: “We organise car shares.” Car sharing may not be a particularly new idea, but the take-up of car sharing in Edinburgh and across Scotland is nowhere near as good as it could or should be. The fact that the Bike Station is going to go into 250 companies to organise car shares means that there is a fair chance that people will take up the offer. As soon as a critical mass of people become involved in car shares, the prospect of growth is pretty good.

The organisation has set some stringent targets. Aiming to get 12,500 people to fill out a survey is in itself a tough ask, as is the target of getting 10,000 people to reduce their car usage. Those targets lead on to tougher and more advanced measures: getting 5,000 people to use public transport or to walk or cycle to work one day a week, and getting 2,500 to walk or cycle to work three days a week. Ian McKee used the word “weaning”, which is a nice term to use.

The Bike Station is an impressive project. Again, I congratulate Dr McKee on securing the debate. I look forward to hearing what the minister has to say. I wish the Bike Station every success over the next 12 months and beyond.

17:25

**Mike Pringle (Edinburgh South) (LD):** I, too, congratulate Ian McKee on securing this extremely good debate. I am pleased to say that the Bike Station is in my constituency of Edinburgh South. It is at 250 Causewayside in Newington, and its phone number is 0131 668 1996—I hope that everyone is writing that down. If someone needs a bike, it is the right place for them. That is a bit of free advertising.

People might not know that the Bike Station used to be situated at Waverley station—hence the name—but some time ago it moved to its present home. I was delighted to be invited to the opening of its new offices when it moved there. I remember that the event was extremely well attended by a huge range of people—even a

three-year-old and a mother were there trying to sort out bikes.

As we have heard, the Bike Station is Edinburgh's bicycle recycling and cycle promotion charity. I could not believe that some of the wrecks that I saw when I was there would ever be functional again, but I was assured that I could come back later and purchase one of them as a completely good refurbished bike. Unfortunately, by then my days on a bicycle were past because of my disability. However, as Gavin Brown said, we all see more and more people on bikes as we go around our constituencies. One of my little hobby horses at this time of year is the fact that people often do not have their front or back lights on, which causes a considerable problem. I am sure that the Bike Station always provides lights.

The Bike Station is making a positive contribution to tackling climate change—the more people who get on their bicycles, the better.

I understand that the Bike Station gets its bikes from all over Lothian and beyond. It is one of the largest and best-established bike recycling projects in the United Kingdom and will take any part of a bicycle, large or small, to use in reconstructing bikes. The only things that it does not take, according to its website, are helmets. That must have something to do with health and safety—goodness knows why.

The Bike Station is always involved with schools. As has been said, it works with Lothian and Borders Police road safety unit, the City of Edinburgh Council and active schools co-ordinators—Gavin Brown mentioned a considerable number of other organisations—to deliver cycle training in schools at primary 5; a playground-based set of skill sessions with the Scottish cycle training scheme at primary 6; and journeying and mechanical sessions at primary 7. If a school wants to take advantage of that opportunity, Bike Station will help with fund raising to pay for some of the services.

As Ian McKee indicated, the Bike Station will send Dr Bike to schools, either before cycle training or to attend events to promote the eco-school concept. Dr Bike is a fixer, but he or she is also a mobile mechanic who will come to a workplace, a school or any sort of event to service and fix bikes—as Ian McKee said, to give them a good MOT. There is a charge for Dr Bike's services, but it depends on what is required. I understand that the cost includes some smaller parts—perhaps a new set of brake rubbers or other bits and pieces. If someone needs a new wheel or even a whole new bike, in the event of a completely failed MOT, they can be assured that the Bike Station will almost always have a selection of newly refurbished bikes from which to choose.

Finally, here is my next advert for the Bike Station: if people take their bikes to the Meadows between 8.30 and 10 o'clock in the morning and 4.30 and 6 in the afternoon on the last Tuesday of any month, Dr Bike will be there. If they cannot make those surgeries, others can be found on the Bike Station's website.

17:29

**Sarah Boyack (Edinburgh Central) (Lab):** I add my words of congratulation to Ian McKee for putting this issue on our agenda and securing tonight's debate. I also offer my support and congratulations to the Bike Station which, along with other bike organisations in the city, has done a great deal of work to put cycling on the map over the past few years.

I remember the statistics for the number of bikes that are locked up in garages and never used that were cited when the Bike Station was established. People buy bicycles, but never get around to using them. The Bike Station has prompted people to get some of those bikes out of their garages, get them refurbished and get them back into use, which has been of huge benefit, particularly to the people whom Ian McKee mentioned, who otherwise probably could not afford to have a bicycle, or who might not get round to getting one. The Bike Station's work has been of superb benefit to many people throughout the city. It is important to inject new life into bikes in that way; otherwise, they just gather dust. Bikes are in the opposite situation to cars. People who have cars tend to use them a lot. Cars are quite expensive, so people think that they must get the best use out of them. When someone gets a bike, it is often tempting not to get on it. The project is really useful.

As other members have said, there is no argument against the economic and health reasons for getting more people on to their bikes. The more people use their bikes, the more it attracts other people to do the same. There is a real issue about safety and feeling safe on the roads, but the situation improves the more of us people see on the roads. That could be seen in London after congestion charging was introduced, where there was a significant increase in the number of people who cycle to work. It is positive reinforcement.

The project will encourage a little bit of thought about the blocks or obstacles to people getting on their bikes, including attitudes. Anyone who has been attempting to cycle in the city over the past couple of months will know that it has not been a joy on many days. That will not be the same for the rest of the year, however. There are issues with workplaces. How welcoming are they to bikes? Have they got secure parking? Do



managers support cycling? Do people have jokes directed against them if they cycle to work? It still happens in certain workplaces.

For a lot of people, the key issue is safety on the roads, which I will return to later.

The project will provide lessons that can be learned across Scotland. I hope that the minister will take them on board and use the influence and leadership of the Scottish Government to get more and more people to change their habits. I like the 80:40:20 targets. They are not overly ambitious; they are about making relatively small changes that will add up over time. If 12,500 people, working at different companies across the city of Edinburgh, make lifestyle changes such as those that have been suggested, it will make a big impact on the city. Everyone knows about the congestion.

There are many more opportunities for people now. There is a bus company involved in the project, which is excellent. So is the City Car Club, which has continued to expand over the years. There are choices, which means that, even if people do not want to cycle to everything, they will be able to rely on either the bike, the bus or the City Car Club and, potentially, taxis. It is a mix of transport options that could help people to become more healthy.

I would like a little more examination of the possibilities for promoting the project. There is a statistic that 45 per cent of the city's residents live less than 5km from their workplaces, which is an ideal distance for people to cycle. As long as people do not have a huge hill to go up—as I do—they can get to work in decent condition. It is possible for people to do that as they get fitter—their cycle route will get easier. Although it might be off-putting at the start, it really is a doable distance. We need to do a lot more to encourage people to get on their bikes.

If we meet the targets that the Bike Station has set out, a reduction of 4,000 tonnes of carbon dioxide emissions in one year will be a pretty good achievement, bearing in mind the Climate Change (Scotland) Act 2009. What really leaped out at me was the figure of £2.8 million of savings to the people who get involved. That is a really good saving, and we should capture that.

We need a positive message for employers, and we need the support of colleagues and families to encourage people not just to try out their bikes but to cycle regularly. The key thing is to make our streets more accessible and more welcoming to cyclists. I have noticed that the quality of the environment for cyclists in Edinburgh is deteriorating. We have a problem with potholes because of the recent weather. That is not just an issue for car drivers—it is also a real issue for

cyclists and it makes the streets less safe and less attractive.

We have been losing some advanced stop lines. That is a small thing, but those lines are not just a token measure: they really improve cycle safety.

I hope that the minister will take the lead. I hope that we monitor the project and that such projects will be rolled out across the whole of Scotland over the years. It is exactly what we need.

17:34

**Robin Harper (Lothians) (Green):** It is with great pleasure that I rise to congratulate Ian McKee on securing the debate. I pay tribute to the extraordinary dedication, energy and application of Mark Sydenham to the Bike Station project from its very beginning. I have followed the project and visited it. Like Mike Pringle, I was there on the day when it opened its office, which was some day. It was stunning to see so many bikes and to learn about the distance that they had travelled.

The project is stunning in its success, in the comprehensive range of people that it has worked with and in the way in which it is taking things forward by considering not just biking but walking, bussing and transport in general. Gavin Brown said that he counted 15 organisations that have worked with the project. It is good to consider the range of organisations that are involved: they include the Danish Cultural Institute, the Scottish Community Foundation, South Central neighbourhood partnership, the City of Edinburgh Council countryside rangers service, Lothian and Borders Police, Greener Leith's we love Leith campaign and Skills Development Scotland. The Bike Station won the special sustainability award at the Scottish transport awards for its work to promote cycling, and I look forward to it winning more national and, perhaps, United Kingdom awards for its work, because of its comprehensive applicability to communities, children and everyone who travels to work.

I do not always remember to do this, but often when I go into schools I ask a class, "How many of you own a bike?" In most schools, every hand in the class goes up. Then I ask, "How many of you ride your bike to school?" No hands go up, or just one hand goes up. It is clear that we need to do a lot more, not just to provide safe places for bikes in schools, but to make our streets safe for cyclists, as Sarah Boyack said. The Bike Station recognises that and works on safer and quieter routes.

In Holland and other parts of Europe, and even in Cambridge, there is a presumption that cars, pedestrians and cycles can share space safely. I would welcome an indication from the minister that we will make more than a nodding acquaintance

with 20mph limits and streets that are safe for everyone to use. I know that there is a substantial campaign against shared spaces, but I hope that people who campaign in that direction—for good reasons—would derive considerable comfort from seeing how shared spaces work in Europe.

We need to take an holistic approach, as the Bike Station is doing. Cycling is a form of transport that we should promote as much as possible, for convenience and health reasons, but I like walking and using buses. My preferred route to school—school? I meant to the Parliament—is a mixture of a bus ride and a walk across the Meadows, if it is a fine day, or a longer bus ride and a walk down the High Street if it is not such a fine day. At my age I am a bit wobbly on a bike. I would be interested in finding out whether there is a nice, safe route all the way from sunny Morningside to the Parliament, which I could use without feeling too nervous about turning round to check the traffic behind me before making a move.

I congratulate Ian McKee again on securing the debate. I also congratulate the Bike Station and I wish it well. I am sure that it will make progress. It was with great contentment that I read the Bike Station's introductory section on its website, which says that a lot of its funding comes from the climate challenge fund—a combined Scottish Green Party and Scottish National Party initiative, which was initiated by the Scottish Green Party.

17:40

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** Like others, I congratulate Dr McKee on bringing the subject to the Parliament for debate. It is one in which we can all usefully engage, and there is an overwhelming consensus around the usefulness of the work that the Bike Station undertakes.

The debate has included a number of interesting speeches. Ian McKee talked about weight loss and cycling. In the past fortnight, I found another way of losing weight: I had toothache and lost 4 lb because I was not eating. However, I would really rather lose weight by cycling than by having toothache; the two are not comparable in any sense.

Mike Pringle talked about the Bike Station being in his constituency and the range of services that it offers. I have never owned a new bike in my life but have had a long series of second-hand bikes—starting with my mother's, on which I learned to ride—and have hired bikes from time to time. Therefore, I hope that I am showing some of the leadership for which Sarah Boyack looks, although I concede that more can always be done.

Sarah Boyack made the point that many bikes are locked up in garages, unused. The status of

my current bike fits that description exactly. In my constituency, many bikes—including mine—are acquired at a rousp. I think that there were 20 bikes for sale at the rousp at which I bought mine for a fiver. Many of us acquire bikes in that way, but they are not of the standard that the Bike Station turns out because they are not maintained and often not particularly safe. Therefore, the Bike Station's role in turning old bikes into useful and safe bikes is excellent.

I think that Sarah Boyack said that 45 per cent of people in Edinburgh live within 5km of their work. Of course, 54 per cent of all car journeys are less than 5km. The two facts come together rather neatly. Indeed, 40 per cent of car journeys are less than 3km. There is a clear opportunity for people to get out of their cars and on to their bikes, the bus or their own two feet. For me, 3km—about 25 minutes' walk—is a walk rather than a cycle. We must try to encourage that.

An important reference was made to children having bikes but not using them to go to school. If we get children cycling to school, we get mum or dad not taking them in the car to school. If mum and dad start the day without having to get into a car to take their children to school, there is a good chance that they will change their travel options—perhaps they will get the bus, do some walking or get the train. There are all sorts of important linkages.

Sarah Boyack also referred to potholes as a major problem, so I am sure that she will join others in welcoming the finance that was announced today for dealing with them throughout Scotland.

I return to the Bike Station. Its ambitious 80:40:20 project can make a real difference in Edinburgh and, perhaps more fundamentally, can show other parts of Scotland what it is possible to do. The team that will provide support, run promotions and try out equipment will not only be doing something in Edinburgh but showing the whole of Scotland what is possible.

The project is about sustainable transport, personal travel planning, engaging companies in cycle challenges, doing training, loaning bikes and all the other things that we have heard about. We have engaged with the Bike Station to encourage Scottish Government staff to cycle to work regularly. One of our senior directors regularly appears at meetings with me straight off his bike, carrying his helmet in his hand, which is an inspiration to others. The Dr Bike scheme that was referred to earlier is excellent in engaging with people and ensuring that their bikes are safe and that they understand how to be safe on them.

I visited the Bike Station in 2008 and presented Mark Sydenham with a Scottish transport award

for sustainability. I also had the pleasure of awarding £86,000 for the build-your-bike scheme. Of course, that scheme provides not only environmental benefit but social benefit, in that it often engages with youngsters who have difficulties in their lives. The scheme gets them involved in purposeful activity, and they end up with a bike that they can take away. They are also given the opportunity to spend a day off-road, perhaps in Glentress forest near Peebles, to ensure that they understand that bikes are not just utilitarian things but can be great fun. As others have said, the Bike Station has brought together an alliance of people with shared interests.

The City of Edinburgh's active travel plan has a target for 15 per cent of all trips to be made by bike by 2020, which is in line with the Brussels charter that it signed last year. I understand that Edinburgh is the only United Kingdom city to have signed the charter. Let us see whether more cities in Scotland can take that on board and make a similar commitment. I repeat that this is not just about Edinburgh but about the whole of Scotland. Much is going on across Scotland to encourage more active travel.

I am pleased that, through the motion, Parliament is celebrating the work that has been done on our doorstep. I have personally considered whether I should buy a unicycle, but my wife has dissuaded me from doing so—she foresees my hurting myself too much. I therefore think that two wheels are better than one and that two wheels are better than four every time.

*Meeting closed at 17:47.*



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