



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 29 March 2012

Session 4

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## Scottish Parliament

Thursday 29 March 2012

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

### Cycling

**The Presiding Officer (Tricia Marwick):** Good morning. The first item of business is a debate on motion S4M-02522, in the name of Alison Johnstone, on cycling.

09:15

**Alison Johnstone (Lothian) (Green):** It is often the case that the public are ahead of the politicians. In our capital city, on certain routes and at certain times of day, up to 20 per cent of the vehicles on the roads are bikes. Cycling rates in Edinburgh are becoming respectable, but the picture nationally is more mixed. The official estimate of the percentage of journeys that are taken by bike is a lowly 1 per cent. However, if we can achieve promising cycling rates in this city of seven hills, there is no reason not to aim high across Scotland.

I welcome the Government's target of 10 per cent of journeys being made by bike by 2020. However, as members would expect, Greens believe that we could and should be going faster and further towards sustainable travel, although we recognise the significant work that has gone into producing the "Cycling Action Plan for Scotland". In the rest of my speech, I will focus on the specific calls that we make in our motion on issues on which we think Government action has fallen short of ambition.

All members will be only too aware when a tragic cycling accident happens in their region. Since 2000, there have been 16 cycling deaths on Lothian roads, almost all of which involved another vehicle. The ages of those who lost their lives range from nine to 75. On Monday, I met the parents of Andrew McNicoll, an experienced cyclist who lost his life in January on the way to work. In his memory, the McNicolls have set up a website, [www.andrewcyclist.com](http://www.andrewcyclist.com), to raise funds for campaigning for safer cycling. As many cycling organisations do, they call for mutual tolerance and respect and greater safety on our roads to result from education.

At the start of this month, Bryan Simons was tragically killed following a collision and, in the past week, serious cycle accidents have been reported in Dumfries and near Elgin. In highlighting those tragedies, we risk fuelling the perception that cycling is a dangerous activity that is to be

avoided, but I share the view of Spokes, the Lothian cycle campaign, that it is essential that we learn from those tragic fatalities. My motion welcomes the gradual downwards trend in cycle casualties in the latest statistics, despite there being more cyclists on the roads. The benefits of cycling vastly outweigh the risks, and it cannot be repeated enough that the single biggest thing that we can do to build a safe cycle culture on our roads is to get more cyclists on them and, thereby, to build a critical mass in favour of active and healthy travel. However, I am sure that no one will argue today that we have a road network that is adequate for cyclists. It could be much improved for vulnerable users.

We must acknowledge, as the Government's consultation has done, that safety issues and perceived safety issues are barriers to meeting the 2020 target. I acknowledge the minister's action last week in dedicating a meeting to cycle safety and inviting representatives from cycling and walking organisations to meet transport experts to share experience and views on how we can greatly increase cycle use while reducing casualties. It is vital that those goals be seen in unity and considered together in every policy. In that meeting, there was much consensus on the need for mutual tolerance and respect among all users. In calling the debate, my hope and intention is that we keep up the momentum and convert the talk and plans into real street-level action. I was surprised to learn that the meeting was the first time that active travel champions had attended that particular road safety group in Government. I ask the minister to ensure that they have a permanent place on the group in the future.

Speaking of momentum, I give my full support for the pedal on Parliament event that is planned for 28 April. It is a grass-roots initiative that involves a diverse group of cyclists. I urge every member to read the group's "Making Scotland a cycle-friendly nation: a manifesto", which makes a set of well-researched demands and goes into far more detail than I have time to do here.

**Jim Eadie (Edinburgh Southern) (SNP):** I thank Alison Johnstone for taking my intervention and for the constructive way in which she has brought the issue before Parliament.

Alison Johnstone has thanked the pedal on Parliament campaigners. Will she join me in thanking Spokes and Sustrans for their recent work on raising the profile of cycling and for championing the needs of cyclists across the Lothians and Scotland?

**Alison Johnstone:** Absolutely, I will. We all commend the work of Spokes, pedal on Parliament, and Sustrans. They have all played very important parts in raising the profile of cycling.

It certainly feels to me that the cycling community is raising its voice louder than ever. For example, *The Times's* cycle campaign is bringing the issue into the national domain. I urge the minister and other members who are around on 28 April to attend the pedal on Parliament rally, if possible.

Last Friday, the speed limit for many streets in the south of Edinburgh was reduced from 30mph to 20mph, as part of a pilot zone that was first proposed by my Green council colleague Steve Burgess. Way back in 2003, the previous Scottish Executive cited research that showed that injuries fell by 60 per cent and child accidents fell by 48 per cent in areas where 20mph zones were introduced. Nine years later, the Edinburgh pilot is still the most ambitious in Scotland, which suggests that progress is far too slow. We need to move to a situation where 20mph is the norm in residential areas. I would also like a broader review of speed limits in urban and rural areas. The recent accidents happened on 40mph limit roads. Those roads had parked cars, pedestrians, traffic islands and cyclists, so we must ask why they are 40mph limit roads. We must also look at the rural situation. Cars travel at 60mph through Newlandrig and residents there are calling for a 30mph zone.

If we are going to have in Scotland the type of cycle culture that we see in a number of similar-sized European countries, we need to train every child how to cycle safely on the road. The number of off-road cycle routes is growing every year, thanks to the great work that is being led by Sustrans, but the reality is that most everyday trips will involve cycling on shared road space. Currently, around 30 per cent of Scots children receive on-road training, whereas the figure is around 60 per cent in England. I think that the cycle plan needs to be more ambitious on on-road cycle training. I hope that the minister will agree to introduce a plan and resources to give all children access to on-road cycle training by 2015.

My motion also calls for more training for other road users. Just as there are careful cyclists and careless cyclists, there are careful drivers and careless drivers. We must do all that we can to build more mutual respect and tolerance on our roads. We must ensure that roads are safe spaces. Education and awareness raising are essential. I urge the Government to develop more resources for cycle awareness training for all professional and fleet drivers. I mention Lothian Buses in particular, as an example of best practice in that regard. We should also investigate the use of mirrors and sensors for some of the large vehicles on our roads.

In our Parliament city, the number of air quality management areas has doubled in recent months:

they are areas where the local authority is in danger of breaching European Union air pollution limits. Breaches of the limits carry a hefty fine, not to mention having health implications and negative impacts on people who suffer from respiratory conditions.

Investment in active travel is savvy preventative spend of the best kind for any council and yet, according to Spokes—which is much-respected for its research—half of Scottish councils spend zero pounds of their budget on cycling investment. A number of parts of my motion would require working with local authorities, but this is not an opportunity to pass the buck: it is a call for stronger leadership from the Scottish Government. Pedal on Parliament is pedalling on Parliament because the campaign sees Parliament as having a leading role.

Anyone who has tried to navigate central Edinburgh recently knows the disruption that road works can cause. We desperately need a long-term plan and money for segregated cycle lanes in urban areas, which are the norm in some European cities, and we must get better at improving our road infrastructure. Every time a road is dug up, a junction is changed or new signs are installed, let us seize the opportunity to make the area better for cyclists. If a road is being dug up, let us lay a cycle lane at that point.

Government action is needed to simplify the current traffic regulation order process. It can take a council months simply to remove a parking space for a cycle lane, which is a significant barrier to councils that want to respond by increasing cycling rates. We can address that kind of bureaucratic barrier now.

I could not open a debate about active travel without addressing funding. During the budget process, many members raised concerns and I acknowledge that the Government made last-minute changes. Yesterday, the Minister for Housing and Transport announced that the total cost of improving motorways in central Scotland will be more than £500 million, but the sums that are invested in low-carbon travel are tiny and will still be only 0.8 per cent of the transport budget in 2013-14. If we get this right, we will reap a long list of rewards in terms of health, air quality, jobs, carbon emissions, congestion and more. As a country, we need to shift up a few gears and match our words and ambition with action. I look forward to hearing speeches from across the chamber.

I will be pleased to accept the Scottish National Party and Labour amendments, but I cannot accept the Conservative amendment, which would delete much of the motion.

I move,

That the Parliament welcomes the growing number of cyclists in Scotland and the 12% drop in cycling accident casualties between 2000 and 2010; believes that investing far more in infrastructure for cyclists and pedestrians will boost jobs, reduce business costs, cut congestion and climate-changing pollution and improve Scotland's health by improving air quality and reducing obesity; recognises the central importance of cycling safety and the perception of safety on the road to encouraging more people to cycle; considers that active travel is a cross-cutting priority for central and local government and that active travel champions should be represented on relevant transport and land-use forums, and calls on the Scottish Government to place active travel at the heart of the planning system, to work with local authorities to implement a rolling programme to upgrade infrastructure for pedestrians and cyclists as part of every road improvement, to expand the use of 20 mph zones in residential and shopping streets, to consider reviewing all urban speed limits and simplifying the Traffic Regulation Orders process, to provide the necessary support to ensure that all road users have access to increased cycling safety training and to work with local authorities to ensure that every child in Scotland has the opportunity to undertake on-road cycle training by 2015.

09:25

**The Minister for Housing and Transport (Keith Brown):** I thank Alison Johnstone for lodging the motion and for the way in which she has spoken to it. It is a comprehensive motion on cycling that provides us with a good opportunity to debate further what actions and partnership working are needed. As she suggested, Parliament is generally in agreement that cycling should be a safe, healthy and realistic choice as a mode of transport. There has recently been a focus on cycling, not least because of the four fatalities in Edinburgh in the past 12 months, which have led to the recent road safety operational partnership group meeting. That meeting provided an extremely fruitful discussion; it was well attended and there was participation from a wide range of cycling stakeholders, some of whom have been mentioned.

In Scotland, the growth in the number of cyclists has been accompanied by a 12 per cent drop in cycle accident casualties between 2000 and 2010. That was the result of a lot of activity by different partners. As Alison Johnstone said, we have a vested interest in trying to make it clear to the public—as far as we can and with the appropriate caveats—how safe cycling is and how much safer it has become, with fewer serious accidents happening. If we do that, we are more likely to encourage more cycling.

That said, we cannot be complacent. Everyone has been shocked by the cycling deaths in Edinburgh over the past 12 months. When such tragedies happen, we are all reminded that, although Scotland's roads are among the safest in the world, one life lost is one too many.

I accept Alison Johnstone's point that the Government has a leadership role to play in making use of our roads safer for everyone. We will do that by facilitating partnership working. At the forum that I mentioned, there were two excellent presentations from the City of Edinburgh Council and Glasgow City Council, which showed stark results in the reduction in the number of cycling casualties—in one case going back 50 years and in the other case going back 60 years.

**Kevin Stewart (Aberdeen Central) (SNP):** I declare an interest as a former chair of the north east of Scotland transport partnership. In the north-east, there has been an initiative to fit Fresnel lenses free on articulated lorries, which has led to a reduction in the number of accidents. Could that initiative be rolled out across the country?

**Keith Brown:** At the road safety forum, we discussed several initiatives that are taking place in different localities, and the need to spread those out as best practice. Kevin Stewart mentioned one such initiative; others are happening elsewhere. The leadership role of the Scottish Government is to draw in those examples and to ensure that they are extended where that is possible. I commend Nestrans for having undertaken that initiative. A number of approaches to better cyclist safety are either being trialled or are in practice around Scotland, but people are not always aware of them. There is a role for Government in making people aware of them.

Currently, 98 per cent of Scottish primary schools offer cycle training and 70 per cent of pupils take up the offer. Of the eligible cohort of 55,000 pupils, 69.5 per cent receive some form of cycle training, but only 31.5 per cent are receiving on-road training to the national standard. That is why I have agreed a target with Cycling Scotland of 40 per cent of children receiving on-road training by 2015. I urge every local authority in Scotland to work in partnership with Cycling Scotland not just to meet that target, but to exceed it. We must reinforce the message that learning to cycle in a live environment is more beneficial than learning to ride a bike in a playground.

An immediate development from the operational partnership group meeting is that, following a representation from the sustainable transport team, which has responsibility for cycling, it will provide on-going feedback to the group on what the cycling action plan delivery forum and the national cycling interest group are doing, and on whether those fora have raised concerns about road safety. I hope that that will provoke wider discussion of the issues and improved communication in the established cycling groups, without unnecessary duplication of effort. There

are quite a number of players, so we should co-ordinate our activities productively.

Funding has been mentioned. Over the next three financial years, £20.25 million will be provided for active travel projects, with a focus on cycling and walking infrastructure. That is in addition to £15 million for wider sustainable and active travel initiatives.

Sustrans was also mentioned. Its budget will increase from £5.5 million this year to more than £7 million, £8 million then £9 million in the next three years. We are retaining the ring fencing of the cycling, walking and safer streets grant, which is allocated to local authorities to deliver active travel projects. Alison Johnstone made the point that we rely on local authorities to play their part. Some—not least, the City of Edinburgh Council—do that substantially.

**Jim Eadie:** Does the minister agree that, by pledging to spend 5 per cent of its transport budget on active travel schemes, the City of Edinburgh Council sets a good example for the rest of Scotland, which other local authorities should follow if we are to meet our 2020 targets?

**Keith Brown:** It is true that, over a long period—certainly even when I lived in Edinburgh up to the 1980s—the council's leadership role has been evident. Other local authorities might have different priorities and different opportunities, but the example that the City of Edinburgh Council has set is worth being looked at by other authorities. Some authorities around the country are doing great work.

The roads budget was mentioned. Alison Johnstone might not have had a chance yet to see the detail of the M8 bundle that was discussed yesterday, which she mentioned. If she has the chance to look at that, she will see that it involves substantial investment in pedestrian and cycling activity, which have also been included in other projects, such as the M74 extension. The issue is always at the forefront of our minds.

**Alison Johnstone:** Will the minister take an intervention?

**The Presiding Officer:** I am sorry—the minister does not have time to give way.

**Keith Brown:** The cycling, walking and safer streets grant will be just over £6 million in 2012-13. Our grant offer retains a request for at least 36 per cent, and preferably 50 per cent, of the grant to be spent on cycling.

We are committed to meeting the world-leading Scottish climate change targets and are on track to do so. In 2009, emissions had fallen by 27.6 per cent from 1990 levels, which is almost two thirds of the way to meeting the target of a 42 per cent

emissions reduction by 2020. Substantial progress has been and is being made.

We are doing what we said in our manifesto we would do; we are developing the infrastructure to support electric cars, on which I said quite a deal at a conference yesterday. We are also increasing the proportion of transport spending on low-carbon, active and sustainable travel. We are investing £1 billion in public and sustainable transport.

When I sum up, I will say more on current activity across Scotland. I am keen to hear others' views.

I move amendment S4M-02522.3, to insert at end:

“, and reaffirms the Scottish Government's target of 10% of journeys made by bike by 2020.”

09:33

**Elaine Murray (Dumfriesshire) (Lab):** I, too, welcome the opportunity to discuss cycling. We have had debates on buses, ferries and railways in the past few weeks, so it is about time we discussed active low-carbon transport as well.

It is sad that there have recently been four fatalities within a month in Edinburgh. However, it is worth recording that accident levels have fallen since 2000, as the motion says. In a recent briefing, Cyclists Touring Club said that the risks of not cycling outweigh the risks of cycling by 77:1. I am not quite sure how that statistic was calculated, but it is fairly impressive.

We need to be clear that active travel should not be confused with sustainable or low-carbon travel. The minister referred to the budget for sustainable and active travel, which I understand will increase its budget share from 1 per cent to 1.4 per cent over the three-year spending review period. We need a separate budget line for active travel so that we can see whether the spending commitments on active travel are being fulfilled.

Much of Labour's amendment is about 20mph zones. I understand from a press release from the transport minister on 21 March that such zones were among the initiatives that were discussed at the recent meeting of the road safety operational partnership group that focused on cyclist safety. The motion also refers to 20mph zones and traffic regulation orders.

I have recently been in contact with a campaign called 20's plenty for us, which has been active around a constituency issue in Langholm. Rod King, the founder and national director, made me aware of the difference between 20mph zones and mandatory 20mph limits. Reduced traffic speeds in residential areas benefit pedestrians and other road users. The conventional way of doing that is



to use self-policing measures, such as road humps, accompanied by advisory signage. However, speed bumps can present a hazard to cyclists. Cars weave around the bumps, stationary cars are sometimes parked on the bumps and cars and lorries that weave around them create potholes, which can be hazardous to cyclists.

Meanwhile, 20mph limits are mandatory and are advertised and policed in the same way as any other speed limit. They do not require physical speed deterrents, but they require policing. Although there are 20mph limits in parts of Scotland, including here in Edinburgh, some local authorities and police forces are reluctant to introduce them.

According to 20's plenty for us, part of the problem is the guidance that we use here in Scotland, which differs from that which has been issued by the Department for Transport in England and Wales. The Scottish guidance was developed in 2001, but the DFT guidance was further developed in 2006. It states that

"the needs of vulnerable road users must be fully taken into account in order to encourage these modes of travel and improve their safety".

It goes on to mention the importance of setting appropriate speed limits and states that

"speed limits should seek to encourage walking and cycling and to protect community life".

The DFT guidance also crucially differs from our 2001 guidance by stating that

"mean speeds should be used to determine local speed limits as this reflects what the majority of drivers perceive as an appropriate speed".

That is a change from the previous use of the 85th percentile speed, which I understand still applies in Scotland. For example, the DFT guidance recommends use of a 20mph limit in appropriate urban areas where the mean speed is 24mph

Changes-to-signage requirements are UK wide, as are the speed limits, but their use is determined by what is considered to constitute a traffic-calming device. Down south, the signage counts towards being a traffic calming device.

**Kevin Stewart:** A mandatory 20mph limit was put in place in Sunnybank in my constituency in Aberdeen without any accompanying traffic-calming measures. Such measures had to be put in because the speed limit was largely ignored. Can Dr Murray comment on that?

**Elaine Murray:** That comes back to policing, which is where some resistance comes in from local authorities and police forces. They do not want to have to police the 20mph limit, but we police 30mph, 40mph and 60mph limits, so we should also police 20mph limits.

The final part of my amendment encourages us all—ministers and the rest of us—to participate in active travel. I speak as somebody who took their bicycle home before the elections in 2007 and has not yet brought it back. That is something that all of us in Parliament can do to set a good example and to encourage other people to get involved in active travel such as walking and cycling.

I move amendment S4M-02522, to insert at end:

"; urges the Scottish Government to examine the guidance issued regarding the implementation of mandatory 20 mph limits to ensure that its policy meets the needs of vulnerable road users such as pedestrians and cyclists and actively encourages walking and cycling, and further believes that the Scottish Ministers should set a good example by using active methods of travel whenever possible."

09:38

**John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** I congratulate Alison Johnstone on using her party's business time to bring this very important issue to the chamber. I think that it is the first time during my five years in the Scottish Parliament that we have had the opportunity to debate it.

To pick up on Elaine Murray's theme, I should probably declare an interest, being a cyclist myself. Last summer I spent a week in the French Pyrenees and cycled more than 700km in six days, including 12 of the tour de France's toughest mountain passes. I might not win all the debating points, but surely I will win that one.

The number of people who cycle in Scotland and across the United Kingdom has grown at an incredible rate in recent years. There has also been an increase in the public debate about cycling, following the successful cities fit for cycling campaign by *The Times*, which I fully support. About 30,000 people have now expressed their support for its eight-point manifesto. Perhaps more important is that the campaign has also been backed by organisations such as the Automobile Association and the RAC.

The benefits of cycling have been mentioned by others, but it is also important to recognise that

"Cycling is the most efficient form of transport in the world. ... A 2009 study by Professor David MacKay found that an average cyclist will use less than a third of the amount of energy required to walk, a sixth of the energy needed to travel by coach and an eightieth of the energy a car would use."

Given that

"three quarters of our journeys in the UK are five miles or fewer"—[*Official Report, House of Commons*, 23 February 2012; c 343WH.]—

it is clear that cycling could and should be promoted as one of our basic transport needs. It is

clearly not suitable for all journeys, and there are additional challenges in rural areas such as those in my constituency. However, rural areas and towns can all do things to promote cycling, although the exact details will be different in each case.

The health benefits of cycling are significant, and my colleague Nanette Milne will cover them in her speech. Cycling is good for the environment: even if one takes into account the food that a cyclist has to eat, where it comes from and how it was produced, carbon dioxide emissions are a fraction of those from other vehicles.

If we hope to encourage cycling—I think that we should—we must ensure that the safety of cyclists is improved. One way to do that would be through improved training. One training organisation suggested that two hours of training, costing £70, would transform the safety of cyclists on the road. We must also look at what our schools are doing to ensure that our children are introduced to the benefits of cycling at a young age, that they are encouraged to cycle to school, and that they are given training to do so safely.

However, it works both ways. Some cyclists ignore red lights, thereby endangering themselves. Many others do not use proper lighting on their bikes either at night or when visibility is poor. That is not the responsibility of Government or motorists; it is up to the cyclists to behave properly.

When cycling in Europe, I am always struck by how considerate other road users are towards cyclists. Indeed, I understand that in most other European countries the law states that the less-vulnerable road user causing harm is deemed to be responsible or culpable, unless evidence is produced to the contrary. Similarly, other countries often insist on minimum passing distances.

Local authorities need to do more to improve the safety of cyclists. Some councils have very good cycle-friendly schemes, but others have been found wanting. We must do more to invest in cycling infrastructure, not least to ensure that our roads are up to cycle quality. As a cyclist and a car driver, I know that what might be a relatively small hole for a car often becomes a more serious problem for a cyclist.

We will support the SNP and Labour amendments. I lodged my amendment simply because I feel that the motion is slightly too prescriptive and does not recognise the potential involvement of the business and third sectors in developing and promoting cycling.

With the Olympics and the Commonwealth games fast approaching, the next few months and years will give us a huge opportunity to transform cycling in Scotland. If our cyclists are as

successful as we hope, many more people—particularly youngsters—will get on their bikes.

Finally, I will be taking part in the Galashiels triathlon in about nine days. I encourage Alison Johnstone—or any other member who wishes to join me—to take part, because cycling is very important.

I move amendment S4M-02522.1, to leave out from “considers that active” to end and insert

“; commends the Cities fit for cycling campaign by The Times, which has led to cycling being given more prominence in public debate; supports greater business and third sector involvement to boost infrastructure development, and notes the potential that the Olympic and Commonwealth Games can have in contributing to an increase in the number of people taking up cycling.”

**The Presiding Officer:** Thank you, Mr Lamont. Your cycling history is impressive.

09:43

**Marco Biagi (Edinburgh Central) (SNP):** I will not even try to follow that with my cycling record.

I am grateful to the Green party for bringing this timely debate to the chamber. Cycling has been a huge feature of my mailbag for the past few months, mainly in relation to funding, but more recently to the safety aspect, as many people are concerned about the four tragic deaths of cyclists in Edinburgh.

I am sure that other members welcome, as I do, the summit that was held on March 21 and the Scottish Government's repeated recognition that, although it does not always have a role in delivering cycling funding or cycling schemes, it has a leadership role that applies not only to cycling but to all aspects of road safety.

A strong argument that has been made by cycling groups, and by Alison Johnstone today, is that one of the best ways to ensure safety among cyclists is to create a critical mass on the roads, so that cyclists are seen as partners and equal road users rather than as unwelcome intruders. That stands alongside all the technical road-safety improvements that were set out in the eight-point manifesto of the pedal on Parliament campaign, which I commend to members. It proposes a number of practical changes to planning, speed limits and other traffic laws, transport strategies, training and—above all—funding.

A good starting point in the discussion on active travel funding and the effect on cycling uptake is the excellent “Civilising the Streets” report by Transform Scotland. It looks at 13 cities around Europe and how they have substantially increased safe cycling. The report consistently argues that the key drivers that increase safe cycle use are

material upgrades in three areas: dedicated cycle lanes, parking spaces and reduced speed limits.

One of the issues around dedicated cycle lanes that has been articulated to me by cycling campaigners is that they can make cyclists seem like the “other” by segregating them. I have also had constituents firmly make the case that, if large numbers of cyclists are to be encouraged, people have to know that they will be protected by something more than a line of paint. That is my view, as well.

An interesting section in the Transform Scotland document says:

“In all cases, the investment in active travel was coordinated and implemented by ... local government ... The study also found that financial support from the national government could be a vital factor”.

That is a useful interaction. It is similar to the situation that we have at the moment, with central funding through the CWSS grant scheme and Sustrans, which is matched by local authorities, and a strong emphasis on the actions of local government.

Transform Scotland highlights Stockholm as being a particularly illustrative example, because it faced many of the challenges that we face, including its geography, a low starting base and—a perfect parallel with Edinburgh—the medieval design of its city centre, which restricts flexibility.

Although setting aside a percentage of money and putting it in a pot for cycling is welcome, the greater prize—as illustrated in the part of the Transform Scotland report that focuses on Stockholm—is to ensure that all transport planning mainstreams the needs of cyclists, whether on general-use roads or new developments. That is the second point of the pedal on Parliament manifesto. That is not easy, and no one should pretend that it will be. However, it is not distinct from funding and it is a core part of what must be done.

**The Presiding Officer:** You need to start winding up.

**Marco Biagi:** The City of Edinburgh Council is now showing the kind of leadership that has been shown by other cities across Europe. I hope that Scotland’s other local authorities will watch and learn from its example.

**The Presiding Officer:** I call Malcolm Chisholm. I remind members that they have a strict four minutes.

09:47

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I welcome the Scottish Government’s reaffirmation of its commitment to

ensure that 10 per cent of journeys will be made by bike by 2020, since that is clearly highly desirable in terms of health and climate change. However, being realistic, I do not think it looks like we will achieve the target given that—late increases in the budget process notwithstanding—the active travel budget is still less than 1 per cent of the total transport budget.

It seems to me and, I am sure, to others in the chamber that safety is the key to reaching the target. Alison Johnstone highlighted the sad and tragic fact that 16 cyclists have died on Lothian roads this century. Cyclists desperately need more space on roads and more 20mph limits in residential areas. In that regard, I emphasise the importance of the Labour amendment and I hope that the Scottish Government will consider the guidance that appears to discourage some local authorities from introducing such zones.

Of course, cycle paths are important—there are many good ones in my constituency, which will encourage me to return to cycling in due course—but action on cycle training is also required. Alison Johnstone and I attended a recent cycle training event at Leith primary school, but we would agree that action on cycle training of that sort is to no avail if the other safety measures are not taken.

Local community-led campaigns, such as the we love Leith campaign by the Greener Leith organisation, are important. I pay tribute to the Scottish Government for providing much of that campaign’s funding through the climate challenge fund. It involved community consultation, behaviour change work and efforts to tackle the barriers to active travel that were identified by local residents. The first consultation, involving 450 residents, put the behaviour of other road users at the top of the list of reasons for people disliking cycling, along with danger and vulnerability in general. That is perhaps not surprising because, as I was alarmed to read in a newspaper report a couple of weeks ago, Leith Walk has been flagged up as one of the 10 most dangerous streets in the United Kingdom for cyclists.

When residents were asked what would encourage them to cycle more, 49 per cent said that infrastructure improvements would be the main thing that would get them back on their bike. A second consultation flagged up dedicated cycle lanes on main arterial routes as the top cycling priority.

Greener Leith has also highlighted the need to reduce traffic growth in general in order to encourage cycling, as well as for many other purposes. In particular, it flagged up the social cohesion of neighbourhoods, the sense of ownership of public space and mental and physical health. Therefore, I am alarmed that traffic trends tend to be going in the opposition

direction. I have lodged some parliamentary questions about that this week.

Edinburgh has been referred to quite a bit. We must acknowledge that a lot of good work has been done, but I think that the 5 per cent of the budget for active travel schemes next year is not matched by this year's budget for them, which is 1 per cent of revenue spend. Edinburgh Labour has emphasised the separation of bikes and road traffic, the safe storage of bikes, possible cycle hire schemes, school cycling training and 20mph speed limits. I re-emphasise that last point. It seems to me that the widespread use of 20mph speed limits in residential areas would benefit cyclists and pedestrians alike.

09:51

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** I join other members in welcoming this Green party debate.

It seems to me that there are three strands in this debate about cycling. We are talking about cycling as transport and cycling for leisure, and underpinning it all is introducing children to safe cycling. I want to give three examples from those areas from my Strathkelvin and Bearsden constituency. I will talk about East Dunbartonshire's Cycle Co-op, which is based in Bishopbriggs, the rebound initiative in Lennoxton, and pedal on Parliament, which has already been mentioned. I thank Dr Brennan, who is a constituent of mine, for his work in making that happen next month.

East Dunbartonshire's Cycle Co-op is a not-for-profit social enterprise team led by the redoubtable Mark Kiehlmann. It is a team of certified bike ability tutors and cycle mechanics. Those people have done many things. Among them, they set up the East Dunbartonshire bike library to assure parents that, when their children start to learn to cycle, they cycle on a bike that is fit for purpose.

Over the team's few years of working, the most remarkable achievement it has seen has been Bishopbriggs becoming the first town—indeed, as far as I know, it is still the only town—in which every primary school has received a Cycling Scotland cycle-friendly school award. That achievement is even more remarkable in light of the fact that only 2 per cent of children in Scotland cycle to school. At St Matthew's primary school in Bishopbriggs, 20 per cent currently cycle to school daily. Double the 2020 target is being achieved in Bishopbriggs in 2012. It is therefore not surprising that when the BBC and other media outlets are looking for someone to go to to highlight the benefits of cycling, they go to East Dunbartonshire's Cycle Co-op. As a result, Bishopbriggs has received a lot more publicity

than a small town of its size would perhaps normally expect to receive. I thank the many MSPs who supported my motion S4M-01910, which highlighted the work of East Dunbartonshire's Cycle Co-op.

I turn to cycling for leisure and the rebound initiative in Lennoxton. The plans are ambitious for a not-for-profit social enterprise. We want to see a cycle tourism hub in Lennoxton that utilises the Forestry Commission tracks around it, and—most importantly—taps into the central Scotland cycling route network and uses the Forth and Clyde canal, which goes through my constituency. A community consultation was held in March, which more than 80 people attended. There were nothing but positive comments from the questionnaires and the ideas board that day.

I know that we are short of time, so I will conclude. I hope that those examples of local initiatives in my constituency show what can be done across Scotland.

**The Presiding Officer:** Many thanks, Mrs McLeod. I appreciate your brevity.

09:54

**Helen Eadie (Cowdenbeath) (Lab):** I congratulate the Green party on choosing to use its parliamentary time to highlight cycling and call on the Scottish Government to improve the offering for cyclists. That is a welcome development and I hope that ministers will listen to and act upon the call. I also congratulate John Lamont on his 700km cycle ride and on his forthcoming endeavours.

The motion in Alison Johnstone's name highlights the increase in cycling, which is something that the whole Parliament should welcome. If we want a fitter, healthier population, active travel should be a cornerstone of our approach to improving the lives of Scots. The cycling boom of recent years, which has no doubt been fuelled by the success of Britain's track and road cycling squads, is making a difference, even away from the context of competitive cycling.

I am delighted that the UK's blue riband endurance cycling event, the mille Alba, will have its headquarters in my constituency, at Fordell near Dalgety Bay, which is very near my home. Cyclists from throughout the country will ride 1,000km around Scotland in just 75 hours, starting on 22 June—John Lamont would be up for that. I am sure that the Parliament wishes the participants the best of luck and the best of weather for their endeavours.

If the cycling boom is to become the cycling revolution that we all want, we must make the necessary investment as well as the necessary

attitudinal changes. As convener of transport in Fife Council and former vice-chair of Sustrans, I campaigned and worked with officers, and the team secured £3.5 million as Fife's share of the cycle route around the countries that border the North Sea. The North Sea cycle route is still open. Many cyclists use it for recreation and commuting, and some hardy souls do the entire route—I am looking at John Lamont; I will be glad to see him cycling past my window. He will be sorry that he talked about his prowess.

I also campaigned strongly for better cycle parking at railway stations, to encourage cycling. I am pleased to say that a legacy of that work is the better parking for bikes that still exists at many stations in Fife.

However, much needs to be done. We must get serious about providing facilities for cyclists. The cycle path from Fife to Edinburgh along the A90 is a disgrace. It is no wonder that many cyclists refuse to use it and instead take their chances on the roads. The cost of upgrading the path would not be too onerous for the Scottish Government to meet. No public body, including City of Edinburgh Council, appears to be willing to take responsibility for the path, but it is time that someone did so, because many of my constituents cycle regularly from Fife to Edinburgh—indeed, my son-in-law did so.

Alison Johnstone's motion mentions the welcome decline in cycling accident casualties during the first decade of the 21st century in Scotland. However, we should not be complacent. In Fife, the news is bad. The proportion of accidents that involve bikes is higher, at 4.76 per cent, than it has been in any year since before 2007. Some people might put that down to higher bicycle use and others might look for other explanations, but the accident figures are too high and work needs to be done to drive them down.

Cycle paths and sensible road and traffic planning make a positive contribution, but we also need attitudinal change. Cyclists are vulnerable road users and we need to ensure that motorists treat them with care and respect, rather than skimming past them. That does not cost money; it is a question of common decency.

09:58

**Clare Adamson (Central Scotland) (SNP):** I declare an interest; I am an executive member of the Scottish Accident Prevention Council.

I welcome the debate and endorse the comments about the health and environmental benefits of cycling. I will talk mainly about safety. I have no doubt that if we want to make cycling in Scotland safer, we must ensure that cycling informs and is integrated into transport planning. I

welcome what Alison Johnstone said about the need to consider what safety measures can be implemented when we are digging up roads and therefore already incurring costs.

In 2005, the Scottish Government commissioned the comprehensive report, "Extent and Severity of Cycle Accident Casualties", which tried to get to grips with why there had been so many accidents in Scotland. The research exposed interesting facts about gender. Many more males than females were involved in cycling accidents—the ratio of males to females presenting at hospital accident and emergency departments as a result of such accidents was 3:1. That gender imbalance was observed across all age groups, although it was least obvious in children under 10. Staggeringly, among 16 to 18-year-olds, 91 per cent of the casualties were males. I suggest that that follows a pattern of risk taking among young male drivers that is well recognised by the insurance industry. If we are to tackle such issues through education, we must examine risk taking. That might improve some of the accident statistics.

The pattern of accidents does not reflect cycling participation rates, as the study showed that 55 per cent of cyclists were males and 45 per cent were females. John Lamont mentioned night-time cycling. The study also showed that males tended to cycle more in the evening and that women tended to cycle more during the day, which might be a reason for the imbalance in the accident rate. We must fully understand what is happening on the roads if we are to make progress.

People are more likely to become casualties as a result of cycling accidents in childhood—in the study, 54 per cent of all casualties were under the age of 16. When it comes to such accidents, our children and young adults are extremely vulnerable. Safety is paramount and improvements can still be made. Much can be done to improve safety for cyclists, especially our children.

I am still a member of North Lanarkshire Council, which used to have a very poor record on general road safety. I commend the council's leadership, which, over the years, has made a determined effort to reduce the number of road accidents. The council has achieved the national road safety targets and has reduced the number of fatalities and serious casualties by 74 per cent—information published by Strathclyde Police shows that it fell from 276 in 1999 to just 72 in 2010. At the same time, the total number of people who were injured reduced significantly.

I put those reductions down to the council taking some key steps. Notably, it introduced a 20mph speed limit not just outside schools in North Lanarkshire—that was done as a pilot—but in all

residential areas. That is a significant step that can greatly reduce the number of accidents on our roads.

**The Deputy Presiding Officer (Elaine Smith):** We come to the closing speeches.

10:02

**Nanette Milne (North East Scotland) (Con):** I have enjoyed listening to the debate and I commend Alison Johnstone for giving us the opportunity to focus on the benefits of cycling and active travel.

I am glad that pedestrians feature in the motion because, in sharp contrast to my colleague John Lamont, I am not a proficient cyclist, although I do quite a bit of walking. I was not allowed a bike of my own as a child, because we lived on a busy main road, and I regret that as a result I have missed out on a lot of the enjoyment that competent cyclists experience, so I sympathise with the calls to make cycling safer for and accessible to all children.

We have heard much about the many benefits of cycling and it is encouraging that an increasing number of people are taking it up because, in a busy modern world, it is all too easy to become less and less active physically and to suffer the health consequences of a sedentary lifestyle.

As recently as 2010, the Scottish health survey found that 61 per cent of adults and 28 per cent of children did not meet the recommended physical activity level of 30 minutes of moderate activity five times a week. That is simply not good enough if we are to tackle obesity and its attendant risks of high blood pressure, heart disease and diabetes, to name but a few long-term conditions that are prevalent in an underactive population. Cycling can aid weight loss even in the absence of dieting and, as well as having physical benefits, it has been proven to assist in preventing and overcoming depression. Indeed, statistics show that people who undertake regular moderate activity, such as cycling to work, enjoy the wellbeing of people a decade younger, as well as being more alert, more self-confident and better able to cope with stress and anxiety.

I find walking an excellent way to enjoy our beautiful countryside, and cycling enables people to see even more of it—that is particularly true of cycling on mountain bikes, which allows people to go on fairly rough terrain. Such activities are a great attraction for tourists, and it is good to see mountain biking tracks being developed at Glenshee, the Lecht and other ski centres, which have, of course, suffered from a lack of snow this winter.

Studies done last year reckoned that mountain biking contributes £139 million to the Scottish economy, which is expected to rise to £155 million by 2016 so it is an activity to be encouraged.

The minister may be interested to know that yesterday I met the chief executive of Glasgow 2014 Ltd, the organiser of the Commonwealth games. We discussed a range of issues, including the role that cycling will play in the games and the possible benefits from the games in terms of a physical activity legacy. In that regard, I note the caveat from Ramblers Scotland that such benefits will be achieved only if there is a massive increase in the proportion of the population who spend much more time walking or cycling.

I was interested to learn that the stunning new Sir Chris Hoy velodrome is scheduled to open in Glasgow in October, which will allow members of the public to use it for almost two years before the games take place. Given the intention to encourage people to cycle and walk during the course of the games, it would be no bad thing if ministers were to lead by example and get on their bikes instead of into their expensive ministerial cars.

No debate on cycling would be complete without a mention of the nation's favourite cyclist: the mayor of London, Boris Johnson. Boris bikes have now become as much a feature of the capital city as red buses and Big Ben. His groundbreaking initiative of introducing 6,000 sponsored bikes for hire around London and 400 docking stations is, as he himself has said,

“a glorious new form of public transport”.

Therefore, I was pleased to learn that there are plans to extend the scheme across the east end of the city. That is one reason why members on this side of the chamber look forward to seeing Boris re-elected for another term as mayor of London. We might do well to pick up on some of his ideas.

**Claudia Beamish (South Scotland) (Lab):** Will the member take an intervention?

**Nanette Milne:** I am just finishing.

**The Deputy Presiding Officer:** I am afraid that there is no time for an intervention.

**Nanette Milne:** We feel that to achieve the very worthy aims of the motion, we would do well to be just a little bit less prescriptive and a little bit more creative, which is why I am happy to support the amendment in John Lamont's name.

10:06

**Claudia Beamish (South Scotland) (Lab):** I am delighted to close this debate for Scottish Labour. Before I begin, though, I would like to share the sentiments of members across the

chamber and take a moment to remember all those who have been seriously injured or have lost their lives as a result of cycling accidents on our roads.

No matter what level the accident rate drops to it will be too high, and I am glad to have the opportunity today to debate what we can do to reduce the number of accidents and encourage more people to engage in safe cycling. I thank Alison Johnstone for her broad-ranging motion.

I often seem to begin my speeches with a quote from ministers and today is no exception, as I will quote from the ministerial foreword to the "Cycling Action Plan for Scotland", in which the then Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, stated his vision, saying:

"By 2020, 10% of all journeys taken in Scotland will be by bike."

He went on to say:

"We just need more people to cycle more often and in so doing, develop a cycling culture in Scotland."

There used to be such a culture, certainly in rural Clydesdale, where I stay. My old neighbour and the first person I met when I moved there was examiner Jim Simpson, who also used to play in a dance band. He used to tell me of many times making late-night rides home by bike with his fellow band members from as far afield as Moffat, instruments strapped to their backs. His village of Douglas Water had its own cycling club, as did many other villages.

There is perhaps a renaissance in popular cycling; certainly, there is an interest in it. I wholeheartedly support the Scottish Government's vision for cycling, but like many of the SNP's visions it lacks detail about how we are going to get there. I am concerned that without the financial support for infrastructure development, access to safety training and the creation of schemes to encourage more people to take up cycling, we will fall short of the 10 per cent target. Today's new national travel survey shows that only 1 per cent of journeys were completed by bicycle in 1985 and that today that figure is the same, so a step change is definitely necessary if we are to reach the 10 per cent target.

Malcolm Chisholm highlighted the value of community-led initiatives. I, too, commend Spokes, Sustrans and other cycling organisations. The pedal on Parliament campaign group has some very positive suggestions in its manifesto. Some of its proposals inform the wider debate and are certainly worthy of consideration. I will attend its rally, but despite Alison Johnstone's kind offer, I will not bring my bicycle. It sits in my basement, because I am a rural cyclist and not an urban one, and I was made even more nervous about urban

cycling by Malcolm Chisholm's remarks about the dangers of Leith Walk.

How do we ensure that cycling infrastructure is incorporated into the planning process for new roads and other projects? There is an example of that working well along the Airdrie to Bathgate rail line. However, as we heard from Helen Eadie and others, there are many poor examples. Also, cycle paths are often put in as an afterthought, with painted lines taking the place of safe and dedicated cycle tracks, as Marco Biagi highlighted.

I have spoken before about the great example set by the Netherlands, where a remarkable 25 per cent of journeys are completed by bike. We should look to incorporate infrastructure for pedestrians and cyclists into planning guidance for rural and urban local authorities, and Scottish Labour supports that element of the motion. We also call for support for safer speed limits, which Elaine Murray highlighted.

I hope that the minister will consider more than 40 per cent of children having on-road training.

Scottish Labour supports the Government in its target of having 10 per cent of journeys completed by bike and supports the motion. In Alison Johnstone's words, we need to move up a gear or two.

10:11

**Keith Brown:** We have heard a number of views on making cycling safer and more appealing. It is worth saying that we cannot insist that people cycle. We must do what we can to encourage cycling and focus on making it as easy and safe as possible—I understand that—but if people prefer to walk, for example, as Nanette Milne said, they are perfectly entitled to do that.

I will return to some of the points that have been made in the debate and make some points that I did not get the chance to make earlier.

We plan a refresh of the cycling action plan for Scotland following the first progress report from Cycling Scotland in June. At that point, we will update all 17 of the actions in the plan, completing some of them and, potentially, adding some more.

Mention was made of the need for behavioural change. That is a crucial point. We just heard from Claudia Beamish about the Netherlands. The situation there, particularly in Amsterdam, has grown up over many years and benefits from a very flat environment, so a cycling culture exists. We must do all that we can to encourage such a culture, but that will not happen overnight; it will take some time to achieve.

The behavioural change towards mutual respect that Alison Johnstone first mentioned must take

place. Many cyclists come to speak to me because they are unhappy with the behaviour of other cyclists, just as drivers of vehicles sometimes do not show appropriate respect for more vulnerable road users.

The need to improve the perception of the safety of cycling among parents has not been mentioned. If we want to encourage more children to take up cycling, parents must feel more able to say yes to children who want to cycle to school or cycle recreationally. There are some excellent examples of that happening in Edinburgh, but there is more that we can do on the matter.

We must also develop awareness of cyclists and their needs on the road. That is why we will launch the give me cycle space campaign in May.

We also try to reward organisations that promote safe cycling and safe driving. For that reason, we have the cycle-friendly schools awards and various employers awards, which result in certificates being awarded.

We heard different examples of infrastructure being very good in some cases and not so good in others. That is often a matter for the local authority and its partners. The Scottish Government can be one of those partners and has tried to focus the funding that it has—as all members appreciate, there is not a bottomless pit—on ensuring match funding by local authorities and others. The investment that we plan over the next three years will allow more infrastructure to be developed.

Everyone else has used a local example, so why should I not? The old Menstrie branch line in my constituency is now being used as a cycle path to good effect.

There are events that recognise people's efforts and encourage them to walk and cycle safely. A number of members mentioned the pedal on Parliament event. Unfortunately, I cannot take part in that, but I will take part in the pedal for Scotland bike ride, which will happen on Sunday 9 September. I invite John Lamont—if I can keep up with him—and anybody else who complained about having a bike secreted away in a cupboard to come to it. It is a chance to come into Edinburgh on a safe cycle route, which is a tremendous experience. I did it last year but only as far as Kirkliston and not all the way from Glasgow. I will try to extend that this year.

**Sarah Boyack (Lothian) (Lab):** I welcome the fact that the minister will be on the pedal for Scotland event this year as well.

I request that he look at the trunk roads budget, because there are massive opportunities in it. It is a huge budget and he could use it to do a lot more to improve long-distance cycle routes and beef up

the work that needs to be done by our local authorities.

The point that Helen Eadie made about getting from Fife to Edinburgh was absolutely right. Long-distance commuter routes are a nightmare for cyclists.

**Keith Brown:** As I have said, we have tried to incorporate what the member has suggested into most of our major projects, including not only the M8 and the M74 but the Forth replacement crossing; indeed, that is how we intend to use the existing Forth road bridge. We have told officials that we should make what we are doing clear to the public. The Airdrie to Bathgate line has been mentioned in that respect but, in other road projects, the public might not have been made as aware of that aspect as they might have been and I will be encouraging that to happen.

We also fund Sustrans, which, as has been mentioned, is rolling out with Fife Council 20mph zones in parts of Kirkcaldy and as part of its street design project is redesigning streets with the support of local communities. The same initiative is happening in Moray Council. There have been many references to the City of Edinburgh Council, whose road safety team launched its 20mph zone last Friday.

At this point, I should make it clear that councils themselves can introduce—and have introduced—such zones. Alison Johnstone's motion asks the Government to make that process easier; however, I am not sure that the Labour amendment quite addresses the same issue, because the "guidance" that it refers to is issued by the Department for Transport and is based on United Kingdom primary legislation. We are talking about Scottish Government-issued traffic regulation orders and, although we will look at how we can streamline that system, members must bear in mind that public consultation forms a large part of that process and we do not want to minimise any of that.

We have said many times that we can best achieve this aim by working in partnership with others, including those involved in climate change, to push these particular policies. As the report on proposals and policies makes clear, this is not solely about Government funding; many other financial and non-financial contributions are needed from local authorities and—as John Lamont pointed out—business.

**The Deputy Presiding Officer:** You have 10 seconds, minister.

**Keith Brown:** We cannot support the Conservative amendment, as it removes a substantial part of the Green party motion. Although the Labour amendment is well intentioned, it presents certain problems, in that



the guidance that it mentions is not strictly applicable to the Scottish situation.

That said, I am happy to support the motion.

10:17

**Alison Johnstone:** First of all, I should mention that I am a new member of Spokes.

I thank colleagues for taking part in the debate. Clearly there is much that the chamber agrees on and I welcome members' recognition of the fact that active travel is well worth the investment.

The minister referred to the provision of active travel in the M8 project. However, I am sad to say that the same kind of provision has been omitted from the development of the Forth replacement crossing, and cycle path provision en route to the bridge requires urgent investment. I ask the minister to consider the latter point in particular. I echo Helen Eadie's point about the need for good cycle infrastructure between Edinburgh and Fife.

I welcome the minister's positive input, particularly his commitment to look at streamlining and simplifying the TRO system. I also agree with Claudia Beamish that we could do a bit better than the current target of 40 per cent of children having on-road cycle training. I ask the minister to revisit the target.

Elaine Murray focused on twenty's plenty, the campaign to reduce traffic speeds, which provides so many benefits for vulnerable users and encourages walking and cycling.

We also heard about John Lamont's athletic prowess. I take my hat off to you—your passion for cycling is obvious. It is certainly the world's most efficient form of transport and has so many benefits. For example, it reduces obesity and cuts congestion—which in turn can cut business costs. You also talked about the culture of respect in other countries and the considerate behaviour shown by some of our European neighbours. As a qualified athletics coach, I agree that we should try to gain as much as we can from the Commonwealth and Olympics games. I have to say that I like the Conservative amendment; I just do not like what it seeks to delete.

Marco Biagi recognised the leadership role that Government can play and the need to normalise cycling. You pointed out the great work that Transform Scotland has done with its document "Civilising the Streets", and you referred to the need for cycle lanes. Such provision would have an impact. Clare Adamson touched on the underrepresentation of women in cycling, and I think that we would see more of both genders on the roads if we had more segregated cycle lanes. Malcolm Chisholm was right to put safety at the heart of a successful cycling culture, recognising

some of the excellent paths that we have in the city, but also the overwhelming support for more segregated paths and better infrastructure.

Fiona McLeod touched on the impact that social enterprise has in increasing cycling confidence and referred to the excellent work that is going on in Bishopbriggs. Here in Edinburgh, The Bike Station has done much to boost cycling. It takes in old bikes, refurbishes them and sells them at a reasonable price. It has queues round the corner in south Edinburgh on a Saturday morning. You also pointed out the tourism-boosting potential of cycling and the opportunity to attract tourists and locals to use forest tracks.

I look forward to John Lamont taking up Helen Eadie's challenge to join competitors in her constituency. I am certainly going to take up the challenge and join the minister and others at the pedal for Scotland event in September.

The importance of better cycle parking at railway stations was also raised.

Clare Adamson focused on the fact that many young people—often males—are involved in cycle accidents. Cycle training and education have a big part to play in improving the situation. You also referred to the impact that the introduction of 20mph zones has had on accident rates.

I say to Nanette Milne that the Association of Directors of Public Health has called for far greater investment in active travel, notably for public health spend reasons. It is calling for 10 per cent of transport budgets to go to active travel. Its report is endorsed by more than 110 specialist and professional bodies, from the Institute of Highway Engineers to the British Heart Foundation.

I do not share Nanette Milne's view that Boris Johnson is the nation's favourite cyclist. I will perhaps keep my views on my favourite cyclist to myself.

I do not intend the motion to be prescriptive. I am simply seeking focus on the issues.

Claudia Beamish was right to point out that any fatality and accident is one too many. We could have a look at Sweden's zero fatality approach. You spoke about people cycling home with guitars and so on on their backs. It is important that we normalise cycling as part of everyday life. It is notable that, in 1950s Britain, the cycling rate was 15 per cent, which is higher than Germany's current 9 per cent. Perhaps that is because the roads were less congested. We can take heart from that.

Cycling has so much to offer. It is cheap, it is healthy and it benefits local economies. Parts of the United States have not just business improvement districts but bike-friendly business improvement districts. They have sussed out that

one car parking space can take 10 to 20 bikes. In that way, they get more people in the shops, and people on bikes are more likely to stop and engage with their local independent stores. I would not often think of looking to the United States for green initiatives, but some excellent things are happening across the water.

As Nanette Milne pointed out, cyclists are less prone to the western diseases that afflict far too many Scots. I just think that cycling has so much to offer us as a nation. It does not all have to be about big investment. Small-scale local interventions can be highly cost effective. Confidence is delivered by safe routes to school projects, and workplace travel plans can reduce peak-hour congestion in a way that new large-scale road projects will never be able to compete with.

When a committee held an inquiry into active travel in the previous session of Parliament, there was cross-party agreement on the need to increase funding and resources to make our ambitions for cycling a reality.

Members might wish to know not only that the bicycle is generally agreed to have been invented by Kirkpatrick Macmillan but that the first cycling offence, which was recorded in 1842, was by the same man. He knocked over a girl in the Gorbals area and was fined 5/-. It is my hope that, long before 2042—200 years since that dubious milestone—Scotland will be able to stand tall and compare itself to those countries that have already turned their vision into reality.

I hope that, at decision time, we will show again that all parties in the Parliament are serious about and committed to transforming the way in which we travel in Scotland.

**The Deputy Presiding Officer:** That concludes the debate on cycling. Before we move on to the next item of business, I respectfully remind members that they should speak through the chair in debates and not directly to each other.

## Local Energy Companies

### **The Deputy Presiding Officer (Elaine Smith):**

The next item of business is a debate on motion S4M-02523, in the name of Patrick Harvie, on local energy companies.

10:25

**Patrick Harvie (Glasgow) (Green):** When the Greens bring motions to the chamber for debate, we usually take what we laughingly call a soft-and-spiky approach. We lodge one consensual and constructive motion that seeks cross-party support, and another that might be a wee bit more confrontational. For some reason I usually end up with the confrontational one—I cannot think why that might be.

Today, we are doing it a little bit differently. We genuinely hope that the motion on local energy companies, like the motion on cycling, can move forward an argument on a cross-party basis. There should be political support from across the spectrum for local energy companies.

I begin by mentioning Jonathon Porritt, who spoke at the opening of the Scottish Renewables conference this week. He can speak the language that an audience full of professionals will readily understand while saying something really revolutionary. He said,

“We are in the very early stages of the most radical transition in the history of mankind”,

and he set out a vision of a 2020 target of 100 per cent equivalent of our electricity consumption coming from renewables, and a longer-term vision of an entirely renewable future. The Scottish Parliament should be proud of its commitments on climate change and renewables, but in those “very early stages” of the transition, we are missing a trick.

That transition or transformation in our energy system will require a huge amount of work and, no doubt, many will see it as an opportunity to make a lot of money—indeed, that is happening already. To be sure, the private sector has a central role to play, but the Greens have brought the debate today to develop the case for keeping a share of this new, growing industry in the hands of the public and communities, and to call for the Government to take a more proactive approach to ensure that that happens.

If we do that, two of the many benefits that could be achieved go way beyond the renewable energy targets alone: it would generate revenue for public services; and it would build public support for an important industry that can be made to serve the common good. The transition that we seek and

need will take place only with public support, yet there is a growing perception of private sector profiteering. Sometimes that perception is accurate, and sometimes it is needlessly fuelled by those who are opposed to the action that we have to take on climate change.

The profits of the renewable energy industry are certainly significant, as is the contribution made by the public through taxation and energy bills. The danger is that a reaction to that situation will prevent us from making the transition to a sustainable energy future that we need to make. It does not have to be that way. We can build public support by sharing the economic benefits of the industry.

Revenue could be generated for local authorities and other parts of the public sector, which could have huge benefits. I was recently at a site at Laurieston on the south side of Glasgow—next to the Citizens theatre, for members who are familiar with that area—where a huge amount of housing is about to be built. Some of it will be social housing, and some will be private sector housing and therefore for sale. That is exactly the kind of area where, if the public sector could make a bit of extra investment, we could build in transformational technologies using really low-carbon and genuinely passive housing standards and microrenewables to achieve a long-term energy supply for the community. With the power of the public sector, we could generate energy, yet we do not do such things because local authorities do not think in that way.

That said, there are some examples of local government trying to develop models. I will run through a few of them. Perhaps the most familiar example to members of this Parliament is Aberdeen Heat and Power, which is a not-for-profit company that was set up by Aberdeen City Council 10 years ago. The carbon emissions from the buildings involved have been reduced by about 45 per cent, and typical fuel costs to tenants have been reduced by more than 50 per cent.

Down south in Woking, Thamesway Energy Ltd, a company that is wholly owned by Woking Borough Council, aims to promote energy efficiencies, develop new technologies, produce and supply energy and acquire and hold interests in other companies. The council recently set up a joint-venture company, as it recognised that a wholly owned public company is limited by some of the constraints on capital controls that are imposed by central Government. Therefore, the different model of a joint-venture company has been adopted.

In Islington, the Bunhill energy centre is investing in local energy generation and reducing energy costs to households and businesses, as well as the carbon footprint. Sheffield has one of

the largest district energy networks in the United Kingdom. It started out serving just a few buildings and now serves more than 140 buildings, reducing carbon emissions by about 21,000 tonnes every year. I do not have time to read through all the examples that I have, but there are similar schemes in Bristol and Norfolk and elsewhere in England and Wales. However, very little is happening in Scotland.

**Kevin Stewart (Aberdeen Central) (SNP):** The Aberdeen combined heat and power scheme has got it right in my opinion. In part, the expansion in recent times has been down to the £1 million grant that was received from Government, which was most welcome. Does Mr Harvie agree that, although lessons should be taken from Aberdeen and exported elsewhere, that should not be down to Government insistence, and that it should be up to local authorities to move forward in their own way?

**Patrick Harvie:** That gets to one of the central issues. There should not be insistence, but there should be strong and compelling leadership at local and central Government level, in which the minister has a crucial role. I am slightly disappointed by the Government amendment, which deletes significant aspects of the motion that detail the role that local energy companies could play.

The Government amendment discusses a document that has been produced by the Convention of Scottish Local Authorities and the Scottish Futures Trust. I have seen the draft of that document, which was dated June 2011, and which was on the Scottish Futures Trust website. Just yesterday, the final version, dated August 2011, was added to the website. It is encouraging that my motion led to at least some action being taken before I even got to my feet to speak. However, if the Government does not proactively give leadership on the issue and does not even put up information on the website, we will not make progress. In conversation with my office yesterday, the SFT was keen to emphasise that no local authority has produced proposals recently, but that is no great surprise if the leadership is not there and information is not being circulated.

The forms of support that are needed from Government include financial support. As Kevin Stewart mentioned, such support has been given. We also have the renewable energy investment fund, which was announced last week and which will have elements of district heating and community renewables within its remit. We need to define the term “community” clearly because of the wide range of models that I talked about and the different balance of cross-party support in local authorities for different business models. Some

promote wholly owned companies, some tilt more towards the private sector, whereas others prefer co-operatives, community interest companies or social enterprises. All those models are good, but they all need leadership if they are to happen.

As well as financial support, leadership needs to be about bringing together skills and experience and building partnerships to ensure that local authorities can make progress. At present, local authorities have a difficult balancing act just to provide basic services.

A report back from Government to Parliament on the issues would be of great benefit, so I am happy to support the Labour amendment. We need a proactive approach from Government on the issues, and a report back would certainly help to keep them on the agenda. Even better would be a commitment to a number of projects that could be developed during this parliamentary session. Shortly, Scotland will elect councils for another term in office. By the time that the councils that we elect in May have completed that term, the natural and default situation for every single one of them should be that they are working with a local energy company of one model or another—wholly public, a partnership, a co-operative or whatever. Different councils will find different solutions that are appropriate for their areas.

It would be bizarre—it would be unthinkable—if, in a few years' time, local government did not see itself as having a role in public investment, not only in energy efficiency but in renewables. That investment can be paid back if local energy companies also have the power to become electricity retailers in the community.

There is the opportunity for a transformational vision, not just of meeting our renewable energy targets in Scotland but of local, public and community ownership.

I move,

That the Parliament reaffirms Scotland's ambitious targets on climate change and renewable energy; considers that the private, public and third sectors, including co-operatives and community bodies, all have a role to play in developing a clean energy future for Scotland; is concerned by the growing perception that the renewables agenda is benefiting only big business, instead of serving the common good; believes that great public benefit could be achieved through the creation of public energy companies at local authority level with a remit to invest in publicly owned renewables, lease public assets to appropriate renewable energy developers and buy energy on the wholesale market to become a domestic supplier in the local community; believes that such public companies would generate clean energy as well as revenue for valuable new public services such as energy efficiency investment and support for community owned renewables projects and that the shared benefits would help to foster public support for renewable energy, and calls on the Scottish Government to investigate the concept of local energy companies and to provide assistance to local

authorities and other organisations in developing proposals.

10:35

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** I am delighted to accept the invitation in the wording of the motion to reaffirm Scotland's commitment to its ambitious, world-leading climate change targets. We will harness the best of our country's assets—our people, our natural resources and our ingenuity—to ensure that Scotland leads the way in renewable and low-carbon energy.

As Patrick Harvie mentioned, public support is being built, and it will continue to be built. This week, 11,000 jobs have been created in the renewables sector, benefiting communities such as Orkney and the Highlands and many rural parts of Scotland.

Our draft electricity generation policy statement sets out an energy policy that will provide the key pillars of delivering secure and affordable energy and a cut in greenhouse gas emissions, achieving maximum economic benefit for Scotland.

Electricity is just part of the story. We need to reduce demand and improve energy efficiency. We also need to make significant progress on renewable and low-carbon heat, as well as sustainable transport. I commend to members a visit to the newly opened SSE centre at One Waterloo Street in Glasgow—a museum of modern renewable energy, where one can hire an electric car for an hour or so at a reasonable rate. Perhaps Mr Harvie might like to take up that option to learn to love the motor car, albeit the electric one.

While I acknowledge the perception in some quarters that the renewables agenda benefits only big business, that bears no relation to reality in Scotland. Our target for 500MW of community and locally owned renewables by 2020 could be worth up to £2,400 million to Scottish communities and rural businesses over the lifetime of those projects.

**Patrick Harvie:** I am glad that the minister mentions the 500MW target. It includes local ownership, and not just community ownership. My motion is about community and public ownership. Will the minister confirm that the fund announced last week will not use the same definition and that, when it talks about community ownership, it will talk about genuine community ownership and not local/private sector ownership?

**Fergus Ewing:** We clearly and explicitly want to encourage communities to own renewables schemes. There is no dubiety about that so far as I am aware. That is the best model—in which there is ownership, and not just the receipt of a cheque,

albeit a bigger cheque than used to be the case, because the tariff is now moving up to £5,000 per megawatt. The best model—the one to which we aspire—is one in which communities have a stake in the ownership, such as Falck Renewables in Fintry. We want Scotland's communities to benefit as owners and not just as recipients of cheques, no matter that that in itself creates great benefit. Once again, Mr Harvie and I are in agreement.

Our community and renewable energy scheme will provide some £25 million over the next three years to support community and locally owned renewables projects across Scotland.

The SFT and COSLA have been working to highlight examples of public sector involvement in renewables and the main commercial structures for local authorities to take forward those schemes. We welcome that work and we will support it where possible.

However, the suggestion that local authorities should form local energy companies to enter the energy wholesale market is a different matter. It raises a challenging and complex set of issues, in which market participants take on significant contractual and financial liabilities and are exposed to significant market and financial risk. That is extremely uncomfortable territory for public sector bodies on fixed budgets, which, they tell us, are already stretched to the limit.

The market is challenging for new entrants. The vast majority—up to 90 per cent—of wholesale electricity market trading happens between generation and supply businesses in vertically integrated companies: the big six are SSE, Scottish Power, RWE npower, EDF Energy, Centrica and E.ON. The remaining over-the-counter business happens either through third-party brokerage or on trading platforms for electricity products—power exchanges—where there are membership fees and other requirements. The key point is that taking part in that market demands that challenging credit and collateral requirements are met. Market participants must be able to access and agree credit, the cost of which fluctuates proportionately to their perceived capability to manage risk. They must post collateral as security for their trading activities and must have the institutional capacity and capability to understand how the market works. They must also properly resource their risk—that is essential in protecting consumers from the unacceptable costs of short-term or irresponsible trading and from a market player going bust. It is not an attractive proposition for a local authority.

**Liam McArthur (Orkney Islands) (LD):** I do not play down any of the problems and complexities that the minister has outlined. However, community development trusts have got into the

market in recent years and have faced some of the issues that he has outlined, albeit on a smaller scale. Therefore, the issues that he is addressing are not insurmountable.

**Fergus Ewing:** Those are suppliers of capacity, not retailers of electricity—there is a difference.

We are happy to look carefully at the emerging possibilities. The current market arrangements are not perfect—far from it. The lack of competition and the difficulties that new entrants to the market face are significant issues, which we want to address with the relevant bodies including the Office of the Gas and Electricity Markets. We support more competition in the market. However, as Liam McArthur and others will agree, it would be foolish and irresponsible of us to ignore the practical, serious and massive financial liabilities that can be associated with entering the market.

We are happy to accept the Labour amendment. Government is accountable to Parliament and it is correct that we should report to Parliament, and that is what we will do. That is a sensible proposal. To Mr Harvie, I suggest that there are real, significant and unavoidable barriers to and risks in local authority engagement in the electricity market and that a clearer and more obvious path is through public and community bodies playing a stronger role in developing renewable energy projects for the benefit of local communities.

I move amendment S4M-02523.1, to leave out from “creation of public energy companies” to end and insert:

“work being done by the Scottish Futures Trust in partnership with COSLA to help local authorities realise this ambition, highlighting opportunities to provide exemplary community benefits from renewables schemes on the public estate, publicly owned renewables and the lease of public assets to appropriate renewable energy developers; believes that public sector involvement in the renewables sector can generate clean energy as well as revenue for valuable new public services such as energy efficiency investment and support for community-owned renewables projects and that the shared and community benefits would help to foster public support for renewable energy, and calls on the Scottish Government and the Scottish Futures Trust to continue to work with COSLA, local authorities and other organisations in developing proposals.”

10:42

**Sarah Boyack (Lothian) (Lab):** I very much welcome the debate on local energy companies and hope that it will stimulate action. We will not all agree on everything, but I suspect that there is enough on which we agree for us to be getting on with. The Parliament set an ambitious target for a 42 per cent reduction in CO<sub>2</sub> by 2020, and Labour believes that energy efficiency, with local heat and energy in our buildings and in our transport, must be part of the solution. I will not engage in a lengthy debate about the exact nature of the

Government's ambitious targets for renewables. Suffice it to say that we believe strongly in a balanced approach to energy supply that lets Scotland lead the way on renewables while remaining part of a United Kingdom energy market so that we can both export energy that we generate from renewables and use it ourselves. We must be able to export energy to the rest of the UK and import base-load when we need it.

The key issue is the need for a decentralised set of heat and power networks across our local communities. Such an approach would be a highly efficient way in which to generate heat and power and could provide much-needed base-load. We believe that it is the missing link in energy and heat supply in Scotland. If we had been elected to government last summer, we would have implemented radical plans for community renewables. We see local authorities as vital partners and key agents in leading the way.

The motion talks about the perception of renewables as being all about the benefits to big companies. It is vital that local communities and individual members of society are able to get direct benefits from the renewables revolution. Patrick Harvie mentioned some of the fantastic community projects that now exist throughout Scotland using co-operative, community trust and social enterprise models—whatever is appropriate locally. There is a big gap, however, caused by the fact that local authorities have not played their full part.

Council house tenants, housing association tenants and people who are on low incomes will never be able to benefit from technologies such as solar panels, solar water heating and combined heat and power schemes unless they are procured collectively on a mass scale.

I have mentioned many times the fantastic work that is being done in Aberdeen. I am glad that it has been namechecked today, but it should not be the scheme that we must always mention—there should be lots of others. That is why we need to put some political energy behind the process today.

Last year, our idea was to have a £100 million scheme that was based on the principles that Birmingham City Council adopted. Its model involved setting up a social enterprise company to bulk-buy solar panels for council house tenants. The council also reinvested in energy efficiency and in a new wave of solar panels across the city. It has now been joined by a host of other authorities. In north-east England, five local authorities are working together to do the same procurement work.

We would have worked with an initial 10,000 houses, alongside energy-efficiency work. We are

not doing enough to address fuel poverty, and such an initiative would have helped to boost work in that area. Patrick Harvie referred to the new revenue that we could invest in such a process.

Fergus Ewing is right—it is an incredibly tough time for local authorities, which have had to bear the brunt of 89 per cent of this year's budget cuts and are shouldering record debt levels. However, local authorities know local housing. We are not using their expertise and knowledge. They have the power to be transformative by establishing decentralised energy and heat networks. They are in charge of the planning framework for buildings and of transport and zero waste planning locally.

Local authorities could really make a difference. The levers are potentially at their disposal and they have the powers that they got under the previous Labour Government to buy and sell energy for their residents, but they have competing demands on their time. I say to the minister that the issue is not about him requiring local authorities to do things or ruling out what they can do but about transformational leadership to give them the capacity and the support to take on and lead on the agenda.

**Kevin Stewart:** Will Ms Boyack give way?

**Sarah Boyack:** No—I have only one minute left.

I welcome the minister's support for our amendment. We believe that it is crucial that the Government comes back to Parliament. The cross-party group on renewable energy and energy efficiency regularly debates the issue, which needs to come back to the chamber and to committees. We need serious political momentum behind the decentralised energy and heat movement. Our local authorities are best placed to lead on that, but they are not doing so. Communities can do such work, but it is not happening on a local government scale.

The Scottish Government has a key role in leading on the issue. Patrick Harvie mentioned the local government elections. Glasgow City Council has done work on wind turbine development, which is producing energy and a sustainable income for the warm Glasgow fund. The City of Edinburgh Council wants to develop radical community co-operatives, and Dundee City Council wants to look at buying and selling energy.

The agenda is radical. We do not want just one or two local authorities to do such work. All of them need to engage with it, on their own terms. The minister could play a vital role in giving them a lead.

I move amendment S4M-02523.2, to insert at end:

“, and asks that the Scottish Government reports back to the Parliament on progress.”

**The Deputy Presiding Officer:** I call Mary Scanlon, who has a strict five minutes.

10:48

**Mary Scanlon (Highlands and Islands) (Con):** I, too, thank the Scottish Green Party for bringing the debate to the Parliament. I agree with most of Patrick Harvie's motion—I am sure that he can guess the two or three lines with which I disagree.

There is no doubt that much can be gained from local energy companies and that the topic merits further discussion and consideration. We can learn from experience, as highlighted by Kevin Stewart. I will highlight a good experience and a bad experience. I find quite exciting the enhanced support that is now in place for local energy companies that the Government's amendment highlights. I noted the minister's comments about local authority energy companies.

As well as the private, public and third sectors, co-operatives and communities can work together to produce clean energy. I will give two examples: the Isle of Eigg, which is a blueprint for success, and the Caithness Heat and Power project, which is run by Highland Council but which cannot be deemed a success in any form.

Highland Council proposed to tackle fuel poverty in Wick by forming a new limited company—Caithness Heat and Power—to establish a woodchip scheme to provide electricity and cheaper heating for tenants. Those aims were worthy. The scheme started in Pulteneytown in 2004 to provide a renewable heating system for up to 500 houses.

There is no doubting the good intentions behind the project. However, after several years, many problems and an Accounts Commission investigation, it was found that there was a lack of appropriate risk management, and that Highland Council had faced many other problems, from the project's inception in 2002 through to its delivery.

Caithness Heat and Power was abandoned in 2008. At the time, it was said that

“the technology originally chosen for the project is not capable of reliably and economically fulfilling its objectives.”

Although the project cost £14.65 million, the company was transferred in December of last year for £1. Caithness Heat and Power experienced technological and financial problems, with Highland Council having to pay back a £2.9 million grant and also having to pay to reconvert the 247 properties that had been modified at a cost of £2.3 million. Highland Council tried to recoup money from the £14.65 million project by selling off 14 lots online last year, including a boiler and a woodchip drier.

The council is still pursuing £152,000 of outstanding electricity bills, but the system's design prevents effective disconnection of individual customers without affecting others. A local councillor stated last week in the *John O'Groat Journal* that the £152,000

“was not run up as result of people in fuel poverty struggling to pay their bills but by opportunists taking advantage of a flawed setup.”

I highlight the project because, as others have said, we have to learn from experience.

The community on the Isle of Eigg had the opposite experience and its scheme is undoubtedly an outstanding success. Diesel generators provided electricity to the community for decades, but Eigg Electric can now provide 24-hour power through three hydroelectric generators that produce energy from water as well as four small wind turbines and solar panels.

An essential consideration of the design and development of the project was that it should not impact on the natural beauty of the island. The cable routes, both grid and domestic, are buried—unlike the Beaulieu to Denny power line.

The total generation capacity of the system is about 164kW at any time. The system is designed to provide 95 per cent of the power consumed on the island and it allows for population growth. Residents of Eigg can use only what they produce and, to ensure that no one goes short, each house has a maximum use limit of 5kW and each business a maximum use limit of 10kW at any one time. People spread their use throughout the day, the system is simple and meters are used to display electricity usage at all times, with surplus power distributed to community halls.

Eigg is an excellent example of full support being given, altruism and partnership in the community as everybody pulls together for the common good.

I will cover the other points when I sum up.

10:53

**Mike MacKenzie (Highlands and Islands) (SNP):** A few years ago, I was lucky enough to be invited to a community conference on the island of Gigha, just after the people there had switched on their three wind turbines—the dancing ladies of Gigha—which are Scotland's first community-owned wind turbines. We were taken out to see the turbines on a warm sunny day, with a few puffy white clouds lazily floating across a blue sky. Cattle grazed peacefully beneath the turbines and the turbines turned gracefully in the warm breeze. I felt as if I was in a Dali painting. Everybody was smiling.

Another kind of energy and another kind of power was being kindled on Gigha that day: community power, because a community had been empowered at last to tackle its long-standing problems and was generous enough to want to share its new-found knowledge and empowerment with other communities.

I have some sympathy with Patrick Harvie's motion, but I am afraid that I cannot support it as it stands. Nothing stands in the way of any local authority that wishes to take up his suggestion, but I fear that local authorities are not always well equipped to follow that route. I am concerned, too, about Patrick Harvie's antipathy towards business, and big business in particular. As with all things, there are some bad businesses—large and small—but also some very good ones.

The Government has set some very ambitious targets for climate change and renewable energy generation, but it cannot achieve those targets on its own—no Government can. We must enlist businesses, large and small, and communities at all levels to help us to meet those targets. That is a great and a common endeavour.

With infinitely renewable energy, which in time will become inexpensive, we can solve many of our other problems. We can create not only jobs but fulfilling careers, we can create prosperity and we can end fuel poverty.

**Claudia Beamish (South Scotland) (Lab):** Will the member take an intervention?

**Mike MacKenzie:** No, I have only four minutes.

Little Scotland can, by becoming the world's laboratory, make an unparalleled contribution to mankind in solving the problem of our renewable energy supply and exporting the technology and the knowledge across the planet. However, we will not achieve that through the narrow-minded exclusion of big business, because business excels at innovation—

**Patrick Harvie:** Will the member give way?

**Mike MacKenzie:** No, I am sorry—I have only two minutes.

Business excels at investing in new technology, and if we are to fulfil those targets and achieve all the benefits that come with that, we will need the massive investments that only big business can provide.

We can do that while ensuring that our communities also benefit by undertaking their own renewable projects or by collaborating with business in joint projects. In fact, we are increasingly doing that, and I commend our Government for setting another ambitious target of 500MW of community energy by 2020.

For those reasons and more, I am pleased to support the amendment in the name of the minister, Fergus Ewing.

10:57

**Mark Griffin (Central Scotland) (Lab):** I hope and believe that the Parliament will reaffirm Scotland's ambitious targets on climate change and renewable energy, and I am happy to continue to commit to that position on behalf of my party.

The renewable energy target follows on from the climate change target, and the reasons for tackling climate change are well rehearsed and become more apparent every day. I am proud that Scotland, through the Parliament, is leading the way in tackling climate change and I am happy to reaffirm my commitment to the targets that have been set.

The motion that Patrick Harvie and the Green party have lodged is right: there is a growing perception that the renewable energy agenda is benefiting only big energy companies or wealthy landowners, while local people often feel that they suffer from the consequences. In the case of large-scale wind developments, for example, communities often see little or no benefit.

People are becoming more concerned that the renewables agenda is pushing up their electricity bills. With one in three people affected by fuel poverty, that is already a massive issue that will keep getting worse as earnings remain static and energy prices continue to rise.

**Mike MacKenzie:** Will the member take an intervention?

**Mark Griffin:** I am sorry, but I am tight for time.

It is right that we should push for the creation of public energy companies that are publicly owned and publicly controlled and which deliver the benefits of renewable energy in our communities in the form of locally generated electricity, which is more efficient because of reduced transmission losses. The profits from the sale of the electricity can be reinvested in additional renewable developments or in adapting homes in our most deprived communities to reduce energy consumption, to help to lift people out of fuel poverty and to ensure that people do not have to choose between heating and eating.

Regardless of whether profits are reinvested in further renewable projects or in energy conservation methods, the revenue that is generated is, due to the nature of renewable electricity generation, also renewable and can be used to continue to stimulate the local economy. That would be a welcome boost to engineers who are looking for employment, or to builders who are



currently looking for work as a result of the lack of new housing developments. Alternatively, profits could be invested—as the motion suggests—in providing front-line services at a time of reducing budgets.

Programmes to reinvest profits in new renewable projects or housing improvements can be supplemented by modern apprenticeship schemes, which many local authorities are running. As alluded to in the motion, it is hard to imagine a scheme that could contribute to so many Government priorities: reducing emissions and energy consumption; boosting sustainable economic growth; reducing fuel poverty; and increasing employment generally and youth employment in particular. That can all be done in a sustainable manner by a publicly owned and controlled company. It is enough to make me smile just to be talking about publicly owned companies in Parliament, although that sentiment might not quite be shared across the Parliament.

I am glad that the Green party lodged the motion, because it has given us the chance to debate public ownership and the change in public perception that could be achieved if the renewables revolution was being driven by the public sector to benefit communities and not big business, with profits being reinvested in reducing fuel consumption and fuel poverty rather than electricity bill premiums delivering dividends for shareholders.

I hope that the Parliament can unite around the principles of the motion and that members will also agree to the amendment in the name of Sarah Boyack, so that we do not lose the opportunity to track the progress of the concept and possibly give members the chance to feed into the development at a future stage.

11:00

**Dennis Robertson (Aberdeenshire West) (SNP):** The city of Aberdeen is recognised as the oil and gas capital of Europe, and my constituency of Aberdeenshire West hopes to become the renewables capital. That is our mantra.

It is important that big business supports the renewables industry and uses its expert knowledge, skills and workforce to take it forward. There are many good community projects in Aberdeenshire West. For instance, as I mentioned in the chamber a couple of weeks ago, Grampian Housing Association and Huntly Development Trust have come together to work on a wind turbine project to generate local power for the community. The money that will be generated in the community will go into building affordable houses and other projects in the community. The project is wholly community owned. It is

community based, community driven and community supported.

Also in my constituency, in Hill of Banchory, within the next eight to 10 weeks a biomass heating scheme will come on stream, which will support more than 600 houses, using the natural resources in the area's woodland estates. That is the way forward: local communities taking ownership and benefiting from such projects.

Since 2007, the Scottish Government has given at least 800 grants to community projects. That is progress. That is about supporting community initiatives. Although, as far as I know, Aberdeenshire Council has no plans to become an owner of local renewable energy suppliers, it has been involved in supporting communities. I give Patrick Harvie an assurance that I am happy to engage with Aberdeenshire Council to see what more it can do on renewables and support for community initiatives in Aberdeenshire West.

The small community of Finzean, which I am probably the first to mention in the chamber—it is a word I like saying—has a fantastic community renewables project: a biomass system that supports its village hall. It also benefits from three water mills that have been there since the 19th century and which have heritage status. They continue to operate, and the energy and power that they generate support the sawmills that provide the fuel for the community's biomass system.

There is a lot to be said for community ownership, and I endorse the communities that have done that in my constituency. Again, I say to Mr Harvie that I will engage with Aberdeenshire Council and I am happy to engage with him to take that agenda forward.

11:04

**Liam McArthur (Orkney Islands) (LD):** I, too, congratulate the less spiky, new-style Patrick Harvie on bringing the debate to the chamber, and confirm that his motion and Sarah Boyack's amendment will enjoy the support of the Scottish Liberal Democrats at decision time. The issues that the motion highlights have certainly featured in our previous energy debates, but they have struggled to enjoy the prominence that they deserve in what is undoubtedly a crowded market.

As we seek to underscore Scotland's potential to lead the way in the development of renewables, harnessing our natural resources, exploiting our skills base and capturing jobs and wealth creation opportunities, perhaps there is a risk that we will convey the message that size and scale are imperative. It is certainly true that we should aspire to nurture indigenous enterprises that are world leading in all aspects of the renewable supply

chain and energy efficiency, but we also need to be alive to the opportunities for our local communities from the move to a low-carbon future. In his motion and speech, Patrick Harvie set out very well some of the ways in which that could happen that are applicable across the country, but I will pick up the minister's implicit invitation and use Orkney to illustrate some of what is already being achieved and the potential for realising more of the objectives that are set out in the motion.

Orkney is fiercely proud of our place at the centre of the global development of marine renewables. Likewise, we take nothing but satisfaction from the interest that is now being shown by the likes of Siemens, Voith, Kawasaki, Scottish and Southern Energy, Scottish Power, E.ON and others in the various wave and tidal projects that are being progressed in the waters around our islands. If we are to avoid those technologies and industries going the same way as onshore wind in the 1970s, it is vital that we are able to demonstrate at scale what the devices can achieve. The involvement of such major industrial and energy companies in that process increases the chances of making that happen in the timescales that we need to see.

**Mike MacKenzie:** Will the member take an intervention?

**Liam McArthur:** I am sorry, but I do not have enough time.

Patrick Harvie is right: we need to do more to demonstrate how the renewables agenda can and will serve the common good. Like Sarah Boyack, I am a strong supporter of a more decentralised model of energy generation, and I think that the potential for using smart grids has been underplayed over recent years. In Orkney, the establishment of a regulated power zone has allowed far greater flexibility in how we use our grid capacity. As a result, we have been able to unlock and unblock a host of renewables projects in the islands, many of which are community owned, that otherwise would have struggled to gain access to the grid. In turn, that has encouraged increasing numbers of community bodies, development trusts and co-operatives to bring forward projects. Most of the smaller islands in Orkney now have turbine developments that they own and from which they derive invaluable sources of revenue.

The capacity of local and community-owned projects in Orkney totals over 14MW, and more projects are in the pipeline. Orkney Islands Council has taken a stake in one of them, which demonstrates the role that local authorities can and should play in the development of the sector.

Of course, flexibility in the models that might be adopted is key, but as last year's report by COSLA and the Scottish Futures Trust highlights, there are plenty of examples of what works from across the country, including partnership and arm's-length options. As Patrick Harvie observed, most of the examples appear to be from south of the border, sadly, but whatever the model is, the benefits—from better utilising assets and hedging against future energy costs to generating much-needed revenue and addressing issues such as fuel poverty—can be considerable.

Orkney is showing itself to be particularly innovative in that respect. Care4Energy Ltd, which is a local co-operative venture that involves public, private and voluntary sector stakeholders, including the council, is being established, and fuel poverty reduction and the provision of access to affordable energy for all in the island community will be among its aims. I am happy to provide the minister with more details about Care4Energy and the objectives behind it. It further illustrates how the common good can be well served by co-operative endeavour and full engagement by local authorities and the public sector.

I congratulate Patrick Harvie again on securing the debate, and look forward to seeing a renewed focus and leadership on this aspect of the renewables revolution.

11:08

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** I, too, thank Patrick Harvie for bringing the issue of local energy companies to the chamber for an important debate.

We should remind ourselves of the Government's ambition to increase dramatically the amount of energy that is sourced from renewables by 2020. It is clear that local energy companies have their merits in contributing towards meeting that aim. The Government says that it wishes to maximise the benefits for communities from renewable energy. In that regard, it is interesting that Patrick Harvie suggested that the debate might be confrontational. It has not been particularly confrontational, and it does not need to be, as there is a lot of common ground on the issue. Indeed, that was highlighted in his questioning of the minister after a statement on the renewable energy investment fund. Mr Harvie invited the minister to ensure that a wide range of bodies would be considered to be eligible to benefit from that fund, and the minister readily did that.

There is a lot of common ground in our starting positions on the contribution of local energy companies to the renewables agenda. That has been demonstrated by the Government's actions

in the past and during the debate. The Government's willingness to agree to the Labour amendment will ensure that the Parliament is kept abreast of work to foster local energy companies. I look forward to hearing more about the matter.

The motion says that there is a perception that the renewables agenda benefits only big business. I probably agree; that is an unfortunate perception. Many large companies are investing considerably in renewables infrastructure and Patrick Harvie was right to say that much of that work is good, although there are perhaps some issues in that regard.

However, it would be wrong of anyone to believe that the renewables agenda is benefiting only big business. The Government's ambition to fund and support the development of 500MW of community and locally owned renewables by 2020 will benefit communities. I was interested to hear about the community and renewable energy scheme, which is making a positive contribution by providing loans for the development of infrastructure. Of the 42 projects for which funding was announced in October 2011, 29 are community owned.

I instinctively have much sympathy with Patrick Harvie's position on publicly owned companies, but we should reflect on two issues. First, it needs to be demonstrated that local authorities want to enter the market. A criticism that is often made of this Parliament, rightly or wrongly, is that we encumber local authorities with a burden of responsibilities that they do not want. Secondly, I take on board the minister's comments about the limitations—fiscal, rather than legal. We can perhaps return to the issue in the future. I support the Government amendment.

11:12

**John Park (Mid Scotland and Fife) (Lab):** I disagree with Patrick Harvie; he has not been confrontational this morning—I am sure that members who remember debates on similar subjects in the previous session of the Parliament agree. He has made a positive contribution to the debate; indeed, the Green party has brought two positive issues to the Parliament this morning for us to debate.

Like Patrick Harvie, I am a member of the Economy, Energy and Tourism Committee. Our current inquiry into the achievability of the Government's renewables targets has thrown up two vital issues in relation to today's debate: planning and the need to engage communities in renewables projects; and the need to ensure that we have the people, the skills and the resources to deliver projects and deliver on the targets.

If initiatives such as those that members have described and those that are mentioned in the Greens' motion are taken forward on such a basis, we will ensure not only that cost-effective energy can be supplied in a way that is relevant to the needs of communities but that there are employment opportunities for people in schemes and that individuals who are engaged in the planning process will see the positive impact of renewable energy on them and on the wider community.

We are rubbing up against a key factor just now in this country. In general, people support the wider green agenda and what the Government is trying to achieve through renewables. However, there are concerns—sometimes fuelled by less responsible people in positions of influence—particularly around planning, cost and the employment opportunities that will be created. The debate addresses those issues specifically.

There is a role for the Scottish Government to play, as has been mentioned. There are examples of how, by providing small pockets of funding, it can facilitate change and make things happen. I will give an example from my area. The Fife works project is about giving vocational training opportunities to people in the workplace. As well as receiving funding from the Scottish Government, the project has been supported by the council and the housing association. Because of the Scottish Government's facilitation, it is delivering and meeting local needs.

Another example is the union learning fund projects, which have been going for about 10 years. Small bits of Government funding are bringing together partners from the public and private sectors and the trade unions, which enables them to go to colleges, to come to collective arrangements and to drive down costs. There is a role for Government to play in that regard. It is not always about throwing money at something; it is about ensuring that the structures exist to get the best out of what is there.

We will not always be where we are now. There are good projects that are looking at where the opportunities might lie in the future. The University of Edinburgh is taking forward the heat and the city project, which is a good example of scanning the horizon and seeing what we can do on district heating. Patrick Harvie mentioned a great number of initiatives across the country. I would like to mention the Ecology Centre in Kinghorn in Fife, which educates young people on the needs of the environment. The centre has brought forward a proposal for wind turbines so that it can be sustainable and continue to provide opportunities.

I am happy to support the motion.

11:16

**Mary Scanlon:** In my opening speech, I highlighted good and bad experience. Caithness Heat and Power could have benefited from the advice that is now available from Highlands and Islands Enterprise, which set up the Highlands and Islands Community Energy Company in 2004. That expertise and experience should help more local communities to develop clean energy. Last week, for example, it helped the Light House community cafe in the Hilton district of Inverness to benefit from solar installations to reduce its energy bills. As the cafe has fridges and freezers on all the time, those installations will reduce the charity's overheads enormously.

There are undoubtedly benefits and merits in local energy companies. Given the experience of Highland Council, I am pleased that Westminster has introduced enabling legislation—the Sale of Electricity by Local Authorities (Scotland) Regulations 2010—that permits local authorities in Scotland to sell electricity that is generated from specific renewable sources. The partnership between COSLA and the Scottish Futures Trust confirms that the regulations have promoted significant interest in how such projects can be taken forward.

The first project to take advantage of the enabling legislation was a wind farm in Bristol. However, the Forestry Commission is establishing six development partnerships across Scotland, and Scottish Water is progressing a number of renewables initiatives.

The “Report on the Commercial Aspects of Local Authority Renewable Energy Production”, which was produced in August 2011 by COSLA and the Scottish Futures Trust, gives a raft of advice on the appropriate commercial structure for a project, procurement contracts and tendering, as well as the use of frameworks for the design, installation, operation and maintenance of renewables facilities. When I read the report, I felt that if that advice and support had been available at the time of the Caithness Heat and Power project, the end result might have been quite different.

The report highlights further themes for exploration and research. It would appear that we are building up expertise and experience in the development and management of community energy projects, which, in future, will surely overcome the problems that, unfortunately, were experienced in Caithness.

I could not help but link community energy to the big society idea. As was stated about a month ago in *Scotland on Sunday*, Philip Blond, the director of ResPublica and the man behind David Cameron's big society idea, has cited examples of

community energy projects in a new paper by his think tank. The paper, “Re-energising Our Communities: Transforming the energy market through local energy production”, is excellent in showing how communities can work together to produce energy for the common good. Blond argues that community enterprises utilising renewable energy sources are the best way in which to tackle the problem. He highlights in that regard, as I have done, the Isle of Eigg Heritage Trust in the Hebrides.

**Mike MacKenzie:** Will the member give way?

**Mary Scanlon:** I will do so in a second.

**The Deputy Presiding Officer (John Scott):** The member is in her last minute.

**Mary Scanlon:** Also highlighted is the Fintry Renewable Energy Enterprise, which the minister highlighted.

**The Deputy Presiding Officer:** You are just about to close.

**Mary Scanlon:** Okay.

I agree with Patrick Harvie that leadership is required, and I thank him for the debate.

**The Deputy Presiding Officer:** Many thanks, and sorry, Mr MacKenzie.

11:20

**Sarah Boyack:** This has been an excellent debate. The motion captures the spirit of where a lot of our constituents are at the moment and reflects the change in the world that we live in. Energy supply and energy costs are absolutely fundamental for our communities and our society as we go forward. Where people have a stake in renewables, the attitudes are very positive. Members from across the chamber have talked with pride about communities that they know and understand. Whether in Eigg, Fintry, Gigha or Aberdeen, people understand the power of local energy production and the benefits that can come from it. That understanding transforms attitudes, and we should use that.

The problem is that energy costs are huge and are not going to get cheaper. The six big companies hold sway over the costs that we all pay. We can see the appetite for change expressed in the *Which?* magazine campaign to get a better energy deal for people, with more than 200,000 people signing up to the switch campaign.

We can act on the issue too. It would be a great pity if that community element of Patrick Harvie's motion was rejected, because there is a potential role for local authorities and Dundee Labour is campaigning on that aspect. Taking a decision on the risk involved would be up to local authorities,

but it would be good to help them with the process, because fuel poverty scars far too many households in this country. A third of our households live in fuel poverty, and we all know that that is a disgrace. The motion gives us an agenda for tackling that situation—which I believe is a crisis, as does Citizens Advice Scotland.

The situation needs political action, because 80 per cent of the houses that will be there in 2050, which is when we need to have met our 80 per cent carbon reduction target, have already been built. The agenda is therefore difficult because it is about not just new houses but existing houses. What the motion proposes is a transformative agenda, but it needs leadership because it is hard to achieve. It is about communities collectivising and pulling people together. I believe that if the Scottish Government put the same effort into promoting community, city-based and town-wide schemes as it puts into the big-scale renewables, it could make a huge difference. Over the past 12 years, successive Governments have put massive energy into community renewables and we can see the fantastic results in our communities in the Highlands and Islands. However, we need to ensure that that happens across the whole country, which is when we will see results.

I propose that the minister holds a summit with local authorities to talk about the agenda after the dust has settled following the local council elections. We will have a raft of new councillors and there may be changes in local authority administrations. We should give them a bit of time to settle down, but we should use the time between now and then to do some work so that we kick the process up a gear, to pick up on something that was said in the previous debate today.

The Energy Saving Trust has done a huge amount of work, but there is expertise across the UK. Local authorities need to be given support, but I would be the last person to be prescriptive about what they should do. In that regard, I want to pick up on the point that Jamie Hepburn made, because it is not about telling them what to do. The motion in front of us talks about a variety of models. We should let each local authority choose what is right for it but give it the expertise. We have given local authorities legislation on climate change and they are now meant to be working towards targets on carbon reductions. We have given them renewables targets, so we should let them be part of the process and give them assistance.

There are great examples of schemes and we need to know what has worked and why. Claudia Beamish has just told me of a scheme in the Borders and there are examples in Aberdeen, Glasgow and in Highlands and Islands

communities. There is a lot out there to learn from. The bit that we have not cracked in Scotland is the city-wide level. In that regard, work has been done in Birmingham that we could learn from.

So, let us move forward together. This is an agenda where we are missing a trick.

**The Deputy Presiding Officer:** You must close.

**Sarah Boyack:** Jobs could be created. Mark Griffin and John Park mentioned that. Let us work with the further education sector and the building sector and look at trades and skills, because there is something for everyone in the agenda.

**The Deputy Presiding Officer:** Please close.

**Sarah Boyack:** I hope that the minister will take a lead on the agenda.

11:25

**Fergus Ewing:** The debate has been excellent, and I am grateful to the Scottish Green Party for bringing the topic to the Parliament.

Many members of all parties made useful and informative speeches, and the debate has been revelatory of just how much activity there is in the field in communities throughout Scotland. We have heard from members about schemes from Orkney, Finzean, Aboyne, Glasgow, Eigg and Caithness. That is a sign of the success of such schemes and the growing interest of communities throughout Scotland in them.

As minister, I want to work with all parties in pursuing the objectives that the Government has set out. I am especially keen to continue to work with the Green party. The principal reason why we could not accept the motion, although we approached it from the standpoint of wishing to work as closely as possible with the Greens, is the statement that local authorities should

“buy energy on the wholesale market to become a domestic supplier in the local community”.

We do not rule that out—there is no regulatory barrier to it; it is possible, legal and permissible. However, it is important to separate the two issues.

We all recognise that locally owned generation projects, projects that provide local community benefit and projects that local authorities lead and drive forward through ownership or working with local communities are all good things. Where I differ from Patrick Harvie—it is a genuine difference—is that I think that it is extremely risky for local authorities to enter into the retail and wholesale markets and I am not convinced that it would be wise and prudent for them to do that.

However, if Mr Harvie wishes to discuss the details of the proposal with my officials, I would be delighted for him to do so. I make that offer to him and hope that he takes it up because we are most sincerely determined to continue to work with him and his colleagues—and all parties—on matters on which we are fundamentally in agreement.

I have lots more technical stuff, but I will leave it because, were I to go into that territory, I would not have time to deal with anything else. I put it to one side.

To respond to Sarah Boyack's point, we are, and have been, giving a lead. I will spell out the facts, because facts speak louder than words. Since May 2007, more than 800 grants for community renewables, worth some £16 million, have been allocated through the community and renewable energy scheme—CARES—and its predecessor. I acknowledge the work that Sarah Boyack did in her time. She gave a lead; we are following that up and giving an equal lead.

In 2011, we launched the CARES loan scheme. Grants are no longer permitted under the feed-in tariff—FIT—rules, so loans it has to be. They are for pre-planning costs and the scheme has a budget of £7.75 million. I inform members that 42 projects producing 56MW of renewable energy have been offered loans totalling £4 million.

From April—next month—there will be a public register of community benefits, which will provide transparency about the community benefits that companies offer. That will move us into a new era. The public estate is giving the lead and offering a higher financial response—£5,000 a megawatt for the Forestry Commission and, from next month, community-owned schemes in which the public sector is involved will require a much higher contribution than that.

We are driving up the tariff and companies are following. From meetings and discussions that I have had with companies, and not just big companies, I can report that many—probably not all, but many—desire to move away from paying as little as possible and want communities to feel that they are involved and valued, not exploited and abused. That is a very good thing and I strongly welcome it.

I agree entirely with Mary Scanlon's comment that we must analyse these things very carefully. Of course, the Eigg scheme has been very successful; however, the problem with the scheme in Caithness was that it was a bit too sophisticated. We must have an honest and open recognition of the need to proceed with great care. As many members have pointed out, the Scottish Government can play an important leadership role; however, it also has an important role in ensuring that advice is given. Indeed, we have provided

substantial support to the Carbon Trust and other bodies to provide advice on all manner of schemes, including schemes for energy efficiency and reduction, which I believe are coming more to the fore partly because of the work that the Greens have been doing over the years and to which I pay tribute. Many people are talking about this. It is just not enough to say, "We'll reduce carbon emissions and have more renewable energy"; we need to focus on the two different but related issues of cutting energy use and ensuring more energy efficiency. We are giving advice on these matters to people throughout the country and it is vital that we continue that work.

**Sarah Boyack:** Will the minister give way?

**The Deputy Presiding Officer:** No—the minister is in his last minute.

**Fergus Ewing:** I am very sorry; I would have taken the intervention but I have only 20 seconds left.

I am looking forward to the time when, with the will of all members, the Parliament might have more time—perhaps another day in the week—to debate these issues. I felt that time was constrained this morning and that members wanted to say more. I strongly believe that if Parliament had another day to discuss these issues it would be an excellent thing. Indeed, even Mr Harvie would have more time to speak, which is something that I am sure we would all thoroughly enjoy.

In that spirit of good will and consensus, I am happy to contribute to the debate.

11:31

**Patrick Harvie:** I thank all members for their speeches. I began by indicating that I would try to be a bit less spiky than I sometimes am but I am afraid that I am simply not willing to swap my morning coffee for camomile tea, so we will just have to settle for the standard that I manage to achieve. I have to say that I found it hardest to contain myself when Mary Scanlon suggested that we see this in the context of the big society, just as in the previous debate we were urged to see fans of cycling as fans of Boris Johnson. As members will understand, if we had thought that, we would have put it in the motion—but we don't, so we didn't.

Nevertheless, Mary Scanlon also mentioned certain successes and failures and talked about the need to learn lessons. I recognise and value that view, but we should also remember that lessons are only worth learning if we intend to put them into practice and I am glad that there is general cross-party support for the principle

behind the motion that we need to be doing a great deal more of this activity in Scotland.

**Mike MacKenzie:** Patrick, do you agree that it would be very helpful if the big society extended to Scotland's islands with regard to fair transmission charges?

**The Presiding Officer (Tricia Marwick):** I remind members not to refer to each other by their first names.

**Patrick Harvie:** I certainly agree with the point about transmission charges, although I continue to be sceptical about the big society concept.

Sarah Boyack talked about the benefits of collective action on procurement of, for example, solar panels and other renewables and also emphasised the need for leadership. It is for Government not to impose but to empower, but that is still a proactive action that Government needs to take. Sarah Boyack was also open to local government having a role in buying and selling energy.

Mark Griffin said that even having a debate on local energy companies was enough to make him smile. I am delighted to have spread a little joy around the chamber this morning.

Liam McArthur highlighted the importance of demonstrating not only new technologies but how the industry can be turned to the common good and mentioned the community benefits that have flowed from the 14MW of projects in Orkney. I very much hope that, as part of its inquiry into the renewable energy targets, the Economy, Energy and Tourism Committee will be able to visit Orkney and learn not only about the exciting marine developments on the islands but about equally important work focusing on the role of the community.

Fergus Ewing mentioned the 500MW target for community and local ownership and said that, instead of communities simply being the recipients of cheques, the best model was community ownership. However, the term "local ownership" is still a wee bit ambiguous. Local ownership by small businesses is not a bad thing. It is a good thing, but it is different from what we call for in the motion, which is community and public ownership. The minister said that he is uncomfortable with some of our arguments about local energy companies becoming suppliers. I am grateful for the offer to discuss the details with him or with officials—I will certainly take that up—but he placed a great deal of emphasis on the barriers. What we need is the will to overcome those barriers. I do not pretend that doing so will be easy or that we can do it with a snap of the fingers, but the political will needs to be there to do it.

Let us talk about something that we could do that might take us halfway in that direction. I give as an example a project in the Netherlands that I did not have time to mention in my opening speech. It is called—I know that I am going to mispronounce it—*met de stroom mee*. Apparently, the rough translation is "go with the flow". It involves the registration of 10,000 households who have agreed to let the project negotiate on their behalf directly with the energy companies. Using the bulk purchasing power of that many households, the project went on to secure bids from energy companies at a much lower cost per household than the average that they had been paying before. Such a project in Scotland would not go all the way towards what I am talking about, but it would certainly have a role to play, whether it took place in the private sector, the public sector or under a social enterprise model.

I restate the perception that I had when I visited Laurieston in Glasgow, which I mentioned in my opening speech. The investment that could be put in from either community or public sources to enable local energy generation or district heating is only going to be there if there is some means for the people who make that investment to get it back, and if they were able to become the supplier of energy to the community, that would enable them to do that. I am sure that there will be financial risks—the minister emphasised those—but we are also passing on a massive financial gain from the industry, and the private sector is surely not the only game in town. I hope that we will not be sceptical about the basic proposition of local energy companies and that we will move forward with the proposal.

Many members mentioned projects in their communities, more in the sense of community ownership than public ownership, whether that is Dennis Robertson bringing Finzean to the chamber or Mike MacKenzie speaking poetically about Gigha. Mike MacKenzie also suggested that I have an implied antipathy to business. Not at all. I was clear in my opening speech that we recognise the central role of the private sector, but if the renewables agenda is a common endeavour, as Mike MacKenzie described it, we need a sense that the benefits are shared for the common good. I want a renewable future for Scotland, but it would be a shallow victory if it led to yet another generation of increasing economic inequality in our society.

I am grateful for the general sense that we can do much more to progress the agenda. I am sorry to say that there is a growing perception that support for renewables is a matter of supporting big business on one side or big egos on the other. It does not need to be that way. The renewables transformation will fail to secure real social benefits and a fair share of the economic benefits

throughout our society, as well as the vital achievements on climate change, if we do not question the ownership structure and not just consider how quickly we can achieve the targets.

I am grateful to members for their contributions to the debate, and I look forward to further discussions with the minister on the issues.

**The Presiding Officer:** That ends the debate.

## Scottish Executive Question Time

### General Questions

11:39

#### Skills Development Scotland (Meetings)

**1. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive when it last met Skills Development Scotland and what issues were discussed. (S4O-00849)

**The Minister for Youth Employment (Angela Constance):** I last met the chair and the chief executive of Skills Development Scotland on 29 February, and I have continued to have regular phone contact with them since then. We discussed a wide range of issues relating to the training and employability of young people.

**Dr Simpson:** In my region of Mid Scotland and Fife, careers advisers are being removed from secondary schools and replaced with an online service. Does the minister agree that, as 102,000 young people in Scotland are without employment, it is important that any changes to the careers advisory service are evidence based and will improve employability? Will she agree to place in the Scottish Parliament information centre the evidence for such a radical change?

**Angela Constance:** I am disappointed that Mr Simpson sees the change as somewhat radical. He is talking about the introduction of myworldofwork.co.uk. We all know that our young people are in many ways far in advance of members in their use of technology. It is absolutely imperative to see myworldofwork.co.uk as an addition to face-to-face services. In a global sense, the reform and modernisation of the careers information and advice service seek to enable talented front-line staff to spend more time face to face with the young people who need the services most. If I can provide Mr Simpson with any information, I am happy to do so.

#### Planning System

**2. Patrick Harvie (Glasgow) (Green):** Members have not heard enough from me today.

To ask the Scottish Executive what plans it has to make changes to the planning system. (S4O-00850)

**The Minister for Local Government and Planning (Derek Mackay):** Yesterday I made a statement to Parliament outlining a package of proposals to support the continuing modernisation of the planning system.



**Patrick Harvie:** There is a perception among some that changes to the planning system will further emphasise that it simply supports development as a matter of priority. I want to ask about the democratisation of the planning system. How will projects that are included in the national planning framework be removed from it? We have already seen the example of the proposed Hunterston coal-fired power plant, to which the local council and the Parliament objected. What is the democratic process for removing projects from the NPF?

**Derek Mackay:** As I said yesterday, the national planning framework 2 monitoring report has been launched, and I am sure that Mr Harvie will welcome the 115 environmental references in that document. Work will begin on NPF 3 this year, and I will take all matters under consideration.

On democratising the system, I am sure that, having now read the consultation document, Mr Harvie will welcome the consultation on the proposal to enhance community participation through democratising the system with a plan-led approach in which local councils are empowered to make decisions through their local plan. That is important in a place and plan-led system. I hope that that will build confidence in the planning system and ensure that local communities' voices are heard.

### Libraries and Museums

**3. Gil Paterson (Clydebank and Milngavie) (SNP):** To ask the Scottish Government what plans it has to increase the usage of local libraries and museums. (S4O-00851)

**The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop):** Local museums and libraries services are provided by local authorities, which have statutory responsibility for the library service. I am pleased that, for Scotland as a whole, figures for library visitors and internet provision are rising, while our museums and galleries have an estimated 23.5 million visitors each year. The Scottish Government provides funding to support local libraries and museums and I have maintained existing levels of funding despite the pressures on public finances. I will launch a new strategy for museums and galleries at the end of this week.

**Gil Paterson:** The cabinet secretary might be aware that visits to libraries in West Dunbartonshire have increased by 20 per cent as a result of a variety of measures that centre on linking with community groups and learners and which allow libraries to be the one-stop shop for information. Can I encourage the Government to look at the West Dunbartonshire model to see whether there is scope for similar plans that will lead to libraries across Scotland becoming once

again nationally recognised as the first place for people to go for a variety of information?

**Fiona Hyslop:** The member makes an important point and I congratulate West Dunbartonshire on the increase in library usage.

The Scottish Government has managed to maintain the £500,000 funding to the Scottish Library and Information Council to help local authorities with improvement. I would be delighted to hear more about West Dunbartonshire's efforts, so that good practice can be shared elsewhere.

### Aviation Industry

**4. Colin Keir (Edinburgh Western) (SNP):** To ask the Scottish Government what impact the sale of BMI to International Airlines Group would have on Scottish air links, competition and consumer services. (S4O-00852)

**The Minister for Housing and Transport (Keith Brown):** We are very aware of concerns about the potential elimination of competition on Scotland's services to Heathrow and the unwelcome impact that that could have on existing access and fare levels. Any deal must fully recognise those concerns.

**Colin Keir:** Giving IAG a monopoly position in Edinburgh would inevitably lead to higher prices, lower frequencies, reduced services and reduced consumer choice for onward connecting travel. Has the minister made any representations, as I have done, to the European Commission, which is reviewing the case?

**Keith Brown:** Through representations from the member and others, the European Commission is fully aware of our concerns about the potential negative impacts of a monopoly situation. On 8 March, the First Minister wrote to the European Commissioner for Competition, Mr Almunia, to record our concerns, and I followed that up with a further letter ahead of the Commission's first-phase investigation deadline, which is tomorrow.

Last week in Brussels, I raised the issue in more general terms with the European Commission's transport directorate-general. We are aware that the Commission is considering monopoly remedies. Those need to be sufficiently robust to offer protection to passengers, as the member suggests, although we do not want a sale to be delayed unnecessarily. The member raises important issues, but there are also issues to do with the current jobs and services.

### New Businesses (Environmentally Sound Practices)

**5. Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government whether it plans to change the law to

ensure that new businesses, particularly those in recycling and renewables, maintain environmentally sound practices from start-up. (S4O-00853)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** We do not currently plan to do that, but I encourage all businesses to adopt environmentally sound practices, not only to help our environment, but because it can make good business sense. As the member might be aware, the Government laid the draft zero waste regulations before Parliament on 15 March, which will support businesses and householders in helping us to deliver a zero waste Scotland.

**Colin Beattie:** In my constituency of Midlothian North and Musselburgh, there have been incidents in which, for newly established recycling businesses, adequate monitoring has not been put in place over a lengthy period because of timing conflicts between planning conditions and Scottish Environment Protection Agency licensing. Does the cabinet secretary agree that planning legislation needs to be updated to ensure that standards relating to health and safety and antisocial behaviour are maintained at all times?

**Richard Lochhead:** I am keen to learn more about the member's concerns. We have a planning regime in place, which in turn must deliver the recycling and other facilities that are required on the road to a zero waste Scotland.

If specific concerns have come to the member's attention, I ask him to raise them with me. I am unaware of any plans to change the law in regard to the issue that he raises. The new zero waste regulations will place obligations on us all, including businesses, to recycle more, reduce food waste and take other measures to help to achieve a zero waste Scotland.

### **Youth Unemployment (Greenock and Inverclyde)**

**6. Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Government what plans it has to tackle youth unemployment in Greenock and Inverclyde. (S4O-00854)

**The Minister for Youth Employment (Angela Constance):** Through the opportunities for all initiative, we will ensure that every 16 to 19-year-old in Scotland who is not in work, a modern apprenticeship or education is offered a place in learning or training. On top of the £1.8 billion that has already been invested in post-16 education and training, we are providing a further £30 million over the next three years specifically for youth employment.

That investment has been bolstered yet further with £5 million to support young people into the

opportunities that are linked to major cultural and sporting events that will be hosted in Scotland in the coming years. That will be part of the Scotland-wide legacy of the 2014 Commonwealth games. Greenock and Inverclyde will benefit from that investment and will receive about £105,000 specifically to further support the delivery of the opportunities for all initiative, including its delivery through 16-plus learning choices and activity agreements.

**Duncan McNeil:** The minister will surely recognise the disappointment that none of the £9 million balance from the initial funding allocation of £30 million to the youth employment strategy reached the Inverclyde area, which, according to the Scottish Government's figures, has the sixth-highest claimant count in Scotland and currently has 905 young people aged 18 to 24 in receipt of jobseekers allowance. It is unacceptable that that clear unmet need failed to gain recognition in the recent funding allocation. Will the minister agree to come to Inverclyde to meet local interests and to ensure that we address the significant issue of youth unemployment in the area?

**Angela Constance:** I assure Mr McNeil that no one in the Government underestimates the plight of young unemployed Scots in Inverclyde or elsewhere in Scotland and that we are determined to improve the life chances of all Scots. There was a transparent rationale for allocating that particular strand of funding, which was based on the number of young unemployed Scots and the unemployment rate among young Scots, with a correlation to long-term unemployment. The six local authorities concerned are national hot spots for unemployment.

I hear what Mr McNeil says about the 905 young people in Inverclyde. However, North Ayrshire has a claimant rate of 14.8 per cent and more than 1,700 young unemployed people, and Glasgow has 6,865 young unemployed people. In my role, with national responsibilities, I have to look at the whole of Scotland. It is not unreasonable of me to target resources where we have not only the highest number of young unemployed people but the highest claimant count. I have no doubt that I will have an opportunity to engage with Mr McNeil in Parliament and in Inverclyde to discuss issues relating to his area.

**Stuart McMillan (West Scotland) (SNP):** Does the minister agree that it is short-sighted of the Labour and Tory-led Inverclyde Council to reduce the number of welfare rights officers from 18 full-time officers and one part-time officer to 13 when unemployment issues are affecting all age groups and especially when there is increased demand for the services provided by welfare rights officers?

**Angela Constance:** Some local authorities have retained their welfare rights services. It is for Mr McMillan to make his point about that.

On the overall support that we provide to young people the length and breadth of Scotland, in the forthcoming financial year, £18 million of additional funding is available to support young unemployed Scots, £9 million of which is nationwide and £9 million of which is targeted geographically. That is on top of a more universal provision, such as the £60 million that we spend on attaining 25,000 modern apprenticeships—a target that we have reached and which I am sure we all welcome.

#### **Crown Estate**

**7. Jim Eadie (Edinburgh Southern) (SNP):** To ask the Scottish Government what discussions it has had with the Secretary of State for Scotland following the publication of the House of Commons Scottish Affairs Select Committee report, “The Crown Estate in Scotland”. (S4O-00855)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** The Scottish Government welcomes all support for our long-held view that the Crown Estate’s rights and responsibilities should be devolved to Scotland. I have written to the Secretary of State for Scotland seeking a meeting to make the case for change for the benefit of Scotland’s communities.

**Jim Eadie:** While the growing consensus on devolving the Crown Estate’s functions is to be welcomed, does the cabinet secretary agree that it should be for the Scottish Parliament and not the secretary of state to decide the precise scheme for devolving those functions, so that we can put the Crown Estate’s resources to work for the benefit of local people and local communities? Will the cabinet secretary outline the timeframe for that transfer?

**Richard Lochhead:** I agree that that should be for the Scottish Parliament to decide. That view underpins the Scottish Government’s campaign for the devolution of the Crown estate. We want the Crown estate to become much more accountable and democratised.

The administration of the Crown estate is currently reserved to the United Kingdom Government, so the timescale for change, in the short term at least, is in its hands. I hope that the secretary of state, Michael Moore, will abide by the campaign of his party in Scotland to secure the devolution of the Crown estate. Given that that is the message that his party has been giving to the people—particularly those of the Highlands and Islands of Scotland—this is his opportunity to fulfil his party’s promises.

#### **Gaelic-medium Education (Teaching Staff)**

**8. John Finnie (Highlands and Islands) (SNP):** To ask the Scottish Government what progress has been made in recruiting appropriately qualified teaching staff for Gaelic-medium education. (S4O-00856)

**The Minister for Learning, Science and Scotland’s Languages (Dr Alasdair Allan):** The recruitment of Gaelic teachers is a priority. The Scottish Government is aware of the on-going need to recruit appropriately qualified teaching staff for Gaelic-medium education. A range of measures is in place to ensure that good progress is made with that and that sufficient teachers are available to allow Gaelic-medium education to expand.

**John Finnie:** To what extent does the minister believe that the on-going recruitment difficulties facing Gaelic-medium education are discouraging parents from choosing bilingual education, particularly at secondary level?

**Dr Allan:** I acknowledge the need for more Gaelic-medium secondary teachers in particular. It is positive that, this summer, 24 newly trained Gaelic teachers will enter the profession, which is double the number that came through the system last year. Eight of them will go into secondary teaching. The Government is fully committed to ensuring that a wider range of subjects is available in a wider range of schools through the medium of Gaelic.

#### **National 4 Qualification (Grading Standards)**

**9. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government how the new national 4 qualification will be monitored to ensure consistent grading standards nationally. (S4O-00857)

**The Presiding Officer (Tricia Marwick):** I call the Cabinet Secretary for Education and Lifelong Learning, Michael Russell, who is on his iPad.

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I do not think that one is allowed to advertise, Presiding Officer—though if I were, I would.

The national 4 qualification will be monitored through Scottish Qualifications Authority benchmarking activities and the on-going monitoring of standards as the new qualifications are implemented. The SQA’s quality assurance processes for the new national 4 qualifications will support schools and colleges in achieving and maintaining national standards. The new arrangements will build on the quality assurance and moderation that are already in place locally and nationally and will draw on best practice.

**John Mason:** It is good that there will be local control over the curriculum for excellence, but how will it work if, say, a pupil moves from one local authority area to another? Can we be assured that there will be consistency for that pupil?

**Michael Russell:** Absolutely. It is a necessity in our education system that there is a national standard. However, there must also be—as there always has been in Scottish education—flexibility from place to place and, indeed, from school to school.

Teachers will be able to find assessment material and exemplars for the new national 4 qualifications in the national assessment resource. That is an online resource and the second phase is being delivered. Draft documents have been provided and the model for national benchmarking will be similar to that for other qualifications. All those things will ensure that there is strong national quality but that education will be enriched, as it always is in Scotland, by the localisation that exists.

#### Marine Estate

**10. Tavish Scott (Shetland Islands) (LD):** To ask the Scottish Executive what its position is on devolving the marine estate to local authorities and harbour boards. (S4O-00858)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I am answering from a piece of paper, Presiding Officer.

As I indicated in my earlier response to Jim Eadie, the Scottish Government has for some time called for the Crown estate to be devolved to Scotland so that its revenues can benefit Scotland and our communities directly. We have proposed a two-phase approach to its devolution. The first phase would be to devolve responsibility to the Parliament; the second phase would be wide-ranging stakeholder consultation and discussion on the most appropriate way to manage the assets.

**Tavish Scott:** I urge the cabinet secretary to take a one-phase approach rather than a two-phase approach. Businesses in my constituency do not want a tax grab by the Crown Estate in London to be replaced by a tax grab by the Scottish Government. Does he accept the argument that the decommissioning industry, which will be significant for Shetland and for Scotland in the coming years, should be helped by the marine estate powers being held locally by local authorities and harbour boards instead of being held by the Scottish Government?

**Richard Lochhead:** It would perhaps help if Tavish Scott's colleague Michael Moore were to devolve the Crown estate to the Scottish

Parliament in the first place and stick to the pledge that his party made when campaigning in the Highlands and Islands. Michael Moore now has an opportunity to fulfil his party's pledge to the electorate.

I said that the Government envisages a two-phase approach. First, the Scottish Parliament must have the Crown estate devolved to it. There would then be a second stage when, of course, local powers would be devolved to local communities.

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** Should the Scottish Parliament be given the powers to agree appropriate rules for community benefit from marine estate before each area is given the possibility of raising that community benefit?

**Richard Lochhead:** As part of the discussions on devolution of the Crown estate in Scotland, we would review the arrangements under the coastal communities fund, to ensure that there were appropriate rules for community benefit. As I said in answer to a previous question, I have requested a meeting with Michael Moore to discuss how we can get the Crown estate devolved to Scotland, where it belongs, as soon as possible.

**The Presiding Officer:** Before we come to First Minister's question time, members will wish to join me in welcoming to the VIP gallery Sir Alan Haselhurst MP, the chair of the Commonwealth Parliamentary Association. [*Applause.*]

## First Minister's Question Time

12:00

### Engagements

**1. Johann Lamont (Glasgow Pollok) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S4F-00591)

**The First Minister (Alex Salmond):** I will be meeting Fergus Ewing, the Minister for Energy, Enterprise and Tourism. I am delighted to tell the chamber that figures this morning show that we have smashed the Government's target to meet 31 per cent of Scotland's electricity demand from renewables in 2011 by reaching a figure of no less than 35 per cent, which is an extraordinary achievement for Scotland.

I should also inform the chamber that the Cabinet Secretary for Finance, Employment and Sustainable Growth, John Swinney, is participating in this morning's United Kingdom Government COBRA meeting to discuss the tanker drivers' dispute. We will hold our own Scottish Government resilience meeting this afternoon to ensure that sensible contingencies are in place to deal with any eventuality. I reinforce support for those who are calling for cool heads in the situation. I welcome the Advisory, Conciliation and Arbitration Service talks that are taking place tomorrow. I urge both sides to resolve a dispute for which no strike dates have yet been called. The priority is surely to prevent a strike, not to issue unwise advice about jerry cans. More Government preparation is what is required to promote calm and orderly behaviour in the population at large.

**Johann Lamont:** It was reported this week that seven out of 10 primary school pupils are succeeding in numeracy but, two years later at secondary school, nearly six out of ten of them are failing. Why is it that so many of our secondary school children do not have basic counting skills?

**The First Minister:** There are two aspects to the statistics that have been released that I think we should stress as a chamber. First, the statistics show the dramatic, extraordinary effect of curriculum for excellence in our primary schools. The teachers, pupils and parents of Scotland should be celebrating these incredible, very substantial statistics—where curriculum for excellence has been introduced, it is showing marvellous results.

Secondly, as far as the secondary school statistics are concerned, the figure of 40 per cent that has been widely reported is a measurement that relates to where pupils are expected to be at the end of secondary 3, not just where they are in

S2. The statistics surely indicate that we are on the right track in introducing curriculum for excellence—I hope that we can all welcome that.

**Johann Lamont:** I do not think that the statistics indicate any such thing. Indeed, both the Scottish Secondary Teachers Association and Lindsay Paterson have said that Mike Russell's claim that the improvement in primary school numeracy skills is due to the curriculum for excellence is wrong, as it is far too early for the curriculum for excellence to have had any impact. He may wish to reflect on that.

Perhaps I can explain this serious issue in a way that the First Minister might understand. The odds of a second-year pupil in Scotland hitting the required numeracy standards are 3-2 against. Those might be good odds if someone wants to win a few bob at Musselburgh, but they are not so good for those of us who are parents sending our children to school under the Scottish National Party.

In 2003, Labour introduced a cap of 20 pupils for every S1 and S2 English and maths class to raise literacy and numeracy standards. The First Minister dropped that pledge. Does he agree that Scottish pupils are now paying the price for that mistake?

**The First Minister:** That is really not the way to treat this extraordinarily serious subject. First, we should not downgrade the achievements at primary school level. The survey itself is an indication of national performance in numeracy. We never had these statistics before—in all the years of Labour and Liberal administration, we did not even choose to measure numeracy. Having measured it, let us at least have the grace to congratulate our teachers, in particular, and our pupils. The survey shows that 99 per cent of primary 4 pupils and 98 per cent of primary 7 pupils were performing within or above the expected levels. In anyone's terms, however it is calculated, that is an exceptional result.

I will just correct Johann Lamont about the secondary school figures. Forty-two per cent of S2 pupils were performing very well or well at the level that must be met by the end of S3, and a further 26 per cent were performing within that level. I know that that is not necessarily the shortened version that was reported, but that is what the statistics show.

I will say three things. First, it is right to take a measurement, because if we do not have a measurement, how on earth can we have a baseline against which to measure standards? Secondly, we have substantial indications that curriculum for excellence is producing extraordinary results through the work and dedication of teachers in our primary schools.

Thirdly, although we have had challenges in secondary schools, let us not exaggerate what the statistics mean. Let us continue on the path of introducing curriculum for excellence throughout Scottish education, so that the exceptional performance in our primary schools can soon be replicated in our secondary schools.

**Johann Lamont:** The First Minister says that I should take this question seriously; it is about time that he took his job seriously and answered the question. The thing about statistics is that we cannot select the ones that make us feel good about ourselves—which the First Minister has done. Government has to respond to what the statistics say. The statistics tell us that there is a two in five chance of being numerate in secondary school in Scotland. That should be a spur to action, not to a scurrying about for some justification. As I have indicated, that is a nonsense.

The First Minister and I might not agree on education policy generally, but I am sure that we can agree that there is nothing as negative in politics as a promise not kept. Let us look at the promises that he made to Scotland's parents and pupils: a nursery teacher for every child, promised but not delivered; a maintaining of teacher numbers, promised but not delivered; class sizes of 18 or fewer for primary 1 to 3, promised but not delivered; the curriculum for excellence that he talks about, promised but not delivered; and today, two guaranteed hours of physical education every day, promised, now repromised, and still not delivered. I make that zero out of five—*[Interruption.]*

**The Presiding Officer (Tricia Marwick):** Order. We will hear the member.

**Johann Lamont:** The First Minister should understand what he promised and his failure to deliver—if he wants to make a difference for the people of this country. I make the First Minister's record zero out of five. I could go on. Let me explain to him that education is a priority for every parent in Scotland. Does he not understand that there is nothing crueller than making promises to children that he has no intention of keeping?

**The First Minister:** And there is nothing dafter than making things up, if I may say so.

In her question, Johann Lamont managed to say that we had made a pledge for two hours of PE every day. I am afraid that Johann Lamont should read her papers out better. She also said that we had made a pledge for a nursery teacher for every child, but not even the Scottish National Party has made such pledges. This all indicates that both numeracy and literacy are probably very important in the chamber as well as in Scottish classrooms.

The pledges of the SNP Government were judged by the Scottish people at last year's election, and Labour deputy leader Johann Lamont and her party were found sadly wanting.

**Johann Lamont:** A lot of young people will be sitting exams in the near future and, as teachers, we always knew to advise them, "Answer the question." Again, the First Minister fails to do that.

Last week, the First Minister's health secretary was bottom of the class, and—despite his protestations—his education secretary, Mike Russell, has the dunce's cap this week. We found out last Thursday that the First Minister will deny the truth until he is confronted by it. What a shame that the public gallery is not big enough to seat the 30,000 second-year pupils his Government is failing in numeracy alone. While he waits for Scotland's future to be decided in his referendum in 1,000 days, the future of young Scots is being determined today. In the spirit of being helpful, if the First Minister cannot keep his own promises, may I offer him one of ours? Will he, as a matter of urgency, bring specialist teams into our schools to help our children to learn how to count?

**The First Minister:** It would be helpful to Scottish education and to the chamber if Johann Lamont would try to take a balanced view and consider the statistics, the details of which I have given to the chamber. Also, somebody who made two such elementary and appalling blunders when asking her questions should not start talking about dunce's caps. I am answering Johann Lamont's questions having interpreted them as best as anybody possibly could. I am not responsible if she cannot think of the right questions.

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

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when he will next meet the Secretary of State for Scotland. (S4F-00589)

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

**Ruth Davidson:** Johann Lamont has just rightly raised a string of Scottish National Party Government failures on education, which will result by the end of the current session of Parliament in a generation of schoolchildren who have been failed by the SNP. The Government's answer—apart from attacking the critic—is that curriculum for excellence will solve all the problems. That claim was directly attacked by teaching unions yesterday as "not credible". The Cabinet Secretary for Education and Lifelong Learning was even more blasé, dismissing the worrying maths failures as

"the same as they have been for the last few generations".

What a depressing lack of ambition. Is the First Minister satisfied that Mike Russell's answer is good enough?

**The First Minister:** As I mentioned to Johann Lamont, this is the first time that such a survey has been conducted in Scottish education. Conducting the survey is a sign of our commitment to drive up standards of literacy and numeracy in Scottish schools. I repeat to Ruth Davidson what I said to Johann Lamont: she should consider the exceptional figures in primary education, where curriculum for excellence has been introduced. I will repeat them: 99 per cent of primary 4 pupils and 98 per cent of primary 7 pupils are performing within or above expected levels. That strikes me as substantially good and an excellent performance.

The survey indicates that we have challenges to meet in secondary education, but it allows us the hope and belief that curriculum for excellence will help in that process. That view is supported by Scotland's teaching union, the Educational Institute of Scotland, which is a strong supporter of curriculum for excellence and sees its value, perhaps because it has so many members in primary schools.

I was struck, at the Conservative Party conference—

**Alex Johnstone (North East Scotland) (Con):** You were not there—Chic Brodie was.

**The First Minister:** The member says that I was not there; neither was anyone else by the look of it.

I was struck by Ruth Davidson's pledge to the Labour Party that

"Scotland expects us to work together, and we are."

That is the truth of it: the two anti-independence parties are united in their negativity and nihilism.

**Ruth Davidson:** Chic Brodie tried to get into the conference, for a start.

There was no attempt in that answer to address the massive drop-off in standards that is failing our secondary school pupils. That is why the Scottish Secondary Teachers Association said that using curriculum for excellence as a sticking plaster is not a credible position. Last week, the education secretary was forced into a U-turn because teachers know that their schools are simply not ready to deliver the new exams. He had been turning a deaf ear to them for months.

It is not just teachers: chairs of university courts are deeply unhappy about the Government's plans for university governance, and college students are worried about cut courses. One of our most respected educationists, Professor Lindsay Paterson, is warning that teachers are being failed

in their training and that many are not competent enough to teach maths. That comes 15 months after the Government's own report, by Graham Donaldson, said the same thing.

Amid that growing chorus of criticism, we have an education secretary who is arrogant enough to think that he knows better than the educational experts, the universities and the college students, and who is magisterially dismissive of schoolteachers. Is it not time for the First Minister to get on top of the education secretary, call him into his office and demand that he stops failing Scotland's young people?

**The First Minister:** I will have to decline that invitation. I did not think that it was Chic Brodie who was trying to get into the Tory conference—I thought that it was Brian Donohoe, who was then turned away.

On the serious issue of the survey, as Ruth Davidson seems to regard my and Mike Russell's answers with some scepticism—although the Tories do not have a single idea on Scottish education—I will quote Professor Gordon Stobart from the Institute of Education at the University of London. He said:

"Scotland has, in the SSLN, a national resource that other countries can only envy. National surveys are a trusted way of assessing national standards ... When the SSLN findings are then used to develop resources and support for teachers they also offer a powerful formative contribution to teaching and learning."

The survey, which indicates the excellence of the results in primary schools, which not even Ruth Davidson can deny, is part of a process of driving up standards in Scottish education. The ability to do that, against extraordinary funding cuts from Westminster—the greatest in living memory—is a singular achievement of this Government.

Finally—this will be the first and last time that I quote the *Daily Mail* in the chamber—on the day on which the front page of the *Daily Mail's* front page says of the Westminster Government, "Pasties, Petrol and the Politics of Panic", I hardly think that it behoves any Tory to lecture this Government about competence.

**Mark McDonald (North East Scotland) (SNP):** The First Minister will be aware of the on-going situation on the Elgin platform that is operated by Total in the North Sea. What input has the Scottish Government had into the on-going monitoring, and what discussions has it had with United Kingdom ministers and industry representatives regarding contingencies for gas supply? Will he join me in welcoming the speedy evacuation of the platform, which ensured that the safety of hundreds of offshore workers was not placed at risk?

**The First Minister:** I am glad that Mark McDonald included the last part of his question, as

all of us should welcome the safe evacuation of personnel from the Elgin offshore platform.

Members will also wish to be aware that Richard Lochhead and Scottish Government officials have been in regular contact with Total and the UK Government about the on-going incident. Yesterday, a governmental interest group met to monitor the Elgin incident. The meeting was attended by Marine Scotland on behalf of the Scottish Government, alongside the Department of Energy and Climate Change, a representative of the Secretary of State for Energy and Climate Change, the Health and Safety Executive and the Maritime and Coastguard Agency. That group will now meet on an on-going basis.

Through Marine Scotland, the Scottish Government is responsible for the marine environment. Marine Scotland's scientists are, therefore, continuing to review any environmental implications. Thus far, they are minimal but, nonetheless, we should not underestimate the serious of the incident.

We will remain in close contact with the primary responders about the incident. We have made it clear to Total and others that the Scottish Government will continue to assist in any way that we can and that we insist on total transparency in terms of the release of information.

**Helen Eadie (Cowdenbeath) (Lab):** Speaking of working together and protecting our people, will the First Minister join me in condemning the change in the approach of the Ministry of Defence under the Tory-led coalition? It is now saying that it will not accept liability for the radiation in Dalgety Bay, whereas the previous Labour Government said that it would. Will the First Minister request an urgent meeting with the Prime Minister and demand that the polluter-pays principle be urgently applied and honoured in Dalgety Bay in order to address the concerns that have been put to me by my constituents? It is important that the First Minister personally meets the Prime Minister to add his voice to the many from across my constituency and right along the coast. Indeed, Roderick Campbell has even written on the matter.

**The First Minister:** I do not underestimate the seriousness of this issue. I am not sure that the MOD has ever acted with any great alacrity on the issue in the recent past. The Scottish Environment Protection Agency is insisting on the application of the regulations on environmental clean-up and on a proper reflection of the polluter-pays principle. We should allow those processes to take their course, and discussions are not at an end yet. With regard to Helen Eadie's suggestion of personal intervention with the Prime Minister, I think that we might well reach the stage at which that will be required. I do not by any means rule that out.

It is necessary—Helen Eadie could reflect on this—that we approach the issue in a way that reflects its seriousness for the residents of the area and for the Scottish environment, and that we, as a Parliament, insist that the polluter-pays principle is reflected in the action to come.

### Cabinet (Meetings)

**3. Willie Rennie (Mid Scotland and Fife) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-00576)

**The First Minister (Alex Salmond):** Issues of importance to the people of Scotland.

**Willie Rennie:** The First Minister's Government previously described proposals in the Scotland Bill as a "dog's breakfast", "a poison pill" and "dangerous". The First Minister had six red lines. Last week, he decided to support the Scotland Bill. What has been the major change to it that we have missed? What has changed?

**The First Minister:** I have always been struck by some of the comments that I have heard from the Liberal Democrats. I understood that the six things that we suggested as improvements to the Scotland Bill either were or have been at some time Liberal Democrat policy. I can understand the political debate but, as far as I understand the Liberal Democrats' position, they are celebrating the fact that they have not managed to implement their own policy. Perhaps that is the nasty effect of their senior partners in the coalition, who must be an increasing and daily embarrassment for Willie Rennie and his colleagues. That is, of course, the principal reason why Willie Rennie has so few colleagues in the Parliament.

The Scotland Bill has been overtaken by events. Very shortly, the people of Scotland will have the opportunity to transform our circumstances, and I very much believe that we will seize that opportunity.

**Willie Rennie:** I can understand why the First Minister might be a wee bit reluctant to tell us that he was satisfied with two reviews over three years and a major concession on—listen to this—dental hygienists. He is some negotiator. If he tears up his red lines like that on devolution, how will he manage on independence, when he has to negotiate with the rest of the world?

The Scotland Bill is a major step forward, and the powers in it are coming soon. How does the First Minister plan to use the stamp duty power and what will be the first capital projects that will benefit from the new borrowing powers?

**The First Minister:** I do not think that capital budgets are a particularly strong point for the Liberal Democrats at the moment, given that the



Westminster Government cut Scotland's capital budget by 30 per cent. Methods of increasing the capital budget have been found only through John Swinney's ingenuity and strength.

Let me return to where Willie Rennie stands. *[Interruption.]* I know that he stands over there—he just does not ask the questions very well. Only a few seconds ago, Tavish Scott was electrifying the chamber with a demand for the double devolution of the Crown estate. That was one thing that we suggested should be in the Scotland Bill—incidentally, the Scottish Parliament voted overwhelming for that policy. As far as I understand it, Willie Rennie's position is that not putting that in the Scotland Bill is not an embarrassment for the Secretary of State for Scotland, who is meant to believe in it, or a comment on the Westminster Government for not accepting the verdict of its own parliamentary committee that the Crown estate should be devolved, but a comment on the Scottish National Party Government, which wants it there. That is exactly why, when it comes to the referendum, people will vote to take the future of our country into our own hands so that we are not dependent on Tories and Liberals at Westminster.

### Alcohol Pricing

#### 4. Gil Paterson (Clydebank and Milngavie)

**(SNP):** To ask the First Minister what discussions the Scottish Government has had with the United Kingdom Government on alcohol pricing. (S4F-00594)

**The First Minister (Alex Salmond):** There are continuing discussions. We have had extensive discussions at both ministerial and official level with the UK Government. Scotland is somewhat ahead of the game in taking bold action to tackle alcohol misuse, and last week's news that the UK Government is moving on to that ground is extremely welcome.

**Gil Paterson:** I welcome the Scottish Government's leadership on the issue.

As the First Minister will be aware, Scots drink nearly a quarter more than their counterparts in England and Wales, and that fuels the much higher levels of alcohol-related harm here. Indeed, it has been estimated that the total cost of alcohol misuse to Scotland averages £3.6 billion every year. Does he agree that it is important to find consensus on such an important cause? Does he, as I do, find it difficult to understand and, frankly, pathetic that the only party that continues to oppose minimum pricing is the Scottish Labour Party?

**The First Minister:** That is a perfectly legitimate question, but Gil Paterson should be fully accurate. As I understand the position, not all of

the Scottish Labour Party opposes minimum pricing. I am not talking about just Malcolm Chisholm, who has been an honourable supporter of that policy. Johann Lamont leads the Scottish Labour Party as a whole, but the Scottish Labour Party's representatives at Westminster are in favour of minimum pricing, as I understand it from last Friday's statement. We have a situation in which the Scottish Labour Party at Westminster is in favour of minimum pricing for England, but the Scottish Labour Party in Scotland, by majority, is against it for Scotland, where our difficulties with alcohol are even greater than England's. It will require all Johann Lamont's numerical and literary skills to resolve that dilemma.

I welcome the fact that, in the space of only a few months, we have managed to convince UK Government ministers that the hitherto unbreakable legal obstacles that they thought prevented the introduction of minimum pricing have somehow magically disappeared. I suspect that a few other legal obstacles will magically disappear when the people of Scotland indicate their determination on a variety of matters.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** May I add to Gil Paterson's comments by saying that although Scots drink 23 per cent more than people in England, they do so at exactly the same price as people in England pay for their drinks? The position of the Scottish Labour Party is that we remain very sceptical of minimum unit pricing.

Does the First Minister accept that there is validity to our greatest concern, which is the windfall profits of more than £100 million—in UK terms, the figure is likely to be more than £1 billion—which will go mainly to the supermarkets? Does he accept that the unintended consequences of such a windfall, the dangers of which have been pointed out by the Institute for Fiscal Studies, are important? Will he look again at the fact that the Scottish Labour Party, despite its scepticism, is offering to make the policy one that has unanimous support, provided that the Government agrees to claw back the entire windfall profits?

**The First Minister:** As I understood the Labour Party's position, it was against the health-related levy on major supermarkets, too. If this is another change of policy, I welcome it, of course. It would be far better if Richard Simpson gracefully accepted that Labour is going to have to get on board the minimum pricing argument. In the context of Labour's embarrassment, I suspect that the sooner the party gets to that position, the better.

### College Courses

#### 5. Hugh Henry (Renfrewshire South) (Lab):

To ask the First Minister what the Scottish Government's response is to recent reports of reductions in the number of college courses across the country. (S4F-00595)

**The First Minister (Alex Salmond):** Hugh Henry is aware that the Scottish Government is committed to maintaining student college places in 2012-13. Many colleges are moving their provision away from short-term courses that do not lead to qualifications, to give greater focus to longer-term courses that lead to recognised qualifications, which improve students' employment prospects.

The shift to high-quality full-time places is reaping benefits. The most recent figures show a 9 per cent increase in the number of full-time students on advanced courses and a 1 per cent increase for full-time non-advanced courses. Even better, students are achieving more. Completion rates have increased from 64 per cent to 67 per cent for advanced courses and from 60 per cent to 62 per cent for non-advanced courses. I hope that Hugh Henry can find it in himself to welcome those encouraging indications.

**Hugh Henry:** What is actually happening in Scotland's colleges is completely different from what the First Minister is saying in the Parliament. Recent figures show that 592 academic staff have been made redundant and at least 23 colleges have cut courses, with more cuts to come. Reid Kerr College, in Paisley, which is an excellent college, is having to cut an additional 800 student places. Does he think that that is acceptable?

**The First Minister:** The statistics are as I gave them, so if Hugh Henry does not believe me, perhaps I should give him the absolute detail. The number of full-time enrolments on further education courses has gone from 42,745 in 2007-08 to 48,683 last year, and the figure for higher education courses has gone from 24,900 to 30,947. Hugh Henry should accept that the figures show an encouraging trend. The completion rates on the courses are a tribute to lecturers and students and the hard work that they are putting in.

### Cities and Towns (Economic Performance)

**6. Jim Eadie (Edinburgh Southern) (SNP):** To ask the First Minister what the Scottish Government's position is on the recent UHY Hacker Young report on the economic performance of cities and towns. (S4F-00597)

**The First Minister:** The report is encouraging, because it indicates the outstanding economic strength of Scotland's cities. In terms of gross value added per head, three of the top five United Kingdom cities are in Scotland. Aberdeen was the

fastest-growing city in the year to 2010, and gross value added per head in Edinburgh was the highest of any UK city. It is recognised that cities can be an engine of growth in the economy. The Scottish Government's agenda for cities strategy will build on that success and deliver benefits, not just for cities but for the whole of Scotland.

**Jim Eadie:** I welcome the First Minister's recognition that, despite the tough economic climate, Aberdeen, Glasgow and Edinburgh are all ranked in the top five in that report, with the people of Edinburgh being the biggest contributors to the UK economy. What further steps is the Scottish Government taking to build on that success and to encourage more jobs and more investment into and across Scotland?

**The First Minister:** The Scottish Government, in partnership with our agencies Scottish Enterprise and Scottish Development International, continues to encourage domestic and international companies to make significant investment in our cities. Just last week, Gamesa announced that it plans to create 800 jobs in the city of Edinburgh, as it locates its new manufacturing plant for wind turbine blades in Leith. That is further to recent announcements by companies such as Global Energy in Nigg, Michelin in Dundee and Amazon in Dunfermline, which, together, will create thousands of new jobs across Scotland.

Today, the Scottish Enterprise plan and programme was announced, which has an ambition to create 35,000 jobs by 2015 through foreign direct investment. In contrast to the lack of a plan for coherent growth in Westminster—that is Vince Cable's assessment of George Osborne's strategy—regions in Scotland continue to lead the way. Last month's *fDi Magazine* "European Cities and Regions of the Future 2012/13" report ranked Edinburgh and Glasgow as numbers 1 and 2 in the top 10 of European cities with a population of between 500,000 and 1 million. There is a great deal to welcome in the economic performance of Scotland's cities and the wider benefits that that will bring to the Scottish community as a whole.

12:31

*Meeting suspended.*

14:15

*On resuming—*

## Scottish Executive Question Time

### Health, Wellbeing and Cities Strategy

#### NHS Lothian (Meetings)

**1. Neil Findlay (Lothian) (Lab):** To ask the Scottish Executive when the Cabinet Secretary for Health, Wellbeing and Cities Strategy last met NHS Lothian and what issues were discussed. (S4O-00859)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** I last met the chair and, separately, the chief executive of NHS Lothian on 21 March to discuss the findings of the PricewaterhouseCoopers report into NHS Lothian's waiting times management and processes. I made clear to them, as I did to the Parliament last week, my expectations of NHS Lothian in responding to the findings of the report.

**Neil Findlay:** Following the waiting times scandal at NHS Lothian, a number of Lothian members have been contacted by staff complaining about a culture of bullying, pressure from management and understaffing, which has impacted on patient care. I am sure that the cabinet secretary will agree that we cannot ignore those issues. She has already told me that she will not conduct a fully independent and comprehensive review of NHS Lothian. What, then, will she do to look into those serious matters?

**Nicola Sturgeon:** I am pretty sure that the member was in the chamber last week when I made a statement on the issue. I made it clear that I have tasked the chair of NHS Lothian with carrying out a comprehensive review of the suggestion in the PWC report that there was a cultural problem in NHS Lothian that prevented staff from bringing concerns to light. That review will be carried out. As I said last week, I made it clear to the chair that I expect to see the outcome of that work by the end of April. I am sure that the Parliament will pay close attention to that and will ensure, as I will, that any further action that needs to be taken is taken.

As I think I said last week, a senior expert team of my officials is working with NHS Lothian to ensure that some of the underlying issues that were identified in the PWC report—on capacity planning and what must be done to ensure that all patients are treated within the guaranteed time, as

they have a right to expect—are resolved and addressed. The team will continue to work with NHS Lothian for as long as is required. If Neil Findlay or any other member has specific issues or concerns that they want to bring to my attention at any time, I would welcome that, and he has my assurance that they will be treated extremely seriously.

**Marco Biagi (Edinburgh Central) (SNP):** My question follows on from the cabinet secretary's final point. Many patients throughout Lothian who have had issues with their appointments might be concerned that those issues could point to wider problems additional to the ones that were identified by the PWC report. Will the cabinet secretary say how individuals who suspect that they have fallen victim to appointment irregularities can best bring their experiences to the attention of the officials at NHS Lothian who are investigating the issue?

**Nicola Sturgeon:** That is an important question, which I will answer as quickly as I can and with a number of key points. The patients who were given offers of appointments in England at unduly short notice—we should remember that that was the issue that brought the whole episode to light—have now all been treated. The patients who surfaced on to the waiting list at the end of last year as having already reached the waiting time in the guarantee are in the process of being treated. We are working with NHS Lothian. I have made clear to it the expectation that those patients must be treated as quickly as possible.

Marco Biagi raises a legitimate question about other patients who are concerned that their appointment time or waiting time might have been affected. Any patient who is in that position should make those concerns known to the health board. All health boards have a well-established complaints procedure. I say to Marco Biagi, as I said to Neil Findlay, that any member who wants to bring constituents' concerns to my attention is perfectly free to do so, and those will be given due consideration.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** In June 2008, I raised my concerns about the level of deletion of patients from waiting lists for social reasons under the new system. As we know, since then, the level has tripled. In October last year, I suggested that there was manipulation of the data, but I was told that I was exaggerating. However, we now know that, for Lothian, the situation was actually worse than I originally thought.

Why does the cabinet secretary not accept that a broader look across all health boards is required? Has the Information Services Division not warned, or at least advised, her of the concerns—other than those about information

technology in Glasgow and Grampian—of variation in other boards?

The retrospective changes measure was supposed to be exceptional. In some boards, the number of those changes is in only single digits. In others, it is in the hundreds. Within boards, there is a variation from single digits or tens to hundreds—indeed, sometimes 400 or 500. That level of variation does not smack of an exceptional measure. We still think that a full independent investigation is required. Will the cabinet secretary agree to that?

**Nicola Sturgeon:** I will take those points in turn, because they are all serious and I think that they all deserve serious consideration and serious answers.

The ISD has not brought specific concerns to our attention. Had it done so on any occasion, the concerns would have been treated as seriously as Richard Simpson would expect.

Patients who are socially unavailable are not deleted from anywhere. One of the key differences between the new ways waiting time system and the old system, which the previous Administration presided over, is that patients who are unavailable do not lose their waiting time guarantee; instead, they have a period of unavailability.

I understand why Richard Simpson talks about the rise in unavailability, although in recent quarters, unavailability has been coming down again. As he is a clinician, I am sure that he will understand the point that unavailability has increased as waiting times have reduced because as waiting times reduce, the notice that patients get for appointments also reduces. Therefore, there is an understandable increase in the number of patients who have short-term unavailability.

I think that I quoted in the chamber last week a statistic that I will quote again, because it is important: three quarters of all patients with a period of social unavailability have a period of unavailability of less than three weeks. That suggests that that statistic is in line with the phenomenon that I have just described.

I assure Richard Simpson and other members that we are looking very carefully at all those things. As I said last week, all chief executives have assured me of the appropriate use of new ways and unavailability.

I consider those things carefully on an on-going basis. In 2010, Audit Scotland carried out a review of new ways. It updated that review in the middle of last year and said that it did not consider that any further investigation was required. However, as I said last week, I have asked all boards to carry out an internal audit. We will seek Audit Scotland's advice on the terms of that audit,

because it is important that we ask boards to audit the right things.

Members should be under no illusion about how seriously I take this issue. Staff in our health service have worked incredibly hard to get waiting times to their lowest level ever. I will not allow any health board to compromise the integrity of that record through any misuse of the system. I will take any action that is required of me.

### PIP Breast Implants

**2. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** To ask the Scottish Executive what discussions it has had with the Medicines and Healthcare products Regulatory Agency regarding PIP breast implants. (S4O-00860)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Scottish Government officials have been in regular contact with colleagues in the Medicines and Healthcare products Regulatory Authority and the Department of Health about PIP silicone breast implants.

I take this opportunity to inform members that we have recently been advised that one patient from NHS Highland received PIP implants at St John's hospital in 2006. Our extensive checks have not identified any further patients who had PIP implants on the NHS. Therefore, with that one exception, the position remains that no NHS patients were affected.

**Malcolm Chisholm:** There are many issues and anxieties for the women affected. I will raise a couple on behalf of a constituent who has contents of a ruptured PIP implant inside her body. First, will the cabinet secretary put pressure on the MHRA to analyse the contents of my constituent's implants, which were removed by the NHS? Failing that, will she ensure that the contents are tested in Scotland? Secondly, given that the MHRA put out an alert two years ago this month, is it not reprehensible that the women affected heard nothing about the problem until December 2011?

**Nicola Sturgeon:** Malcolm Chisholm will appreciate that two reviews are on-going just now. The one into the more recent incidents around notification and how the matter was handled is due to report soon. It is appropriate for all of us to wait and see what that review has to say about whether all the correct information was given at the correct time.

I understand the reason for Malcolm Chisholm's first question and the desire to ensure not only that all the women affected get the clinical care, treatment and support that they need and deserve, but that the right testing and data audit are carried out so that lessons can be learned. The MHRA is

responsible for collecting all the evidence, but that does not require it to retrieve every PIP implant, although it needs sufficient evidence to carry out the checks.

I will pass the concerns that Malcolm Chisholm has raised on behalf of his constituent to the MHRA, and I will be happy to share its response with him.

**Jackie Baillie (Dumbarton) (Lab):** The cabinet secretary will be aware of the report that was published this week by the House of Commons Health Committee, which criticised as

“flying in the face of common sense”

the situation whereby women who are entitled to the removal of PIP implants on the national health service for clinical reasons, because their private provider refuses treatment or because the provider no longer exists, must have any replacement surgery done separately, outside the NHS, even if they are prepared to pay for the replacement as part of the same surgery. In those limited circumstances, will the cabinet secretary give consideration to how a single removal and replacement surgery might be possible, particularly in view of the risk for women of undergoing two surgeries in rapid succession?

**Nicola Sturgeon:** I am more than happy to give consideration to that. We will give careful consideration to the House of Commons committee report, which was published this week. I have made clear on previous occasions our position on removal and replacement: any woman whose private provider has not delivered the level of service that I would expect it to deliver will be cared for appropriately within the NHS. The NHS will not routinely replace implants unless there is a clinical reason to do so. When there is a clinical reason, I expect the decision whether there should be one or two operations to be a clinical decision as well. There is guidance on co-payment arrangements in the NHS, which I expect would apply. Many of the issues require clinical decisions, and I expect clinicians in the NHS who are dealing with any women in that situation to put the clinical needs of the women first. That is our clear expectation of the NHS.

**The Deputy Presiding Officer (John Scott):** We have been dealing with extraordinarily important matters, but if we can have succinct questions and answers we might get to the end of the questions.

### Child Poverty

**3. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** To ask the Scottish Government what progress has been made with its child poverty strategy. (S4O-00861)

**The Minister for Public Health (Michael Matheson):** Last Thursday, we laid in the Parliament our first annual report for the child poverty strategy for Scotland. It highlights a range of measures that we have taken since the publication of the strategy, such as the inception of a £270 million early years change fund. The actions that are highlighted in the report are extremely important, and it is crucial that we continue our efforts to tackle poverty in Scotland. However, the reality is that, without the Parliament having control of the tax and benefits systems, our ability to make real progress on the headline figures is severely restricted.

**Christina McKelvie:** I welcome the range of work that the Scottish Government is undertaking, within the powers that are available to it, to lift children and families out of poverty and to reduce the pressure on household budgets through the social wage. The social wage is, once again, under attack from the opponents of universal benefits, who argue that measures such as the council tax freeze and free prescriptions benefit only the well-off. Does the minister agree that it is struggling households and the working poor for whom such benefits are of particular importance and that, without the relief on household incomes that the social wage provides, many more children and families would be left vulnerable?

**Michael Matheson:** The Government is very much committed to the social wage for Scots in order to protect their incomes, especially in the face of the welfare spending cuts that are being imposed by the United Kingdom Government.

The implementation of the social wage has involved a range of different matters to ensure that we protect Scottish families, particularly those who are most vulnerable and who have young children.

We have met a number of our commitments in implementing the social wage, from free concessionary travel through to abolishing prescription charges, and we are implementing the living wage in the areas of public sector responsibility that we have direct control over.

We recognise that to assist us in continuing to make significant progress in tackling issues around child poverty, we need to deal with two of the most fundamental factors—taxation and welfare. Until we are in a position to have control over those areas, we will have to continue to try to mitigate the actions that are taken by UK Governments.

**Drew Smith (Glasgow) (Lab):** I join Christina McKelvie in welcoming the publication of the report and many of the actions identified in it. However, it was my understanding that the child poverty figures were also due to be published towards the end of the month. If that is now not the

case, will the minister advise why, and will he indicate whether he expects that the latest figures will show a decrease, an increase or no change?

**Michael Matheson:** All the detail is provided in the annual report. It is the first annual report and we are listening to different stakeholders on how they might wish future reports to be formulated.

The most recent statistics on child poverty—which have been published independently—are from the Institute for Fiscal Studies. It carried out an analysis of the impact that the UK Government's taxation and benefit changes will have on the UK as a whole. It indicated that, by 2021, almost 700,000 more young children in the UK will find themselves in poverty as a result of that policy.

As a Government, we will do what we can to try to mitigate some of the measures, but the two key factors that continue to drive child poverty in this country are taxation and benefits. We can talk as loudly as we want in demanding that the UK Government does different things on this agenda, but until we have the powers to deal with those factors ourselves, we will continue to struggle to tackle the scourge of child poverty in Scotland.

#### **Attendance Allowance (Care Home Residents)**

**4. Fiona McLeod (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government what discussions it has had with the United Kingdom Government regarding the withdrawal of attendance allowance for residents in care homes in Scotland who are supported by free personal and nursing care contributions. (S4O-00862)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The removal of the attendance allowance to self-funders in care homes in Scotland was estimated to have saved the Department for Work and Pensions £23 million in 2002. Current estimates of the saving to DWP sit at around £300 million over the past 10 years. Despite repeated attempts to resolve the matter, we have been unable to reach a successful conclusion. However, we continue to raise the matter on appropriate occasions with the UK Government.

**Fiona McLeod:** I thank the cabinet secretary for her response and also for her efforts on the attendance allowance. I was going to ask her for an estimate, but I understand from her answer that £300 million has been taken out of the pockets of older people in Scotland as a result of the petty "you're no havin' it" attitude of the UK Government. Will she advise how we could repatriate the powers to Scotland to ensure that that no longer happens? [*Interruption.*]

**Nicola Sturgeon:** If Jackie Baillie wants to answer the question and say that the best future for the people of Scotland is as an independent country, I would be the first to welcome her to her feet. For once, that would be something that we could agree on.

The issue is serious and I hope that it is one on which we can all agree. I gave Fiona McLeod the estimated figure in my initial answer. The saving is closer to £320 million. Let me put that as a cost to individuals—it breaks down to almost £4,000 a year from the potential income of each individual who self-funds their care. I hope that we can all unite to put pressure on the UK Government to change its position and repatriate the funds but, if, as I suspect, it continues to take the same approach, that is just one more of many, many reasons why getting the powers to this Parliament would be the best outcome.

#### **Medical Negligence Complaints (Guidelines)**

**5. Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government what good practice guidelines are given to national health service boards for handling medical negligence complaints. (S4O-00863)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The NHS complaints procedure good practice guidance was recently reviewed to reflect the provisions in the Patient Rights (Scotland) Act 2011. The revised guidance will be available shortly and I will ask my officials to provide the member with a copy.

Legal actions for medical negligence are not dealt with under the NHS complaints procedure. When a patient indicates that they wish to pursue a damages claim against an NHS board, Scottish Government advice to the patient and the board is to seek the advice of legal professionals. The central legal office handles individual legal actions and provides advice to NHS boards on them.

**Linda Fabiani:** Will the cabinet secretary acknowledge the sometimes difficult distinction between medical negligence and negligence in care? I receive many complaints from elderly people and their families about care beyond the medical. Dignity and care for the elderly at Hairmyres hospital were discussed yesterday by the board of NHS Lanarkshire. Unfortunately, the report was verbal; I am not able to access it and am waiting for information. By giving an assurance that she is keeping a watching eye on care for the elderly, can the cabinet secretary offer any comfort to people who may have formed a perception about hospital care for the elderly beyond their medical treatment?

**Nicola Sturgeon:** Linda Fabiani raises an important issue. Without wanting to generalise—although I may be a little anecdotal—I hear many complaints about the issue of dignity and care, as opposed to medical treatment. That is especially true for the elderly. The complaints procedure in the NHS has been strengthened by the Patient Rights (Scotland) Act 2011. I feel strongly that, if patients have a complaint, they should exercise their right to complain. That will allow lessons to be learned.

Not only will I keep a watching eye on care for the elderly, but I have instructed that inspections of care for the elderly be carried out by Healthcare Improvement Scotland. The first of those inspections has been conducted, and the first inspection reports will appear soon. I am sure that issues for improvement will be highlighted, which is as it should be. Every older person deserves the best possible standard of care, which is what the inspections are designed to help to deliver.

### **Methadone Detoxification**

**6. Annabel Goldie (West Scotland) (Con):** To ask the Scottish Executive what structures the national health service has in place to assist people detoxing from methadone. (S4O-00864)

**The Minister for Public Health (Michael Matheson):** All NHS boards adhere to “Drug misuse and dependence: UK guidelines on clinical management”, which is also known as the orange book. The guidelines were jointly drafted and agreed by all four United Kingdom Administrations. They are based on current evidence and professional consensus on how to provide drug treatment, and they describe how and when to safely introduce methadone as a treatment and how and when to detoxify from it when it is safe to do so.

With an investment of more than £162 million over the past five years in front-line drug services, almost 40,000 new clients have been referred to care and treatment services for specialist assessment in relation to their drug use. More than 80 per cent of those individuals were seen within three weeks.

We also know from the most recent data, from October 2011 to December 2011, that substitute prescribing—such as methadone prescribing—accounted for around 20 per cent of treatments offered.

**Annabel Goldie:** In Scotland, methadone prescriptions have been rising relentlessly over the past few years. In 2010-11, well over half a million prescriptions were issued, costing more than £28 million, yet neither the Scottish Government nor anyone else holds any reliable data on how many methadone patients either reduce their

prescriptions or come off methadone altogether. How can such an uninformed and unmeasured approach be fair to the methadone patient, and how can it be justified to the taxpayer?

**Michael Matheson:** In “The Road to Recovery”, we set out clearly the range of measures that are necessary when an individual’s drug problem is being addressed as effectively as possible. There are certain individuals for whom methadone is clearly the appropriate route to take. As I suggested, around 20 per cent of NHS treatments in this area involve methadone. It is extremely important that we recognise that the increasing number of people on methadone also require support to allow them to exit, and recover from, the use of methadone.

The Government is committed to continuing to make progress on this issue. The Cabinet Secretary for Justice has stated that he feels that too many people are on methadone; we are considering what further measures we can take to address that. Annabel Goldie should be in no doubt that the Government is committed to continuing to tackle Scotland’s drug problem, and “The Road To Recovery” gives us a good framework for doing so effectively. Clearly, we have more to do. We will continue to do what can be done to continue to make improvements in this area.

### **Cardiac Assessment of Young Athletes Programme**

**7. Stewart Maxwell (West Scotland) (SNP):** To ask the Scottish Government what its plans are for the cardiac assessment of young athletes programme. (S4O-00865)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Sudden cardiac death is thankfully very rare, but for those who have lost a child, friend or colleague to sudden cardiac death there can be no greater tragedy.

Since 2010, we have invested more than £150,000 in Scotland’s cardiac assessment of young athletes programme, which has enabled more than 1,500 young people from numerous sports—including football, basketball, swimming, gymnastics, cycling, hockey and rugby—to be tested. We further extended the scheme in 2010 to include satellite assessment in rural areas.

**Stewart Maxwell:** The programme has been running for some years now, as the cabinet secretary said. Can she tell me what satellite assessment units have been created? She mentioned the ones in rural areas, but I would like some detail on that. How many young people have been assessed in each year in those units? What

have the outcomes from the programme been so far?

**Nicola Sturgeon:** Satellite clinics have been performed in Aberdeen, Inverness, Dundee, Dingwall, Selkirk and Perth. Further clinics are planned for the outer isles and Ayrshire. Since October 2011, 714 young people have been assessed. Key health issues that have been identified to date include ventricular hypertrophy, elevated blood pressure and atrial arrhythmias.

Thankfully, there have been very few cases of cardiomyopathy, which is abnormal thickening of the heart muscle. Where a cardiac problem is found, the athlete concerned is directed to an appropriate clinic for care. A full report detailing the outcomes of the programme is expected later this summer.

**Nanette Milne (North East Scotland) (Con):** Given the undoubted success of the campaign since October 2010, does the cabinet secretary intend to extend it beyond October this year, which I gather is the current end date?

**Nicola Sturgeon:** Nanette Milne is right: the programme in its current form will come to an end in October this year. She will appreciate that I do not want to pre-empt any decision that I may take later in the year, and I have already indicated that a full report is expected this summer. I have extended the programme once already, and I think that it is doing good work.

There have been calls to consider extending the programme, and I pay particular tribute to the *Sunday Express*, which has repeatedly highlighted the issue. I will look carefully at any such proposals.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** I think that we all agree that the programme has done outstanding work in protecting athletes since it was launched. However, while it covers young people taking part in organised sports, it does not yet cover all schools. Will the cabinet secretary look at the work that would be involved in extending screening to all senior school pupils so that as many young people as possible are tested for heart problems and potential tragedies can be averted?

**Nicola Sturgeon:** Maureen Watt raises a good point, and I am prepared to look at that more closely. I am sure that members will appreciate that it is a complex clinical issue. As was reported recently in connection with the footballer Fabrice Muamba's collapse, it is possible to have a number of heart scans without any abnormalities being detected.

It is important that we learn from the evidence that has been yielded by the Scottish programme. That will help us to understand better the potential

benefits of cardiac assessment for young people. We will consider all those things when we receive the full report later this year. The report will also be submitted to the United Kingdom national screening committee's review of screening in that area.

### Veterans (Support)

**8. Annabelle Ewing (Mid Scotland and Fife) (SNP):** To ask the Scottish Government what support it provides to veterans. (S4O-00866)

**The Minister for Public Health (Michael Matheson):** We are fully committed to arranging public services for veterans in Scotland in a way that meets their particular needs and aspirations. We have made considerable progress in that regard, which has been warmly welcomed and recognised by veterans' organisations and the wider veterans' community.

The list of achievements is long, but I will mention a few. We have created a Scottish veterans fund with resources of around £320,000; given priority national health service treatment to veterans who have a service-related condition; launched the veterans first point service with NHS Lothian; and provided Combat Stress with £1.7 million for the provision of specialist mental health services.

We are continuing to make progress in improving services for veterans overall, in light of the United Kingdom Government's armed forces covenant. In that regard, we will publish a new strategy for further action later this spring.

**Annabelle Ewing:** I thank the Scottish Government for the excellent work that is being done to support veterans in Scotland.

In light of the concerns that have been raised about the detrimental impact of the damaging United Kingdom Tory-Liberal Democrat Welfare Reform Act 2012, in particular about the payment of housing benefit in terms of single-occupancy rules and the non-assignment of the benefit, what work is the Scottish Government doing to seek to promote the best interest of our veterans?

**Michael Matheson:** The member might be aware that veterans who find themselves homeless or threatened with homelessness or who have a high level of housing need receive priority within the social housing sector in Scotland. We have highlighted to the UK Government our concerns around its welfare reform agenda and in particular some of the issues around housing benefit. We will continue to make representations in that regard.

However, I would prefer not to be in a position in which we can only make representations; I would prefer to take action to deal with the issue. Until



this Government and this Parliament have the necessary powers, we will continue to be at the mercy of UK Governments on such issues.

Veterans will continue to receive priority by virtue of being in one of the reasonable preference groups in relation to social housing. We will continue to do what we can to help to support those veterans who might find themselves in difficulty as a result of policy decisions that have been made in other places.

**The Deputy Presiding Officer:** Question 9, in the name of Hanzala Malik, has not been lodged. That has happened before, which we very much regret.

### Insulin Pump Funding (Glasgow)

**10. Humza Yousaf (Glasgow) (SNP):** To ask the Scottish Executive what impact the recently announced additional funding for insulin pumps will have on Glasgow. (S4O-00868)

**The Minister for Public Health (Michael Matheson):** In addition to our substantial funding commitment, national guidance was issued to every national health service board in February setting out our ambition to dramatically increase pump provision for children and adults across Scotland. By the end of March 2013, insulin pump therapy will be made available to 25 per cent of children and teens with type 1 diabetes within NHS Greater Glasgow and Clyde. In addition, we expect to see a dramatic increase in the number of pumps for adults with type 1 diabetes over the next three years.

**Humza Yousaf:** I welcome the announcement by the Scottish Government of that extra funding. I note in the plans that were outlined by the chief executive of the NHS and reiterated by the minister that the increase in pump provision is not timetabled to begin until 2013-14. However, many people in Glasgow have been waiting several years for the local health board to increase provision from its current dismal rates, and a further wait will add to the difficulty of their situation. Are there any interim plans to start increasing the provision now in order to build up to the 2015 target?

**Michael Matheson:** We expect all boards, including NHS Greater Glasgow and Clyde, to take immediate action to start to increase the number of insulin pumps that are available to all age groups, including adults, but children and young people in particular. We have asked each health board, including NHS Greater Glasgow and Clyde, to provide us with a detailed action plan for how it intends to achieve that increase. We expect those plans to be submitted by all health boards shortly. We will continue to scrutinise those plans once they have been submitted to monitor the

progress that has been made by individual boards towards achieving the increase that we want in the provision of insulin pumps.

The member can be reassured that, given the clear commitment that the cabinet secretary has given on this matter, we will scrutinise closely the progress that boards are making on this matter. We expect immediate improvements to start to be made by boards in the coming year to ensure that what we see as the right level of availability of insulin pumps to young people in Scotland is achieved.

**The Deputy Presiding Officer:** Question 11 has not been lodged, for entirely understandable reasons.

### Heart Surgery

**12. Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government whether it will consider introducing the transcatheter aortic valve implantation heart valve procedure. (S4O-00870)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Transcatheter aortic valve implantation—TAVI—is already available to Scottish patients through consideration by an individual case panel. Patients who are considered suitable for TAVI are referred by their local health board to an appropriate provider. However, I have been kept regularly informed of the growing body of evidence regarding the effectiveness of TAVI and I am aware of the impact of travel on the particular cohort of patients who are clinically expected to benefit from TAVI, and, indeed, of the costs that are associated with that travel. I have therefore asked that proposals be developed as quickly as possible for the high-quality, safe and consistent provision of TAVI across the national health service in Scotland.

**Willie Coffey:** It appears that the TAVI procedure is already deployed in many countries; indeed, the British Heart Foundation has estimated that some 40,000 such procedures have been carried out worldwide. I am grateful to the cabinet secretary for giving me an assurance, which will be welcomed by many patients in Scotland who suffer from a heart condition and may benefit from the procedure. Is there any possible indication of when the procedure may be available and the locations in Scotland at which it will be available?

**Nicola Sturgeon:** I fully understand Willie Coffey's question. TAVI is relatively new and the evidence behind its effectiveness is increasing all the time, as I said in my initial answer. I am well aware of the difficulties of travel and, wherever possible, I want Scottish patients to be treated in

Scotland. As with all such procedures or all new or specialist procedures, sufficient numbers of patients are required to allow the clinicians to acquire and maintain sufficient skills.

I will not give Willie Coffey a precise date at the moment, but I will keep him updated. Suffice it to say that, I attach considerable priority to the matter, and I have asked for the work to which I referred in my original answer to be carried to a conclusion as quickly as possible.

**Jackie Baillie (Dumbarton) (Lab):** TAVI has been available for selected patients in England, Wales and Northern Ireland for the past four years, but no operations have been carried out in Scotland, so I welcome the cabinet secretary's sense of urgency. However, can she assure me that clinicians will not encounter obstacles at the health board level? Can the 73-year-old woman who now has to travel to Belfast for a TAVI operation—we are both aware of her—have her treatment in Scotland at the Golden Jubilee hospital?

**Nicola Sturgeon:** I am aware of the patient to whom Jackie Baillie refers, but I will not go into detail about her, because I do not have permission to talk about her individual clinical details. Suffice it to say that, my advice is that treating that patient in Scotland would not be the safe and best option at this time. My office has been in touch with her son, and my officials are liaising closely with Greater Glasgow and Clyde NHS Board about the arrangements that are being made for her care. As I said in my earlier answer, patients who are likely to benefit clinically from the treatment can get it.

On the first part of Jackie Baillie's question, I have made it pretty clear in my answers thus far that I consider the provision of a service in Scotland to be a priority. It is clear that any service that is delivered in Scotland must pass the test of safety for patients, but I expect to see progress being made on the issue quickly. I assure all members that I will assure myself that progress is being made as quickly as I expect it to be made.

**The Deputy Presiding Officer:** Questions 13 and 14 have not been lodged for entirely understandable reasons.

### Vitamin D Supplements

**15. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what progress has been made with using vitamin D supplements or additives to tackle long-term health issues. (S4O-00873)

**The Minister for Public Health (Michael Matheson):** All four United Kingdom chief medical officers recently wrote to health professionals to reiterate the current advice on vitamin D supplementation for at-risk groups. That followed a

Scottish awareness-raising leaflet that was aimed at the general public and which was distributed widely in 2011. In recent years, a wide variety of reports have linked vitamin D to various different conditions. The Scientific Advisory Committee on Nutrition is considering all the relevant evidence in its current review of recommended supplementation levels.

**Bill Kidd:** I asked the question because it has been shown that greater levels of vitamin D intake may prove beneficial in relation to the incidence of a number of illnesses and diseases, in particular multiple sclerosis, which is a scourge in Scotland. The shine on Scotland campaign has been successful in focusing attention on that.

**Michael Matheson:** I recognise the widespread interest in vitamin D. As I said, the Scientific Advisory Committee on Nutrition is currently reviewing the recommendations on vitamin D supplementation. Some of the evidence that links vitamin D with MS to which the member referred is conflicting and some of it is disputed, which is why the advisory committee process is vigorous. It will allow us to consider the evidence in detail before we consider any change to the current arrangements. The committee's report is expected to be completed by 2014, at which time, in accordance with the committee's findings, we will reconsider the current recommendations on vitamin D. Given that the research and surveillance data show that inadequate awareness and intake in at-risk groups is a key issue, our primary focus at this stage is to ensure that we encourage compliance with the current guidelines.

### Maternity Services (West Scotland)

**16. Stuart McMillan (West Scotland) (SNP):** To ask the Scottish Government what its position is on the review of the provision of maternity services in West Scotland. (S4O-00874)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** As the member is aware, no decisions have been made about local maternity services. All health boards keep their services under review. NHS Greater Glasgow and Clyde will conduct a review later this year; the board assures me that all local stakeholders will be fully engaged in that. As with any other examples of major service change, should change be proposed, a final decision would come to ministers for approval.

**Stuart McMillan:** The cabinet secretary will be aware of a previous public campaign, created in Inverclyde, in support of the retention of the community maternity unit at Inverclyde royal hospital. Does she agree that the CMU is an important cog in IRH's future and that removal of

the birthing unit is not inevitable or desired? Will she meet me to discuss the issue?

**Nicola Sturgeon:** I will be happy to meet the member at an appropriate time. He will understand that, should change be proposed, I will have a particular part to play in the process. It is important that we allow the process to take its course.

The CMU has played an important part. All health boards have to keep their services under review, and I expect NHS Greater Glasgow and Clyde to give due consideration to all representations on the issue.

**Duncan McNeil (Greenock and Inverclyde) (Lab):** Will the cabinet secretary ensure that proposals from NHS Greater Glasgow and Clyde are subject to full consultation before changes are made to the midwife-led service at Inverclyde?

**Nicola Sturgeon:** Of course proposals will be subject to full consultation. When I took office as health secretary, I recall inheriting from the time of the previous Administration a proposal to close the community midwife unit. I was clear then that consultation must be full. Consultation about any service change in the health service must be as full as possible.

## Tribunal System

**The Deputy Presiding Officer (John Scott):**

The next item of business is a debate on motion S4M-02521, in the name of Roseanna Cunningham, on the consultation on the new tribunal system in Scotland.

14:58

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** Today's debate focuses on tribunal reform in Scotland and highlights our proposals for modernising how tribunals operate.

Tribunals are a valued and distinctive part of our justice system and provide specialist forums for efficient and accessible legal dispute resolution. However, the system has developed in an ad hoc and unplanned fashion over many years, and the tribunals that are its constituent parts do not have a collective identity. The time has come to address the widely acknowledged need for reform. In 2001, Sir Andrew Leggatt described tribunals in Scotland as "exceedingly complicated". I share that view.

For more than 100 years, tribunals were considered to be a part of the state's internal administration, which had been designed as a mechanism whereby citizens could challenge the initial decisions of Government officials. From the early 20th century, the number of established tribunals has increased and their case load has grown. There are more than 40 tribunals in Scotland, which deal with devolved and reserved matters and cover a multitude of subject areas. In excess of 80,000 cases are heard each year. That is almost as many cases as are heard in the civil courts in Scotland, which is an indication of the reach of tribunals in Scotland.

Over recent years, the system has developed into a quasi-judicial one, with constituent tribunals deciding the cases that are brought before them more independently, more expertly, on the basis of evidence and in accordance with the law. However, developments have been ad hoc and have involved piecemeal improvements being introduced unsystematically in the separate tribunal jurisdictions.

As well as developing in an ad hoc manner, tribunals in Scotland are referred to in different ways in law. They are referred to sometimes as panels, sometimes as boards and sometimes as committees. What connects them is that they are all bodies that make decisions in law that affect the lives of tens of thousands of people across the country.

Tribunals make decisions on a diverse range of subjects, whether that is to determine someone's

liberty, as happens in hearings of the Mental Health Tribunal for Scotland, to decide whether a landlord has carried out necessary repairs to their property, as the Private Rented Housing Panel does, or to consider how best to meet a child's additional educational needs, as the Additional Support Needs Tribunals for Scotland do.

When the Parliament last debated tribunal reform back in September 2010, there was a general consensus that reforming the tribunal system was the right thing to do. I asked for the debate so that I could highlight the proposals that were published last week, on 23 March, to consult on the introduction of a new tribunal system in Scotland. Those proposals aim to create a coherent structure in which to integrate devolved tribunals over time, to provide clear judicial leadership, greater consistency in practice and improved transparency.

In December 2010, we took the first steps in reforming tribunals in Scotland by integrating the administrations of six separately operating bodies: the Additional Support Needs Tribunals for Scotland; the Lands Tribunal for Scotland; the Mental Health Tribunal for Scotland; the Private Rented Housing Panel; and the Scottish Charity Appeals Panel. That has proved to be a significant step and one that has already produced benefits. It has enabled the sharing of venues, the integration of administrative support and the introduction of common budget control systems, and it has established a platform for developing a programme of continuous improvement.

The Scottish Tribunals Service will continue to develop as an integrated service that provides access to comprehensive information concerning the quality of decision making in public authorities. As such, the service can play a powerful role in ensuring that there are continuous public service improvements across Scotland. There will be feedback mechanisms to inform public authorities whose decisions are not quite right first time.

In today's financial climate, we have to do all that we can to make the best use of our resources while continuing to provide a consistent, reliable service to tribunal users through an efficient, well-organised and sustainable administration. Savings of around £1 million have already been realised since the establishment of the Scottish Tribunals Service through a combination of consolidating efficiencies that judicial leaders and administrators have identified and rationalising organisational structures and support services. We are confident that those efficiencies will continue to be realised through further organisational integration and further streamlining of administrative processes.

The creation of a single administration was phase 1 of tribunal reform. We are now moving to phase 2, which we are convinced will deliver

further judicial and administrative gains. In our consultation paper, we propose to introduce a new integrated structure for tribunals. We want to create a structure of two tiers—a first tier and an upper tier—that can accommodate existing tribunals.

The first-tier tribunal will be for initial decision making. In most cases, it should be able to resolve satisfactorily the cases that are heard before it without the need for further appeal. However, we realise that that is not always possible, so we propose to create an upper-tier tribunal to hear appeals from the first tier. That will enable the bulk of tribunal business to be kept within the tribunal system, thus avoiding the need to go to court.

We are aware that it may be more appropriate for some appeals to be heard by the courts. Last year, the report of the Scottish committee of the Administrative Justice and Tribunals Council, "Tribunal Reform in Scotland: A Vision for the Future", considered the issue of rationalising appeals from tribunals. The committee thought that standardising the route of appeals to a single body would facilitate the development of expertise among appellate judges; make the appeals process more accessible for tribunal users; speed up justice in comparison with appeals to the Court of Session; streamline and simplify case-handling processes, thus supporting the development of expertise among administrative support staff; and make it easier for support organisations to provide advice to tribunal users who wish to appeal a tribunal's decision. Currently, there is no single mechanism in Scotland for appealing against a tribunal decision and appeal routes vary from tribunal to tribunal. That is why simplifying and rationalising appeal routes makes sense.

From the perspective of the tribunal user, we should consider how we can assist them in accessing a justice system that puts them at the centre of the process. Courts are often seen as less accessible and likely to be less affordable than tribunals. The court procedures have not been designed with self or lay representation in mind. In addition, the current system of separate tribunals is often seen as inflexible, and the type of information that is available about tribunals and their appeal processes varies. Those factors may well act as a barrier to appeals and result in users being put off taking matters further.

The creation of a new structure provides an opportunity to standardise the information that is provided to users in laypeople's terms, making it easier for them to understand the working of tribunals and how decisions are arrived at. We considered users, too, when we were writing the consultation document, and we published an easy-read guide to accompany the document. Members

who have seen that guide may wish that all consultation documents were so accompanied.

While keeping the centrality of users at the forefront of any changes, I would like to turn for a moment to how the proposed changes affect the tribunal judiciary. It has long been said that judicial independence is an important aspect of a fair tribunal system. The Franks report in 1957 established that tribunals should be adjudicative rather than administrative bodies and, as such, should be fair, open and impartial. Sir Oliver Franks said:

“Tribunals are not ordinary courts, but neither are they appendages of Government Departments.”

According to Franks, impartiality means

“independence from the real or apparent influence of the original decision-making administration.”

Users of tribunals need to be sure that decisions in their cases are being taken by people with no links to the body that they are appealing against and that the framework for taking decisions in their case, including rules of procedure and the appointment of decision makers, is not constructed in the interests of the other party.

We propose bringing the tribunal judiciary under the leadership of the Lord President of the Court of Session. The Lord President will be responsible for the training, welfare, guidance and performance of judges and other members of the new tribunal system. He will also be responsible for the allocation of members to hear individual cases and the handling of complaints made against any member of the tribunal.

The Lord President will be able to delegate any judicial leadership functions to other judges of the tribunal and, in particular, will nominate a senator of the College of Justice as the president of Scottish tribunals—a new office that will be responsible for the day-to-day running of tribunal business.

Bringing judicial leadership under the Lord President will not mean that tribunals will lose any of their distinctive characteristics. The consultation proposals ensure that there are measures in place to protect each tribunal's distinctive culture and specialist nature. That is assured by the tribunals' own rules of procedure and relevant primary legislation.

As I said earlier, we are taking tribunal reform forward in a phased approach. We are proposing that only a few of the devolved tribunals transfer into the new structure straight away. That will help the judiciary in transferring tribunals to settle into the new first tier and get used to the new arrangements. As we move to the next phase, we expect to begin discussions with relevant parties to allow further devolved tribunals to integrate into

the first tier and also benefit from the support that the Scottish Tribunals Service can provide.

What is being proposed in our consultation may seem like a massive change in how tribunals operate. Members might think that it will adversely affect tribunal users and cause confusion to them about who will hear their particular case. The answer is quite the contrary. Tribunal users will still appear before the same tribunal members and decisions will still be made in accordance with the law governing their jurisdiction. In addition, current rules of procedure, which protect the distinctive ethos of individual tribunals, will be adopted in the first-tier tribunal. Greater confidence in the tribunals' impartiality will be assured by future appointments and changes to tribunal rules being made only following ministerial receipt of independent advice.

The current tribunal landscape is complex. It is generally agreed that there is a clear appetite for reform and that that reform should be phased to secure steady improvements. We have started that process with some success by bringing together the six tribunal administrations to create the Scottish Tribunals Service, but that is only a small step in a longer journey.

I ask that Parliament support the motion and agree that we now need to press ahead with creating a coherent, simply structured, more integrated and more effectively led tribunal system that ensures that users receive a high-quality, fair and timely service that is responsive to their varied needs.

I move,

That the Parliament welcomes the publication in March 2012 of a consultation that sets out proposals to reform Scotland's tribunal system; notes that the proposals provide the opportunity to integrate Scotland's devolved tribunals into a coherent, unified structure; further notes the importance of tribunals in the administrative justice landscape and the complexity and diversity of their business, and acknowledges their rightful place at the heart of a modern civil justice system

**The Deputy Presiding Officer:** I draw members' attention to the fact that we have quite a bit of time in hand in the debate, so we will be generous with time and will seek interventions.

15:10

**Jenny Marra (North East Scotland) (Lab):** I thank the minister for her considered introduction to the topic and welcome the opportunity to speak in this debate on an important issue.

Tribunals are a fundamental part of the Scottish civil justice system. Each year, many more Scots attend tribunals than attend court hearings, so we have an important responsibility to get the reform correct.

Unlike court hearings, tribunals are designed to bring about resolutions to disputes in an informal and less adversarial fashion, which makes them unique in form and function. However, much like the decisions that are taken in court, tribunal hearings have a significant impact on people's lives. That is the case not least with mental health tribunals, which have the ability to restrict the fundamental freedoms of our citizens.

With that in mind, it is essential that any restructuring of the tribunal system be focused and centred on the citizen. The three principles of accessibility, accountability and transparency must be at the core of the reform. We must aim to create a structure that is not only clear from the outside looking in but coherent from the perspective of the citizens who use it.

During the previous debate on tribunal reform, the Scottish Parliament was united behind the need to restructure the fragmented and complex tribunal system in Scotland. Expert reports and evidence all agree that the system is too often inaccessible and costly to people. We have more than 40 tribunals, which handle a case load of more than 500,000 a year, and stakeholders were clear that we could do better to simplify the system for Scottish citizens.

The consultation that was launched last week contains far-reaching proposals for reform, and I am certain that, as it unfolds, we shall receive the same thorough and informative feedback from stakeholders as we did in 2010. I broadly welcome the proposals and agree with their main objective of creating a more coherent system, which will provide better clarity for people. Bringing each tribunal into one, streamlined system gives us the opportunity to offer Scots an enhanced level of accessibility to the justice system, as well as clear accountability for the decisions that tribunals make.

I welcome the fact that the new system will be adaptable in that it will be able to integrate further tribunals if and when that is deemed necessary. That aspect of the proposals will allow the Scottish system to respond efficiently to changes in United Kingdom legislation and will offer sustainability and clarity.

Many aspects of the consultation proposals require careful consideration, and I look forward to receiving stakeholder responses on them. For example, on matters such as appointments and the regulation of the system, we must act as far as possible in the spirit of the Leggatt report and recognise that the independence of tribunals is critical to their users' confidence in them. I welcome the Government's stated commitment to that principle and look forward to it underpinning any statutory provisions that are introduced. As we move to the new tribunal system, I urge the

Government to listen to stakeholders and assess carefully its proposals on sharing services with courts in a drive for efficiencies.

As I said at the start of my speech, the tribunals' separateness from the courts is an integral part of their less adversarial and more informal approach to resolving disputes between the citizen and the state. Although there is a case to be made for sharing services where practicable, any such move must not amount to a fundamental deviation in the nature of tribunals.

Similarly, in this drive for efficiencies, I look to the Government to protect the expertise and specialist resources that will continue to benefit each tribunal in its new format. As we know, each tribunal deals with a unique and usually highly technical aspect of law and we must not undo the good work that has been done up to now to build and maintain the appropriate resources for undertaking robust and comprehensive tribunal hearings. We need to carefully consider the types of services to be shared and the extent to which efficiencies take precedence as the system unfolds.

These and other issues will undoubtedly arise as the consultation goes forward and I am confident that, in its drive to get this aspect of civil justice right for the thousands of Scots who use it every year, the Government will be keen to work together with all parties in the Parliament to take forward stakeholders' views. Labour wants a system that not only is streamlined and efficient but is accountable and transparent and puts people at its centre. We will work with the Government throughout and beyond the consultation to achieve that, because it is the fair and right thing to do.

I move amendment S4M-02521.1, to insert at end:

"and believes that any reform should put users at the centre by following the principles of transparency, accountability and accessibility."

**The Deputy Presiding Officer (Elaine Smith):**

I now call David McLetchie. Mr McLetchie, you may have a very generous six minutes.

15:16

**David McLetchie (Lothian) (Con):** Oh, right! Thank you very much, Presiding Officer. Would that you were always in a position to be so generous. We know that you are in spirit, even if you are constrained by the rules of this Parliament.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** What was all that about?

**David McLetchie:** That is called padding, Ms Grahame. [*Laughter.*]

I welcome the opportunity to speak slowly on this topic, following the launch of the Scottish Government's consultation on a new tribunal system. Although a debate on the future of tribunals might not be among the most glamorous ever witnessed in the chamber—and no one can ever accuse me of adding a touch of glamour to any of the Parliament's proceedings—the topic is, of course, important. As the minister and Jenny Marra have rightly indicated, tribunals are an important part of our civil justice system. In some instances, a tribunal is a forum for citizens to challenge decisions that are made by public bodies on entitlements to benefits and services and, because of that, it is imperative that they are independent of Government and the public organisations on whose decisions they adjudicate.

In other cases—and we have heard about the variety of tribunals in the judicial landscape—they are a forum for the resolution of private disputes; in fact, that is the function of the Lands Tribunal for Scotland and the Private Rented Housing Panel. Moreover, tribunals deal with certain reserved areas such as employment issues and disputes between employers and employee. They also offer an alternative—and less formal and less costly—dispute resolution mechanism to our courts; indeed, tribunals in Scotland deal with more than 80,000 cases annually. Without them, the individuals who use them would either lose an entire avenue of redress or be forced to take their grievances to an already overstretched court system.

The principle of tribunals as a forum of redress is an ancient one. Roman tribunes, from which the word “tribunal” originates, were elected to protect the rights of the proletariat against the arbitrary acts of the Government. Indeed, the parliamentary Labour Party at Westminster used to have an influential Tribune group until it discovered that the arbitrary acts the group was complaining about were those of its own Government.

As we know, the tribunal system grew on an ad hoc basis through the 20th century. The minister was quite right to refer to the important landmark that was the Franks report of 1957, which resulted in a move from the perception of tribunals as purely executive or administrative agencies to their being put on a judicial footing with the principles of openness, fairness and impartiality as the governing foundation for their work, about which we have already heard.

In Scotland, we have a distinction between the tribunals that deal with devolved matters and are therefore the Scottish Government's responsibility and those that deal with reserved functions. As the Cabinet Secretary for Justice has previously

acknowledged, users of a tribunal are unlikely to be concerned about, to care less about or even to be aware of whether a tribunal deals with a devolved or a reserved matter. The overall duty that we have is to ensure that tribunals for which the Scottish Government and we in the Scottish Parliament are responsible work efficiently and where appropriate, to collaborate with the United Kingdom Government on the tribunals for which it is responsible, but which have jurisdiction here.

It is interesting to note that, although 16 tribunals are fully devolved relative to their subject matter and are therefore open for inclusion in the new tribunal system that the minister has outlined and which is the subject of the consultation, the majority of tribunals by reference to case load operate in relation to reserved matters. Some of them function as part of Her Majesty's Courts and Tribunals Service, while others operate on a free-standing basis.

It is not at all clear from the Government's consultation document—particularly from paragraph 1.5—whether the Scottish Government's intention is to seek a full-scale integration of tribunals across the present devolved-reserved divide or whether that is seen as a consequence of further constitutional change and thus a subject to be deferred for another day.

**Roseanna Cunningham:** The member might be interested to know that there is a conversation between us in Scotland and the Ministry of Justice south of the border about the possible transfer of the administrative functions, even in reserved tribunals. That conversation is already taking place.

**David McLetchie:** I thank the minister for that assurance. That is entirely welcome and I wish her well in those discussions.

The need for reform of the tribunal system has been under discussion in the UK as a whole for more than 10 years. In 2001, a review was conducted for England and Wales by Sir Andrew Leggatt, which concluded that the tribunal system had been created in

“an almost entirely haphazard way”—

he was not wrong about that—and that it was

“exceedingly complicated”.

Here in Scotland, we had the 2008 report of the committee that was chaired by Lord Phillips, “Options for the Future Administration and Supervision of Tribunals in Scotland”. It came to the similar conclusion that the system was

“extremely complex and fragmented”

and that it did not

“meet the key principles of independence and coherence”.

That complexity is not in the best interests of the users of tribunals, nor does the duplication in administration, staff training, information technology and other functions represent value for money for the taxpayers who fund the system.

Although the Government has taken some limited steps to simplify the system, most notably by bringing six of the devolved tribunals under the administration of the Scottish Tribunals Service, it is fair to say that progress has been slow. Part 1 of the Tribunals, Courts and Enforcement Act 2007 brought the vast majority of tribunal cases in Scotland that deal with reserved matters into a single coherent administrative and judicial structure with support provided by HM Courts and Tribunals Service. Only in December 2010 were some devolved tribunals given comparable support.

I turn to the Scottish Government's proposals in its recently published consultation document. I support the general thrust of the proposals, which include the creation of a new two-tier structure. All the tribunals in the new system will have the same leadership and administration. The first-tier tribunals will be organised into chambers in which tribunals on similar topics can be grouped together.

However, since the four tribunals that have been singled out for initial inclusion in the new system—the Additional Support Needs Tribunals for Scotland, the Mental Health Tribunal for Scotland, the Lands Tribunal for Scotland and the Private Rented Housing Panel—all deal with quite discrete subjects, it seems that the grouping idea is one for another day and, at this stage, it is more apparent than real. That is why we would like to know a bit more from the minister about the pace of change and integration, and the Government's intentions in that respect.

With that, Presiding Officer, I am happy to conclude my opening remarks.

**The Deputy Presiding Officer:** A valiant effort, Mr McLetchie.

Before we proceed to the open debate, I am pleased to inform members that we have been joined in the public gallery by His Excellency Kittu Wasinondh, the ambassador from the Kingdom of Thailand and his party. I would be grateful if members would join me in welcoming him to the public gallery. [*Applause.*]

We turn to the open debate. As members will have realised, we have time in hand so speeches should be six minutes, but I am in the happy position of not having to turn off microphones on the dot.

15:26

**John Finnie (Highlands and Islands) (SNP):**

This is a potentially interesting subject for someone who happens to be one of the many users of the tribunals service. I draw members' attention to the ministerial foreword to the consultation document, which talks about the

"shared commitment to ensuring that public services are of high quality".

I am sure that we can all go along with that. It goes on to talk about how

"A modern legal framework commands public confidence".

Some of the previous speakers' remarks show how that is important because one of the purposes of the tribunals—again, this is referred to in the ministerial foreword—is to protect

"people from unfair treatment by the state, by businesses or by other people."

Social justice should be at the heart of everything that we do, and those aims are very commendable.

Judicial independence has been referred to. The minister talked about being fair, open and impartial, and I welcome the oversight of the Lord President, which will be important as we move forward.

In improving the system, it is important to retain the benefits of the existing system and to protect the unique and specific elements that will transfer to the first tier. Given the caveat of right of appeal to the court or a judicial review, it is correct that the first tier will hear and make decisions on appeals. Reference has been made to the speed of appeals and, again, that is important so long as it does not come at the expense of justice. Distress is often felt by the appellant's partner or family because of the inherent delays in the existing system. With the first tier, it is important to recognise that a confident organisation will reconsider its decisions and correct, amend or set them aside if that is appropriate.

On a practical aspect, I am reassured that existing terms and conditions will be transferred, and that specific workloads will go with the tribunals.

The tribunals package is set within the wider context of the making justice work programme, which was launched last year. We have heard from the minister about shared venues and administrative support leading to continuous improvement and savings, which can be redirected.

Since 2010, the Scottish Tribunals Service has supported six tribunals—I do not think that I need to mention them all—and they are all vital to our communities, so they must be properly resourced.



In 2011-12, £1 million has been saved and there is prospect of saving £5 million overall; some of those savings will transfer immediately to the tier 1 system. The system must be resilient; that is very important.

The minister referred to the Scottish committee of the Administrative Justice and Tribunals Council—a snappy title—and its report, “Tribunal Reform in Scotland: A Vision for the Future”. I will focus on accessibility, which is one aspect of that report.

With some tribunals, the impression from the outset was that they would be for the layperson. However, that is certainly not my experience of employment tribunals, where there is discomfort about parity of representation and lack of legal representation. Such issues invariably turn a tribunal into the reverse of a layperson’s forum: a legal forum.

Accessibility relates not only to geography. There is an opportunity to use technological advances that do not disadvantage rural communities or people with mobility or language issues. That is referred to in the consultation document. The equality impact assessment will consider that. That is again in line with Lord Gill’s principles in the civil courts review. I make a specific plea for a role for Gaelic in the Lands Tribunal, if not in the other forums.

I welcome the standardisation of the appointment of tribunal chairs and members. As we have heard, the approach in the past has been fragmented. Resilience is required to deal with the developments to which Mr McLetchie alluded—the absorption from other jurisdictions—and future creations of this Parliament or elsewhere. On the exchange between the minister and Mr McLetchie, the discussions that the minister mentioned, which are on-going, follow on from the merger of courts and tribunals in England and Wales in April last year. Although the tribunal arm of that new body can be effective in Scotland, the court arm cannot, so we await with interest the formal consultation on that from the Ministry of Justice this year. I am sure that, through the discussions that have been alluded to, we can agree on budget transfer and the timetable for implementation.

Another of Lord Gill’s principles is the encouragement of early resolution. Certainly in my time, employment tribunals latterly operated on the basis that they would not deal with any case in which in-house procedure had not been exhausted. It is important that we have good employer-employee relations and robust grievance procedures and that mediation and management training take place. I mention mediation services and training because those are often the focus of cuts. However, if we are focusing on preventative

spend, those are important elements that certainly should not be cut.

It is welcome that there is to be judicial involvement in the upper-tier tribunal. It is important that the term “leadership” is used in relation to the Lord President, given the roles that the Lord President will be expected to undertake, which include training, welfare, guidance, appraisal and discipline of the tribunal judiciary, chairs and members—I hope that that task will not have to be done with any frequency. Importantly, the Lord President will also have a role in the allocation of cases.

I commend a phrase from one of the documents with which we have been provided, which states that we need a system that will

“be fair and accessible, cost effective and efficient and make proportionate use of resources.”

I commend the motion.

15:33

**Graeme Pearson (South Scotland) (Lab):** I thank the minister on two levels. First, I thank her for her fair presentation of the proposal that is set out in the consultation document on a new tribunal system for Scotland. Secondly, I thank her for offering an opportunity to David McLetchie to link his name with the concept of glamour. I never thought that I would witness that in my lifetime, let alone see him dismiss the offer so quickly. That is perhaps a sign of uncharacteristic shyness on his part—only time will tell.

Tribunals will never be an attractive subject to debate in the Parliament, but all members who are present know the importance of the work that tribunals do on behalf of society. The use of tribunals as a method of achieving a resolution for members of the public and the authorities in a dispute, or of seeking justice in relation to broader public issues, is an important means of empowering the citizen and ensuring a proportionate response to issues that are raised. Tribunal decisions are an effective means of influencing the actions and processes of public bodies.

As we have heard, there are more than 40 tribunals in Scotland. They seek to adjudicate on issues and to referee between competing panels or sides. They decide matters that are of great significance to individuals and their futures, agreeing on additional support, employment rights, land ownership and much more using not only the law, but specialist technical advice.

Tribunals operate daily across Scotland dealing with a huge range of administrative and public law issues of significance to the state and the individual. Whether it is through an employment

tribunal, the Lands Tribunal for Scotland, the Office of the Public Guardian (Scotland), the VAT and Duties Tribunal in Scotland, the Additional Support Needs Tribunals for Scotland, or the Scottish Charity Appeals Panel—to name but a few—the means by which justice is delivered should be important to us all.

The tribunals' cases are many and—given the subject areas that are dealt with—they have a high impact on the people involved. However, for the most part the tribunals are staffed and transact their business outwith the public gaze, in a way that belies their importance. The array of the many tribunals—some maintained within the UK jurisdiction and others discrete in their Scottish delivery—is confusing, not merely for the public, but for some of the professionals involved. Sir Andrew Leggatt commented on that. The current proposals benefit from Lord Philip's and Lord Gill's reports. They are to be welcomed in that light, in that they begin to move this area of public law into the mainstream of delivering justice.

The Government consultation sets out a number of proposals for a new system for Scotland: a single unified system; independence for tribunal judiciary; the creation of a leadership role for the Lord President of the Court of Session and a new president of Scottish tribunals; an opportunity to integrate the UK's system of tribunals with Scotland's system; and the provision of an upper-tier tribunal able to deal with appeals emanating from the first-tier tribunal.

A single unified system will build on the streamlining of administrative support and make better use of the resources at the Scottish Tribunals Service. At a time of economic challenge, such moves can be useful as long as they focus on smarter working and service delivery and avoid the attraction of cost cutting for savings' sake.

The declared independence of those who are engaged in judging matters across the landscape of tribunals in Scotland is not only essential; for many, it is an issue that should have been resolved years ago. The allocation of a role for the Lord President and the creation of a new president of Scottish tribunals reflect not only a bold job-creation exercise but, more important, a significant shift in acknowledging the important work undertaken by those in tribunals and the efforts required to drive up and maintain standards in the judgments and procedures adopted in this area of arbitration. Finally, appropriate integration of tribunal processes and support offers significant savings and consistency of outcomes. That professional support was hitherto delivered on the basis of good staff and committed people, rather than in conjunction with good systems and structures.

I welcome the placing of tribunals in a truly independent position by the reinforcement of an important sterile area between those administering judgments and those with Government influence. That independence is crucial, because many citizens are keen to have their cases decided on the benefit of the evidence before the tribunal and not because of governmental influence—imagined or not—that is brought to bear on those who administer the service on behalf of the Executive. Members will have cases of constituents who believe that their circumstances have been misunderstood or misrepresented by those in power. Tribunals need to be seen to adjudicate on the evidence alone. The proposals that are contained in the consultation that we are debating should contribute to that result. For justice to be done, it must be seen to be done.

I support the motion and the Labour amendment.

15:39

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Presiding Officer, my heart sank when you said that we have extra time. We always get extra time when we do not have a lot to say.

I commend David McLetchie who, despite his protestations, spoke for eight and a half minutes, taking us from Roman tribunes to Labour tribunes and from the ancient to the recent history of the development of the word “tribunal”. That was masterly padding, and this is a little bit of padding of my own. David McLetchie was followed by Graeme Pearson, who referred to the possibility of Mr McLetchie possessing the attribute of glamour. I remind Mr Pearson that it is recorded in the *Official Report* that, this week, he referred to the Cabinet Secretary for Justice as “gifted”. We definitely need recess in the Justice Committee.

Let us move to the business in hand—tribunals. I had no idea that there were more than 40 tribunals, and I did not know that they dealt with 80,000 cases a year. Some people might have expected the debate to be like watching paint dry or that it would be preferable to watch paint dry but, as others have said, tribunals deal with the most sensitive, fundamental and personal issues for many ordinary people day in, day out. Four of the tribunals that have already been referred to are the Mental Health Tribunal for Scotland, the Additional Support Needs Tribunals for Scotland, the Lands Tribunal for Scotland and the Private Rented Housing Panel. To be honest, I had no idea that the Private Rented Housing Panel existed. Mind you, I did not know that there was an Inspectorate of Prosecution in Scotland until last week, and nobody else appears to have known

about him either. It is possible to learn something even after being here for 13 years.

The tribunals, panels and committees are all different. Some, such as the Lands Tribunal for Scotland, appear to be very judicial and are like a court; others are not like that. In relation to additional support needs tribunals, I have issues about what happens further down the chain. By the time that people get to the tribunal, they will already have been in front of councillors, trying to get support for placing the children in a certain school. My issue—it is not totally relevant to the debate, but it is connected because it touches, to an extent, on the issue of mediation that John Finnie raised—is that, if we dealt with things earlier on and had proper representation at that stage, we would not need to have people going into the tribunal system.

Do we need to restructure the system radically? I think that we must. I welcome the tiered system, but I look forward to some tribunals and panels providing education and training for tribunal members. I do not wish to slight existing panel members, but I understand that there is not always consistency in the way in which cases are dealt with.

Jenny Marra said that tribunals are inquisitorial rather than adversarial, but that is not always the case, as John Finnie said. Sometimes, what one might call a layperson or a party litigant turns up and there is a Queen's counsel fully decked out in the wig and the bow tie—the whole lot—with a pile of books in front of them. Whether the books are referred to is another matter, but it is scary and that is an issue. Although some tribunals allow people to have legal aid, legal aid will not always pay for them to have a QC at their side. We must address that.

As has been said, some tribunals are very important. A mental health tribunal is, on balance, the most sensitive, as it can result in someone being compulsorily treated and even put into mental health treatment completely against their will, which is a fundamental removal of the individual's rights. I understand that the tribunal can make a determination on the day but can also defer determination for up to 28 days and, in that period, make an interim compulsory treatment order. That is pretty serious stuff, so we should be thinking about what our tribunals are moving into. The matters that they are dealing with now—"matters" is a word that Mr MacAskill likes—are becoming more complex. In a decade, things have moved on so that, when a tribunal is dealing with someone with mental health problems, their whole background is considered, which might not have been taken into account 10 years ago.

Additional support needs tribunals deal broadly with children who require support because they

are being bullied or have emotional, behavioural or learning difficulties. They might even be gifted children—at the other end of the spectrum, one might say—or bereaved. Those are difficult issues.

Panels and tribunals involve a legally qualified convener and two expert members, but I return to my point that I have always found the difficulty to be that, by the time they reach a tribunal, parents and carers are worn out, because they have been in front of councillors, who have an interest in proceedings when someone is trying to get their child placed somewhere or to get additional support at a school.

The additional support needs tribunal can consider appeals against decisions by education authorities. I like the idea of having a more stable appellate system. I note that, as of 18 March, the tribunal has been able to deal with appeals by parents—or by the person involved, when they have the capacity to make a claim—against a body because it has discriminated on the basis of a disability. That is an incremental change—the minister referred to that. My goodness—I have been speaking for only six minutes.

In the summary of the proposals, I am keenest on the proposal

"To ensure impartial decision-making",

which must be seen to be impartial. That relates to how some of the tribunals have evolved. I feel that parents have been disadvantaged in additional support needs tribunals. They have not really had a fair hearing and fair representation under article 6 of the European convention on human rights. Councils can sit there with legal teams, whereas the parents are standing on their own, perhaps with somebody who is from the voluntary sector. That person will be informed, able and doing their stuff, but there will nevertheless be an imbalance in representation.

Common judicial leadership is terribly important to education. When the Lord President is put at the top of something, it begins to matter and to mean something.

I notice the

"potential for future developments of the wider system".

Will the minister comment on a bit of the consultation document that I do not understand? I could have read the simplified version but, unfortunately, I found out about it too late. The consultation document says:

"it does not introduce barriers to future consideration of the option of merging courts and tribunals, in Scotland".

I do not know what that means. Does it mean just that the same buildings would be used or that tribunals would be linked in? I saw that and thought that I would ask about it.

15:47

**Roderick Campbell (North East Fife) (SNP):** I refer members to my registered interest as a member of the Faculty of Advocates.

I welcome the opportunity to speak in the debate. I am a relative newcomer to the Parliament, so I was not a party to the debate on the future of tribunals in September 2010, in which reference was made to the report of the group that was led by Lord Philip, which concluded that the tribunal system in Scotland was extremely “complex and fragmented” and did

“not meet the key principles of independence and coherence”.

Having announced in that debate that there was to be a Scottish Tribunals Service, the cabinet secretary, Mr MacAskill, is reported as having said that that was

“the first small step on a big journey. The real prize is for all tribunals in Scotland to form an integral part of the Scottish justice system.”—[*Official Report*, 30 September 2010; c 29183.]

That must remain the aim, and the current consultation heralds a further significant step along the way. Given that the new tiered structure will not for the moment include most tribunals that operate on devolved matters, let alone those on reserved matters, there is a considerable way to go, but it is a start.

Tribunal reform was one of the Scottish Government’s commitments for the making justice work programme. Making justice work aims to deliver a Scottish justice system that is accessible, easy to use and cost efficient. Those aims are admirable. As the minister said, tribunal reform must draw on the principles of the Franks report from the 1950s—on fairness, openness and impartiality.

As I said, Lord Philip was not complimentary about Scotland’s tribunal system. The Scottish Tribunals Service supports just six tribunals today, but there are many more and the integration of the six that are serviced by the Scottish Tribunals Service can be only the start. As other members have said, more than 40 tribunals work on different devolved areas in Scotland. All were established by different statutes, in different eras, with different priorities in mind.

We know that significant savings have been made from the establishment of the Scottish Tribunals Service and we cannot pretend other than that keeping the cost of tribunals under control must be a priority, but that must—as always—be compatible with the interests of justice. Reform of the tribunal system is an essential step in making Scottish civil law fit for the 21st century. The consultation on the Scottish

Government’s proposals for a new tribunal system for Scotland is therefore a welcome development.

The strategy is clear, as I see it. The organisation of tribunals in Scotland, which can look like a jungle to the average person, will be streamlined, with a clearer appeals structure. Accessibility must remain at the core of the proposals. The new first tier ought to be better able to settle simple disputes, with the possibility of a referral to the appellate level. I do not believe that the system could embody functionality and simplicity better than that.

I am also confident that the new proposals will reassure people who are concerned that tribunals will not be independent of political influence and will not be impartial. Tribunals are used by people who require assistance to resolve disputes when unfair treatment by a third party—most often, an organ of the state—occurs. It is therefore important that their operation is not compromised, or seen to be compromised, by partisanship.

Let us be clear that the proposals are not a comprehensive solution to all tribunal-related challenges. In addition to the fact that the proposal is to commence with only the six tribunals that are serviced by the Scottish Tribunals Service, many tribunals remain reserved to the UK Government, so the Scottish Government cannot, at present, legislate on those areas.

I am pleased that the Scottish Government has been in dialogue with the UK Lord Chancellor, Kenneth Clarke, with a view to progressing the suggestion that there be a transfer of the administration of tribunals that operate in reserved areas in Scotland, as has been recommended by the Scottish committee of the Administrative Justice and Tribunals Council. I am not sure where we are with those discussions; I heard what the minister said to David McLetchie on the issue, but I would appreciate any further nuggets of information from the minister in her winding-up speech. Progress has clearly been made elsewhere in the UK. It would be undesirable for the enthusiasm that has been demonstrated elsewhere not to be replicated in Scotland.

The Scottish Government’s strategy for tribunals is clear. The proposals suggest an integrated model of first-tier tribunals, which will take on the work of current tribunals. In addition, an upper tier will be put in place as an appeals mechanism when decisions by the first-tier chambers are challenged.

Of course, perhaps the greatest strength of Scots law is its integrity. I am confident that the proposed system of tribunals, under the judicial leadership of the Lord President, will help to ensure that that integrity is maintained.

I also support proposals that seek to fully integrate tribunals with other forms of dispute resolution—first and foremost, the courts. The proposals that have been made on tribunals will not, as far as I am aware, affect an individual's right to appeal to the Court of Session by way of judicial review. Although further clarity may be needed on the question of any appeal on a point of law to the Court of Session, I welcome in particular the proposal that appeals from the Mental Health Tribunal for Scotland to the Court of Session will remain. That is an important safeguard.

The proposals seem to herald a joined-up approach and represent a significant step towards sorting out the currently fragmented and piecemeal system. That cannot be anything but a plus.

I am pleased to have had the opportunity to speak in the debate and am supportive of the Scottish Government's proposals, even if I might prefer—as David McLetchie suggested—more rapid progress. I look forward to the report on the consultation responses in due course.

15:53

**John Pentland (Motherwell and Wishaw (Lab)):** When the proposal to set up the Scottish Tribunals Service was debated in September 2010—there was the same glamour then as there has been in the debate so far—I am reliably informed that there was a remarkable degree of parliamentary agreement, both in voting and in the points that were made. I will continue on that consensual theme, so I apologise if what I will say sounds familiar.

In 2010, everyone agreed that justice that is delivered by tribunals is an integral part of the Scottish justice system, that we should create an integrated tribunals service, that any transfer of powers should seek to preserve the benefits of existing arrangements, and that there should be wide consultation. It was noted that developments at UK level, with the creation, for the UK, of the Tribunals Service were in danger of leaving Scotland suffering by comparison, with tribunals that deal with devolved matters providing an inferior level of service to users. Although everyone was keen that we not be left behind, some concerns were expressed—notably about how the tribunal system sits organisationally with regard to the Scottish Court Service, given the significant differences in how they operate. The timescale for implementation and adequate consultation was also an issue. We are now entering a period of consultation on the further proposals from the Scottish Government.

It is important to preserve the valuable role of tribunals, which combines their specialist knowledge and understanding with their operation as a less formal and less adversarial arena for justice than the court system. Although there is no doubt that the tribunal system that we have inherited is complex and could benefit from a more consistent approach, we must balance measures to address that with the need to maintain the tribunals' strengths, including their accessibility. Affordability should not be a barrier to justice.

We must be aware that, while we seek to adopt standardised packaging for tribunals, their contents vary, and we should not discard important ingredients. We must ensure that the process of simplification and standardisation of procedures does not undermine specialised elements that are of value in particular tribunal areas. The reduction of overlaps and the elimination of duplication are worth while, as long as they are genuine overlap and duplication, and as long as elimination does not involve putting square pegs in round holes, which would not be the way to ensure better deployment and sharing of resources.

We need to be able to maintain important specialisation in appointments and support structures. I am therefore pleased that the consultation document is careful to make it clear that a coherent system does not mean a one-size-fits-all system. That is, of course, easier to say than it is to achieve, particularly with 40 tribunals that deal with thousands of cases between them.

As the consultation document recognises, the key objectives are not necessarily mutually compatible in all respects. Emphasising or prioritising one objective may make others more difficult to achieve. Specialisation has already been mentioned as an issue that is likely to arise in pursuing a streamlined service. There are also potential conflicts between safeguarding the interests of users and pursuing greater administrative efficiency. Even within each one of the stated key objectives, there is room for divergence. Securing just and speedy outcomes sounds good, and it certainly does not serve the cause of justice to allow cases to drag on—but neither does excessive haste. For those reasons, it is right that the statutory framework be for evolutionary change. Tribunals must be allowed to address their individual issues and requirements, and to integrate to an extent and at a speed that preserves their advantages and ensures the optimal balance in applying the key objectives.

I note that the consultation covers only the devolved aspects of the tribunal integration. However, given that such integration is taking place in England and Wales, and that it has been suggested by the UK Ministry of Justice and

others that there could be a transfer of powers for reserved tribunal administration and the judiciary to Scotland, I take this opportunity to support the principle of such a move.

15:58

**Chic Brodie (South Scotland) (SNP):** In its way, the debate—enjoined as it is to the Government's consultation paper on a new tribunal system for Scotland, as announced by the minister on March 23—will, I opine, help to redefine significant elements and redraw the geography of common and fair justice in Scotland.

Many members have mentioned the Philip review. As the chairman, Lord Philip, said in his foreword to the 2008 report,

"Tribunals are now a vital part of Scotland's justice system".

When Sir Andrew Leggatt produced his report, "Tribunals for Users: One System, One Service", in 2001, which had a much more significant impact on England and Wales, it did not—and perhaps could not—address all the complications of subsidiary justice in our devolved country, because of the complications involving tribunals that dealt with reserved matters, those that dealt with devolved subjects pre-1999 and those that dealt with devolved matters post-1999. Having sat on the Economy, Energy and Tourism Committee as it has wrestled with the Land Registration (Scotland) Bill, I know that the issue of land tribunals has come quite significantly into play.

Although the Leggatt report was sound, it did not address Scotland's needs. The Philip report quite rightly indicated that the system was fragmented, complex, insufficiently independent and lacking in quality and it pointed out that tribunals seemed to have passed some inconsistent or erroneous judgments.

It is clear that we are talking about something that is an integral part of our judicial system—a devolved and independent system that presides over—as the minister indicated and which Christine Grahame honestly learned—80,000 cases and involves more than 40 tribunals in Scotland. It is not objective or independent and is possibly—perhaps inevitably—unfair.

I welcome the fact that, since the Scottish Tribunals Service was launched in 2010, it has supported six tribunals. Of course, we have much more to do to square that particular circle. In a modern just Scotland, there has to be a system that secures best practice and avoids duplication—a system that is cost effective, secure, consistent, cohesive, which allows ease of communication and which makes justice work quickly, in the interests of coming to an agreement and avoiding people having to have recourse to

expensive court action. It is better to have a quicker and less costly way to solve disputes. An efficient and all-embracing tribunals service is the way to do that.

I welcome the Government's consultation and look forward to the report that will be produced once the consultation closes on 15 June. The measures are overdue, which is why I suggest that the debate and the consultation sequitors will redefine the boundaries of fairness and justice in Scotland.

Although we must retain the benefits and specialisms in law, I suggest that there must be an increasing and transparent role for more legal arbitration on disputes. We require to develop new rules. I welcome the possibility—indeed, the probability—of a new process of dispute resolution at a point not too far in the future. I know that that is a matter that will not be kicked into the long grass by the minister.

I understand that some tribunals are funded by sponsoring departments in the UK Government and elsewhere. That is not independent. I also understand that members of reserved tribunals are appointed by a judicial appointments procedure and others go through a public appointments system. That is not independent either. We need to ensure that all tribunal members are appointed appropriately and are suitably trained to ensure and, indeed, to secure objectivity and impartiality in their decision making. I welcome also the Government's intention to seek independent advice to ensure that tribunal members are appropriately remunerated.

The objective is that there will be no duplication of training, administration or information technology systems across devolved tribunals. Simple.

As the paper suggests, we need a two-tier tribunals service that will deal with all matters—reserved and devolved—to handle dispute resolution, with a subject-based first tier that makes all decisions and is buttressed by an upper tier to which appeals can be referred. I hope that that upper tier would be used infrequently.

A smart and just Scotland needs to fit in place this piece of our national jigsaw in order to deliver openness, efficiency, responsiveness, consistency and fairness—our sense of fairness.

There will, of course, be Jeremiahs who will question, for example, the nearly £12 million to be spent on tribunals in the coming year, but that is another instance of sound preventative spend. If we achieve what we set out to achieve, I ask them this: what price fair, effective and speedy dispute resolution?

I support the motion.

16:05

**Nigel Don (Angus North and Mearns) (SNP):** I would like to take us back a few years and to a little bit of research into the history of the situation. Members have referred to Sir Oliver Franks's report in 1957. I am delighted to say that I have a copy of that report in my hand. It is not the first one that I bought, because once I passed the exams, I made the mistake of getting rid of that document: I thought, of course, that I would never need it again. I am grateful to the Scottish Parliament information centre, which has produced a copy from the National Library of Scotland very quickly.

Page 2 of that report says that "Since the war"—that was the second world war, of course—

"the British electorate has chosen Governments which accepted general responsibilities for the provision of extended social services and for the broad management of the economy. It has consequently become desirable to consider afresh the procedures by which the rights of individual citizens can be harmonised with wider public interests."

Paragraph 10 of the report says that

"over most of the field of public administration no formal procedure is provided for objecting or deciding on objections. For example, when foreign currency or a scarce commodity such as petrol or coal is rationed or allocated, there is no other body to which an individual applicant can appeal if the responsible administrative authority decides to allow him less than he has requested. Of course the aggrieved individual can always complain to the appropriate administrative authority, to his Member of Parliament, to a representative organisation or to the press. But there is no formal procedure on which he can insist."

I think that we recognise the sentiments, but probably not the subject matter.

Post-war developments appear on page 8 of the report. I am looking to demonstrate how things arose. The report says that

"new policies or regulatory legislation have meant new tribunals".

The Agriculture Act 1947, the National Insurance Act 1946, various rent acts and the National Insurance (Industrial Injuries) Act 1946 are cited and it is pointed out that "Tribunals today"—that is, in 1957—

"vary widely in constitution, function and procedure."

Nothing much has changed since then.

On page 25, Sir Oliver Franks looks at the right of appeal. He says:

"The existence of a right of appeal is salutary and makes for right adjudication. Provision for appeal is also important if decisions are to show reasonable consistency. Finally, the system of adjudication can hardly fail to appear fair to the applicant if he knows that he will normally be allowed two attempts to convince independent bodies of the soundness of his case."

I am not sure that we would quite sign up to that these days, but a fair point is made about where Sir Oliver Franks was coming from.

Members have referred to our debate in September 2010. I spent my time talking about the right of appeal, and I have re-read what I said. I stand by it, although I have no desire to repeat it to members. It seems to me that where there is a good and accessible—although not necessarily speedy—right of appeal, there will be good judgments. I think that we all recognise in life that, where there is no real prospect of something being appealed, those who make the decisions may well, without any malice at all, get lazy. Therefore, we are much more likely to get bad decisions.

In the context of the consultation, the role of the upper tier, as I understand it, is on matters of law. It must be recognised, of course, that calling the right evidence and referring to it correctly is itself a matter of law. That seems to be entirely right, otherwise we will simply rehear cases, but it begs the question what legal qualifications should be required of those who adjudicate in the upper tier.

I note from the consultation paper that all the High Court judges, if I may so describe them, will automatically be on the panel. Can the minister give us clues as to who else might be deemed to be legally qualified and to what extent upper-tier members might be experts, rather than lawyers?

**Roseanna Cunningham:** There will be the possibility of sheriffs, sheriff principals and other very expert individuals adjudicating at that level. We are talking about a high level of legal input.

**Nigel Don:** I am grateful for that clarification.

It has occurred to me that the upper-tier tribunal will set precedent. It will be staffed by senior people and it will make law. I would have thought that what it decides will be binding on the first-tier tribunal in the future. I wonder to what extent there will be reporting systems that extract and communicate precedents to first-tier adjudicators. I suspect that in the past we have not been as good as we should have been at such communication.

I also wonder to what extent it is thought that the appeals system might be rationalised in the future. One might suggest—theoretically and quite unreasonably—that the first tier might appeal to the upper tier, which might appeal to the sheriff principal and on to the Court of Session, the Supreme Court and the European Court of Justice. No one wants that to happen, but I make the point simply to demonstrate that it might be sensible if we had standardised lines of appeal and appropriate jumps could be made, to ensure that things could not go on for ever.

I endorse what John Finnie said about access, which is essential, and what he said about early

resolution and mediation, which are undoubtedly the way forward. Unreasonable cases should be eliminated from the system, but we must ensure that there are no unnecessary barriers to going to a tribunal for complainers. I guess that getting the right cases in and keeping the others out is a difficulty of any legal system.

As other members have done, I note that the handful of tribunals that are included in the current proposal can be expanded to include other tribunals that are devolved and—in time, no doubt—tribunals that might subsequently become part of an independent Scotland. What I like about what is proposed is that constitutional change does not seem to matter; the system seems to be appropriate. I welcome that.

Paragraph 4.9 of the consultation paper mentions a procedure for reconsideration of decisions of the first-tier tribunal. That sounds like an extremely good idea. The ability to go back and think again before passing something on to others is a sound approach in life. I confess that I am not familiar with such an approach anywhere in our legal system, so I would be interested to know how it might work.

From paragraph 4.52 onwards, the consultation paper is about opportunities to improve. That is an extremely good thing.

Christine Grahame said that some complainers are worn out by the time their case reaches a tribunal. As we think about the tribunals that pick up the pieces, we should consider the processes, which are often in local authorities, into which complainers will already have put a lot of time and effort. In that context, we might consider situations in which council legal officials are asked to be general and in-principle advisers in the process, although they are being paid by one of the parties. I think that the practice still goes on, although it is not entirely consistent with our ideas of judicial fairness.

16:14

**James Kelly (Rutherglen) (Lab):** It has been an entertaining debate. We have had the glamour of David McLetchie, the dry humour of Christine Grahame and a history lesson from Nigel Don. For me, it has been a bit like groundhog day. Like Nigel Don, I took part in the debate on tribunals in September 2010. As John Pentland said, there was a lot of consensus in the chamber that day, as there has been today.

There is a sense of frustration that the pace of change has been slow. That is not a party-political point because, as Mr McLetchie rightly pointed out, the issues go back more than 10 years and they cross different Administrations. It is clear that different groups have been grappling with them,

but it is now time for the Parliament and the Scottish Government to grasp them and to move forward.

Tribunals are a serious matter. As the minister said, there are 40 tribunals, which 80,000 people go through—that is a lot of traffic. They have a terrific impact on people's lives. Ordinary people find such situations extremely stressful, and we owe it to them to make the process more efficient, more streamlined and as user friendly as possible.

**John Finnie:** The member mentions the stress that is associated with attendance at a tribunal. Does he agree that everything should be done to resolve issues through early intervention to prevent them from going to tribunals in the first place?

**James Kelly:** I thank the member for his intervention and I agree with what he says. As he said in his speech, alternative mechanisms for dispute resolution before the tribunal process is embarked on should be properly explored. That would ensure that more effective decisions are made.

As others have said, the fact that the 40 tribunals cover three branches—in the sense that some of them are UK tribunals, some are Scottish tribunals that were established before devolution and others are Scottish tribunals that have been established since devolution—adds to the complexity of the issue and means that there is a variety of governance arrangements for the different types of tribunal. [*Interruption.*] Yes, Presiding Officer—I am speaking very slowly.

The drivers for change are the complexity of the tribunals landscape and the need to make tribunals more user friendly. We must tackle the bureaucracy that is at the heart of the system and produce a new system that is more transparent, fairer and more consistent and which users of tribunals feel gives them a fairer deal.

**Christine Grahame:** I am trying to help the member out. Does he agree that the websites of some of the tribunals are quite helpful? Does he also agree that we should applaud the Government for publishing a simplified version of the consultation—I saw it late in the day—which is about the level that I need?

**James Kelly:** I thank Christine Grahame very much indeed.

We all use information technology in our workplaces, but the issue is getting the information out to the 80,000 users of tribunals as they embark on the process of a tribunal appeal, which can be daunting and intimidating. For many, the first port of call is a website, and there is no doubt that it is helpful to the user if the website provides concise instructions on the process.



A number of issues need to be considered and members have spoken about many of them during the debate. One is the lack of a consistent appeal route. The right of appeal is an important judicial principle, but there is no appeal whatsoever with some tribunals. As Nigel Don said, if a tribunal knows that it will not be subject to further scrutiny on appeal, that could lead to a somewhat lax approach when it considers the decision at hand. The appeal route needs to be tidied up so that people know that there is consistency.

We must also ensure that the appointments process is open and transparent. As many members have said, decisions taken at tribunals can have quite an impact on people's lives. Those who sit on tribunals therefore have a great responsibility and we need to ensure that the people who are appointed treat their positions properly and are appropriately qualified.

We also want to know that there is appropriate independence. [*Interruption.*] I have some other points that I would like to make, Presiding Officer, if that is okay.

**The Presiding Officer (Tricia Marwick):** That is perfectly acceptable, Mr Kelly. I know that you have really important points to make and that the members in the chamber would love to hear them.

**James Kelly:** Yes. I can see that members are looking very attentive, particularly those on the front benches, who I am sure are willing me on.

The independence of the tribunals is obviously important if we are to ensure confidence not only in the process but in the decisions that come out of the process. The appointment of the Lord President to lead the tribunal process will ensure consistency around policy. Given that 40 different tribunals operate around the country, we need a consistent approach, and we need to tackle seriously the question of how we achieve that consistency. I welcome the appointment of the Lord President to lead the process, as that will help.

Some tribunals have not been properly resourced, and they need to be. I acknowledge that that is a major challenge at a time when budgets are under threat. However, the consultation on the way forward gives us an opportunity to streamline the process and thus make the most of resources and ensure that all tribunals are properly resourced. Allied to that, we need to ensure that tribunal members are properly trained. If they are to understand the process and make appropriate decisions, that is essential.

I welcome the Government holding the consultation at this time. I note that the consultation will be held over a 12-week period. At the end of that period, it will be essential that the Government outline a clear process, with

timescales, so that members are aware of it and so that the many tribunal users will have confidence in the transparency of the system.

16:23

**Colin Keir (Edinburgh Western) (SNP):** I think that we should give a vote of thanks to Mr Kelly for managing to speak for eight minutes.

I welcome the broad agreement across the chamber on this issue. We have managed to find various routes into the debate, which has been fascinating—and the debate has been an awful lot more interesting than some of us might have expected. For example, we had Mr Pearson with his gladiatorial approach to saying nice things to Mr McLetchie, which is always very nice to see. I have decided that the best name for Mr McLetchie these days is Grand Tribune, which I think sounds very statesmanlike.

I welcome the Scottish Government's consultation. We have heard of the importance of the tribunal system and its place in the legal system. Any new legislation that proposes to make the tribunal system—which at times looks unwieldy and difficult to understand and is in some cases intimidating to those taking part—more streamlined and easier to understand should be welcomed.

The key issue is clarity. Over the years, the different tribunals' differences of approach have led to some confusion. It would be logical to bring the tribunals together with a common structure under the leadership of the Lord President of the Court of Session—although he will be able to delegate responsibilities—and to create a new position of president of the Scottish tribunals.

The Scottish ministers appoint most tribunal members and set the rules and regulations for tribunals, so it could be thought that tribunals are not as independent as they could be.

Statutory provision for a devolved Scottish tribunal system with scope for integration with the reserved UK tribunals that operate in Scotland could make the administration and law of tribunals more understandable. I hope that the continuing discussions between the Scottish Government and Westminster on that are fruitful, and I encourage the minister in that regard.

Service users must be at the heart of any changes to the system. Jenny Marra, who is not in the chamber at the moment, mentioned that important point. A man or woman who embarks on dispute resolution must have confidence in the impartiality of the particular tribunal that they use. Christine Grahame also mentioned that.

I have never served on anything that was called a tribunal. My closest personal experience of

something akin to the tribunal system was when I was the convener of the City of Edinburgh Council regulatory committee—a quasi-judicial committee that heard objections to licence applications from the police and others before coming to a determination.

I chaired many of that committee's meetings, and it was clear that applicants did not always understand the process, which usually required them to engage a legally qualified person for advice. Just as important, they did not fully understand the appeal process, which entailed an extremely expensive journey to the sheriff court.

The proposed new two-tier tribunal system would help people who require a determination through a tribunal. Most disputes would be settled at stage 1—I agree with those who called for better early intervention—and the upper tier would deal with any subsequent appeals, so the system would be set up to avoid any visits to court.

We have heard a lot about the process, and I will now give a practical example of why we require a simplified system. Citizens advice bureaux provide significant support to and representation of clients in relation to many legal issues, including representation at benefits tribunals and employment tribunals and in small claims cases and repossession proceedings.

The number of tribunals at which CABx provided representation increased to 4,000 in 2010-11—an increase of 87 per cent on the 2009-10 figures. The number of court or tribunal documents that the CABx prepared more than doubled to 16,000 in 2010-11. Members may be interested to know that the increase in representation was mainly driven by a 58 per cent increase in the number of welfare tribunals at which an adviser provided representation.

That volume of activity represents a huge draw on the limited resources and time of the CABx and places a great strain on a service that helps every client who requires assistance. The figures strongly indicate that the number of benefits cases in which representation is required is likely to continue to increase as the welfare system continues to undergo change.

Appeals are becoming an increasing part of the workload for CAB welfare advisers. Although tribunal appeals make up only 10 per cent of benefits cases, they take up a significant amount of adviser time and resources. Therefore, more efficiency in the tribunal system would assist not only the system's secretariat but those who help others.

**Roderick Campbell:** So far, Colin Keir has not mentioned the tribunal judiciary. Does he agree that it is appropriate that the Scottish ministers

determine their remuneration on the basis of independent advice?

**Colin Keir:** There is every possibility that I will agree with that statement.

The tribunal system in Scotland requires to be changed. As we have heard, there have been various reports from eminent people over the years, as well as various debates in the chamber, and I believe that now is the time to deal with the issue. If we seek to give the system a 21st century makeover, we must make it understandable to all involved and ensure that it has a clear chain of command and that the process is clear.

Finally, I note that the system is going to be under extreme pressure over the coming period. I support the motion.

**The Presiding Officer:** Thank you, Mr Keir. We move to winding-up speeches, and I call David McLetchie. Mr McLetchie, you may have about seven minutes.

16:30

**David McLetchie:** Oh, is that all? How disappointing, Presiding Officer.

As I indicated in my opening speech, I have some concerns about what might be charitably described as the painstaking approach to tribunal reform in Scotland over recent years and, as Roderick Campbell and James Kelly made clear, the limited progress that has been made in that time. I remind Parliament that, back in 2007, the then Justice 2 Committee published a report on the legislative consent memorandum for the Tribunals, Courts and Enforcement Act 2007, in which it expressed a concern that Scotland-only tribunals

“should not be left behind”

in the process of reform. As we have heard, that concern remains valid.

With regard to the Scottish Tribunals Service, which was created in December 2010, the Philips report—where we find the genesis of that body—recommended that it be given the remit to provide support to all tribunals with jurisdiction in Scotland. However, as we have heard, to date only six have been brought within that support structure. That leaves 10 devolved tribunals—and, more significantly, the numerous reserved tribunals with jurisdiction in Scotland—sitting outwith the system. As a result, we must press the Government on its intentions in relation to the new system. Is it really content for Scotland to have a number of administrations, some of which are supported by the Scottish Tribunals Service, some by HM Courts and Tribunals Service and others, both reserved and devolved, operating on an entirely

free-standing basis? In that respect, I was heartened by the minister's intervention in my opening speech, although I echo and press Roderick Campbell's request for further information on that point, driven as it is by our mutual desire, and indeed the desire of many in the chamber, for faster progress. I also note from the Government's consultation document that the merger of the UK Tribunals Service and HM Courts Service raises governance and constitutional issues in Scotland, and the consequences of that might well act as a spur to the creation of an integrated tribunals and courts service and a faster pace of reform.

The piecemeal approach is reflected in the content of the consultation document. I was interested in remarks made by John Finnie and John Pentland about accessibility, representation before tribunals and the complexity of the subject matter that many tribunals deal with. In my professional life as a lawyer, I never had occasion to represent anyone at a tribunal. However, although I have retired from that work, I recently represented a relative at a social security tribunal in an appeal over the awarding of attendance allowance—with a modest degree of success, I might say, although I add that that had nothing to do with my own qualities. Nevertheless, I was interested in the complexity of the issues surrounding the award of what is on the face of it a relatively straightforward benefit. I simply note that the tribunal system considers far more complex subjects than entitlement to attendance allowance.

The proposal is that there should be a two-tier system with the upper tier acting as a common appellate mechanism. Nigel Don, in a characteristically erudite speech, spoke about that and took us back to the source document—the Franks report of 1957. We should thank him for the diligence of his research.

However, I return to the issue of why only four tribunals will come into the new system in the first instance. Why will the four that have been selected be transferred while others are not? There is a passing reference in the consultation document to consideration of the other tribunals on a case-by-case basis, but we would like to know how long it is envisaged that that will take.

The consultation states that all local government tribunals will be considered for transfer to the new system. In that connection, I would be grateful if the minister could tell us why the Government has not acted on the persistent and oft-repeated view that the education appeal committees, which Christine Grahame mentioned, and which deal with education authority decisions to exclude pupils or refuse a placing request to a different school, are not sufficiently independent of the councils that take the initial decisions. Many of us

have constituents who have raised such concerns with us from time to time. The Government could have acted to bring those committees within the framework.

There is clearly a balancing act at play between, on the one hand, the need to ensure that we have a tribunal system that is sufficiently specialised to deal with different and complex subject matters and, on the other, the need for efficiencies and savings. John Pentland mentioned that. It would have been better if the consultation document had considered the need for the current number of tribunals. The opportunity to do that has been missed, as has the opportunity to consult on which of the tribunals that are not being brought within the framework would be suitable candidates for inclusion in future.

I very much appreciated Colin Keir's speech and his recognition of the tremendous work that volunteers in citizens advice bureaux and other advocacy organisations do in representing people before our tribunals. The system of administrative justice gets tremendous value from those volunteers and it is only appropriate that we recognise their contribution.

I welcome the consultation as further reform is overdue. I would have liked it to go a bit further in its scope, but I encourage everyone who has knowledge of and expertise in the system to respond to it.

16:38

**Jenny Marra:** The people who have sat through the debate in the public gallery this afternoon have witnessed something unusual in the Scottish Parliament—a consensual debate. If they had been here last week, they might have seen me, the minister and Chic Brodie locking horns over other issues. However, the matter that we have discussed today is of no less importance.

It has been a good debate, with interesting speeches from members throughout the chamber. I thank David McLetchie for his speech. I always enjoy listening to him, and I particularly enjoyed his reference to the origins of tribunals in Roman law. I hoped that he would spend a bit more of his time elaborating on that, but perhaps my penchant for the intricacies of Roman law is not shared by everyone in the chamber or indeed anyone who is watching the debate. Nevertheless, I thank him for that.

David McLetchie also called for clarification on the pace of change and integration. We would like to echo that point, which is important.

During the open debate, several members made significant contributions. My colleague John Pentland said that the standardisation and

streamlining of practices should not come at the cost of specialisation in the tribunals. Mr Pentland made a convincing case; he said that we should guard against a one-size-fits-all system. That is worth noting.

Chic Brodie raised the issue of more arbitration and dispute resolution and pointed out how that is also important for preventative spend. We need to be most efficient and use such measures. My colleague James Kelly echoed that point. There is general agreement in the chamber that more arbitration and dispute resolution should be at the heart of the proposals.

James Kelly highlighted the crucial point that lies at the centre of Labour's amendment by talking about the impact of tribunals on people's lives. People often go to tribunals in stressful situations, whether it be because of private disputes or disputes with a public body, and it can be a worrying time for them. It is important that the proposals make that time easier.

During the debate, the minister handed me the easy-read guide on the consultation. It is a useful piece of work by the Scottish Government. It makes the issue a bit more accessible and transparent, as mentioned in our amendment. Perhaps the minister and the cabinet secretary will consider producing some easy-read guides for other areas of justice policy. It might be useful to have one on sentencing, an issue that the Justice Committee has recently grappled with.

I also apologise to the chamber for making a mistake about the number of tribunal hearings. I think that I underestimated the number at 50,000, when in fact it stands at 80,000, as many of my colleagues have pointed out.

The consultation marks the next step in a series of incremental reforms of the tribunal system, which is in need of change, as we have heard this afternoon. On the whole, the proposals are positive. By bringing each of the tribunals that operate independently of one another into a coherent and streamlined system, we can offer Scots a greatly improved service. Throughout the process, it is vital to put people at the centre of the reform by consulting widely, incorporating people's views into any statutory measures and making a system that puts their interests at its centre.

Confidence in the civil justice system is a cornerstone of modern democratic states. Labour's amendment stresses the importance of the three principles of transparency, accountability and accessibility. Most Scots who interact with the civil justice system in Scotland will do so through tribunals, which is why we must get the reform right.

In the spirit in which the debate has been conducted, I hope that the minister and the

Government will support my amendment. The tribunal system must be transparent and accountable in all aspects of its decision-making process, from judicial appointments to the implementation of its governing rules. We should seek to make the process one that enhances the ability of Scots to access justice that they might not have had previously. We need a system that, through its clarity and accessibility, has the will to seek justice where injustice has been done. In that vein, we have heard a number of things to consider, such as the drive for efficiencies. Undoubtedly, there is room to make savings, but that should be balanced against the need to protect the distinct format and role of tribunals in our wider civil justice system.

I look forward to seeing the consultation responses that the Government will receive during the next 12 weeks, and to working with the Government to ensure that we get the consultation process and the system right for the people of Scotland.

**The Presiding Officer (Tricia Marwick):** I call Roseanna Cunningham to wind up the debate. It would be helpful if you could continue until 4.55, minister.

16:44

**Roseanna Cunningham:** Thank you, Presiding Officer.

I am grateful to members for their thoughtful and insightful comments, on the proposals to reform Scotland's tribunal system, although it must be said that, mostly, I am grateful for the length of their comments. We have been having a little fun this afternoon at our own expense, but it is worth reminding ourselves that, although tribunals might seem to be a Cinderella part of our judicial system, they are in fact the judicial equivalent of constituents' concerns about littering and bins and so on. That is to say that, to each and every individual who is caught up in the tribunal system, that might be the single most important thing that is happening to them at that time in their lives. We need to remember that in the debate.

I am glad that so many members agree that we have a huge opportunity to improve our tribunal landscape for the better and to ensure that our citizens get access to a first-class system. I will pick up on a few specific points that members have raised. David McLetchie raised a question about the chamber structure. We believe that it should be sufficiently flexible to allow for the integration of other tribunals as and when required. I will perhaps say something about that slightly broader issue later.

John Finnie reminded us how wide-ranging issues of accessibility can be and how some

tribunals have moved much more in the direction of professional legal input than was perhaps originally envisaged. Having listened to members, I think that I might in fact be the most experienced person in the chamber in respect of tribunals, as I have represented the City of Glasgow District Council at industrial tribunals and employment appeal tribunals. Also, rather unusually, I have been called as a witness, in my capacity as a constituency member, for a constituent at a tribunal. I have therefore seen tribunals from both sides. In my capacity as minister, I have taken the opportunity to sit through a mental health tribunal to see how it worked. Legal representation was involved, although it was informal. The interesting thing about my experience with the industrial and employment appeal tribunals was that the council had professional legal representation at every one of those tribunals, whereas most of the people on the other side did not. That is worth remembering.

We are embarking on the most radical reforms of our court and tribunal systems for at least a century. Members need to think about the changes to tribunals as part of that much wider programme of work that the Government is undertaking. In 2011, we launched the making justice work programme, which aims to pull together a range of current and potential reforms to the structure and processes of the justice system, access to justice and alternatives to court. The programme involves major, complex and long-term change. We are committed to ensuring that the reforms happen.

It is important to emphasise that, as I said in my opening speech, we have the infrastructure in place to support the administration of Scotland's tribunals as a result of the establishment of the Scottish Tribunals Service. I referred to the development of the Scottish Tribunals Service and the progress that it has made in the past 15 months. The service is ready to meet the challenge of administering a new integrated tribunal system and of ensuring that the new structure and its users get the best-quality service.

Christine Grahame said that she was uncertain of the phraseology that is used in the consultation document about the integration of the court and tribunal services. That refers to the potential for or possibility of integration into a single administration under the leadership of the Lord President; it is not about merging courts and tribunals. If there was confusion, I hope that those comments have clarified the issue.

The supporting infrastructure is only part of the story. The only way to guarantee a first-rate tribunal system is to ensure that the appropriate structure—including judicial leadership, appointments, security of tenure and rule making—is provided for in legislation, and to have

that legislation uphold the independence of tribunal judiciary. I cannot emphasise enough that our proposals do not seek to dilute the specialism or the uniqueness of different jurisdictions but will support their more effective and efficient operation. The new system has to give effect to its intention by using the more coherent structure to improve the effectiveness with which each constituent tribunal discharges its specific statutory duty. An integrated structure can bring a broader range of knowledge, experience and perspectives to bear on the matters that come before it.

The consultation paper marks the next phase in our journey on tribunal reform. As I have said, the realisation of the proposals in the consultation and the establishment of the Scottish Tribunals Service will provide the support structure and framework for integration, while giving the flexibility to ensure that the specialist nature of tribunals is maintained. The consultation paper lists the tribunals that will be integrated into the proposed new system once it is in place. They are the tribunals that are currently administered by the Scottish Tribunals Service and relate to devolved matters.

One or two members have referred to what they regard as slow progress. The integration of other tribunals will require careful consideration and consultation with those affected, to ensure that the right balance is struck between maintaining specialism and the integration of systems and support. It may appear to be a simple and straightforward move, but it will not always be.

We expect that, over time, tribunals in Scotland dealing with devolved matters will be integrated into the system. Creating a cohesive unified system is ambitious; it will take time and will involve close working with existing tribunals, their users and their stakeholders. It will not be an easy task; by their very nature, as some members have pointed out, tribunals are diverse, unique and individual. For example, those who are not currently supported by the Scottish Tribunals Service cover subject matters such as police appeals, valuation appeals and, as has been mentioned, education appeals. There is even a tribunal that deals with horse betting levies. The system that we are proposing will provide the framework to accommodate and support such wide-ranging and diverse subject matters.

I reassure Jenny Marra that the consultation period will include five separate stakeholder events across the country, as well as a separate and specific event for mental health stakeholders, because of the importance of the Mental Health Tribunal.

We intend that our journey on tribunal reform will take us even further. When we last debated tribunal reform and the wider administrative justice

system, we discussed an announcement that was made by the Lord Chancellor on 16 September 2010. He alluded to the prospect of the responsibility for judicial leadership of reserved tribunals sitting in Scotland transferring to the Lord President. He also raised the prospect of the administration of reserved tribunals transferring to Scottish ministers. There was cross-party support for that, as has been mentioned by David McLetchie, Rod Campbell, John Pentland and others. Since then, the Scottish Government has been in regular and detailed discussions with the Ministry of Justice to develop the proposals further, and the Lord Chancellor wrote to me on 31 October last year, setting out the basic terms of his proposal. Some thinking is still required on the detail, but we are moving in the right direction. The Lord Chancellor has recently confirmed that he remains committed to delivering the proposal. I understand that the UK Government intends to consult on its proposals for the integration of court and tribunal judiciary later this year. That will require primary legislation.

The Scottish Government remains committed to continuing such discussions. We will do that—not only because discussions may result in the transfer of functions to Scotland, which we would welcome, but because they would allow us to develop a system that works for all Scotland's tribunals, not only those where the subject matter is devolved.

We have spoken about ways in which tribunals can increase access to justice, and I hope that members will get an opportunity to consider the simplified version of the consultation document that makes it clear what is being discussed and what is intended. It is important to recall that tribunals are set up to be accessible, even if some of them have moved away from that.

We have debated the proposals that are set out in the consultation paper, and we welcome the views of members. We also welcome views from interested groups, tribunal users and members of the public as part of the consultation process, and I hope to get input from all of them. All the discussions will help us to refine the proposals into a deliverable policy on which the Parliament can legislate with confidence. It is a prize worth obtaining and one that the Government is committed to working towards.

For the avoidance of doubt, I state that we will accept the Labour amendment. I thank all members for today's debate.

## Auditor General for Scotland

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-02533, in the name of Iain Gray, on the appointment of the Auditor General for Scotland. Members who want to take part in this very short debate should press their request-to-speak buttons now. I call Iain Gray to speak to and move the motion on behalf of the selection panel.

16:55

**Iain Gray (East Lothian) (Lab):** I invite the Parliament to nominate Caroline Gardner to Her Majesty the Queen as the Auditor General for Scotland.

The selection panel was chaired by the Presiding Officer and the other members were Willie Coffey, Murdo Fraser, Jim Hume, Angus MacDonald, Mark McDonald, Drew Smith and me. On behalf of the panel, I thank Janice Crerar, who managed the process for the Parliament, and Louise Rose, the independent assessor who oversaw our work. Louise has provided the Parliament with a validation certificate confirming that the process complied with good practice and that the nomination of the Auditor General is made on merit after a fair, open and transparent process.

We make the appointment because of the retirement of the current Auditor General for Scotland, Robert Black. Bob Black was the inaugural Auditor General for Scotland, appointed on 1 February 2000. Just as Her Majesty the Queen has seen off Prime Ministers, Bob has seen off more audit committee conveners than I care to count, of whom I am merely the latest in what I like to think has been a distinguished line over the years. Bob Black has developed an internationally respected, modern, open, independent and highly effective public audit regime. Under his leadership, Audit Scotland's reputation has been not just Scottish but international. Indeed, Audit Scotland participates fully in the development of international ethical standards and takes part in the audit of the United Nations. Bob has provided Scotland, not just the Parliament, with exemplary service over the years and I know that the Parliament will join me in wishing him a long and happy retirement. However, I do not wish him too restful a retirement, as I sincerely hope that Scotland will continue to benefit from his experience and wisdom in some way or another.

Caroline Gardner was the unanimous choice of the panel from a very strong field of candidates. She has 25 years of experience in public audit, financial management and governance. She has

worked for Audit Scotland, the Accounts Commission for Scotland and the Audit Commission for England and Wales. She recently returned from the Turks and Caicos Islands, where she spent a year as the Government's chief financial officer in the most challenging of circumstances.

The Auditor General reports to the Scottish Parliament on the financial management and performance of Scottish public services and tells us how well or otherwise our public bodies are performing. The appointment is therefore crucial. The Auditor General is supported by the staff of Audit Scotland and works closely with the Accounts Commission, which secures the audit of local government bodies. The panel believes that Caroline will bring to the post enthusiasm, professionalism, integrity and determination. I am sure that the Parliament wishes her every success for the future in her new role.

It gives me great pleasure without hesitation to recommend Caroline Gardner to the Parliament as the Auditor General for Scotland.

I move,

That the Parliament nominates Caroline Gardner to Her Majesty The Queen for appointment as the Auditor General for Scotland.

**The Presiding Officer:** Mr Coffey, who was also a member of the selection panel, would like to say a few words.

17:00

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I take the opportunity to endorse the comments of the panel's convener and to welcome the nomination of Caroline Gardner for the post of Auditor General.

When our public finances are under closer scrutiny than ever before, it is vital that our new Auditor General embraces the task of providing an effective and independent scrutiny service to the Parliament. I am certain that Caroline Gardner will fulfil that role very effectively. I am happy to support the nomination.

**The Presiding Officer:** The question on the motion will be put at decision time.

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are 10 questions to be put as a result of today's business. The first question is, that amendment S4M-02522.3, in the name of Keith Brown, which seeks to amend motion S4M-02522, in the name of Alison Johnstone, on cycling, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-02522.2, in the name of Elaine Murray, which seeks to amend motion S4M-02522, in the name of Alison Johnstone, on cycling, as amended, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Fee, Mary (West Scotland) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McLetchie, David (Lothian) (Con)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Smith, Liz (Mid Scotland and Fife) (Con)  
Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
Adam, George (Paisley) (SNP)  
Adamson, Clare (Central Scotland) (SNP)  
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Biagi, Marco (Edinburgh Central) (SNP)  
Brodie, Chic (South Scotland) (SNP)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Burgess, Margaret (Cunninghame South) (SNP)  
Campbell, Aileen (Clydesdale) (SNP)  
Campbell, Roderick (North East Fife) (SNP)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Constance, Angela (Almond Valley) (SNP)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Don, Nigel (Angus North and Mearns) (SNP)  
Doris, Bob (Glasgow) (SNP)  
Eadie, Jim (Edinburgh Southern) (SNP)  
Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Fabiani, Linda (East Kilbride) (SNP)  
Finnie, John (Highlands and Islands) (SNP)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
Keir, Colin (Edinburgh Western) (SNP)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Lochhead, Richard (Moray) (SNP)  
Lyle, Richard (Central Scotland) (SNP)  
MacAskill, Kenny (Edinburgh Eastern) (SNP)  
MacDonald, Angus (Falkirk East) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
Mackay, Derek (Renfrewshire North and West) (SNP)  
MacKenzie, Mike (Highlands and Islands) (SNP)  
Mason, John (Glasgow Shettleston) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
Maxwell, Stewart (West Scotland) (SNP)  
McAlpine, Joan (South Scotland) (SNP)  
McDonald, Mark (North East Scotland) (SNP)  
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
McLeod, Aileen (South Scotland) (SNP)  
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
Neil, Alex (Airdrie and Shotts) (SNP)  
Paterson, Gil (Clydebank and Milngavie) (SNP)  
Robertson, Dennis (Aberdeenshire West) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Salmond, Alex (Aberdeenshire East) (SNP)  
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Sturgeon, Nicola (Glasgow Southside) (SNP)  
Swinney, John (Perthshire North) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Urquhart, Jean (Highlands and Islands) (SNP)  
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
Wheelhouse, Paul (South Scotland) (SNP)  
White, Sandra (Glasgow Kelvin) (SNP)  
Wilson, John (Central Scotland) (SNP)  
Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 46, Against 63, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-02522.1, in the name of John Lamont, which seeks to amend motion S4M-02522, in the name of Alison Johnstone, on cycling, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### For

Brown, Gavin (Lothian) (Con)  
Carlaw, Jackson (West Scotland) (Con)  
Davidson, Ruth (Glasgow) (Con)  
Fergusson, Alex (Galloway and West Dumfries) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Johnstone, Alex (North East Scotland) (Con)  
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
McLetchie, David (Lothian) (Con)  
Milne, Nanette (North East Scotland) (Con)  
Mitchell, Margaret (Central Scotland) (Con)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, John (Ayr) (Con)  
Smith, Liz (Mid Scotland and Fife) (Con)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
Adam, George (Paisley) (SNP)  
Adamson, Clare (Central Scotland) (SNP)  
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Beamish, Claudia (South Scotland) (Lab)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Biagi, Marco (Edinburgh Central) (SNP)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Brodie, Chic (South Scotland) (SNP)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Burgess, Margaret (Cunninghame South) (SNP)  
Campbell, Aileen (Clydesdale) (SNP)  
Campbell, Roderick (North East Fife) (SNP)  
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Constance, Angela (Almond Valley) (SNP)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Don, Nigel (Angus North and Mearns) (SNP)  
Doris, Bob (Glasgow) (SNP)  
Eadie, Jim (Edinburgh Southern) (SNP)  
Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Fabiani, Linda (East Kilbride) (SNP)  
Fee, Mary (West Scotland) (Lab)  
Findlay, Neil (Lothian) (Lab)  
Finnie, John (Highlands and Islands) (SNP)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Gray, Iain (East Lothian) (Lab)  
Griffin, Mark (Central Scotland) (Lab)  
Harvie, Patrick (Glasgow) (Green)



Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 13, Against 95, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-02522, in the name of Alison Johnstone, on cycling, as amended, be agreed to.

*Motion, as amended, agreed to.*

That the Parliament welcomes the growing number of cyclists in Scotland and the 12% drop in cycling accident

casualties between 2000 and 2010; believes that investing far more in infrastructure for cyclists and pedestrians will boost jobs, reduce business costs, cut congestion and climate-changing pollution and improve Scotland's health by improving air quality and reducing obesity; recognises the central importance of cycling safety and the perception of safety on the road to encouraging more people to cycle; considers that active travel is a cross-cutting priority for central and local government and that active travel champions should be represented on relevant transport and land-use forums, and calls on the Scottish Government to place active travel at the heart of the planning system, to work with local authorities to implement a rolling programme to upgrade infrastructure for pedestrians and cyclists as part of every road improvement, to expand the use of 20 mph zones in residential and shopping streets, to consider reviewing all urban speed limits and simplifying the Traffic Regulation Orders process, to provide the necessary support to ensure that all road users have access to increased cycling safety training and to work with local authorities to ensure that every child in Scotland has the opportunity to undertake on-road cycle training by 2015, and reaffirms the Scottish Government's target of 10% of journeys made by bike by 2020.

**The Presiding Officer:** The next question is, that amendment S4M-02523.1, in the name of Fergus Ewing, which seeks to amend motion S4M-02523, in the name of Patrick Harvie, on local energy companies, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McLetchie, David (Lothian) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)

Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 77, Against 32, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-02523.2, in the name of Sarah Boyack, which seeks to amend motion S4M-02523, in the name of Patrick Harvie, on local energy companies, as amended, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-02523, in the name of Patrick Harvie, on local energy companies, as amended, be agreed to.

*Motion, as amended, agreed to.*

That the Parliament reaffirms Scotland's ambitious targets on climate change and renewable energy; considers that the private, public and third sectors, including co-operatives and community bodies, all have a role to play in developing a clean energy future for Scotland; is concerned by the growing perception that the renewables agenda is benefiting only big business, instead of serving the common good; believes that great public benefit could be achieved through the work being done by the Scottish Futures Trust in partnership with COSLA to help local authorities realise this ambition, highlighting opportunities to provide exemplary community benefits from renewables schemes on the public estate, publicly owned renewables and the lease of public assets to appropriate renewable energy developers; believes that public sector involvement in the renewables sector can generate clean energy as well as revenue for valuable new public services such as energy efficiency investment and support for community-owned renewables projects and that the shared and community benefits would help to foster public support for renewable energy, and calls on the Scottish Government and the Scottish Futures Trust to continue to work with COSLA, local authorities and other organisations in developing proposals, and asks that the Scottish Government reports back to the Parliament on progress.

**The Presiding Officer:** The next question is, that amendment S4M-02521.1, in the name of Jenny Marra, which seeks to amend motion S4M-02521, in the name of Roseanna Cunningham, on the consultation on the new tribunal system in Scotland, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-02521, in the name of Roseanna Cunningham, on the consultation on the new tribunal system in Scotland, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament welcomes the publication in March 2012 of a consultation that sets out proposals to reform Scotland's tribunal system; notes that the proposals provide the opportunity to integrate Scotland's devolved tribunals into a coherent, unified structure; further notes the importance of tribunals in the administrative justice landscape and the complexity and diversity of their business, and acknowledges their rightful place at the heart of a modern civil justice system and believes that any reform should put users at the centre by following the principles of transparency, accountability and accessibility.

**The Presiding Officer:** The next question is, that motion S4M-02533, in the name of Iain Gray, on the appointment of the Auditor General for Scotland, be agreed to.

*Motion agreed to,*

That the Parliament nominates Caroline Gardner to Her Majesty The Queen for appointment as the Auditor General for Scotland.

## Community Transport

**The Deputy Presiding Officer (John Scott):**

The final item of business is a members' business debate on motion S4M-02387, in the name of Jim Hume, on the road forward for community transport. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament believes that community transport initiatives play a vital role throughout Scotland in meeting the needs of many communities, particularly in remote and rural areas; considers that community transport services are viewed as a lifeline by many older or disabled people residing in areas currently underserved by commercial bus operators; further considers that such services help to improve the wellbeing of service users and are an illustration of effective preventative spending by delaying the entry of older people into residential accommodation; notes that one of the key objectives of the concessionary bus travel scheme is to "allow older and disabled people (especially those on low incomes) improved access to services, facilities and social networks by 'free' scheduled bus services; and so promote social inclusion"; understands that in some areas there are no regular scheduled bus services and where community transport services are the only alternative; notes the work by organisations in the third sector such as Age Scotland in campaigning for the widening of access to such services; commends The Bridge for operating the Teviot Wheels and Tweed Wheels services in the Scottish Borders, the latter winning a Queen's Award for Voluntary Service in 2011, and acknowledges calls for greater consideration of and support for such services in future.

17:07

**Jim Hume (South Scotland) (LD):** The purpose of the debate is to highlight the outstanding and vital contributions that are made by often unnoticed community organisations and unsung volunteers across Scotland. Those volunteers assist our elderly and disabled citizens daily to lead more active and social lives.

I thank the members from across the parties—from every single party—who have supported my motion, and those who have decided to remain in the chamber for the debate, especially given that the recess starts tonight.

The Community Transport Association in Scotland describes community transport as

"flexible transport run by the community for the community."

Community transport is an example of people being empowered, knowing what is best for their area and taking responsibility for solving their own problems. The CTA in Scotland, which is represented in the public gallery, has about 160 members. Many of the groups in our communities are such small operations that they do not become members. In all, there are some 250 such organisations across Scotland.

Yesterday, the CTA in Scotland was at Parliament to launch “The CTA State of the Sector Report for Scotland 2012”. It is the first such survey of Scotland’s community transport network and it was compiled by surveying Scotland’s 80 largest community transport organisations. The report shows that there is a vibrant and expanding network in this country, which is sustained by at least 2,500 volunteers who contribute more than 278,500 hours of their time, which at the current rate of the minimum wage, would amount to a value of approximately £1.7 million annually. Of course, that is a significant underestimate because of the inability of the CTA in Scotland to reach many of the smaller operations.

What, exactly, are those groups doing in our communities? They are providing 3.5 million passenger journeys every year, 80 per cent of which are for elderly or disabled people, with a fleet of more than 900 vehicles. Those journeys are provided for people who for financial, physical or logistical reasons do not have access to cars, taxis or buses. They include the child who cannot access a bus service to get to school, the elderly person who has difficulty completing their shopping, the sick person who needs to attend a healthcare appointment and so on. Often, the most disadvantaged members of our society are not best served by our transport network.

There are a number of outstanding providers in South Scotland, such as the Teviot wheels project, which operates out of Hawick; the Annandale Transport Initiative, of which Elaine Murray will be aware; the Gala wheels initiative; and the award-winning Berwickshire wheels project, which has 28 volunteer drivers who cover some 47,000 miles per year.

I recently spent some time with Tweed wheels in Peebles, which has been transporting people around Tweeddale since 1997. In the past 12 months it has transported more than 3,000 passengers around the Borders, thanks to its dedicated and hard-working team of volunteers. In recognition of that service, it deservedly received the Queen’s award for voluntary service last year. Teviot wheels is operated in conjunction with Tweed wheels by the organisation The Bridge. Both services are shortly due to celebrate their first anniversary after a highly successful first year. Here’s to many more for them.

What more can be done to sustain Scotland’s network of community transport organisations? Members will note that my motion quoted a Government statement on one of the objectives of the concessionary bus travel scheme—namely, that the scheme will

“allow older and disabled people ... improved access to services, facilities and social networks by ‘free’ scheduled bus services”.

We should be proud of the way in which the concessionary fares scheme has allowed our elderly and disabled citizens to live more independent lives. However, for a variety of reasons, many people who have a pass are currently underserved by commercial bus operators. It is those people who are most reliant on the types of services that are offered by groups such as Tweed wheels. That is why community transport providers are calling for the extension of the concessionary fares scheme to cover their operations, which are entirely in keeping with the objectives of the scheme.

Currently, around 90 per cent of the sector operates under section 19 permits, which allow groups to carry socially excluded people but not the general public, thereby making them ineligible for that particular source of funding. An elderly person in a rural area may need to pay a subsidised rate of 50p per mile to travel in a community transport vehicle to do their shopping, whereas their elderly sibling in an urban area can simply hop on a local bus and use their pass.

The sector claims £660,000 annually from the bus service operators grant. Such funding is always welcome, but there is to be a significant squeeze on the budget in the next financial year. Community transport providers are understandably nervous at a time when demand for their services is increasing year on year.

Our population is ageing, and it is the older demographic group that makes the most use of such services. Organisations such as Age Scotland—which is also represented in the gallery this evening—and the CTA in Scotland are calling for the concessionary fares scheme to be extended to include section 19 permits. One official from Tweed wheels told me that the extension of the concessionary fares scheme would enable the group to offset its dwindling funds from other sources and continue to provide a subsidised service to the most vulnerable members of its community.

The challenges for the concessionary fares scheme and bus operators were highlighted in the media just yesterday, and we know that budgets are tight. The Government’s 2009 review of free bus travel did not consider community transport in any great depth, but it produced an estimate of the cost of extending the schemes, which amounted to roughly 3 per cent only of the next financial year’s concessionary fares budget. That is a bargain when one considers the improvement to wellbeing that service users derive through such effective preventative spend.

The challenges that are being placed on the concessionary fares budget and bus operators have been highlighted recently in the media. Although the Government is intent only on

reviewing operator reimbursement, it is clear that a more thorough review of the entire scheme must take place. I hope that, when that review is eventually undertaken, consideration will be given to the extension of the scheme to cover section 19 permits. I look forward to hearing the minister's views on the matter when he sums up the debate.

17:15

**Sarah Boyack (Lothian) (Lab):** I thank Jim Hume for bringing this important debate to the chamber and for lodging a motion that is comprehensive and has a lot of meat in it.

I have been a strong supporter of community transport since the Parliament was established. As the first minister with responsibility for transport in the Scottish Parliament, one of the most pleasurable things that I did was go to various parts of rural Scotland, work with the people there and kick off the grant support for community transport. I know the huge change that it has made to ordinary people's lives. For many people in rural communities, community transport initiatives are a lifeline. For people who are not car owners, who live in an area that has no local bus services or who have some form of disability, there are no alternatives; it is just impossible to get out and about.

We need to view community transport as a preventative measure. It enables people to live independently and with dignity in their own homes, sometimes with extra support. It also enables them to access community events and facilities, to go shopping—activities that the rest of us take for granted—and to take part in human interaction, whether that is talking to other people or volunteering. The service is fantastic and important.

I, too, was dismayed at the cut in the bus service operators grant. I know that, in my region, that has led to bus fares going up and services being reduced. With regard to my region, I point out that, although community transport is vital for rural communities, it is also important for urban communities. As an urban dweller, I must say that although some parts of the Lothians have good bus services, they are not good enough for people who have physical disabilities, who do not live near a bus stop and who would not get out without community transport.

In Lothian, there are several community transport projects, including the Pilton Equalities Project, Dove transport and Lothian Community Transport Services. Those services exist because the traditional bus services do not meet people's needs. Handicabs in particular does a great job. When I had the chance to invite a local hero to the opening of Parliament following the last elections, I

invited Muriel Williams, who is an Edinburgh resident who has spent more than 20 years raising awareness of and supporting community transport initiatives. Community transport is a lifeline in rural communities, but as some of you will have been surprised to hear, it is also important in urban areas. The Pilton Equalities Project runs 90 local projects. Without the community transport that it runs, the people who need that support to visit events that are held by mental health groups, older people's groups and so on would simply not be able to do so.

I very much support the profile that Jim Hume has given this issue by bringing it to the chamber.

There is an issue about cost. Local people tell me that they have a taxi card that lets them go on two visits a week. It is not free; they must still make a contribution. Community transport also has to be paid for. However, without it, people would have to choose every week between going to the shops or going to a local project, and I do not think that that is a choice that people should have to make. The benefits to older people who are able to get out of the house, socialise with other people and get advice and support are important, and community transport is vital to ensuring that they can do those things.

I hope that the minister, in his response, will talk about support for community transport in terms of the capacity of groups to run those services and to provide the accessible minibuses that are needed, and in terms of concessionary travel. Even when there are buses in their areas, a lot of older people cannot use them and, in communities where there are no buses at all, community transport means that they have a chance to get out and about.

I hope that the minister will look at this issue. It is important for rural and urban areas across the country.

17:19

**Aileen McLeod (South Scotland) (SNP):** I congratulate Jim Hume on securing this debate, which is on an important issue, particularly to those of us who represent large rural areas.

Members who have been kind enough to have offered me a lift from time to time will know that I largely rely on public transport to get around the south-west of Scotland. Therefore, the challenges in accessing public transport are not alien to me; I certainly have experience of them.

I will refer mainly to work that is going in Dumfries and Galloway to develop the role of community transport in partnership with the local council. In Dumfries and Galloway, only around 15 per cent of bus services are commercially viable; the remainder rely on public subsidy in order to

operate. I appreciate that maintaining those subsidised services is increasingly challenging and that high fuel costs are a significant problem in Dumfries and Galloway. The region has that in common with the rest of rural Scotland.

The south west of Scotland transport partnership has its work cut out in trying to support operators that find that, even with a subsidy, many of the longer routes that have low passenger numbers may no longer be financially viable. When Swestrans commenced its recent retendering exercise, estimates suggested that between 30 and 50 per cent of the region might end up with no bus services. It is greatly to the credit of Swestrans that that situation has not come to pass, although the underlying economic trends have not disappeared.

Dumfries and Galloway Council has been working with the third sector on a potential solution in developing a partnership approach that permits community transport operators to tender for timetabled services and provide local authority transport services, including for schools and social work services. An example of that innovative approach is the partnership between the council and Wigtownshire Community Transport. An approach has been developed that allows the community transport organisation to use the council's bus fleet to undertake a school run in the morning, after which the organisation has bus use for other services for the rest of the day. It also has them during school holidays. The approach started as a trial that was supported by the European northern periphery programme, and there is now work being done towards its operating on a self-sustaining basis. An additional benefit is that Wigtownshire Community Transport now employs its own drivers, which generates employment and adds to its list of achievements.

I am not suggesting that that precise model could or should be rolled out across the country, although the underlying principle has wide relevance, and nor am I arguing that the approach would solve all the complex transport challenges that rural Scotland faces. However, it shows that there are innovative partnerships and that there is joined-up thinking between our local councils and community transport providers.

I also want to highlight the work that the Dumfries and Galloway third sector forum has done as part of the Parliament's third community partnerships project. Its recently published report, which is entitled "A Road to Health", identifies a number of issues that relate to the transport of older people to and from hospitals and clinical appointments, and underlines the extent to which adequate transport provision in remote and rural areas, such as south-west Scotland, is vital for the health and wellbeing of older citizens.

I am grateful for the opportunity to highlight the good work that has been started in Dumfries and Galloway on improving community transport, although I certainly do not underestimate the challenges of meeting the wider transport needs of those who reside in our rural communities.

I endorse Jim Hume's remarks about transport in rural Scotland being a key element in supporting our older and vulnerable citizens. In that respect, the costs of doing so represent preventative spending in the terms that were elaborated in the Christie commission's report, which was published last year. Indeed, we can find in that report a comprehensive statement of the principles that should inform our approach to community transport. In particular, transport services have to be designed around the needs of older and vulnerable people who live in our rural communities.

The integrated approach that Dumfries and Galloway Council is promoting is an example of the Christie principles being put into action. It will result in real benefits and will give community transport in the region an even more prominent and integral role in the future as a partner that provides flexible and responsive transport that can fill in the gaps in provision of which we are all only too aware.

17:24

**Alex Fergusson (Galloway and West Dumfries) (Con):** I, too, congratulate Jim Hume on bringing the important subject of the road forward for community transport to the chamber for debate. In the time that is available to me, I want to expand on a couple of points that Aileen McLeod made.

Just two nights ago in the chamber, we had the final event of the third community partnerships project, which has been run under the auspices of the Parliament. A group from Dumfries and Galloway gave its final report on the road to health—Dr McLeod referred to that. The group started as a small group of volunteers, who came together under the auspices of the community partnerships project to campaign to improve the provision of health-related transport for older people and their carers in rural Dumfries and Galloway. As often happens, the project started with a fairly widespread questionnaire and consultation, some of whose findings are worth considering.

The survey found that more than a third of the people in the sample—which was considerable—were unable to do their own shopping, and that two thirds of those who could do their shopping lived more than a mile from shops, while nearly 10 per cent lived more than 10 miles from shops. It

found that more than 40 per cent of older people had difficulty getting out of their houses and that nearly half of that group found it almost impossible to get out. Finally, it found that a quarter of older people did not get out of their houses at all in a month—I find that staggering.

When the figures are extrapolated across the region, they become stark, suggesting that 15,000 older people in Dumfries and Galloway cannot do their shopping, 3,000 older people live more than 10 miles from shops, 18,000 older people have difficulty getting out and—this is the figure that hits me—more than 10,000 older people get out of their houses less frequently than once a month. I fully accept that this was not a scientific survey but, even if the figures are halved, they remain alarming.

I hope that a motion that I lodged on “Road to Health”, which has the support of Elaine Murray and Aileen McLeod—and I hope will have the support of Jim Hume—will be debated in May and that we will come back to the subject.

No sooner had the “Road to Health” figures hit my desk than I came across the rural transport solutions information and networking day, which was held in Kirkcudbright in January. It was attended by a number of members, certainly from the Labour benches—I was outnumbered; let me put it in that way. The event was fascinating. We learned about a pilot scheme whose objective is to implement vehicle sharing by partner organisations, to reduce underutilisation of vehicles.

The estimable Brian McIlwraith, who runs Wigtownshire Community Transport, which is very much the vehicle for the pilot scheme in the area, told us that before the pilot got under way, the school transport fleet in Wigtownshire worked for only two and a half hours a day. For the rest of the time it was idle, sitting in garages doing nothing. In the four months since a new, more joined-up approach was adopted and the fleet became available 24/7, the fleet has done more than 22,000 miles and carried more than 8,000 passengers, who would not otherwise have had a form of public transport to utilise.

I very much take Sarah Boyack’s point that community transport is not just a rural issue. The Wigtownshire service now runs a service in Stranraer—it is unsubsidised and qualifies for concessionary travel under section 22 of the Transport Act 1985. Wigtownshire Community Transport recognised a problem and dealt with it.

There are public transport difficulties throughout rural Scotland and in parts of urban Scotland, which I am sure the minister recognises. Community transport has a huge part to play in solving some of the problems.

17:28

**Claudia Beamish (South Scotland) (Lab):** I thank Jim Hume for bringing this members’ business debate to the Parliament. I am encouraged by the cross-party support for his motion.

Since becoming an MSP, I have spoken in the Parliament about community transport almost as much as I have spoken on all other subjects, because the issue is so important to me and to many constituents in South Scotland, as well as to constituents in urban areas and throughout Scotland, as we heard.

As it rightly says in the motion,

“community transport initiatives play a vital role throughout Scotland in meeting the needs of many communities”.

Like other members, I commend the work of the Community Transport Association.

I will focus, first, on the importance of having a diverse range of community transport initiatives, rather than a one-size-fits-all solution, and secondly, on the need to widen access to public transport for elderly and disabled people, which is mentioned in the motion in the context of Age Scotland’s recent campaign.

At the start of the month, I had the opportunity to visit Tweed wheels in Peebles, as Jim Hume has done, to meet volunteer drivers and learn about the services that they offer. The group provides community transport services in Tweeddale, which enable local voluntary groups and people who have mobility needs to hire vehicles for travel to all kinds of activities.

There are other excellent community transport initiatives in South Scotland. Clydesdale community transport provides a door-to-door transport service that helps some of the most vulnerable people in the community to travel where there is no other available option.

Another great scheme, which combines rural development with community transport, is organised by the Rural Development Trust in Douglas Water. When I was a teacher, we used it to take a swimming group swimming, which would not otherwise have been possible, on cost grounds. It is involved with the WRVS in Lesmahagow, which I visited recently. Among the people I met was Tom Morris, a volunteer driver, who told me that, as well as providing a useful service to the local community, the scheme has given him the confidence to meet new people and a new purpose in life.

Such schemes are essential for people who often find themselves isolated and for whom a lack of transport makes it nearly impossible to access local services. That is a real problem for older people who, as other members have highlighted,

can all too easily find themselves stranded at home, and for people with disabilities, who find it difficult to locate accessible transport. The Scottish Government recently acknowledged the important role that organisations such as Tweed wheels can play, and I was encouraged to hear its commitment to looking at how it can support such initiatives in the future.

Like other members, I attended a recent rural transport solutions event in Kirkcudbright. It was highlighted to me that, rather than there being one solution that fits every situation, there is a myriad possible solutions, each of which should be actively encouraged. As Aileen McLeod highlighted, Wigtownshire Community Transport, which works with the Scottish Ambulance Service, NHS Dumfries and Galloway and local authority partners, should be commended for the access that it gives people to numerous services and leisure facilities. There are door-to-door services that take people to specially arranged activities. Community groups run scheduled services where no other public transport service exists, although they do not do so simply to cover for cuts to services. In addition, there are self-drive services that provide accessible transport vehicles for individuals with reduced mobility.

All those services are lifelines for local communities and, as the motion says, play a vital role in meeting the needs of those whom they serve. We must encourage more such schemes and support those that exist, and I welcome the cross-party support that has been expressed for that this evening. I hope that I am not making too many assumptions when I say that I also welcome the support for the extension of the concessionary fares scheme, which Jim Hume explored.

17:32

**Alison Johnstone (Lothian) (Green):** I, too, thank Jim Hume for securing a debate on the topic of community transport.

Community transport plays an extremely important role in keeping potentially excluded people connected with their friends and the services that they need. Importantly, it helps them to retain their independence for longer than they may otherwise do. The motion recognises the role that community transport plays in allowing people to stay in their homes as they grow old. Community transport also takes children to school and folk to work and to healthcare. In rural areas, the public transport system cannot reach every house and every person who needs a lift into town for the shopping or into the village for a social evening. That is where the flexibility of the community transport model most clearly fills the gap.

I live in and represent a fairly urban region, where we have an excellent bus service, but even here community transport plays a vital role. I whole-heartedly support Sarah Boyack's comments. I have an elderly neighbour who is almost 90. She is very independent and asking neighbours for help makes her miserable. She resents doing that; it has a real impact on her wellbeing. I stay three minutes from a bus stop. That is nothing for me, but such distances make bus stops absolutely inaccessible to the many people like her, which is why community transport is so important.

In Edinburgh, valuable community transport services are provided by several organisations, including Dove transport, the South Edinburgh Amenities Group, the Pilton Equalities Project, Lothian Community Transport Services and Handicabs, which provides the dial-a-ride service. All of them are doing great work, but the sector faces significant pressures.

For that reason, I was pleased to host the launch of the CTA's state of the sector report in Parliament. It is clear that this diverse sector is made up of lots of very small community-rooted groups that understand local need.

I was struck by figures in the report predicting the growth in demand from our changing demographic. The number of people over 75 will rise by 20 per cent by 2020 and will continue to rise. At the same time, the Scottish Ambulance Service has reduced the number of lifts that it provides for non-emergency appointments. Clearly, the ambulances must prioritise emergency trips, because there will always be accidents that require immediate attention. However, as the Christie commission made clear, it is cheaper in the long term to ensure that we tackle problems before they become crises.

People still need access to non-emergency health services and the community transport sector is well placed to provide it, but not without more support and a strategic approach from the national health service to working with the community transport sector. The need for the health service to work collaboratively with the CTA was made very clear to me yesterday.

It is also clear that the community transport model lends itself to the future that Christie envisaged of a bottom-up approach to the design and delivery of local services. Age Scotland's hustings last night emphasised the need for community connectedness for elderly people in terms of health and wellbeing, which can make a massive difference to their lives. The community transport sector is incredibly important and we must support it.



The sector is perhaps a little like aspects of the cycling sector, in that a little money can go a long way and make a big difference. As Jim Hume said, the CTA has valued the time given in volunteering to be the equivalent of about £1.79 million every year at the minimum wage. However, it is worth more than that to the people who use the service to stay connected to their friends and retain their independence.

17:36

**Elaine Murray (Dumfriesshire) (Lab):** I, too, congratulate Jim Hume on securing the debate. As he said, community transport is particularly important in rural areas such as Dumfries and Galloway and the Scottish Borders, where public transport is at best infrequent and sometimes non-existent.

Community transport services such as those that are provided by the Annandale Transport Initiative are very important in my constituency. The organisation was established in 1999 and provides essential services, including vehicle hire, transport for individuals, day trips and opportunities for volunteering. The initiative provides minibuses, accessible people carriers, registered bus services on routes to Peebles and Carlisle, and a programme of weekly day trips across the south of Scotland and up to Glasgow and Edinburgh that are open to anyone to book. In fact, the last time that I had a look at the programme I was very tempted to book a trip.

The initiative provides individual transport that prioritises people with mobility problems, but it is open to anyone who has difficulty in using public transport, including those whose needs cannot be met by the existing public transport network—for example, people can use the transport to attend general practice or hospital appointments, or to go to day centres.

The minibuses are available for hire to voluntary groups and community organisations serving the Annandale area. Community organisations can also hire them to provide shopping trips, outings, transport to meetings and even United Kingdom short-break holidays. Indeed, the village primary school from Annandale has taken advantage of that provision to take pupils up to visit the Scottish Parliament, and at least one of the local day centres books a minibus for its annual members' holiday.

The Annandale Transport Initiative has been successful in attracting funding from a variety of agencies, including the former Scottish Executive rural community transport initiative, which was one of the very first supporters. Many years ago, Sarah Boyack came to Moffat as transport minister to launch the initiative's first bus. That was more

years ago than either of us would possibly care to remember. The initiative has also had support from the Lloyds TSB Foundation, Dumfries and Galloway Council, Age Concern, the Big Lottery Fund, Rotary clubs and the People's Postcode Trust.

Dumfries and Galloway Council honoured the commitment to continue to fund the ATI until March 2010. Since then, funding has been provided by the Annandale and Eskdale area committee. However, the continuation of that funding is uncertain and a bit of emergency funding had to be provided last year.

There is a long-standing request, which I have raised with a number of ministers over the years, to allow the holders of concessionary bus passes to use their passes on community transport services.

Demand-led transport was a component of the Labour debate on buses that was held in Parliament on 26 January this year. During the debate, Mr Brown, the Minister for Housing and Transport, informed us that as of 1 April—the beginning of next week—he intended to allow demand-led transport services that are available to the general public to be registered as local bus services and to qualify for the bus service operators grant and concessionary travel.

That announcement was very welcome, but I wonder, as Jim Hume did, whether the minister will clarify it. Does it refer only to community transport that is covered by section 22 permits, or will it be extended to some of the eligible, appropriate services that hold a section 19 permit, for which individuals pay a fee? I understand from the Community Transport Association's state of the sector report, which was launched at the event that Alison Johnstone hosted yesterday, that 70 per cent of community transport organisations hold a section 19 permit, whereas 20 per cent hold a section 22 permit. Therefore, extension of section 19 permit services would benefit a much greater number of older people and the services on which they rely.

Community transport provides an essential service in many rural areas. I hope that we will find imaginative and innovative ways of providing sustainable support for such services over the coming years.

17:40

**The Minister for Housing and Transport (Keith Brown):** I, too, congratulate Jim Hume on securing the debate and on the broad support that he has achieved for it.

Every member who has spoken has recognised the important role that community transport groups

and organisations play in providing transport services for vulnerable people throughout Scotland, and I echo that point. As we have heard, such services are often of particular benefit to people with mobility difficulties who cannot access conventional buses and people who live in areas where there are limited or no public transport services. Community transport can offer a more personal touch with trained drivers, passenger escorts, door-to-door transport by accessible minibus and volunteers who use their own cars.

As a number of members mentioned, the users value those services highly. They help individuals to get out and about, to access services, facilities and health appointments, to go shopping—a point that Alex Fergusson made—and to visit friends and family. Being given the option of mobility is extremely important, as it can overcome the sense of isolation. That helps people to remain part of their community and improves their wellbeing.

I applaud the employees and dedicated volunteers who give up their time to help to provide transport services. At least two examples have been mentioned: Teviot wheels and Tweed wheels. In my area, there is Dial-a-Journey Ltd, which I visited earlier this week. That long-running organisation provides a tremendous service and has opened fantastic new premises. Interestingly, it is resourced by and large by the three local authorities in its area but also benefits from substantial support from the Order of Malta, which is involved in many such activities.

Talking of funding, it is true to say that the local authorities are provided with resources to support community transport services in their areas, but we do not ring fence those resources. Local authorities have flexibility on how they spend their funds. We encourage them—that is as far as we would go—to maintain and, where possible, extend spending on community transport services.

We also encourage local authorities to consider community transport options in the provision of transport services in their areas, as well as more efficient and effective use of such services through partnership working and integrated services. The idea of school buses—a resource that was underused previously—being used for additional purposes was mentioned. More efficient use of ambulances was also mentioned. A great deal of work is being done on that, not least by the Strathclyde partnership for transport. When we have constraints on resources, it is right that we get the most out of the resources that we have.

The concessionary travel scheme was mentioned. In case members do not remember, that has cost £180 million this year and is about to go up to £187 million. It services exactly the people about whom we are talking—older people and people with disabilities—as well as disabled

veterans, who are a new addition to the budget line.

As Aileen McLeod said, the main reason that that budget line is growing is the cost of fuel. That is a huge factor. It seems pretty obvious that it drives up the cost of transport. For example, CalMac Ferries needs an extra £14.5 million this year alone for ferry costs because of the increase in fuel charges. There is no doubt that there is pressure on budgets.

Sarah Boyack mentioned BSOG. There is no question but that there has been a cut in the overall amount of BSOG, but many rural operators have welcomed the change that levels the playing field between rural and urban services. Three times as many operators will benefit from that change as will lose from it. That has been appreciated because some of the services that were previously under threat now attract more support. That includes rural community transport services.

We have put £3 million into the bus investment fund, which is set up to enable transport authorities to make bus improvements in their areas. Details of that are still to be finalised, but we envisage that organisations will be able to access the fund for, among other things, the development of community transport.

We will look at the system for issuing section 19 permits to community transport services that are not available to the general public. Elaine Murray drew that very distinction in her speech.

**Sarah Boyack:** Will urban as well as rural authorities be eligible for the Scottish Government's new money?

**Keith Brown:** Yes. The main driver for establishing the support was the fact that a number of urban operators were losing out from the shift to rural areas. As a result, the funding will also be available to those in urban areas.

Going back to Elaine Murray's comments, I point out that we have agreed that we should make changes to allow for demand-responsive transport; however, they would have to be for services that were available to the general public. That is the further step that would have to be taken. Jim Hume suggested that the cost of extending the schemes would be about 3 per cent of the budget, or the not insignificant sum of £6 million or £7 million. That said, we will consider all the types of organisations that are able to issue permits and look at the crucial role of the traffic commissioner and the development of a community transport operator database.

We have regular discussions with the CTA; after all, it is the main voice of community transport in the UK and works on behalf of its members to

engage Government and to inform, influence and help to shape future community transport policy and development. It is encouraging more transport providers to be less reliant on public funding, which is crucial, and to engage in the social enterprise model of delivery. It is also encouraging providers to consider bidding for local contracts, allowing them to play a bigger part in local transport delivery. Community transport providers must consider how to integrate their services better with the commercial network and, as has been mentioned, ensure that there is no duplication of existing services.

In conclusion, I should mention two points. First of all, the bus stakeholder group has been established and will meet next Tuesday. The CTA will be represented—as it should be, given that it forms part of the transport landscape. Secondly, I am pleased to announce a new £45,000 grant for the CTA in 2012-13 to allow it to continue its operations in Scotland.

*Meeting closed at 17:46.*



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