

# **FIRST MINISTER'S QUESTION TIME**

Thursday 13 September 2012

Please note that the full *Official Report* of today's Meeting of the Parliament will be published online this evening and available in hard copy by 8am tomorrow.

Session 4

# First Minister's Question Time

12:00

## Engagements

**1. Johann Lamont (Glasgow Pollok) (Lab):** I know that, like the rest of us, the First Minister will tomorrow celebrate with all of Scotland a wonderful summer of sport, which culminated in Andy Murray's fantastic victory in New York. [*Applause.*] However, my question is about today.

To ask the First Minister what engagements he has planned for the rest of the day. (S4F-00849)

**The First Minister (Alex Salmond):** I have lots of engagements for the rest of day, but I suspect that they will be nothing like as enjoyable as will be the celebration in which we will jointly engage tomorrow. The entire Parliament congratulates Scotland's Olympians and Paralympians on their amazing feat but, given the extraordinary events of this week, Johann Lamont is perfectly correct that we should send our particular congratulations to Mr Andy Murray.

**Johann Lamont:** Is there anything about independence that the people of Scotland should not know?

**The First Minister:** As is increasingly realised across Scotland and beyond, the great thing about independence is that it will give the people of Scotland the ability to determine their own affairs and to mobilise this country's natural and human resources to create a more prosperous and just society.

**Johann Lamont:** Yesterday, the President of the European Commission said clearly:

"A new state, if it wants to join the European Union, has to apply ... like any state."

That means that the new state of Scotland would first have to apply to be a member of the European Union. If it succeeded, we would have to adopt the euro as our currency. The First Minister has no legal advice that contradicts the President of the European Commission, does he?

**The First Minister:** Let me see whether I can help Johann Lamont on such matters, as I tried to help her predecessor. Scotland is not an accession state. We have been a member of the European Union for 40 years. Every single one of us is a citizen of the European Union—even Conservative Party members, whether they like it or not. We are not in the position of a country that is not part of the European Union. [*Interruption.*]

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

**The First Minister:** There must be negotiations, as I have said in the chamber before. However, the crucial point is that those

negotiations would take place from within the context of the European Union.

Since Johann Lamont seems to have invented a range of things that she claims that President Barroso said—he never mentioned the euro in any of his interviews yesterday—I will tell her something that he actually said and which has not been widely quoted. His last sentence was:

"I see no country leaving and ... many countries wanting to join."

Scotland is part of the European Union and will remain part of it as an independent country.

**Johann Lamont:** I listened carefully, but I did not detect an answer to my question.

The Scottish National Party's position seems to be predicated on the fact that Scotland would not be a new state. I wonder for what the SNP has been arguing for the past 100 years.

If the First Minister has advice that contradicts what President Barroso said, why does he not remove all doubt and publish it?

"Dialogue between the people and their representatives is essential in a genuine democracy."

Those were the wise words this week of Alex Salmond's old deputy and friend Jim Sillars. Instead of telling the people of Scotland what advice he has received, the First Minister is using our money to fund a court action to stop us knowing what he knows. The Scottish Information Commissioner has ruled that

"it is in the public interest to know"

what information is being taken

"into account in developing policy in ... such a significant issue as independence."

Surely the First Minister believes that it is in the public's interest to know the consequences of voting for independence.

**The First Minister:** I reiterate to Johann Lamont, so that she understands, that there is a difference between a country that has 40 years of membership of the European Union—within that context—and a country that is trying to join the European Union for the first time, as Turkey is doing.

I remind Johann Lamont, from history, that even when a country was trying to leave the European Union, as in the case of Greenland, it had to negotiate its leaving from inside the European Union. Quite clearly, Scotland is part and will remain part of the European Union and the necessary negotiations will take place from within that context. Incidentally, as has been discussed with her predecessor, exactly the same thing applies to the rest of the United Kingdom, which, in the words of Lord Mackenzie-Stuart, will be in exactly the same legal boat.

Johann Lamont referred to the question of publication, or acknowledgment of existence of,

legal advice. She must know, because she has been a minister and has dealt with exactly these things herself, what the Scottish ministerial code says on the matter, in paragraph 2.35. The fact that legal advice has been given to ministers, or the fact of its existence,

“must not be revealed outwith the Scottish Government”,  
unless under some clear circumstances—

**Members:** Ah!

**The Presiding Officer:** Order.

**The First Minister:** I say to the Parliament quite clearly that since I became First Minister I have been referred by the Opposition parties five times under the ministerial code—

**Jackie Baillie (Dumbarton) (Lab):** Not enough.

**The First Minister:** Jackie Baillie says that that is not enough, but perhaps, given my track record of nothing out of five, I would welcome further referrals. Five times, the complaints have been comprehensively dismissed by the independent adjudicators on such matters. If I were to breach the paragraph of the ministerial code that I quoted, there would be no defence—as every minister in previous Administrations in this Parliament and Westminster has held.

I think that I have a solution for Johann Lamont that reconciles my obligations under the ministerial code and, I believe, the democratic imperative of information for the people of Scotland. We have set out our intention to publish the white paper on independence this time next year, and I give Johann Lamont my guarantee that that white paper, which will set out the full context of the independence proposition, will contain detailed assessment on the question of continuing membership of the European Union. I give her the guarantee that everything in the document will be fully consistent with the legal advice that we receive. That seems to me a reasonable solution on how we reconcile the requirements of the ministerial code with the imperative to let the people of Scotland see the full advantages of being an independent country.

**Johann Lamont:** I am not sure who the First Minister imagines would refer him under the ministerial code, in relation to giving us information that it is costing the state £100,000 to keep away from us—*[Interruption.]*

**The Presiding Officer:** Order, Mr Swinney.

**Johann Lamont:** It is costing £100,000 to keep the information out of the public domain.

When I was a minister, I think that I made a bit of a difference, but in all that time I never posed a question that we have decided is the most important for 300 years. We are in those circumstances, and I suggest that in such circumstances the information could usefully be

revealed. Otherwise, one has to ask what the First Minister has got to hide.

We have to get this right: President Barroso is wrong; the Scottish Information Commissioner is wrong; Jim Sillars is wrong. Only Alex Salmond is right, all the time. No doubt he will soon be blaming Mo Farah, Ellie Simmonds and Chris Hoy for unemployment going up in Scotland—oh, he did that yesterday.

Meaningless assertion on the pound has descended into deliberate deception on the euro. While Alex Salmond fails to provide a single shred of evidence, President Barroso provides evidence. Scotland would have to reapply to join the EU and would have to adopt the euro, with all the disastrous economic consequences that that would have.

Alex Salmond has to understand that although, when he says something, his back benchers agree, we expect more than simple assertion. He refuses to tell the people of Scotland the truth. When is he planning to tell them—now, never, or when it is too late?

**The First Minister:** I welcome President Barroso’s new spokeswoman to her position. Fortunately, President Barroso’s actual spokesperson said yesterday that he would like to clarify matters because there were misrepresentations of what was said about the European Commission’s position. No doubt the spokesman will have to clarify the misrepresentations from Johann Lamont.

President Barroso said no such thing—he said exactly what I quoted earlier:

“I see no country leaving and ... many countries wanting to join.”

Johann Lamont gives me her personal guarantee: what member would report me under the ministerial code if I was I was in clear breach of it? Well, Tavish Scott, Iain Gray, Hugh Henry, Jim Sheridan or Paul Martin might. I put it to the chamber that if I was reported under the ministerial code for tea and biscuits in Bute house, I think that I might be reported for a clear breach under these conditions.

I offered—this is the great disadvantage of Johann Lamont reading out the question that she prepared before she has heard the answer—what I think is a reasonable solution to the matter: to conform to the ministerial code and to provide the information that the people wish to have. *[Interruption.]*

**The Presiding Officer:** Order.

**The First Minister:** On the publication of the white paper—a full year before the decision on the referendum—continuing European Union membership for an independent Scotland will be examined in great detail. Everything in that white paper will be fully consistent with and informed by

the legal advice that we receive. That seems to me to be a pretty reasonable proposition, and folk in Scotland will be looking forward to reading that white paper—the passport to independence and freedom.

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

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when he will next meet the Prime Minister. (S4F-00837)

**The First Minister:** Next week.

**Ruth Davidson:** I have a question about something much closer to home—perhaps the First Minister will not hide behind Government lawyers, ministerial codes or European spokesmen.

When the First Minister's deputy, Nicola Sturgeon, launched her new patient management system for appointments in Scotland's national health service—I am sorry, but here is another quote—she assured us that

“Communicating with patients is one of the areas that I am absolutely determined the NHS will improve on and this new system will help us achieve this.”

The system comes at a cost of £44 million.

If we look at just one health board, NHS Ayrshire and Arran, we see a system in meltdown—so much so that the board has had to cancel more than 7,500 in-patient appointments since the system's introduction. Those appointments have been cancelled by the health board, not by patients. Does the First Minister still have confidence in a system that, from inception to implementation, is entirely the product of his Government?

**The First Minister:** A resolution to the patient management system's issues is under way. I say to Ruth Davidson that the issues with new information technology in the Scottish health service pale into insignificance when compared with the extraordinary difficulties that are being experienced by her Administration south of the border.

Perhaps the test of Nicola Sturgeon's management of the health service is the wishes that she received when leaving the post last week. I have a selection of quotes from the Royal College of Nursing Scotland, volunteer services, the UK Sepsis Trust and a health columnist, with every single one of them complimenting her on the fantastic job that she did as Scotland's health secretary. I also have a selection of quotes about Andrew Lansley leaving his post in England, and not a single person—not even his colleagues—congratulated him on the job that he did as the UK health secretary.

**Ruth Davidson:** Nicola Bevan got a card so everything is all right—fantastic.

The 7,500 figure that I raised in my first question is shocking, but that is not half or even a tenth of the story. If we include out-patient appointments, since the system's launch in NHS Ayrshire and Arran, a staggering 110,000 appointments have been cancelled by the NHS. For one in eight people who thought that they were going to get help, suddenly the phone goes and the patient is told, “The doctor cannot see you now”.

At the launch of this shambles, the Deputy First Minister also said:

“This new system will be much more efficient, faster and more secure”.

She said that it would also be better for the environment. Well, it is not better for patients.

There is nowhere for the SNP to hide and there is no one else to blame—the First Minister should not look south of the border. For once in his life, will he take some responsibility, order an investigation into this chaos and get it sorted as a matter of urgency?

**The First Minister:** The difficulties that have been encountered are in the process of being sorted.

I will take responsibility, as will Nicola Sturgeon, for the statistics that were released last week that show that we have the lowest waiting times in the history of the national health service in Scotland and that the key targets on healthcare are being observed.

The member tells me not to look south of the border. Why should not we look south of the border? There is a contrast between a public health service in Scotland that is performing at an extraordinarily high level for patients and a health service south of the border that is being dismantled and which will not even be a national health service at all.

Yes, we will take responsibility. We will take responsibility for the extraordinary achievements of the staff in our national health service, who are performing exceptionally well under extraordinarily difficult budgetary conditions. This Government does not have just a commitment to protect the budget of the national health service; unlike the member's party, we are committed to having a national health service.

**The Presiding Officer:** Jamie Hepburn will ask a constituency question.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** The chamber will be aware of the proposed merger between AG Barr, which is based in my constituency, and the Essex-based firm Britvic. Does the First Minister agree that, given the iconic Scottish brands that are involved, if any merger goes ahead, such a company should be headquartered in Scotland and that

production should remain an on-going concern at the Cumbernauld site?

**The First Minister:** Yes—it is certainly right and proper of Jamie Hepburn, as the constituency member, to raise those issues. However, he will know about, as I do—I have monitored them closely—the positive statements from AG Barr on the future of the company if the agreed merger goes ahead. There is every indication that the strength and excellence of that company, its history and its iconic status, and the excellence of its staff, will ensure that it remains and expands its operations in Scotland.

### **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-00839)

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

**Willie Rennie:** No matter what the First Minister says about Europe, there is a great deal of confusion about his plans for Scotland in the European Union. Asserting something does not make it true. The First Minister says that he is right and that Scotland will continue to be a member of the EU, but what if he is wrong?

**The First Minister:** I have set out to Johann Lamont what I think is an excellent way to resolve the request for information—the publication of the white paper.

As Willie Rennie asks the question, he will have heard his former colleague Lord Wallace support the Scottish Government's position on the legal advice. Lord Wallace pointed out that he would face exactly the same circumstances as a Westminster minister. Given those comments—which I can quote to Willie Rennie if he wishes—I am quite certain that he will understand that giving the assurance that the information that the white paper will contain will be consistent with the legal advice provides a satisfactory solution that reconciles the provisions of the ministerial code with the imperative of providing information to the people of Scotland.

**Willie Rennie:** There is clearly a dispute about that legal advice and, if voters opt for independence, they may well find out that we have lost the rebate and that we will be forced to join the euro and the Schengen agreement. That is the reality. That is the consequence if the First Minister is wrong. When will he get clarity on the issue? When will he start negotiations and discussions with other EU members about the way ahead? We need clarity. We cannot just take a step in the dark, based on his assertions.

**The First Minister:** I am slightly perplexed by Willie Rennie and not for the first time. I thought that the call was for the Government to clarify the

issue by the publication of legal advice. He seems to be doubting the legal advice even before it is published. The process of publishing a white paper consistent with legal advice will satisfy even Willie Rennie.

A number of extraordinary scenarios have been put forward. The most popular was that many countries across Europe—or some countries—were itching to stop Scotland being a member of the European Union. *[Interruption.]* People say that nobody has said that, but it has been said before. We have been told that the Spanish were waiting to object to an independent Scotland continuing in membership. I draw Willie Rennie's attention to the comments of the Spanish foreign minister on 24 February 2012—

**The Presiding Officer:** Order. There is too much chuntering. First Minister. *[Interruption.]* Order!

**The First Minister:** Mr Rennie could win a gold medal for chuntering, in my opinion.

The Spanish foreign minister said that, if in the UK both parties agree that it is consistent with their constitutional order,

“written or unwritten, Spain would have nothing to say,”

just

“that it does not affect us. No one would object to the consented independence of Scotland.”

If that is what the Spanish foreign minister can bring himself to say, surely the leader of the Scottish Liberal Democrats can find it within his heart to see the common sense behind the position that Scotland will be an equal and independent European nation.

### **Air Links (Heathrow)**

**4. Colin Keir (Edinburgh Western) (SNP):** To ask the First Minister what the Scottish Government's position is on the impact on business and tourism of having only one carrier between Scottish airports and Heathrow. (S4F-00845)

**The First Minister (Alex Salmond):** The air links to Heathrow remain vital for business and inbound tourism. The Scottish Government wants a restoration of competition on the routes between Scotland and Heathrow as soon as possible.

**Colin Keir:** I thank the First Minister for his answer. Does he agree that the devolution of air passenger duty, as proposed by the Calman commission, would also increase competition on Scottish routes and be beneficial to not only my constituents in Edinburgh Western, but Scotland as a whole?

**The First Minister:** Yes, I agree. There is an overwhelming urgency in this matter. I will discuss aviation policy at next week's meeting of

the joint ministerial committee in London. I know that the other devolved administrations share my view that air passenger duty is an important tool for attracting more direct flights to and from Scotland.

Even if there were to be a new runway at Heathrow—and that is a matter of some extraordinary debate within the coalition and indeed within the Conservative Party—the timescale for it would be extended and elongated and it would not solve the difficulty that we have when Heathrow is clogged up, as happened during the Olympics. It is not just a case of people having difficulty getting to Scotland, but rather that people are deterred from coming to Scotland as a result of the extraordinary congestion in the Heathrow hub.

Therefore, Scotland needs more direct flights and the use of air passenger duty is an important means of ensuring more direct flights. That has broad support across the devolved administrations and it has extraordinary support among the carriers. It was one of the recommendations of the Calman commission and I hope that I can carry the support of this entire Parliament in making that case in London next week.

**John Scott (Ayr) (Con):** The First Minister is aware of the IAG takeover of BMI and the resultant lack of landing slots available to airlines other than British Airways flying from Glasgow Airport to Heathrow. He will be aware of the damaging effect this is having on business connectivity to London and elsewhere in the world from Glasgow and the west of Scotland. Does he share my view—I think he does—that the lack of competition on that route is now unfair as well as damaging to Scottish interests? Will he tell the Parliament what he can do and is prepared to do to help to restore competition and connectivity on the route?

**The First Minister:** I share the concerns about the need to restore competition on the Glasgow to Heathrow route. As John Scott will be aware, the situation with regard to the Glasgow route is different to Edinburgh and Aberdeen as British Airways has been the only operator on the Glasgow-Heathrow route since April 2011, when BMI withdrew, and thus is not subjected to the competition process which should help the situation so far as Edinburgh and Aberdeen are concerned.

This month, the Scottish Government will reiterate its support for the full implementation of the competition remedies in relation to Edinburgh and Aberdeen and at the same time raise its concerns about the lack of competition on the Glasgow to Heathrow route and what seems to us to be mounting evidence that it has been detrimental to passengers with regard to available space and, in particular, the prices that they are being asked to pay. John Scott can be absolutely

certain that this subject and the evidence of what has happened to the Glasgow to Heathrow route since the absence of competition will be very much part of my presentation at next week's joint ministerial committee meeting.

**Patrick Harvie (Glasgow) (Green):** In promoting this policy of cutting air passenger duty to stimulate more flights, the minister Fergus Ewing and VisitScotland admitted at this week's meeting of the Economy, Energy and Tourism Committee that they had not even bothered to explore the policy's compatibility with legally binding climate change targets. Will the First Minister agree to do what Fergus Ewing refused to do and write to the United Kingdom Committee on Climate Change, asking it to investigate the policy's impacts on climate change before he promotes it further?

**The First Minister:** It is our responsibility to put forward an estimate in that respect and we will do so. However, although I accept Patrick Harvie's position that we should build an evidential base for what is, to me, an apparently commonsense proposition, I suggest that in many cases having a direct flight between two destinations can be more environmentally efficient than taking two flights to get to the same destination. I would have thought that there was a commonsense environmental convenience and economic and business argument for direct flights but, as I said, I accept that we should build an evidential base for our case. That is our responsibility and that is what we will do.

## Food Banks

**5. Drew Smith (Glasgow) (Lab):** To ask the First Minister what steps the Scottish Government is taking to address the growing demand for food banks. (S4F-00851)

**The First Minister (Alex Salmond):** The recent Citizens Advice Scotland publication "Voices from the frontline... The rising demand for food parcels" makes it clear that the damaging welfare cuts being imposed by the United Kingdom Government are already having a negative impact on the most vulnerable people in our communities and placing them at greater risk of poverty. The report also underlines the urgent need for decisions about welfare to be taken in Scotland.

The Scottish Government is doing what it can to protect Scotland from those Tory policies within the powers that it has. For example, we are now working closely with the Convention of Scottish Local Authorities and individual local authorities to develop new social fund arrangements that will better support those who repeatedly find themselves in crisis and have to rely on food parcels.

**Drew Smith:** Benefit issues are indeed the reason most often given for needing a food

parcel; however, a significant percentage increase last year was as a result of unemployment. The Scottish Government has important powers to assist job creation and could do more to promote the living wage to help the 50 per cent of those receiving food parcels who are actually in work. When will the First Minister set out his plans with COSLA to use the new powers and resources that he is getting through the successor to the social fund specifically on crisis loans to tackle a situation that the new head of Citizens Advice Scotland, Margaret Lynch, has rightly described as “Dickensian” but which this Parliament should understand as a call to action?

**The First Minister:** Obviously we are having discussions with COSLA with a view to publishing what we will try to do. Drew Smith should give some credit to COSLA and this Government on these matters; after all, as a result of the discussions, we have found a way of mitigating the harmful impact of the cuts to the council tax rebate. Council tax benefit has, of course, been transferred to Scotland but, as everywhere else, there has been a 10 per cent cut in the overall amount. The work that we are doing with COSLA to protect people against that cut should be acknowledged; indeed, we will do the same thing with COSLA in working to mitigate the impact of the social fund changes.

I have to say to Drew Scott—

**Members:** Drew Smith!

**The First Minister:** I beg the member’s pardon. As far as the belief that we have the ability to change, mitigate and transform the whole range of benefit cuts that are coming down the road from the UK Government is concerned, I have to tell Drew Smith that that will simply not be possible. As currently envisaged, the UK Government’s benefit cuts—which Margaret Curran said last week would have a “brutal effect in Scotland”—will have consequences that are outwith the capability of our budgets to deal with. The solution—and Labour members had better understand this—is for this Parliament to have control over such matters so that we can devise policies for the benefit of the Scottish people.

### College Places (Demand)

**6. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the First Minister how the Scottish Government will ensure that colleges are in a position to respond to the rise in demand for student places. (S4F-00841)

**The First Minister (Alex Salmond):** Despite the cuts that the UK Government is making to the block grant, we are continuing to fund colleges in a way that will allow them to maintain student numbers. Alongside that is a crucial commitment—unprecedented across these islands—that every 16 to 19-year-old in Scotland is guaranteed an offer of a suitable place in

education or training through the opportunities for all programme.

**Murdo Fraser:** This week, we have heard the news that more than 10,000 students are on waiting lists for college places. According to John Henderson from Scotland’s Colleges, the First Minister’s Government cut the college teaching budget by 8 per cent last year and 10 per cent the year before. Larry Flanagan, general secretary of the Educational Institute of Scotland—the First Minister is fond of quoting him—said:

“It is clear there has been a reduction in funding to colleges and no amount of sleight of hand on the part of the Government can alter that”.

Given the soaring demand for college places, will the First Minister ensure that the colleges budget is protected from any further cuts?

**The First Minister:** Regarding the survey that Murdo Fraser quoted, college places are still available in Scotland. Let us look at a specific example. One of the colleges that was mentioned this week in *The Herald* as having a significant waiting list is now advertising places across the national press and across a broad range of courses. The key commitment that we have given—and that we shall stick to—is that we will sustain student numbers at 116,000 over the coming year. Against the circumstances of budget cuts, that is an extraordinary commitment.

Yesterday we heard of the ability to look at the comparisons with the number of people employed in Scotland’s colleges on a full-time equivalent basis. The information is from the colleges themselves, in Scotland, England and Wales. Over the period that this Government has been in office, there has been a rise of 217 full-time equivalent staff employed in Scotland’s colleges. The position in England is a fall of 18,138. That is a 2 per cent rise in staffing in Scotland compared to a 13 per cent decline in England. Given the ravages that the Conservative Government and its Liberal allies are implementing on colleges in England, many people might think that Murdo Fraser has a barefaced cheek and a brass neck for posing as a champion of Scotland’s colleges.