

The **Constitution** Unit

**DEVOLUTION
MONITORING
PROGRAMME
2006-09**

Scotland Devolution Monitoring Report

May 2009

**Paul Cairney (ed.)
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The Devolution Monitoring Programme

From 1999 to 2005 the Constitution Unit at University College London managed a major research project monitoring devolution across the UK through a network of research teams. 103 reports were produced during this project, which was funded by the Economic and Social Research Council (grant number L 219 252 016) and the Leverhulme Nations and Regions Programme. Now, with further funding from the Economic and social research council and support from several government departments, the monitoring programme is continuing for a further three years from 2006 until the end of 2008.

Three times per year, the research network produces detailed reports covering developments in devolution in five areas: Scotland, Wales, Northern Ireland, the English Regions, and Devolution and the Centre. The overall monitoring project is managed by Professor Robert Hazell at The Constitution Unit, UCL and the team leaders are as follows:

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Introduction

Paul Cairney

The report covers a period demonstrating that the SNP remains remarkably popular for a mid-term government and still able to present an image of governing competence during difficult times. However, the political landscape appears to be more testing in 2009 than anything we have seen since 2007. For example, although Alex Salmond is still the most popular leader in the Scottish Parliament, an opinion poll suggests that Labour have taken the lead. This comes on the back of a torrid time for the SNP when it failed to pass its annual budget first time round, dropped its plans to introduce legislation establishing a local income tax and appeared to be forced by the opposition parties to introduce new legislation (rather than existing regulations) to further its aims on alcohol policy. While these examples perhaps demonstrate the harsh realities of minority government, they do not represent a nail in its coffin. The failure of the budget reflected badly on all parties (rather than a successful attempt on their part to embarrass the government), producing a scramble among Labour and the Liberal Democrats to find a way to accept a new bill that differed marginally from the old one. Subsequently, it showed that a political system containing a minority government could deal well with a crisis (assuming that the opposition parties would not welcome an early election), passing a new budget within a week of rejecting the old bill. There is further potential for cross-party cooperation on alcohol policy (there is a lot of common ground between the SNP and Labour on interventionist public health measures) and the issue of fiscal autonomy (given Scottish Labour's new enthusiasm and the SNP pledge, following a budget concession to the Liberal Democrats, to engage with the Calman Commission on this point). Perhaps the more important problem for the SNP is its public image during the policy process. The economic crisis has already damaged its hopes to appear to do a lot with limited powers, since Gordon Brown emerged as the leader most able to intervene and use the types of policy levers unavailable in Scotland. Similarly, a succession of legislative failures presents the image of a government struggling to exert its power. The role of Jim Murphy as Labour's Secretary of State for Scotland may be to further this image. On the one hand the UK Government has accepted Scotland's veto on nuclear power. On the other, Murphy appears determined to block any formal meetings between First and Prime Minister that present the former with a sense of equal status. The strategy may be to equate Salmond on a par with Murphy and therefore less important than Brown.

1. The Scottish Constitutional Debate

Michael Keating

Key Points

- The constitutional debate in Scotland continues along parallel tracks with the National Conversation and the Calman Commission, allowing both sides to avoid difficult questions that might be raised by the other.
- The National Conversation debate lacks serious research and discussion of the economic and social implications of independence. It also gives minimal consideration to the role of the EU and the limited ability of small member states to pick and choose from its framework.
- The Calman Commission does not articulate a clear and consistent idea of what the Union is, and therefore what its continued value might be. Instead, it makes questionable claims about the centrality of British (rather than Scottish) citizenship as a justification for universalist social and human rights policy.
- The further devolution of fiscal powers is a strong possibility, particularly following the SNP obligation to engage with Calman on this matter. However, the overall position of the unionist parties is relatively unclear.

The constitutional debate continues along parallel tracks. On the one hand, there is the SNP Government's National Conversation.¹ This started out promisingly, with the Government upholding its preference for independence but open to other suggestions, including further devolution. It has continued, however, as a series of events around the country and a web-site open to bloggers of all types and there are few signs of progress towards a specific scheme or even a range of choices. If there is research being done or academic work being drawn upon, there is scant evidence of this on the National Conversation web site or in the media in general. This is a remarkable contrast to the situation in Quebec in the run-up to the referendum of 1995, when there was a wave of research, writing, seminars, debates and media coverage of all aspects of the independence prospectus: constitutional; international; economic; social; and political. This did not, of course, mean that the population reached agreement or that the issue was decided on technical grounds but at least the issues were rehearsed.

¹ Scottish Government (2008) Choosing Scotland's Future: A National Conversation <http://www.scotland.gov.uk/Resource/Doc/194791/0052321.pdf>.; <http://www.scotland.gov.uk/topics/a-national-conversation>

In Scotland, there has not been a serious debate on the political economy of independence. On the one hand, the unionists insist that Scotland cannot go it alone, and depends on transfers from Westminster. On the other, the nationalists point to the possibility of cutting business taxes and (until recently) invoked the 'arc of prosperity' of small independent countries in Northern Europe. The unionist jibe about the 'arc of insolvency' was equally uninformative. What is missing is a serious study of exactly how small independent countries fare in the global and European market-place and why some succeed and others fail. We also need to recognize that there are very different models, from the Irish model based on low taxes, inward investment and, in consequence, minimal welfare standards, to the Nordic model of high taxes, high welfare standards and public services and a commitment to social solidarity.

Nor have we had a serious debate about Europe. The independence prospectus is now dependent on the European Union as an external support system for Scotland, securing market access, free movement and common standards. Yet there are very different visions of Europe itself, from the highly integrationist and supranational, to the minimalist and intergovernmental. Similarly, there is a division between those who see Europe as essentially a common market and those who want a stronger social vision. SNP policy seems to envisage a semi-detached relationship with Europe similar to that of Denmark or (ironically) the United Kingdom. Denmark's opt out of common policies, however, is largely fictional. While using the Euro they are in the Exchange Rate Mechanism, meaning that their currency has about the same relationship to the Euro as Scottish banknotes have to Bank of England notes. They have opted out of the common security policy but are in NATO, which is the framework for it; and they adopt the great majority of directives in areas from which they have formally opted out. SNP policy is to decide after independence whether to stick with the Pound or adopt the Euro but this is not something that can be decided casually. A decision to adopt the Euro requires a convergence procedure, with precise goals for economic policy laid out in advance.

On the unionist side, there is the Calman Commission on Scottish Devolution. This was established with a remit that excludes the independence option, reducing its options to reform of the Union. Yet it has struggled to define the value and meaning of the Union, and so to provide a philosophical underpinning for its recommendations. In this they are at one with the Labour Party and its floundering

over the Britishness agenda. In their interim report they take up the idea of social citizenship, which has entered the academic debate recently as T.H. Marshall's² post-war ideas have come back into circulation. The Westminster Government's evidence to Calman reflects this thinking, emphasizing common social citizenship and assumptions about public services, 'All parts of the UK regard the provision of healthcare as a fundamental part of what it means to be a citizen – devolution has responded to local needs, but it has not altered this fundamental feature of our citizenship'.³ The Commission itself comments that 'Devolution, as it currently exists, would in principle allow for a fundamentally different welfare state in Scotland or in England, at least in relation to health or education. But there may be a case for a broadly common social citizenship across the UK. If so, does a common understanding of what that involves need to be more clearly articulated?'⁴

There is a logical problem here, in that the argument for social citizenship is taken automatically to imply *British* social citizenship. The idea that a distinct Scottish or Welsh (or even Northern Irish) social citizenship might be emerging, alongside or in competition with British social citizenship, is not considered. Yet this is precisely one of the things that devolution might encourage and, indeed, is encouraging. Just as universal human rights can be institutionally expressed at different levels (from the local through the state to the European) so social rights can be attached to different collectivities and there is no clinching normative argument to link them to the nation-state as opposed to the stateless nation or any other collectivity. This is a matter of value on which Scots can legitimately disagree while being committed to the same substantive values.

One general argument for common social citizenship in devolved and federal systems, divorced from the charged concept of nationality, arises from a fear that devolved governments, by the will of local majorities or under the pressure of economic competition, will cut social welfare standards. This is the famous 'race to the bottom'. There appears to be no evidence or danger whatever of this among the

² Marshall, T.H. (1950) 'Citizenship and Social Class' in (ed). T.H. Marshall *Citizenship and Social Class and Other Essays* (Cambridge: Cambridge University Press)

³ Scotland Office (2008), *Government Evidence to the Commission on Scottish Devolution*, London: Scotland Office.

⁴ Commission on Scottish Devolution (Calman Commission) (2008), *The Future of Scottish Devolution within the Union: A First Report* <http://www.commissiononscottishdevolution.org.uk/uploads/2008-12-01-vol-1-final--bm.pdf> , 4.60

devolved governments of the United Kingdom. Indeed, their divergences from UK policy have without exception represented an expansion and enhancement of social citizenship. One may disagree with their preference for universalism, but not on the grounds that it undermines social citizenship. On the contrary, a social democrat might favour further devolution precisely on the grounds that the devolved territories provide more fertile territory.

The invocation of social citizenship is then used to justify further unity and limitations on the scope of the devolved institutions, which could, according to the examples given, mean curtailing discretion in presently devolved fields. There would be common standards across the United Kingdom. Again, there is something missing in the argument here. If the argument is that the policy preferences of citizens are in fact the same across the United Kingdom, this still does not make a case for intergovernmental co-ordination, merely for more democratic responsiveness so that each of the nations (including England) get what it votes for.

Nor is it clear how common standards would work or who would enforce them. Given the direction that divergence has taken, it could mean that Scotland, Wales and Northern Ireland would not be allowed to expand social entitlements above those in England, so imposing maximum rather than minimum standards. Alternatively it could mean that UK governments would be prohibited from lowering social entitlements in England but it is not clear how this can be done. There is no parallel here with some federal systems in which the federal level lays down minimal standards binding everywhere, since the Westminster Parliament, doubling as the parliament for England and dominated by English MPs, is not a federal legislature. One might imagine a system in which common standards would be negotiated in intergovernmental forums, but this would present serious problems of accountability. It is also quite unrealistic to imagine that the UK government would in effect allow the Scottish Parliament a veto over matters like increasing prescription charges or university fees in England. There could be a constitutional entrenchment of standards through a binding social charter. This would present the same problems as a UK Charter of Rights. It is in any case an unlikely possibility, since successive UK governments have refused to recognize the idea of social rights. Indeed the UK government has opted out of the EU Charter of Rights, which is essentially about social and labour standards. Finally, common standards could be laid down unilaterally by Westminster. Given the composition of Parliament and the dominance

of UK parties, such common standards would thus be English standards, taking us back to the days before devolution.

Calman also claims that civil rights, through the Human Rights Act are linked to Britishness through the Westminster Parliament. This is factually wrong. Rights in Scotland are secured through the European Convention for the Protection of Human Rights and Fundamental Freedoms which is entrenched in the Scotland Act in a stronger form than in England, since Holyrood, unlike Westminster, does not have an opt-out clause. They are extended through the Human Rights Act to non-devolved matters. Since there seems little prospect of an independent Scotland opting out of the European Convention, protection of human rights does not logically provide an argument for the Union.

One issue that has preoccupied both sides is that of finance.⁵ The nationalist position is clear, that Scotland should control all finance and expenditure, but in the meantime have produced a paper examining the various options, as part of their deal with the Liberal Democrats (see 3.3). There have been improvements in the methodology of calculating existing flows, in GERS (Government Expenditure and Revenues in Scotland) although the parties are still far apart in their interpretation of the data. The unionist parties have appeared at times to be edging towards some sort of fiscal devolution but every hint in this direction seems to be followed by backtracking. It is clear that the Labour Party is deeply divided on the question, the Conservatives have less difficulty with the idea, and the Liberal Democrats are firmly committed to taxing powers for the Parliament. In the meantime, the SNP blames London Labour for 'cutting' its budget, while Labour blames the SNP for 'cutting' services. This strategy may become more difficult as cuts start to bite in England, although Labour may not be in government by then. A future UK government may well decide that devolving tax powers is the best way to deflect criticism away from itself in hard times.

⁵ H. Macdonell 25.2.09 'Holyrood set for new cash powers' *The Scotsman* <http://news.scotsman.com/latestnews/Holyrood-set-for-new-cash.5012374.jp>; H. Macdonell 25.2.09 'Party's biggest policy change in a decade' *The Scotsman* <http://news.scotsman.com/politics/Party39s-biggest-policy-change-.5012373.jp>; H. MacDonell 5.3.09 'Brown not asked for his view on Scottish Labour's Calman move' *The Scotsman* <http://news.scotsman.com/politics/Brown-not-asked-for-his.5040193.jp>; R. Dinwoodie 25.2.09 'Swinney pushes 'devolution max' as the best way forward' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2491536.0.Swinney_pushes_devolution_max_as_the_best_way_forward.php; R. Dinwoodie 25.2.09 'Salmond aims for a win-win situation' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2491537.0.Salmond_aims_for_a_winwin_situation.php; L. Davidson 24.2.09 'Swinney's stepping stone to independence' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5799603.ece>

The unionists have boycotted the National Conversation and the nationalists have largely avoided Calman, except when forced to interact as a result a budget deal with the Liberal Democrats. This has allowed both sides to avoid difficult questions that might be raised by the other. All the evidence that we have suggests that the Scottish public is not persuaded of the case for independence, but nor do they subscribe to the unionist or Britishness agenda. In Italy in the 1970s there was an effort to overcome the deeply entrenched social and political division between the Christian Democrat and Communist poles of society with the realization that the substantive policy differences between them were rapidly disappearing. The result was a 'historic compromise' on common ground. The two sides, in the obscure language of the Italian political class, would proceed on 'converging parallels' (the expression is taken from Masaccio, the Renaissance discoverer of the vanishing point or perspective in art). The constitutional debate in Scotland is running in parallel but there is little sign of convergence.

2. The Financial Debate

Alan Trench

Key Points:

- Although the SNP has effectively been obliged to engage with Calman on fiscal autonomy, its response also indicates a degree of pragmatism in the absence of independence.
- Evidence from the House of Lords Select Committee on the Barnett Formula suggests that the Labour Government is no closer to a solution than it was in 1979.

The Scottish Government published a paper on *Fiscal Autonomy* on 24 February.⁶ It canvassed five options: full fiscal autonomy in an independent Scotland; ‘devolution max’, or full fiscal autonomy within the UK; creating enhanced devolution; assigning revenues to the Scottish Parliament; and continuing with or marginally changing the current framework. It expressed a strong preference for full fiscal autonomy through independence, and failing that for full fiscal autonomy within the UK, seeking to ground this in the academic literature on fiscal federalism, emphasising the economic value of localised fiscal and economic decision-making, and pointing to examples such as the Basque Country and Spain to show how this works elsewhere.

This was followed by a submission by the Scottish Government to the Calman Commission on borrowing powers for the devolved administration. On 11 March, the Finance Secretary wrote to Sir Kenneth Calman with a detailed submission making an ‘undeniable economic case’ for the Scottish Government to be granted borrowing powers similar to those of local government and the Northern Ireland Executive in the UK, and sub-state governments elsewhere, for both the purposes of economic stimulus and infrastructure investment, to enable the Government to manage its own Budget responsibly.⁷

⁶ Scottish Government *Fiscal Autonomy in Scotland: The case for change and options for reform. Taking forward our National Conversation* (Edinburgh: Scottish Government, 2009). Available at <http://www.scotland.gov.uk/Publications/2009/02/23092643/10> See also Scottish Government News Release 24 February 2009 *Fiscal Autonomy*, available at <http://www.scotland.gov.uk/News/Releases/2009/02/24104347>

⁷ ‘Borrowing Powers: Information to be Shared with the Calman Commission’. Available at <http://www.scotland.gov.uk/Topics/Government/Finance/calcommsg>

These two developments, taken together, indicate significant shifts in the SNP's position. Its interest in maximising fiscal autonomy within the UK indicates a pragmatic acceptance that independence may be some way off, if it were to come at all.⁸ This is, of course, consistent with that strand of SNP thinking that views independence as a continuum of degrees of self-government rather than a black-and-white issue. The fact that the Scottish Government is effectively obliged to engage with Calman is a further indication for many that Calman is now the main forum for the debate on Scottish self-government. However, to see this as a simple triumph of one process over the other may be mistaken, as it also serves to raise expectations of what the Calman commission recommends – both the extent to which it will come up with a blueprint for significantly enhanced devolution, and that the UK Government will in fact implement its recommendations.

The House of Lords Select Committee on the Barnett Formula has been taking evidence in London, Edinburgh, Cardiff and Belfast since January (its report should appear before the summer recess). The Committee has narrow terms of reference, limited to consideration of the appropriateness of the Barnett formula to fund the devolved administrations and any alternative to the formula, but barring consideration of the distribution of public spending within England and wider fiscal issues.⁹ The committee has heard from both the Cabinet Secretary for Finance and Sustainable Growth, John Swinney MSP (on 27 February), the UK Secretary of State for Scotland, Jim Murphy MP (along with the Secretaries of State for Scotland and Wales, on 1 April), as well as officials of HM Treasury (on 11 March).¹⁰ During his appearance, John Swinney declined to suggest any revised form of the Barnett formula, as his preference was for fiscal autonomy.¹¹ Jim Murphy defended it as 'fair', and cited as its advantages the relative transparency, predictability and stability that it offers.

It is also worth noting that, in an answer at Prime Minister's Questions on 22 April to David Simpson (DUP MP for Upper Bann), Gordon Brown claimed that 'It has been

⁸ R. Dinwoodie 'Swinney pushes 'devolution max' as the best way forward', *The Herald* 25.2.09

⁹ See House of Lords Liaison Committee *2nd Report of Session 2007–08* HL 142 (London: The Stationery Office, 2008), paras. 3 and 4.

¹⁰ Uncorrected transcripts of oral evidence given to the Committee are available at http://www.parliament.uk/parliamentary_committees/hlbarnettformula/barnettuncorrected.cfm

¹¹ For press coverage, see R. Dinwoodie 'Old foes Forsyth and Swinney clash over fiscal autonomy', *The Herald* 28 February 2009; D. Maddox 'Swinney accused of stirring up Barnett row to boost SNP', *The Scotsman* 28 February 2009.

common ground between all the parties over the last 30 and more years that the allocation of public spending resources in the United Kingdom is based on need. I believe that that is the right formula and the right way to proceed.¹² Since no needs assessment has been undertaken since 1979, and this was never implemented, it is puzzling how the Prime Minister might claim even to know that this is the case.

¹² HC Debates 22 April 2009, column 228.

3. Public Attitudes and Elections

John Curtice

Key Points:

- There is little evidence that the SNP Government or the effect of the financial crisis on small states is affecting levels of support for independence
- While much depends on the wording of the question, the most popular option remains strengthened devolution
- The public supports the idea of holding a referendum (although not during the economic crisis) but the vote would be unlikely to produce support for independence.
- The survey evidence does not suggest that the Scottish or UK populations think that Scotland gets 'too much money'
- There is some public support for raising the minimum age to buy alcohol, but not for minimum alcohol pricing
- Although its support (Scottish Parliament) dipped in March, the SNP's lead over Labour was restored in April.
- Labour's Westminster lead over the SNP also narrowed in April
- Therefore, the battle to come out on top of the European Parliament elections will be close.
- The SNP's by-election gain in Dundee helped oust the existing Labour/Liberal Democrats coalition from power
- Alex Salmond remains, by far, the most popular party leader in the Scottish Parliament. Gordon Brown's relative unpopularity has been restored.

3.1 Attitudes towards devolution

3.1.1 Constitutional Preferences

The SNP wishes to hold a referendum on Scottish independence in due course. Voters would be asked whether they agree or disagree 'that the Scottish government should negotiate a settlement with the Government of the United Kingdom so that Scotland becomes an independent state. How would you vote if such a referendum were held tomorrow?'

	July 08	Sept. 08	Oct. 08	Jan. 09	Mar. 09*
	%	%	%	%	%
I would vote YES (i.e. for Scottish independence)	36	34	31	29	33

I would vote NO (i.e. against Scottish independence)	48	50	53	55	53
Don't Know/Would not vote	16	15	16	16	14

* Introduction read 'If there is a referendum, the SNP government's planned referendum would ask voters whether...'

Source: YouGov/Sunday Times, 29-30.1.09 and 12-13.3.09

In the referendum, the Scottish Government intends to ask people whether they think the Scottish Government should negotiate a new partnership with the United Kingdom so that Scotland becomes an independent country. Do you agree or disagree that the Scottish Government should negotiate this new partnership?

	%
I AGREE that the Scottish Government should negotiate a new partnership so that Scotland becomes an independent country	37
I DO NOT AGREE that the Scottish Government should negotiate a new partnership so that Scotland becomes an independent country	52
Don't know	11

Source: YouGov/SNP 21-2.4.09

The SNP have recently announced their plans for a possible referendum on Scottish independence in future. If such a referendum were to be held tomorrow, how would you vote?

	Aug. 07	Nov./Dec. 07	Mar./Apr. 08	June/July 08	Oct. 08	Jan/Feb. 09
	%	%	%	%	%	%
I agree that the Scottish Government should negotiate a settlement with the government of the United Kingdom so that Scotland becomes an independent state	35	40	41	39	35	38
I do not agree that the Scottish Government should negotiate a settlement with the government of the United Kingdom so that	50	44	40	41	43	40

Scotland becomes an independent state						
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Source: TNS System Three/Sunday Herald; 28.1-3.2.09

Thinking about Scotland's future, which of the following comes closest to your view?

	%
Scotland should become independent from the rest of the United Kingdom	21
The Scottish Parliament should have more powers than it does now, but short of full independence from the rest of the United Kingdom	41
The Scottish Parliament has the right level of powers and should retain them	26
The Scottish Parliament should have fewer powers than it does now	8

Source: Populus/Times 29-30.4.09 (N=500)

On balance do you think Scotland should...?

	%
Continue to be represented by the UK Government in the European Union	40
Be a member of the European Union in its own right and represented by the Scottish Government	42
Neither of these	9

Source: YouGov/SNP 21-22.4.09

Contrary to the expectations of the SNP, there continues to be little evidence that the experience of having a SNP devolved government is serving to increase support for independence. Equally, however, there is little evidence that the impact of the financial crisis on nearby small independent states such as Ireland and Iceland has had any long-term adverse effect on the attractiveness of the proposition. Meanwhile the level of support for independence measured by opinion polls continues to depend heavily on the wording of the question that is asked.

On two occasions during this period YouGov asked a question that is designed to tap how people would vote in a referendum on independence along the lines proposed by the SNP government and which had been asked on three previous occasions last

year. The results were little different from those that had been obtained previously, with around a third saying they would vote in favour of independence and just over half indicating they would vote against. Moreover, support for independence was only a little higher even when YouGov administered on behalf of the SNP a question on referendum voting intention that presented independence as 'a new partnership' with the rest of the United Kingdom.

Meanwhile, a Populus poll administered for the *The Times* in recognition of the tenth anniversary of devolution in early May, confirmed previous evidence that the most popular single option amongst the Scottish public is for devolution to be strengthened. As many as two in five backed this option, twice as many as favoured independence. Indeed, at 21% support for independence is exactly the same as it was in response to a question that offered much the same options, albeit in a differently worded fashion, in a Populus poll conducted shortly before the May 2007 election. The relatively low level of support for independence, when pitted against the possibility of a strengthened devolution settlement, raises questions about the wisdom of Labour's opposition to any form of multi-option referendum on the grounds that it could result in victory for independence 'by the back door'. Rather such a referendum would seem to minimise the chances of a victory for the independence cause.

However, a differently worded question on referendum voting intentions that was administered during this period by TNS System Three for a sixth time continues to suggest that support for and against independence is much more evenly balanced. It may be that the presentation of independence in this poll as the negotiation of a 'settlement' with the government of the UK serves to make it more attractive. If so, System Three's results will only serve to reinforce Labour criticism of the SNP's proposed wording of its referendum question, as that wording is closely mimicked by System Three's poll question. Nevertheless, even this poll does not suggest that there has been any significant change of public mood since the autumn of 2007.

One of the key issues in the debate about independence is whether an independent Scotland would be better served by being an independent member of the European Union. The potential attractiveness of the idea of Scotland being directly represented in the councils of the EU was revealed by a question included on YouGov's poll for the SNP. Slightly more people backed the idea of Scotland being a member of the EU in its own right than preferred Scotland to be represented by the UK government.

Of course the poll did not make it clear that such direct representation would only be possible if Scotland were to become an independent state.

3.1.2 Perceptions of Devolution

Which of these statements comes closest to your view?

	%
Scotland gets too much money from the rest of the UK	3
Scotland gets too little money from the rest of the UK	41
Scotland gets a fair share of money from the rest of the UK	50

Source: Populus/Times 29-30.4.09 (N=500)

Populus's tenth anniversary survey for *The Times*, which was also conducted south of the border,¹³ attempted to address the continuing debate about the acceptability of Scotland's share of public expenditure. The wording of its question, however, left something to be desired. The use of the term 'money' could be thought to refer to private economic activity as well as public expenditure. Nevertheless, the poll found that rather more people think that Scotland gets its fair share of money than think it secures less than its fair share. In this it would appear to echo the more moderate mood in respect of this subject tapped by the 2007 Scottish Social Attitudes survey.¹⁴

Meanwhile the same poll found that no less than 70% believe that devolution has been good for Scotland, while just 18% believe it has been bad. At the same time only 24% believe that its introduction has worsened relations between Scotland and England. As many as 65% think the relationship is much the same while 8% actually think it has become better. However, in line with the feeling that the Scottish Parliament should have more powers, only 10% believe that the Scottish Parliament has more influence on their lives than the UK Parliament does, while as many as 33% say the opposite is true. Just over half (52%) say they have more or less equal influence.

¹³ See <http://www.populus.co.uk/the-times-the-times-scotland-poll-anniversary-of-devolution-may-2009-030509.html>

¹⁴ J. Curtice, 'How Firm are the Foundations? Public Attitudes towards the Union in 2007', in T. Devine (ed.), *Scotland and the Union 1707-2007*, Edinburgh: Edinburgh University Press, 2008.

3.1.3 Referendum Timing

Previous surveys have regularly found that there is broad public sympathy for the idea of holding a referendum on independence. This was affirmed by YouGov's poll in March for *The Sunday Times*, which found that 57% supported the idea of a referendum in principle and just 29% were opposed. However this poll then went on to ask, 'In view of the economic recession, would you consider a referendum on Scottish independence being held next year appropriate or inappropriate?'. Just 32% thought it would be appropriate, while as many as 53% stated that it would be inappropriate. Doubtless this result will have been welcome to the Liberal Democrats who in March instigated and won a vote in the Scottish Parliament opposing the holding a referendum in 2010 because of the financial crisis (see 3.4). In any event, it does not seem that the public are anticipating independence happening some time soon, for YouGov also found in March that only 19% expect it to happen in the next ten years.

3.2 National Identity

Nothing to report.

3.3 Other Issues

3.3.1 Alcohol Use

Following a consultation exercise in March the Scottish Government announced revised proposals for dealing with alcohol misuse. These proposals included allowing local licensing boards to increase the minimum age for buying alcohol from an off licence from 18 to 21 and introducing a minimum price per unit of alcohol, a move designed to stop supermarkets being able to sell alcohol at knock down promotional prices (see 4.5). Such measures, which in some respects represented a watering down of the government's original proposals, inevitably aroused considerable controversy. It was argued that the raising of the minimum age for purchasing alcohol from an off licence would mean that soldiers who had returned from service in Afghanistan or Iran might be unable to buy a can of beer to drink at home, while enforcing a minimum price per unit of alcohol would penalise 'responsible' drinkers. It should perhaps come as little surprise that the second of these arguments is the more powerful in the public's mind. Minimum alcohol pricing affects everyone who

buys alcohol, whereas raising the minimum age for buying alcohol only affects a potentially scapegoated minority. Thus, YouGov's survey for *The Sunday Times* found that 55% oppose minimum alcohol pricing, while only 40% are in favour. In contrast 59% support giving local licensing boards the right to raise the minimum age for off sales, while just 37% are opposed.

3.3.2 Renewable Energy and Nuclear Power

One of the key sources of tension between the Scottish and UK Governments concerns the future of nuclear power. The UK Labour Government has indicated that it believes that it is willing to consider proposals to build new nuclear power stations in the UK in order to meet the country's energy needs, not least because many existing nuclear power stations are due to be decommissioned during the course of the next two decades. The SNP Scottish Government, in contrast, opposes the building of new nuclear power stations, arguing that Scotland's energy needs can be met through greater exploitation of renewable sources of energy, most notably wind and wave power.

Public attitudes towards both renewable sources of energy and nuclear power were measured as part of the 2008 *Scottish Environmental Attitudes and Behaviours Survey*, which was commissioned by the Scottish Government, conducted by MORI amongst 3,054 people aged 16 plus between August and November 2009, and published in March.¹⁵

At first glance, there appears to be considerable support for prioritising renewable sources of energy. As many as 48% agree that 'Scotland's energy should only come from renewable sources, not from nuclear power stations or coal and gas', while just 26% disagree. Moreover, as many as 58% disagree that 'windfarms do more damage than good to the natural environment'. But this enthusiasm for renewable energy is a limited one and does not necessarily mean that Scotland should forgo the option of nuclear power. As many as 44% agreed (and only 32% disagreed) that 'new hydro-electric schemes and windfarms should only be allowed if they don't lead to more pylons being built across Scotland', while as many as 53% would be unwilling to pay more for their electricity to be produced in an environmentally more

¹⁵ S. Davidson, C. Martin and S. Treanor, *Scottish Environmental Attitudes and Behaviours Survey 2008*, Edinburgh: Scottish Government Social Research. Available at <http://www.scotland.gov.uk/Publications/2009/03/09083930/15>.

responsible manner. Meanwhile, a majority (53%) of the Scottish public agree that 'we need nuclear power alongside other forms of energy', while only 23% disagreed, in part perhaps because nearly twice as many people (39%) agree that 'nuclear power stations are more environmentally friendly than coal or gas stations' than disagree (21%).

Curiously these last two findings were not deemed worthy of highlighting when the report was published. In any event it seems that public preferences in respect of energy sources are nothing like as strongly held as the various protagonists in the debate presume. It seems that while people are sympathetic towards renewable energy, they only want it if it is neither unsightly nor costly, and if needs be they accept that nuclear power may also have to be part of Scotland's energy mix.

3.4 Party Funding

3.4.1 Holyrood Voting Intentions

Fieldwork	Con	Lab	Lib Dem	SNP	Green	SSP	Solidarity	Others
	%	%	%	%	%	%	%	%
30-31.1.09	13/15	32/28	12/11	38/34	-/6	-/4	-/1	5/2
12-13.3.09	14/15	34/32	12/11	35/30	-/5	-/4	-/1	4/2
21-22.4.09	15/15	30/28	13/13	37/37	-/-	-/-	-/-	5/7

Note: Separate figures for Greens etc. only available for regional vote and not for April poll. Constituency vote for Others includes these parties; other than in April regional figure excludes them

Source: YouGov//Sunday Times and YouGov/SNP

Fieldwork	Con	Lab	Lib Dem	SNP	Green	SSP	Solidarity	Others
	%	%	%	%	%	%	%	%
22-28.4.09	15/13	29/30	11/10	41/40	-/4	-/-	-/-	3/4

Source: TNS System Three/Sunday Herald

The SNP government has proved remarkably popular since coming to power in May 2007. However, in March it looked as though perhaps its bloom was finally beginning to fade. YouGov's poll for *The Sunday Times* that month was notable for being the first since the 2007 election to suggest that the Labour party might now be ahead of

the SNP on at least one of the two Holyrood votes, and that thus Labour might overhaul the SNP in seats in any early Scottish election. It appeared as though the government's initial failure to secure the passage of its budget bill, followed by the announcement that it had abandoned its plans to introduce a local income tax might have begun to erode public confidence in the government's competence and sense of direction.

However in April, by which time the popularity of the UK Labour government had suffered from the Damien McBride e-mail scandal,¹⁶ a further YouGov poll, this time for the SNP, found that the SNP's lead over Labour had been restored. This was confirmed by a poll conducted a week later by TNS System Three. Meanwhile the polls continue to suggest that the Liberal Democrats are in a relatively weak position, and that the Conservatives are still failing to make any progress as a choice for the Scottish Parliament. Both parties are either running at or below the share of the (relatively low) constituency and list votes they received in 2007.

The Greens played a pivotal and widely criticised role in the downfall of the budget. However, this seems to have at most only had a marginal impact on their popularity. As a result it is far from clear that if the budget crisis had precipitated an early election that it would have altered the configuration of the Holyrood parliament significantly. If the Green party were to secure 5-6% of the list vote, as opposed to the 4% it won last time, it could be expected to pass the de facto threshold for securing seats in a majority of regions, and thus increase its current tally of two seats. Meanwhile, because the nationalists are also heavily reliant on winning list seats, the more successful the Greens are at winning such seats, the more difficult it is for the SNP to turn any poll lead over Labour into a decisive lead in seats.

3.4.2 Westminster Vote Intentions

Fieldwork	Con	Lab	Lib Dem	SNP	Others
	%	%	%	%	%
30-31.1.09	20	37	12	27	4
12-13.3.09	20	37	11	27	4
21-22.4.09	21	32	13	30	6

Source: YouGov/Sunday Times and YouGov/SNP

Fieldwork	Con	Lab	Lib Dem	SNP	Others
	%	%	%	%	%

¹⁶ For further details see http://news.bbc.co.uk/1/hi/uk_politics/7995044.stm.

22-28.4.09	19	36	9	32	4
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Source: TNS System Three/Sunday Herald

Last summer was remarkable for witnessing a number of polls that not only suggested the SNP were ahead of Labour in voting intentions for the Scottish Parliament, but that they were also ahead in voting intentions for Westminster – for the first time since 1976. The nationalists - and not the Conservatives - were apparently the main beneficiaries in Scotland of the unpopularity of the UK Labour government. However, by the autumn Labour had restored its lead in Scotland in the wake of the restoration of its electoral fortunes across the UK.

Labour continued to enjoy a lead over the nationalists during most of this period. However, towards the end of April, as Labour again hit electoral trouble across the UK, that lead had narrowed quite considerably. However, there is some sign that the Conservatives may now be beginning to profit north of the border too from Labour's unpopularity. All three YouGov polls conducted during this period put the Conservatives on 20% or more, as had a previous poll in October. This is the first time since 1993 that a continuous sequence of polls has put the Conservatives at 20% or more in Westminster voting intentions. Meanwhile, even TNS System Three, an organisation not known for overestimating Conservative strength in Scotland, put the party as high as 19% in April. If these figures were to be realised in the ballot box in the UK general election that has to be held by June next year, the Conservatives might well emerge with a handful of Scottish MPs rather than just the solitary figure of David Mundell, as at present.

It is now widely forgotten that the Liberal Democrats came second in votes in Scotland at the last UK general election, with 23% of the vote. There seems to be little prospect of their repeating that performance. It is the party's good fortune that most of its MPs represent relatively safe seats, and thus its parliamentary representation may not be cut heavily should its support decline on the scale currently anticipated by the opinion polls.

3.4.3 European Vote Intentions

Fieldwork	Con	Lab	Lib Dem	SNP	Others
	%	%	%	%	%
12-13.3.09	18	36	11	29	6

Source: YouGov/Sunday Times

Along with the rest of the UK, Scotland goes to the polls on June 4th to elect representatives to the European Parliament. Under the regional party list system used to elect MEPs in Great Britain, Scotland forms one single constituency. However, following the reduction in the UK's representation in the parliament, the number of MEPs to be elected from Scotland is being cut from seven to six. This will make the race for the last seat (allocated under the D'Hondt divisor method) even more competitive.

If the result in 2009 were to be the same as last time, then it would be the Conservatives who would lose out, their representation falling from two seats to one. However, according to the one and only poll of European voting intentions, conducted in March, in practice it could be the Liberal Democrats who lose out. Although that poll only put the party two points below its 2004 tally of 13%, Labour were reported to be doing sufficiently well to secure the sixth and last seat at the expense of the Liberal Democrats. Whether Labour will in practice do that well, given the subsequent decline in its fortunes on other poll measures, is perhaps to be doubted, but the risk this year's election poses to the Liberal Democrats' ability to maintain their representation at Westminster is clear.

The European election will, however, be primarily of interest as a nationwide popularity contest between Labour and the SNP. Labour will wish to come first in votes in order to demonstrate that the wheels have finally come off the SNP bandwagon in Scotland. The SNP will wish to demonstrate that they are still the most popular party north of the border. Historically the nationalists have performed relatively well in European elections – though the last election in 2004 was a notable exception – and thus the battle for first place could well prove to be a close one.

3.4.3 Local Government By-Elections

12/3/09 Dundee/Maryfield	% 1 st preference vote	Change in % 1 st preference vote since 2007
Conservative	6.9	-1.4
Labour	31.1	+0.5
Liberal Democrat	10.9	-2.2
SNP	47.6	+3.2
SSP	1.6	-0.2
Independent (2 cand)	1.9	I
Solidarity	-	W

Turnout 29.4 (-16.8)

23/4/09 Highland/Inverness West	% 1 st preference vote	Change in % 1 st preference vote since 2007
Conservative	4.4	-2.5
Labour	8.3	-7.7
Liberal Democrat	59.6	+34.5
SNP	22.1	-6.7
Scot Christian Party	4.6	I
Solidarity	1.1	I
Independent	-	W

Turnout 38.4 (-13.3)

23/4/09 Aberdeenshire/Aboyne, Upper Deeside & Donside	% 1 st preference vote	Change in % 1 st preference vote since 2007
Conservative	31.5	-18.3
Labour	-	-
Liberal Democrat	26.7	+0.6
SNP	17.0	-3.1
Independent	23.3	I
BNP	1.2	I
Independent	0.5	I

Seat won by Liberal Democrats after redistribution of votes cast for lower placed candidates

Turnout 43.7(-15.4)

30/4//09 Stieling/Bannockburn	% 1 st preference vote	Change in % 1 st preference vote since 2007
Conservative	16.1	-1.2
Labour	39.9	-11.1
Liberal Democrat	2.9	-0.8
SNP	37.6	+4.4
Independent (3 cand)	12.2	+7.3
Green	1.3	I

Turnout 34.7 (-20.4)

I Party did not contest ward in 2007; W Party contested ward in 2007 but did not contest by-election

Sources: www.alba.org.uk; www.gwydir.demon.co.uk/byelections

Two of the four local government by-elections held during this period were of particular interest. First in March the SNP secured what had previously been a Labour seat in Dundee's Maryfield ward. That gain helped the SNP to oust the existing Labour/Liberal Democrats coalition from power. The outcome of the by-election was, however, almost inevitable, as the SNP had been well ahead of Labour on the first preference vote in 2007, and the single Labour councillor was only the second person to have been elected. This is the first time since the introduction of STV that the outcome of a by-election held in circumstances where a seat was almost bound to be lost has helped bring down a local administration.

Second in April the Liberal Democrats gained a seat from the Conservatives in Aberdeenshire. They did so even though their candidate, Rosemary Bruce, the wife of the local MP Malcolm Bruce, came second in first preferences in what in 2007 has been a strongly Conservative ward. Mrs. Bruce's victory rested on her ability to secure substantially more second preferences from those who backed the SNP and Independent candidates. This was the first time that the outcome of a STV by-election in Scotland has been determined by the redistribution of second preferences.

3.5 Attitudes towards Parties and Leaders

3.5.1 Parties

Nothing to report.

3.5.2 Leaders

Which of the following do you think would make the best Scottish First Minister?

[Apr.09] Which ONE, if any, of the following Scottish political leaders do you think would make the best First Minister?

	Apr. 08	Sept. 08	Oct. 08	Jan. 09	Mar. 09	Apr. 09
	%	%	%	%	%	%
Alex Salmond	43	41	38	35	36	36
Iain Gray	11*	3	13	15	17	7
Cathy Jamieson	-	7	-	-	-	-
Andy Kerr	-	5	-	-	-	-
Annabel Goldie	9	8	10	11	11	10
Tavish Scott	5**	5	6	5	6	4
Patrick Harvie	-	-	-	2	1	1
None/Don't Know	31	31	33	34	29	42

Note: Respondents were advised of the party of each leader.

* Figure for Wendy Alexander; ** Figure for Nicol Stephen

Party of leader included in response options except in April poll.

Source: YouGov/Sunday Times 30-31.1.09 and 12-13.3.09/ YouGov/SNP 21-22.4.09

Given the current economic downturn, who would you trust more to make the right decision to help Scottish people in their everyday lives, Alex Salmond or Gordon Brown?

	Sept. 08*	Jan. 09
	%	%

Alex Salmond	36	33
Gordon Brown	26	33
Neither	27	25
Don't Know	11	9

* question began, 'Given the current credit crunch and the problems of rising food and energy prices'

Source: YouGov/Sunday Times 30-31.1.09

Which one do you think is doing a better job?

	%
Alex Salmond	37
Gordon Brown	28
Neither/ Don't Know	26

Source: YouGov/SNP 21-22.4.09

Alex Salmond continues to be a popular First Minister, clearly outstripping all of his rivals. The embarrassment of the banking difficulties in Ireland and Iceland, part of Mr Salmond's 'arc of prosperity', together with the government's difficulties during this period in respect of its budget and on local taxation, seem at most to have had only a marginal impact on the First Minister's popularity. Indeed, YouGov's January poll found that 37% of people rated Mr Salmond's performance 'in relation to the budget process' as 'good', compared with 24% for Annabel Goldie (whose Conservative party voted for the original budget), 15% Iain Gray, 12% Patrick Harvie, and 11% Tavish Scott (all of whom opposed the original budget). Indeed, despite having impressed some commentators with his performances at First Minister's Questions, Iain Gray, the opposition Labour leader, still has to make much impression on the wider public.

Meanwhile, it seems that Mr Salmond's performance may once again be rated more highly than that of the UK Prime Minister, Gordon Brown, whose own rating was boosted in the wake of the financial crisis last autumn. Indeed one poll in October last autumn found that 42% of people in Scotland trusted Mr Brown most to 'steer Scotland through the current financial crisis', and only 23% Mr Salmond (see previous monitoring report). The volatility in the relative rating of the two leaders would appear, however, to have more to do with changes in Mr Brown's popularity than with people changing their mind about how well Mr Salmond is performing.

4. The Scottish Parliament and Parties

Paul Cairney

Key Points:

- Westminster can learn much from the reforms to MSP expenses in 2005 (on transparency) and 2008 (on second homes). Raised UK attention may also accelerate Scottish Parliament reforms.
- The Standards, Procedures and Public Appointments Committee agrees with the Presiding Officer that truthfulness is the responsibility of individual MSPs. An independent advisory panel has also ruled that Alex Salmond did not mislead the Scottish Parliament.
- The annual budget bill process has shown the best and worst aspects of minority politics, reflecting an odd mix of increasing maturity but destructive partisanship
- The Conservatives have most incentive to *support* as well as criticise Scottish Government policy
- The unity of Scottish Labour's opposition continues to be undermined by UK interference.
- The SNP continues to lose votes in the Scottish Parliament, but very few motions put it in a difficult position. A parliamentary motion on the local income tax was one factor of many to explain its withdrawal.
- Although the Scottish Parliament voted against holding an independence referendum, there is some evidence of opposition party division, and Alex Salmond has vowed to press on.
- This period saw a significant rise in committee activity and there is some evidence of cross-party cooperation (most notably when beginning an inquiry into future annual budgets).
- Debate continues about the significance of the relatively low number of Scottish Government bills.
- The SNP Government continues to approve Legislative Consent Motions for the sake of expediency or when the issues are innocuous

4.1 Westminster and Holyrood Expenses

By far the biggest story in the UK in this period is the fallout from continuous revelations about MP expenses. Although some Scotland MPs have been exposed (and, of course, the Prime Minister and Chancellor both have Scottish constituencies), this is part of a UK-wide agenda. Yet, we can detect one interesting difference in party strategy: while the Conservative and Labour parties are fighting to take the lead on penance and payback, the SNP has expressed more confidence about its conduct and ability to wait until the new rules are published before it

reacts.¹⁷ Similarly, although for some the Scottish Parliament may be guilty by association, it has been left largely untouched because it has already reformed its rules following concerns about the transparency of MSP expenses (in 2005, by allowing the public to view MSP expenses online) and the ability of MSPs to profit from the sales of their second homes (in 2008, by voting to effectively make MSPs rent instead of buy).¹⁸ Therefore, much has been made (particularly by Alex Salmond) about the ability of Westminster to learn from Holyrood.¹⁹ This may include reference to the statement expressed in the Langlands Review that allowances are there to reimburse expenses (accompanied by receipts) rather than augment salaries (in the light of Harry Cohen MP's claims that the Thatcher government recommended

¹⁷ B. Ferguson 13.5.09 'Extreme' new rules to curb MP expenses' *The Scotsman* <http://news.scotsman.com/latestnews/39Extreme39-new-rules-to-curb.5259731.jp>; *The Scotsman* 12.5.09 'Cameron to take action over Tories' expenses 'abuse' <http://news.scotsman.com/politics/Cameron-to-take-action-over.5256936.jp>; M. Settle 13.5.09 'Cameron tells Tory 'sinners' to repay expenses or face the sack' *The Herald* http://www.theherald.co.uk/news/news/display.var.2507729.0.Cameron_tells_Tory_sinners_to_repay_expenses_or_face_the_sack.php; P. Wintour 13.5.09 'David Cameron tells Tory MPs: write cheque or face sack' *The Guardian* <http://www.guardian.co.uk/politics/2009/may/12/mps-pay-back-expenses>; P. Webster 13.5.09 'David Cameron rewrites Conservative rules on expenses' *The Times* <http://www.timesonline.co.uk/tol/news/politics/article6276869.ece>; *The Telegraph* 13.5.09 'MP's expenses: Gordon Brown admits 'extreme action' needed to restore public trust in politics' <http://www.telegraph.co.uk/news/newstopics/mps-expenses/5315229/MPs-expenses-Gordon-Brown-admits-extreme-action-needed-to-restore-public-trust-in-politics.html>; R. Winnett and A. Porter 13.5.09 'MPs' expenses: David Cameron orders Tories to pay back claims' *The Telegraph* <http://www.telegraph.co.uk/news/newstopics/mps-expenses/5315053/MPs-expenses-David-Cameron-orders-Tories-to-pay-back-claims.html>; G. Peev 14.5.09 'SNP won't repay a penny until independent audit, says Salmond' *The Scotsman* <http://news.scotsman.com/politics/SNP-won39t-repay-a-penny.5265090.jp>; A. Picken, G. Fraser and A. Morris 13.5.09 'Do Lothian MPs have nothing to fear in expenses row?' *Edinburgh Evening News* <http://news.scotsman.com/politics/Do-Lothian-MPs-have-nothing.5260620.jp>; 13.5.09 'Edinburgh MP to pay back cash claimed for flat legal costs' *Edinburgh Evening News* <http://edinburghnews.scotsman.com/politiciansexpenses/Edinburgh-MP-to-pay-back.5260616.jp>

¹⁸ See Scottish Parliament 'Members Expenses Scheme' <http://www.scottish.parliament.uk/msp/MSPAllowances/index.htm#section2>; M. Earle (2009) *Parliamentary Pay and Expenses 20007-08 and Pay and Expense Rates 2008-09*, SPICE briefing 09/6 <http://www.scottish.parliament.uk/business/research/briefings-09/SB09-06.pdf>; *Scotland Devolution Monitoring Report January 2006*, 2.3, p20 and September 2008, 2.3, pp.16-17 <http://www.ucl.ac.uk/constitution-unit/research/devolution/devo-monitoring-programme.html>; BBC News 13.12.05 'MSP expenses published in detail', <http://news.bbc.co.uk/1/hi/scotland/4522478.stm>; <http://www.rampantscotland.com/let061007.htm>;

¹⁹ BBC 28.4.09 'MPs 'should back' MSP claim rules' <http://news.bbc.co.uk/1/hi/scotland/8022950.stm>;

I. Swanson 30.4.09 'Ian Swanson: Use Holyrood as expenses model' *The Scotsman* <http://news.scotsman.com/politics/-Ian-Swanson-Use-Holyrood.5221067.jp>; I. Swanson 28.10.08 'MSPs Look on With Envy at MPs Expenses', *Edinburgh Evening News*, p.11; although see also J. Hjul 5.4.09 'Holyrood's snouts are no shorter than Westminster's', *The Sunday Times* <http://www.timesonline.co.uk/tol/comment/columnists/article6036140.ece>

using allowances rather than raising MP salaries) (see also 3.5).²⁰ The new rules on transparency also appeared to produce a fall in overall expense claims.²¹ There may also be some pressure from Westminster to Holyrood, as the rise in overall attention puts pressure on MSPs to do more than they agreed – by, for example, accelerating the provisions made in 2008 to phase-out second home ownership by 2011 and pay back any profits from the sale of a second home.²² The issue has certainly eclipsed earlier calls for Salmond to quit as an MP and stories which bemoan his lack of time spent in Westminster.²³ It also puts previous Scottish Parliament scandals in perspective – the SNP's Minister for Parliamentary Business Bruce Crawford suggested recently²⁴ that former First Minister Henry McLeish was harshly treated before his resignation (but would not make the same statement about Wendy Alexander).

4.2 Who Decides If Ministers are Telling the Truth? Part 2

Complaints by opposition parties about the truthfulness of ministerial statements in the Scottish Parliament prompted the Presiding Officer to ask the Standards, Procedures and Public Appointments Committee to conduct a wider inquiry into the use by MSPs of points of order to raise these issues.²⁵ The view of all three Presiding Officers (David Steel, George Reid, Alex Fergusson) is that MSPs are

²⁰ Scottish Parliament (2008) Independent Review of Parliamentary Allowances (the Langlands Review) http://allowancesreview.scottish.parliament.uk/report/AllowancesReviewReport_final.pdf; G. Cordon 29.3.09 'MP says £300,000 claim for home is 'part of salary'', *Scotland on Sunday* <http://scotlandonsunday.scotsman.com/latestnews/MP-says-300000-claim-for-5119588.jp>

²¹ T. Gordon 6.10.06 'MSPs' expenses fall from GBP1.8m to GBP227,000 in wake of scandals' *The Herald*

²² P. Hutcheon and T. Gordon 18.5.09 'Hand back any profits on second homes, urges MSP', *The Herald* http://www.theherald.co.uk/news/news/display.var.2508758.0.Hand_back_any_profits_on_second_homes_urges_MSP.php; I. MacWhirter 17.5.09 'It's payback time' *The Herald* http://www.theherald.co.uk/features/featuresopinion/display.var.2508702.0.its_payback_time_as_msps.php

²³ H. MacDonell 17.2.09 'Tories tell Salmond to quit as MP over 'poor' Westminster record', *The Scotsman* <http://news.scotsman.com/politics/Tories-tell-Salmond-to-quit.4985958.jp>; S. Paterson 17.2.09 'Salmond should quit as an MP, says Scots Tory leader' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2489682.0.Salmond_should_quit_as_an_MP_says_Scots_Tory_leader.php; *The Scotsman* 28.4.09 'Salmond hits out at 'Thatcher-style cuts' ' <http://news.scotsman.com/politics/Salmond-hits-out-at-39Thatcherstyle.5210951.jp>; T. Crichton 28.4.09 'Salmond takes 'cuts' fight to the heart of Westminster' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2504615.0.Salmond_takes_cuts_fight_to_the_heart_of_Westminster.php

²⁴ BBC Radio Scotland 15.5.09 'Riddoch Questions', recorded at 'Ten Years of the Scottish Parliament' conference, 12 May, Edinburgh – an event to mark the publication of C. Jeffery and J. Mitchell (eds.) *The Scottish Parliament, 1999-2009: The First Decade* (Edinburgh: Luath Press). Note also the claim by Iain Gray that the Scottish Government is undermining Labour's shadow legislative programme.

²⁵ See Scotland Devolution Monitoring Report January 2009, 3.1 pp. 30-1

responsible for the veracity of their own comments and that concerns about ministerial conduct should be referred to the First Minister (to investigate adherence to the Scottish Ministerial Code):

There are, in my view, very good reasons for this ruling. Firstly, I do not believe that any Presiding Officer can make a determination as to the accuracy of comments made. In order to do so, the Presiding Officer would require detailed knowledge of the subject matter at hand including access to all information which Members had used as a basis for their comments. This is simply not possible. Secondly, any attempt to draw the Presiding Officer into such a role would undermine the impartiality of the Office. To have the Presiding Officer conducting an investigation, interviewing Members and requiring the production of documents, would draw him or her into essentially political territory where judgements will often come down to an interpretation of the facts and perhaps even semantics. Finally, Presiding Officers might in practice ultimately be asked to accept the word of one Member over another which would be an invidious position for any Presiding Officer to be placed in. It is for these reasons that the Standing Orders are deliberately silent on such matters and do not furnish the Presiding Officers with any powers in this area.²⁶

The Standards Committee endorses this view. It recommends: (a) that the Scottish Parliament and Scottish Government establish a joint protocol to clarify the rules and their respective roles (note also the willingness of the committee to engage in policy learning on member and ministerial conduct from other legislatures, including Westminster); and (b) that the Committee should produce guidance for MSPs who wish to complain about the inaccuracies of statements made by other MSPs. This may lead to a reduction in, but not prohibition of, points of order in plenary.²⁷ It should also put to bed the wider accusation the idea that Alex Fergusson is a weak Presiding Officer, particularly if we consider the consequences in Westminster of a more interventionist and less aloof Speaker.²⁸ Of course, the First Minister should not rule on her or his own conduct. Instead, Alex Salmond referred a complaint, made by Tavish Scott MSP on statements made by Salmond during FMQs, to his new independent advisory panel (George Reid and David Steel). The panel's report

²⁶ Alex Fergusson 4.2.09, letter to the Convenor of the Standards Committee, Annex A <http://www.scottish.parliament.uk/s3/committees/stanproc/reports-09/stpr09-05.htm#anna>

²⁷ Standards, Procedures and Public Appointments Committee (2009) *Accuracy of contributions in parliamentary proceedings*, 5th Report, SP Paper 254 <http://www.scottish.parliament.uk/s3/committees/stanproc/reports-09/stpr09-05.htm>

²⁸ M. Settle 14.5.09 'Bid to oust Michael Martin as Speaker gathers momentum', *The Herald* http://www.theherald.co.uk/news/news/display.var.2507983.0.Bid_to_oust_Michael_Martin_a_s_Speaker_gathers_momentum.php; A. Sparrow 13.5.9 'Labour MPs join Tory to call for Speaker to resign' *The Guardian* <http://www.guardian.co.uk/politics/2009/may/13/labour-mps-call-michael-martin-resign>

concludes that Salmond did *not* mislead Parliament (although it recommends that, in future, ministers base their statements to Parliament on decisions that are *documented*).²⁹ Yet, the truth agenda is likely to continue as a basis for partisan competition, with some evidence that the SNP is willing to join in (by making similar accusations about Iain Gray).³⁰

4.3 Political Parties and the Annual Budget

The 'new' *Budget (Scotland) (No 3) Bill* was passed, using the emergency bills process,³¹ on the 4th February. This followed a week of intense and negative publicity (which even extended to the UK media) that prompted the parties to change tack and stress the need for consensus. The new tone can be detected to some extent throughout the bill's debate, with (Cabinet Secretary for Finance and Sustainable Growth) John Swinney pointing to the added value of the bill following compromises with the opposition parties (last year he was more likely to suggest that the concessions represented a very small part of the overall budget) but his opposition party counterparts (and MSPs of most parties) using their speeches to criticise each other's part in the downfall of the previous bill.³² The only formal opposition to the bill came from the two Green MSPs who saw their bargaining power diminish as soon as the other parties signalled that they were on board.

²⁹ Scottish Government (2009) *Ministerial Code Inquiry: Complaint From Tavish Scott Msp Regarding Exchanges At First Minister's Questions*, Report by Independent Advisers to the First Minister <http://www.scotland.gov.uk/Resource/Doc/923/0078701.pdf> ; Scottish Government News Release 6.3.09 'Ministerial Code Inquiry'

<http://www.scotland.gov.uk/News/Releases/2009/03/06082650>

³⁰ S. Johnson 4.3.09 'Alex Salmond urged to publish inquiry into claims he lied to MSPs' *The Telegraph* <http://www.telegraph.co.uk/news/newstoppers/politics/scotland/4938926/Alex-Salmond-urged-to-publish-inquiry-into-claims-he-lied-to-MSPs.html>; D. Maddox 27.3.09 'Gray refuses to apologise in flare-up over apprentice' *The Scotsman*

<http://news.scotsman.com/politics/Gray-refuses-to-apologise-.5115311.jp> ; B. Currie 27.3.09

'Gray 'misled parliament' in row over apprentice' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2498108.0.Gray_misled_parliament_in_row_over_apprentice.php ; *The Scotsman*.5.5.09 'MSPs demand checks to ensure ministers do not mislead Holyrood'

<http://news.scotsman.com/politics/MSPs-demand-checks-to-ensure.5234842.jp> ; I. Bell 8.5.09 'Active SNP fault lines amid obscure Gray landscape' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2506836.0.Active_SNP_fault_lines_amid_obscure_Gray_landscape.php ; T. Peterkin 10.5.09 'Unionists 'censored' in debate on constitution' *The Scotsman*

<http://news.scotsman.com/politics/Unionists-39censored39-in-debate-on.5251794.jp>

³¹ This allows all three stages to be considered, in plenary, on the same day. See Rule 9.21 Emergency Bills in *Standing Orders of the Scottish Parliament*

<http://www.scottish.parliament.uk/business/so/sto-4.htm#9>

³² Scottish Parliament Official Report 4.2.09 cols. 14646-704 <http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-09/sor0204-02.htm#Col14646> ; Scottish Government News Release 4.2.09 'Budget passed by Scottish Parliament'

<http://www.scotland.gov.uk/News/Releases/2009/02/04164342>

The annual budget bill process has perhaps shown the best and worst aspects of minority politics, reflecting an odd mix of increasing maturity but continuous (and often destructive) partisanship. On the one hand, the process is now more significant than under coalition government when it was rather routine. The main consequence is that there have been concessions to opposition parties, although their overall importance is debatable (they do not contradict SNP policy but do force it to make choices; they may represent less than 1% of the overall budget, but the SNP government also has minimal control of the budget beyond the margins). Thus, the Conservatives secured a town centre regeneration fund (to be administered by the Scottish Government) and a reduction in business rates, Labour secured funding for modern apprenticeships and the Liberal Democrats secured a commitment for the SNP to involve Parliament more in budget planning and engage with the Calman Commission on fiscal autonomy (the Greens lost a larger commitment to fund home insulation when their votes were no longer required). On the other, most parties (bar the Conservatives) have yet to take consistent negotiating positions and the overall impression from the budget's downfall has been one of petty politicking at a time of economic crisis. The process showed *eventually* that the parties could work together very effectively when faced with a crisis, and a new bill (almost identical to the defeated one) was passed very quickly. The crisis showed that there is little appetite among the opposition parties for an impromptu election, particularly while Alex Salmond remains popular. It is also the most significant example of SNP-Labour cooperation which may prove crucial to the long term success of minority government – particularly if Labour chooses minority government when it next wins a plurality of seats in the Scottish Parliament.³³ This may be further buoyed by future agreements on alcohol policy following the SNP's agreement to bring its proposals to the Scottish Parliament and Labour's tentative indication of support (see also 4.5).³⁴

³³ 6.3.09 'Labour has learnt lessons' <http://www.holyrood.com/content/view/3659/10051/>

³⁴ D. Maddox 11.3.09 'SNP crackdown on discount alcohol is delayed by a year' *The Scotsman* <http://news.scotsman.com/politics/SNP-crackdown-on-discount-alcohol.5058108.jp>; S. Paterson 11.3.09 'Alcohol abuse plan faces opposition' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2494697.0.Alcohol_abuse_plan_faces_opposition.php; H. Macdonell 2.3.09 'Alcohol crackdown to be unveiled amid protests on all sides' *The Scotsman* <http://news.scotsman.com/politics/Alcohol----crackdown.5027353.jp>; S. Paterson 2.3.09 'Flawed' alcohol legislation set to be unveiled' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2492624.0.Flawed_alcohol_legislation_set_to_be_unveiled.php; H. Macdonell 25.3.09 'SNP bows to pressure for full scrutiny of proposed alcohol laws' *The Scotsman* <http://news.scotsman.com/politics/SNP-bows-to-pressure-for.5104959.jp>; H. Macdonell 23.2.09 'SNP tries to avoid alcohol crackdown U-turn' *The Scotsman* <http://news.scotsman.com/politics/SNP-tries-to-avoid-alcohol.5004996.jp>; Scottish Government News Release 24.3.09 'Health Bill for alcohol measures' <http://www.scotland.gov.uk/News/Releases/2009/03/24142027>. D Maddox 18.3.09 'Drink-

Overall, the opposition parties are still struggling to balance the need to criticise the government for electoral gain while also supporting it enough to pursue their policy preferences and, more importantly, to not be seen as the main culprit behind the SNP government's downfall. While principled opposition is justifiable, the strategy of opposition merely to embarrass the government may not be popular.³⁵ The most and least likely to take this attitude have been the Conservative and Labour parties respectively (although note that comments by Sir Menzies Campbell may have been used to undermine future coalition talks between the SNP and Liberal Democrats³⁶). In both cases this can be explained by the wider UK picture. For the Conservatives the aim may be to present a reasonable image to mark some contrast with the last time it governed Scotland (during the Thatcher and Major years) and, therefore, to prevent the election of a Tory government becoming a key factor if the Scottish public

price crackdown may depend on Labour MSP rebels' *The Scotsman* <http://news.scotsman.com/politics/Drinkprice-crackdown--may-depend.5081436.jp>; D. Maddox 27.3.09 'SNP and Labour close in on drinks alliance' *The Scotsman* <http://news.scotsman.com/politics/SNP-and-Labour-close-in.5115305.jp>; R. Dinwoodie 27.4.09 'Labour back SNP against Tory motion on alcohol strategy' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2498111.0.Labour_back_SNP_against_Tory_motion_on_alcohol_strategy.php; A. Macleod 27.3.09 'Labour close to deal on alcohol pricing' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5982460.ece>

³⁵ For a broader discussion of the strategies of the four main parties, see Paul Cairney (4.5.09) 'Back In touch', *Holyrood Magazine*; Paul Cairney (20.4.09) 'In the face of little opposition', *Holyrood Magazine*;

Paul Cairney (9.3.09) 'An Opposing Point of View', *Holyrood Magazine* – all at http://www.holyrood.com/component/option,com_magazine/Itemid,10524/

³⁶ D. Maddox 14.3.09 'Spat between Salmond and Sir Menzies forces parties further apart' *The Scotsman* <http://news.scotsman.com/politics/Spat-between-Salmond-and-Sir.5072038.jp>; see also moves by the LibDems to rebrand themselves as the low tax party: *The Scotsman* 20.4.09 'Scottish Lib Dems pledge £700 tax cut for low earners' <http://news.scotsman.com/politics/Scottish-Lib-Dems-pledge-700.5186885.jp>

votes on a referendum on independence³⁷ (although it may also support limiting the power of Scottish MPs).³⁸

For Labour, the spectre of the UK government is much clearer following the installation of a high profile, full-time Secretary of State for Scotland that continues to undermine the image of unified and principled Labour opposition in the Scottish Parliament. For example, the decision by John Swinney to drop local income tax proposals (discussed below), combined with continued SNP difficulties in finding a coherent and effective alternative to public-private partnerships,³⁹ could have represented a big win for the opposition in Scotland. Instead, both issues have been plagued by UK interference, allowing the SNP to produce a story of partisanship and intergovernmental constraint to compete very well with Labour's account of ideological incoherence and the lack of popular and elite support for its measures. While Jim Murphy and Iain Gray have both criticised the SNP of stoking up Scottish-UK Government tensions for party political gain, this is very much the pot calling the kettle black. Labour also seem keen to minimise formal meetings between Salmond and Gordon Brown, to make Salmond appear to be Murphy's (but not Brown's) equal

³⁷ T. Peterkin 10.5.09 'Cameron: Tories will co-operate with SNP' *The Scotsman* <http://news.scotsman.com/politics/Cameron-Tories-will-cooperate-with.5251861.jp>; H. Macdonnell 11.5.09 'Cameron: Tory party will respect Scots if it wins power' *The Scotsman* <http://news.scotsman.com/politics/Cameron-Tory-party-will-respect.5252544.jp>; L. Cameron 'Cameron pledges to 'respect' Scots' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2507301.0.Cameron_pledges_to_respect_Scots.php; A. Macleod 10.5.09 'Cameron to engage SNP and draw sting of cuts' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6261927.ece>; S. Johnson 10.5.09 'David Cameron promises to rule Scotland with respect' *The Telegraph* <http://www.telegraph.co.uk/news/newsttopics/politics/scotland/5303796/David-Cameron-promises-to-rule-Scotland-with-respect.html>; T. Peterkin 22.2.09 'Goldie chosen to join Cameron's Cabinet' *Scotland on Sunday* <http://scotlandonsunday.scotsman.com/politics/Goldie-chosen-to-join-Cameron39s.5004374.jp>

³⁸ T. Crichton 16.2.09 'Cameron bid to limit power of Scots MPs 'pandering to Middle England' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2489391.0.Cameron_bid_to_limit_power_of_Scots_MPs_pandering_to_Middle_England.php; *The Herald* 'Wrong answer' http://www.theherald.co.uk/features/editorial/display.var.2489427.0.Wrong_answer.php; S. Johnson 16.2.09 'Tories will ban Scots MPs voting on England-only law' *The Telegraph* <http://www.telegraph.co.uk/news/newsttopics/politics/conservative/4630299/Tories-will-ban-Scots-MPs-voting-on-England-only-law.html>

³⁹ D. Maddox 1.4.09 'Labour hits out over £4m quango that has met only twice' *The Scotsman* <http://news.scotsman.com/politics/Labour-hits-out-over-4m.5127637.jp>; D. Maddox 2.4.09 'Swinney 'mised parliament' over plans to develop SFT' *The Scotsman* <http://news.scotsman.com/politics/Swinney-39mised-parliament39-over-plans.5132678.jp>; R. Dinwoodie 2.4.09 'Labour: Scottish Futures Trust is a shambles' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2499246.0.Labour_Scottish_Futures_Trust_is_a_shambles.php; D. Maddox 3.4.09 'Finance quango's bitter critic' to be its new chief executive' *The Scotsman* <http://news.scotsman.com/politics/Finance-quango39s-bitter-critic-39to.5138264.jp>

(see 6.2).⁴⁰ This (and other events at UK and local levels⁴¹) undermines Gray's image as Labour's leader in Scotland and distracts from Gray-specific initiatives, such as the appointment of new advisers and push to 'reclaim' the Saltire.⁴²

4.4 The New Politics of Voting⁴³

The constraints of minority government suggest that, although parliamentary motions are technically non-binding on the Scottish Government, it would be unwise for the SNP to dismiss them if it wants the support of other parties in the future. Yet, as previous monitors suggest,⁴⁴ relatively few motions place it in a difficult position. Many motions are proposed by the Scottish Government and backed by most MSPs (often because many are designed to fill parliamentary time with fairly innocuous

⁴⁰ R. Lydall 5.3.09 'Salmond 'put the SNP's needs before country' *The Scotsman* <http://news.scotsman.com/politics/Salmond--39put--5040205.jp>; H. Macdonell 13.4.09 'Brown and Salmond to have dinner as Cabinet row flares' *the Scotsman* <http://news.scotsman.com/politics/Brown-and-Salmond-to-have.5164782.jp>; H. Macdonnell 16.4.09 'Scotland's block grant adds spice to dinner as leaders fight their corner' *The Scotsman* <http://news.scotsman.com/politics/Scotland39s-block-grant-adds-spice.5174758.jp>; M. Settle 13.4.09 'Murphy offers to brief Scottish Cabinet on UK moves to tackle recession' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2501583.0.Murphy_offers_to_brief_Scottish_Cabinet_on_UK_moves_to_tackle_recession.php; I. Gray 26.4.09 'Iain Gray: SNP must grow up and seek solutions not scapegoats' <http://news.scotsman.com/politics/Iain-Gray-SNP-must-grow.5206574.jp>; see also R. Lydall and P. Macmahon 27.3.09 'Darling and Salmond in talks over building society rescue' *The Scotsman* <http://news.scotsman.com/politics/Darling-and-Salmond-in-talks.5115306.jp>; B. Currie 2.4.09 'Salmond demands FSA explanation' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2499245.0.Salmond_demands_FSA_explanation.php; R. Dinwoodie 5.5.09 'SNP: Murphy failed to intervene over whisky tax hikes crisis' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2506049.0.SNP_Murphy_failed_to_intervene_over_whisky_tax_hikes_crisis.php; D. Maddox 2.5.09 'Harman accuses SNP of lack of action over equality' *The Scotsman* <http://news.scotsman.com/politics/Harman-accuses-SNP-of-lack.5229070.jp>

⁴¹ G. Peev 27.4.09 'Tainted' poll claim rocks Labour chiefs' *The Scotsman* <http://news.scotsman.com/politics/39Tainted39-poll---claim.5207287.jp>; L. Longden 12.4.09 'Activists force Labour to suspend all-female lists' *The Scotsman* <http://news.scotsman.com/politics/Activists-force-Labour-to-suspend.5164392.jp>; *The Herald* 'Departing Reid supports review of all-woman shortlist for seat' http://www.theherald.co.uk/politics/news/display.var.2501585.0.Departing_Reid_supports_review_of_allwoman_shortlist_for_seat.php; E. Barnes 15.3.09 'Labour sparks 'jobs for the girls' row with all-women election shortlist' *The Scotsman* <http://news.scotsman.com/politics/Labour-sparks-39jobs-for-the.5073274.jp>; D. Gunn 18.3.09 'MSP Curran stands down to concentrate on Westminster contest' *The Scotsman* <http://news.scotsman.com/politics/MSP-Curran-stands-down-to.5086174.jp>; BBC 8.3.09 'Council announces £7 minimum wage' <http://news.bbc.co.uk/1/hi/scotland/7931168.stm>

⁴² R. Dinwoodie 9.3.09 'Gray announces experts to shape Labour policy' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2494222.0.Gray_announces_experts_to_shape_Labour_policy.php; T. Peterkin 8.3.09 'Labour moves to reclaim Saltire from Nationalists' *The Scotsman* <http://news.scotsman.com/politics/Labour-moves-to-reclaim.5050076.jp>

⁴³ For a full list of motions and votes, see BBC News 7.5.09 'How MSPs voted in the parliament' <http://news.bbc.co.uk/1/hi/scotland/7616706.stm>

⁴⁴ See in particular *Scotland Devolution Monitoring Report* January 2008, 2.3 pp19-21.

issues) – including motions reinforcing the importance of Scotland’s relationship with the US and Canada, the value of the Gaelic language, supporting policies to increase the supply of affordable homes, reduce NHS waiting times, tackle antisocial behaviour, free up £70m for local authorities willing to freeze the council tax, support the Scottish Government’s new science policy strategy, support Scottish Government plans to introduce a new Marine Bill and support the Scottish Government’s new early years strategy. This leaves few close calls including, most notably, a motion recognising that the Scottish Government’s new national planning framework does not include a commitment to new nuclear power stations in Scotland.

Many others, promoted by opposition parties, seek to reinforce existing Scottish Government policies and place them higher on its agenda – such as the motions to set in stone its targets to reduce greenhouse gas emissions, invest in the west of Scotland’s transport infrastructure, cooperate with the UK government to develop links between the Olympic and Commonwealth Games projects, introduce a ‘whole journey’ national waiting time in the NHS (note that the SNP and Labour also agreed in this motion to criticise the record of the previous Conservative Government), produce a specific figure (17265 police officers) to demonstrate that the SNP pledge to increase police officers by 1000 is met, reinforce the Scottish Government decision to drop its plans to lease 25% of the Forestry Commission estate to the private sector (although note that this would have had more force if the SNP had not already agreed to previous Rural Affairs and Environment Committee recommendation; see also 4.8) and accelerate money for housing – or highlight issues that do not require a direct Scottish Government intervention – such as the issue of redundancies in the Scottish newspaper sector, changes to standing orders referring to MSP pensions and, most significantly, a Liberal Democrat-led (and SNP supported) motion calling for the Scottish Government to have greater borrowing powers.

This leaves a small amount of motions that go against the Scottish Government and, in some cases, may force its hand in the future – including a motion calling on the Scottish Government to reverse its decision to not to establish a new community court in Glasgow⁴⁵ and a motion criticising strongly the Scottish Government’s Strategic Transport Projects Review (and the lack of progress on 5 key A-roads). The issue of healthcare associated infections produced a very

⁴⁵ L. Adams 8.5.09 ‘Ministers lose vote on scrapping of community court plan’ *The Herald* http://www.theherald.co.uk/news/news/display.var.2506866.0.Ministers_lose_vote_on_scrapping_of_community_court_plan.php

unusual signal from the Scottish Parliament – although the Scottish Government's objection to a public inquiry on C difficile in the Vale of Leven was defeated, the overall motion fell (following the Presiding Officer's casting vote for the status quo).

Of course, there is also the matter of a referendum on independence: on 5th March the three main opposition parties voted on a motion that declares the first two years of SNP government a failure and then, 'calls on the Scottish Government to concentrate its efforts on economic recovery and abandon its divisive plans for a Referendum Bill for the remainder of its term of office' (see 4.2).⁴⁶ While reported as a measure that effectively kills-off the chances of a referendum in 2010,⁴⁷ there are three factors that leave the door slightly ajar: the wording of the motion arguably suggests that some MSPs would support a referendum after the economic crisis, the parties are not wholly united in their opposition,⁴⁸ and Alex Salmond has vowed to press on.⁴⁹ The issue also differs from the local income tax which was dropped not only because of a lack of opposition party support, but also because of its likely cost

⁴⁶ Scottish Parliament Official Report 5.3.09 col.15580

<http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-09/sor0305-02.htm#Col15433>;

⁴⁷ H. MacDonell 5.3.09 'Labour kills off plan for referendum before 2011 elections' *The Scotsman* <http://news.scotsman.com/latestnews/Labour--kills-off-plan.5040204.jp>; D. Maddox 6.3.09 'SNP's 'reality check' as parties reject home rule referendum' *The Scotsman* <http://news.scotsman.com/latestnews/SNP39s---39reality-check39.5045773.jp>; S. Carrell 5.3.09 'Alex Salmond's Scottish independence referendum bill 'dead in the water' *The Guardian* <http://www.guardian.co.uk/politics/2009/mar/05/snp-independence-referendum-plan-rejected>; A. Macleod 5.3.09 'Independence referendum plan rejected by Holyrood' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5854673.ece>

⁴⁸ I. MacWhirter 16.3.09 'Lost tribe of Scottish politics searches for a path to power' *The Herald* http://www.theherald.co.uk/features/featuresopinon/display.var.2495626.0.lost_tribe_of_scottish_politics_searches_for_a_path_to_power.php; E. Barnes 15.3.09 'Scott won't rule out independence vote' *The Scotsman* <http://news.scotsman.com/politics/Scott-won39t-rule-out-independence.5073230.jp>; 27.2.09 'Lib Dems 'divided' over independence referendum' <http://www.holyrood.com/content/view/3629/10051/>; D. Maddox 16.2.09 'Referendum? Bring it on, says Ashdown' *The Scotsman* <http://news.scotsman.com/politics/Referendum-Bring-it-on-says.4982605.jp>; D. Maddox 16.3.09 'Scott: Bring curtain down on 'independence pantomime' *The Scotsman* <http://news.scotsman.com/politics/Scott-Bring-curtain-down-on.5073832.jp>; *The Scotsman* 28.2.09 'MSP defies party on independence vote' <http://news.scotsman.com/politics/MSP-defies-party-on.5025535.jp>

⁴⁹ S. Paterson 6.3.09 'Salmond stands firm on plan for referendum despite defeat' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2493746.0.Salmond_stands_firm_on_plan_for_referendum_despite_defeat.php; S. Johnson 4.3.09 'Alex Salmond vows to defy Holyrood over expected referendum defeat' *The Telegraph* <http://www.telegraph.co.uk/news/newsttopics/politics/scotland/4938352/Alex-Salmond-vows-to-defy-Holyrood-over-expected-referendum-defeat.html>

(if the UK government refused to budge on the matter of council tax rebates) in the context of expected budget cuts (see 5.1 and 4.3).⁵⁰

4.5 Scottish Parliament Committees

This period saw a significant rise in committee activity, in part as a result of a small rise in government business (including the consideration of seven legislative consent motions). There is also some evidence of cross-party cooperation to highlight issues: Transport, Infrastructure and Climate Change called for 'more robust and realistic annual climate-change targets' (this recommendation was accepted by the Scottish Government – see also 4.8)⁵¹ and for the Scottish Government to lobby the UK Government on Scotland's inclusion on the high-speed rail network (see 4.9); Public Audit called for the Scottish Government to better audit and monitor the cost of major capital projects,⁵² rationalise the non-emergency telephone number for the police force and monitor VisitScotland's business model; Rural Affairs and Environment called for local authorities to end their 'over-cautious planning culture' to further housing development in rural areas;⁵³ Health and Sport published a highly-critical report on the lack of adequate PE in schools, and called for the Scottish Government to refuse to sign-off local authority single outcome agreements until their targets (two-hours physical activity per week for each pupil) are met; and Education, Lifelong Learning and Culture supported Scottish Government amendments to the Education (Additional Support for Learning) (Scotland) Act 2004. Standards, Procedures and

⁵⁰ H. Macdonell 13.2.09 'Explain real reason for ditching local income tax plan, SNP told' *The Scotsman* <http://news.scotsman.com/politics/Explain-real-reason-for-ditching.4977111.jp>; R. Dinwoodie 13.2.09 'Salmond and Gray battle over Budget' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2488908.0.Salmond_and_Gray_battle_over_Budget.php; A. Macleod 12.2.09 'Opposition pounce on tax 'contradiction'' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5720190.ece>; M. Linklater 13.2.09 'Brace yourself, we're ditching SNP policy' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5721381.ece>; *The Scotsman* 12.2.09 'Dropping LIT plan is right, but what now?' <http://news.scotsman.com/comment/Dropping-LIT-plan-is-right.4971665.jp>; S. Carrell 11.2.09 'Alex Salmond drops flat-rate local income tax plan' *The Guardian* <http://www.guardian.co.uk/politics/2009/feb/11/alex-salmond-snp-local-income-tax>; *The Herald* 'Plan full of holes' http://www.theherald.co.uk/features/editorial/display.var.2488645.0.Plan_full_of_holes.php; *The Times* 12.2.09 'Faint-hearted failure of pledge that bit back' <http://www.timesonline.co.uk/tol/news/uk/scotland/article5711613.ece>; Scottish Government News Release 22.4.09 'Finance Secretary responds to Budget statement' <http://www.scotland.gov.uk/News/Releases/2009/04/22160315>

⁵¹ 6.5.09 'Tougher' climate change target set for Scotland' <http://www.holyrood.com/content/view/3918/10051/>

⁵² Note that this is based on Auditor General for Scotland's 2008 report – *Review of major capital projects in Scotland* http://www.audit-scotland.gov.uk/docs/central/2008/nr_080624_major_capital_projects.pdf - covering projects initiated from 2002-7

⁵³ 7.5.09 'Rural planning regulations 'out of date'' <http://www.holyrood.com/content/view/3920/10051/>

Public Appointments also recommended a series of changes to standing orders - to make sure that all committees considered how they furthered the principle of equal opportunities, to address how Scottish Parliamentary pensions are managed, and to bring forward the cut-off date for Members' Bills (to allow enough time for scrutiny) - that were accepted unanimously in plenary on April 22nd, and recommended changes to the Members' Code of Conduct to reflect the shift in 2008 from MSP allowances to the reimbursement of their (more tightly controlled) expenses.

The issue of knife crime took on a government-versus-opposition flavour when the Public Petitions Committee-led debate in plenary (on a 15000-strong petition calling for mandatory sentencing for those caught carrying dangerous weapons) clashed with Justice Secretary Kenny MacAskill's trip to Canada.⁵⁴ The Public Audit Committee also proved to be a controversial arena when it inquired into the resignation of Guy Houston from Transport Scotland.⁵⁵

As part of a Scottish Government/ opposition party commitment to cooperate in a more meaningful sense on the annual budget, the Finance Committee plans to hold an inquiry into the effects of recession and budget pressures on future decisions. The Public Petitions committee is also continuing its inquiry into the value of, and public awareness of, the petitions process (as part of a wider agenda to assess the Scottish Parliament ten years on). This is backed up by an enthusiastic assessment, by the committee's clerk, of the potential for direct involvement, while the occasional story in the press suggests that some petitions do at least grab policymaker attention.⁵⁶

⁵⁴ A. Macleod 23.1.09 'Row as Kenny MacAskill misses knife conference' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5570180.ece>; R. Dinwoodie 3.4.09 'MSPs call for action to deal with knife crime' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2499537.0.MSPs_call_for_action_to_deal_with_knife_crime.php; B. Currie 14.5.09 'Parties want mandatory jail terms for knife thugs' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2507986.0.Parties_want_mandatory_jail_terms_for_knife_thugs.php; D. Maddox 3.4.09 'Knife crime campaigner 'delighted' by report' *The Scotsman* <http://news.scotsman.com/politics/Knife-crime-campaigner-39delighted39-by.5138301.jp>

⁵⁵ M. Gardham 26.3.09 'MSPs blast senior civil servant over controversial £2.5bn rail deal' *The Daily Mail* <http://www.dailyrecord.co.uk/news/scottish-news/2009/03/26/stop-the-bulls-t-and-tell-us-about-2-5bn-train-deal-86908-21228307/>

A. Macleod 26.3.09 'Sir John Elvidge gets dressing down from Hugh Henry, Audit Committee convener' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5976985.ece>

⁵⁶ *The Scotsman* 30.4.09 'Petitions are giving power to the people of Scotland' <http://news.scotsman.com/politics/Petitions-are-giving-power-to.5219868.jp>; *The Herald* 'Leith residents call for change in law to tackle 'Seafield Stench' http://www.theherald.co.uk/politics/news/display.var.2493170.0.Leith_residents_call_for_chan

4.6 Committee Reports and Inquiries (26 January 2009 – 19 May 2009)⁵⁷

Finance:

11 March 2009 [1st Report 2009: The draft Budget \(Scotland\) Acts 2007 and 2008 Amendment Order 2009](#)

Public Audit:

14 May 2009 [4th Report 2009: The 2007/2008 audit of VisitScotland](#)

19 February 2009 [3rd Report 2009: Major Capital Projects](#)

29 January 2009 [2nd Report 2009: Police call management](#)

Public Petitions:

2 April 2009 [1st Report 2009: Knife Crime](#)

Standards, Procedures and Public Appointments:

5 May 2009 [5th Report 2009: Accuracy of contributions in parliamentary proceedings](#)

30 Mar 2009 [4th Report 2009: Review of equal opportunities in the work of committees](#)

2 Mar 2009 [3rd Report 2009: The Scottish Parliamentary Pensions Act 2009 \(asp 1\): Proposed Standing Order Rule Changes](#)

18 Feb 2009 [2nd Report 2009: Changes to the Code of Conduct arising from the Reimbursement of Members' Expenses Scheme](#)

3 Feb 2009 [1st Report 2009: Members' Bills - cut-off date for introduction](#)

Subordinate Legislation:

11 May 2009 [26th Report 2009: Flood Risk Management \(Scotland\) Bill as amended at Stage 2](#)

[ge_in_law_to_tackle_Seafield_Stench.php](#); I. Swanson 6.5.09 'Government faces pressure from MSPs over 'party flats'' *The Scotsman* <http://news.scotsman.com/politics/Government-faces-pressure-from-MSPs.5238209.jp> ; D. Maddox 18.3.09 'Storm in a goldfish bowl as MSPs debate obese pet fish' *The Scotsman* <http://news.scotsman.com/politics/Storm-in-a-goldfish-bowl.5081416.jp>; see also the role of petitions, Parliament and Government in gay rights policy: 6.3.09 'Scotland finally catching up with England on gay rights' <http://www.holyrood.com/content/view/3655/10051/>; S. Macnab 18.3.09 'MSPs told to take a legal lead over same-sex marriages' *The Scotsman* <http://news.scotsman.com/politics/MSPs-told-to-take-a.5081453.jp>; 22.4.09 'Same-sex couples to be allowed to adopt in Scotland' <http://www.holyrood.com/content/view/3856/10051/>

⁵⁷Excluding most annual reports, financial memoranda, budget reports (which are brought together by the Finance Committee's stage 2 report) and reports on subordinate legislation. For the committee issues that the Scottish Parliament chose to publicise, see <http://www.scottish.parliament.uk/nmCentre/news/index.htm>

Economy, Energy and Tourism:

20 March 2009 [3rd Report 2009: Report on the Climate Change \(Scotland\) Bill](#)

3 February 2009 [1st Report 2009: Report on the Scottish Government's National Planning Framework 2](#)

Education, Lifelong Learning and Culture:

12 March 2009 [3rd Report 2009: Report on the legislative consent memorandum on the Apprenticeships, Skills, Children and Learning Bill \(LCM\(S3\) 19.1\)](#)

10 February 2009 [2nd Report 2009: Stage 1 Report on the Education \(Additional Support for Learning\) \(Scotland\) Bill](#)

Health and Sport

14 May 2009 [5th Report 2009: Pathways into sport and physical activity](#)

5 March 2009 [1st Report 2009: Report on the legislative consent memorandum on the Welfare Reform Bill \(UK Parliament legislation\)](#)

Justice

07 May [9th Report 2009: Report on the legislative consent memorandum on the Coroners and Justice Bill - LCM\(S3\) 16.2](#)

12 March [7th Report 2009: Report on the legislative consent memorandum on the Coroners and Justice Bill - LCM\(S3\) 16.1](#)

5 March [6th Report 2009: Stage 1 Report on the Offences \(Aggravation by Prejudice\) \(Scotland\) Bill](#)

5 March [5th Report 2009: Report on the legislative consent memorandum on the Borders, Citizenship and Immigration Bill \(LCM\(S3\) 15.1\)](#)

Local Government and Communities:

30 April 2009 [8th Report 2009: Stage 1 Report on the Scottish Local Government \(Elections\) Bill](#)

25 February 2009 [5th Report 2009: Report on the National Planning Framework 2: Proposed Framework](#)

10 February 2009 [4th Report 2009: The Legislative Consent Memorandum on the Local Democracy, Economic Development and Construction Bill – LCM \(S3\) 13.1](#)

Rural Affairs and Environment:

7 May 2009: [5th Report 2009: Rural Housing](#)

6 March 2009: [Report to the Transport, Infrastructure and Climate Change Committee on Stage 1 of the Climate Change \(Scotland\) Bill](#)

3 March 2009 [3rd Report 2009: Report on the Legislative Consent Memorandum on the UK Marine and Coastal Access Bill - LCM \(S3\) 14.1](#)

Transport, Infrastructure and Climate Change:

24 April 2009 [2nd Report 2009: Stage 1 Report on the Climate Change \(Scotland\) Bill](#)

27 February 2009 [1st Report 2009: Report on the Inquiry into the potential benefits of high-speed rail services](#)

25 February 2009 [Report to the Local Government and Communities Committee on the National Planning Framework 2](#)

4.7 Parliamentary Bills (26 January 2009 – 19 May 2009)

Building on the description of the SNP's first legislative programme as 'legislation lite', Labour's business manager, Michael McMahon, recently labelled Alex Salmond (unfairly) as a 'work-shy First Minister leading a group of idle ministers' because the Scottish Government has passed nine pieces of legislation in two years.⁵⁸ There are now 10 further Scottish Government bills in progress. The headline-grabbing Members' Bill proposal continues to be Margo MacDonald's push for assisted suicide.⁵⁹

Scottish Government Bills Passed:

[Damages \(Asbestos-related Conditions\) \(Scotland\) Act 2009](#) – ensures that people negligently exposed to asbestos can pursue legal actions for damages. It effectively ensures that a House of Lords ruling against the ability of people with pleural plaques, asymptomatic asbestosis or pleural thickening to claim compensation does not apply in Scotland.⁶⁰

⁵⁸ T. Peterkin 19.4.09 'Labour rivals hit out at 'work-shy' First Minister' *The Scotsman* <http://news.scotsman.com/politics/Labour-rivals-hit-out-at.5183893.jp>

⁵⁹ R. Dinwoodie 25.4.09 'MSP wins her fight to bring suicide bill to Holyrood' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2504227.0.MSP_wins_her_fight_to_bring_suicide_bill_to_Holyrood.php; D. Maddox 26.3.09 'Assisted suicide law 'may prolong life' *The Scotsman* <http://news.scotsman.com/latestnews/Assisted-suicide---law.5109945.jp>; R. Dinwoodie 26.3.09 'MacDonald refines assisted suicide bill after consultation' *The Herald* http://www.theherald.co.uk/news/news/display.var.2497894.0.MacDonald_refines_assisted_suicide_bill_after_consultation.php; *The Scotsman* 20.4.09 'Assisted suicide proposals criticised by ethics body' <http://news.scotsman.com/politics/Assisted-suicide-proposals-criticised-by.5186903.jp>

⁶⁰ See SPICE (2008) *Damages (Asbestos-Related Conditions) (Scotland) Bill* <http://www.scottish.parliament.uk/business/research/briefings-08/SB08-40.pdf>; SPICE (2009) *Damages (Asbestos-Related Conditions) (Scotland) Bill: Stage 3* <http://www.scottish.parliament.uk/business/research/briefings-09/SB09-18.pdf> ; Scottish

[Health Boards \(Membership and Elections\) \(Scotland\) Act 2009](#) - establishes pilot elections (in which 16-17 year olds are also eligible to vote) to NHS boards. Two pilots will run for two years using STV (see 5.6).⁶¹

Scottish Government Bills in Progress:

[Arbitration \(Scotland\) Bill](#)

[Climate Change \(Scotland\) Bill](#)

[Criminal Justice and Licensing \(Scotland\) Bill](#)

[Education \(Additional Support for Learning\) Bill](#)

[Flood Risk Management \(Scotland\) Bill](#)

[Marine \(Scotland\) Bill](#)

[Schools \(Consultation\) \(Scotland\) Bill](#)

[Scottish Local Government \(Elections\) Bill](#)⁶²

[Sexual Offences \(Scotland\) Bill](#)

[Tobacco and Primary Medical Services \(Scotland\) Bill](#)

Committee Bill Passed:

[Scottish Parliamentary Pensions Act 2009](#) - introduces new rules to govern the Scottish Parliamentary Pension Scheme and transfers managerial responsibility from the Scottish Parliament Corporate Body to newly-established fund trustees.

Members' Bill Passed:

[Disabled Persons' Parking Places \(Scotland\) Act 2009](#) (Jackie Baillie, Labour) – makes on-street disabled parking spaces legally enforceable (by local authorities) and places a duty on local authorities to audit the disabled spaces in their area and negotiate, with the owners, provisions to make off-street parking spaces legally enforceable.⁶³

Government News Release 1.4.09 'Move to close damages loophole'

<http://www.scotland.gov.uk/News/Releases/2009/04/01140512>

Scottish Government News Release 11.3.09 'Parliament passes Damages Bill'

<http://www.scotland.gov.uk/News/Releases/2009/03/11142050>

⁶¹ SPICE (2008) Health Boards (Membership And Elections) (Scotland) Bill

<http://www.scottish.parliament.uk/business/research/briefings-08/SB08-59.pdf>; *The Scotsman*

13.3.09 '16-year-olds to get vote on health boards'

<http://news.scotsman.com/politics/16yearolds-to-get-vote-on.5068769.jp>; S. Paterson 13.3.09

'MSPs vote for health board shake up' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2495191.0.MSPs_vote_for_health_board_shake_up.php

⁶² Scottish Government News Release 4.2.09 'Local Government Elections Bill'

<http://www.scotland.gov.uk/News/Releases/2009/02/04110613>

⁶³ SPICE (2008) Disabled Persons' Parking Places (Scotland) Bill

<http://www.scottish.parliament.uk/business/research/briefings-08/SB08-31.pdf>; D. Maddox

Members' Bills in Progress⁶⁴

[Offences \(Aggravation By Prejudice\) \(Scotland\) Bill](#) (Patrick Harvie, Green)

4.8 Sewel (Legislative Consent) Motions passed (26 January 2009 – 19 May 2009)⁶⁵

90. Policing and Crime Bill (4.3.09): to establish the cross-border (UK) recognition of football banning orders, give Scottish ministers the power to grant extradition requests to other EU member states and amend the Proceeds of Crime Act 2002 to address 'appointed person' reports relayed by Scottish ministers to the Scottish Parliament. These measures were sought by Kenny MacAskill who justified them on the grounds of expediency.⁶⁶ There was no debate or vote in plenary.

91. Local Democracy, Economic Development and Construction Bill (5.3.09): to remove powers (never used and no longer sought) of Scottish Ministers to transfer any electoral boundary functions of the Local Government Boundary Commission for Scotland to the Electoral Commission and to remove (unused) sections of the Grants, Construction and Regeneration Act 1996 to clarify the payments process regarding construction contracts. There was no debate or vote in plenary.

92. Welfare Reform Bill (18.3.09): to give Scottish Ministers regulation-making powers (in devolved areas such as education) in accordance with the 'right to control' agenda in which disabled people are encouraged to take control of their use of public services (by, for example, introducing direct payments to individuals rather than service providers). There was no debate or vote in plenary.

27.2.09 '£60 fine for parking in disabled bay' *The Scotsman* <http://news.scotsman.com/politics/60-fine-for-parking-in.5022571.jp>; R. Dinwoodie 27.2.09 'MSPs pass bill over misuse of disabled parking bays' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2492102.0.MSPs_pass_bill_over_misuse_of_disabled_parking_bays.php

⁶⁴ For a list of Members' Bill Proposals see

<http://www.scottish.parliament.uk/business/bills/membersBills.htm>

⁶⁵ A full list of motions and links to SPOR discussions is provided by the Scottish Government <http://www.scotland.gov.uk/About/Sewel/SessionThree> (but note that it lists all potential motions rather than those proposed and passed)

⁶⁶ Justice Committee Official Report 10.2.09 col. 1608

<http://www.scottish.parliament.uk/s3/committees/justice/or-09/ju09-0502.htm#Col1606>

93. Marine and Coastal Access Bill (18.3.09): to grant executive devolution (via the UK Marine and Coastal Access Bill) in the area of marine planning and nature conservation between 12 and 200 nautical miles of the Scottish coast. The overall deal was negotiated in part via the JMC.⁶⁷ There was no debate or vote in plenary.

94. Borders, Citizenship and Immigration Bill (19.3.09): to close a legal loophole by applying sections 1 to 4 of the UK Borders Act 2007 (allowing immigration officers at ports to detain for up to three hours someone subject to an outstanding arrest warrant) to Scotland. Some concerns were expressed by the Scottish Refugee Council and Law Society of Scotland about the unintended consequences of the provisions (regarding the complaints procedure about immigration staff and the shift of judicial responsibility from the Court of Session in Scotland to UK tribunals), prompting considerable debate in plenary, the Greens to vote against and Margo MacDonald to abstain (118-2-1).

⁶⁷ See Scotland Devolution Monitoring Report January 2009 6.6. pp 72-3; Scottish Government News Release 30.4.09 'Marine Bill introduced'
<http://www.scotland.gov.uk/News/Releases/2009/04/29162907>

5. Scottish Government and Public Policy

Paul Cairney

Key Points:

- The ten-year anniversary of devolution has produced many negative (and rather unfair) evaluations of its value so far
- The promotion of Mike Russell (February) and his new brief on the constitution suggests that the SNP is beginning a serious push for an independence referendum in 2010. However, the negative parliamentary motion in March, combined with pressure on Justice Secretary Kenny MacAskill, suggests that an impromptu election may be just as likely.
- The economic crisis remains the key focus of public policy decisions and continues to demonstrate the limited economic levers that the Scottish Government enjoys.
- The SNP's focus on publicly funded and provided healthcare was overshadowed by attention to swine flu and its highly-criticised response to the issue of hospital-acquired infections.
- Although Scotland has one of the most restrictive tobacco control regimes in the world, its alcohol strategy (now to be considered fully by the Scottish Parliament) commands the most attention.
- While a decision on the fate of the Lockerbie bomber will be made in Scotland, the same can not be said for drugs classification, firearms or drink-driving. There is continuing government/ opposition debate on issues such as the role of short-term sentences, police numbers, knife-crime and anti-social behaviour.
- Alex Salmond countered a media tendency to blame social workers for the death of children of people monitored by social services.
- The launch of the Curriculum for Excellence and continued controversy over class sizes raises questions about who has, and wants to exercise, power in compulsory education.
- The economic crisis has put further pressure on Scottish Government funding for Universities, prompting calls for the reintroduction of fees, the UCU to call for more funding and Universities to recommend a new economic strategy.
- The UK Government has effectively accepted the SNP's nuclear veto.
- The Scottish Government has strengthened environmental targets and dropped proposals to lease forestry to the private sector.
- The UK Government's high-speed rail link may now extend to Scotland.
- The Scottish Government will not provide further funds for the Edinburgh trams project.
- Agriculture and fishing continues to be dogged by levels of uncertainty that the Scottish Government can only partially address.
- Poverty remains an issue effectively reserved to the UK Government, although the Scottish Government has more of a say on homelessness.

- The Scottish Government continues to lobby its UK counterpart for a larger share of lottery funding and a clearer future for digital broadcasting in Scotland.
- There is 'clear blue water' between the Freedom of Information practices in the Scottish and UK Governments. However, Scotland's Information Commissioner is still pushing for an extension of the legislation to most bodies providing public services.

5.1. Devolution: Past, Present and Future

The anniversary of ten years of devolution has prompted much analysis of the story so far, ranging from a reappraisal of Thatcherism⁶⁸ to the first Labour-liberal Democrat Scottish Executive⁶⁹, the election of the SNP⁷⁰, the overall value of devolution⁷¹ and even some crystal ball gazing into the future.⁷² Much (but not all⁷³)

⁶⁸ C. Mackie 7.5.09 'Thatcher finds that time is a great healer' *The Scotsman* <http://news.scotsman.com/politics/Thatcher-finds-that-time-is.5242486.jp>; I. Swanson 29.4.09 'Thatcher's legacy holds Scottish Tories in an iron grip' *Edinburgh Evening News* <http://news.scotsman.com/politics/Thatcher39s-legacy-holds-Scottish-Tories.5215575.jp>; see also D. Torrance 16.2.09 'Thatcher ordered report on cash cut for Scotland' *The Scotsman* <http://news.scotsman.com/politics/Thatcher-ordered-report-on-cash.4982647.jp>

⁶⁹ R. Edward 2.5.09 'Dewar was set to quit over Holyrood's soaring cost' *The Scotsman* <http://news.scotsman.com/politics/Dewar-was-set-to-quit.5229045.jp>; *The Scotsman* 4.5.09 'Time for talk to stop and action to start' <http://news.scotsman.com/politics/Time-for-talk-to-stop.5230934.jp>; H. MacDonell 6.5.09 'Chance train meeting that unleashed a juggernaut' *The Scotsman* <http://news.scotsman.com/politics/Chance-train--meeting-that.5237281.jp>; R. Dinwoodie 2.5.09 'Free care for the elderly was my greatest achievement' *The Herald* http://www.theherald.co.uk/politics/otherpolitics/display.var.2505578.0.Free_care_for_the_elderly_was_my_greatest_achievement.php; I. Swanson 7.5.09 'Ian Swanson: What a difference a decade makes..' *The Scotsman* <http://news.scotsman.com/politics/Ian-Swanson-What-a-difference.5243507.jp>; H. Macdonell 5.5.09 'Labour divisions follow death of devolution's first helmsman' *The Scotsman* <http://news.scotsman.com/politics/Labour-divisions-follow--5233320.jp>

⁷⁰ H. Macdonell 7.5.09 'Night when SNP dreams of power came true' *The Scotsman* <http://news.scotsman.com/politics/Night-when-SNP-dreams-of.5242590.jp>

⁷¹ See also *The Herald* 'Steel says voting system should be scrapped' http://www.theherald.co.uk/politics/news/display.var.2505829.0.Steel_says_voting_system_should_be_scrapped.php

⁷² M. Horne 10.5.09 'Nats victory, independence and looming nuclear catastrophe – it's Scotland 2014' *The Scotsman* <http://news.scotsman.com/politics/Nats-victory-independence-and-.5251851.jp>; R. Dinwoodie 5.5.09 'Will next 10 years see Cameron out and SNP tested to max?' http://www.theherald.co.uk/politics/news/display.var.2506043.0.Will_next_10_years_see_Cameron_out_and_SNP_tested_to_max.php

⁷³ I. Macwhirter 20.4.09 'It's not perfect, but devolution has changed us for the better' *The Herald* http://www.theherald.co.uk/features/featuresopinon/display.var.2502999.0.its_not_perfect_but_devolution_has_changed_us_for_the_better.php; R. Dinwoodie 4.5.09 'Tragedies and comedies in a decade of devolved power' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2505828.0.Tragedies_and_comedies_in_a_decade_of_devolved_power.php; M. Settle 4.5.09 'Decision gave Scotland the best of both worlds' *The Herald*

of the media coverage has become a forum to describe the failure of devolved bodies to deliver better public services, with many reports criticising the focus on populist policies or bemoaning Scotland's record when compared to England and the decisions made by the UK Government. While often presented as a technical evaluation of the record of successive governments, the use of measures of success is inextricably linked to the wider agenda-setting process. In particular, the records of the devolved territories often appear at their worst when we evaluate success using the UK Government's preferred measures linked to targets – such as NHS waiting times – rather than the wider and unintended consequences of targetry. The agenda has also been dominated by think-tanks which tend to be more sympathetic to the pursuit of new public management in England, although at least one story suggests that the public sector professions do not always take the opposite view,⁷⁴ while other notables – such as former Labour chief adviser John McLaren and Professor Lindsay Paterson - have also questioned the value of devolution so far.⁷⁵ There has also been some discussion of the SNP's half-term record, with Alex Salmond's claims that the Scottish Government had delivered over half of its promises (and that Scotland is 'two-thirds of the way to independence') competing with opposition criticisms about the lack of delivery on issues such as the financing of capital projects, drugs policy, central heating, malnutrition and free swimming.⁷⁶

http://www.theherald.co.uk/politics/news/display.var.2505830.0.Decision_gave_Scotland_the_best_of_both_worlds.php

⁷⁴ L. Moss 4.3.09 'NHS throwing cash at bad ideas, GPs claim

' *The Scotsman* <http://news.scotsman.com/latestnews/NHS-throwing-cash-at-bad.5035050.jp>

⁷⁵ T Crichton 20.4.09 'Devolution architect: Scotland has fallen behind' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2502995.0.Devolution_architect_Scotland_has_fallen_behind.php; K. Bussey 20.4.09 'Public services better without Holyrood, report claims' *The Press and Journal* <http://www.pressandjournal.co.uk/Article.aspx/1177419>; J.

Allardyce 19.4.09 'Devolution 'has harmed Scotland'' *The Times*

<http://www.timesonline.co.uk/tol/news/uk/scotland/article6122746.ece>; S. Johnson 19.4.09

'Devolution is failing Scotland thanks to populist policy agenda, says study' *The Telegraph*

<http://www.telegraph.co.uk/news/newstopics/politics/scotland/5183343/Devolution-is-failing-Scotland-thanks-to-populist-policy-agenda-says-study.html>; L. Moss 10.4.09 'Scots NHS

inferior to England and needs radical surgery – think tank' *The Scotsman*

<http://news.scotsman.com/latestnews/Scots-NHS-inferior-to-England.5161100.jp>; L. Davidson

10.4.09 'Think tank Reform Scotland calls for patients' charter to change NHS' *The Times*

<http://www.timesonline.co.uk/tol/news/uk/scotland/article6069834.ece>; 6.5.09 'Scotland's

education and health 'failed by devolution'' *The Times*

<http://www.timesonline.co.uk/tol/news/uk/scotland/article6237552.ece>

I. Swanson 5.5.09 'Ian Swanson: So what's Holyrood really done for us?' *The Scotsman*

<http://news.scotsman.com/politics/ian-swanson-so-what39s-holyrood.5233993.jp>; 21.4.09

'Scottish education 'not improved since devolution''

<http://www.holyrood.com/content/view/3852/10051/>

⁷⁶ *The Herald* 'We have delivered on election promises, says SNP'

http://www.theherald.co.uk/politics/news/display.var.2505795.0.We_have_delivered_on_electi_on_promises_says_SNP.php; R. Dinwoodie 4.5.09 'UK defeat for Labour will lead to 'Home

Rule push' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2505848.0.UK_defeat_for_Labour_will_lea

5.2 The Scottish Minority Government: Election or Referendum?

Ministerial developments in this period suggest that an impromptu Scottish Parliamentary election may be as likely as a referendum. Alex Salmond announced in February a reshuffle that saw: Linda Fabiani replaced as Minister for Culture and External Affairs by Mike Russell, who has also been given a brief in relation to 'the Constitution'; Roseanna Cunningham replacing Russell as Minister for Environment; Alex Neil replacing Stewart Maxwell to take on the new post of Minister for Housing & Communities (with the sport portfolio transferred to Public Health Minister Shona Robison); and Maureen Watt replaced by Keith Brown as Minister for Schools and Skills. Although in each case the ministers may have been replaced because of poor performances, the promotion of Russell and addition of the constitutional remit was also taken as a strong signal that the SNP has begun its campaign to hold an independence referendum in 2010.⁷⁷ Yet, the Scottish Parliament passed a motion

[d_to_Home_Rule_push.php](#); D. Maddox 4.5.09 'Labour leader scorns Salmond's 'gaffe' *The Scotsman* <http://news.scotsman.com/politics/Labour-leader-scorns-Salmond39s-.5230981.jp>; D. Maddox 14.4.09 'Labour slams SNP for breaking swimming pool pledge' *The Scotsman* <http://news.scotsman.com/politics/Labour-slams-SNP-for-breaking.5166538.jp>; 7.4.09 'Appointment shows Futures Trust 'PPP by another name' <http://www.holyrood.com/content/view/3794/10051/>; T. Peterkin 8.3.09 'SNP trust branded an 'expensive scandal' *The Scotsman* <http://news.scotsman.com/politics/SNP--trust-branded-.5050097.jp>; S. Macnab 1.4.09 'Shameful' one-year wait for drug addicts seeking help' *The Scotsman* <http://news.scotsman.com/politics/39Shameful39-oneyear-wait-for-drug.5127601.jp>; M. Howie 6.4.09 'Drug advisory body yet to meet – a year after strategy switch' *The Scotsman* <http://news.scotsman.com/politics/Drug-advisory-body-yet-to.5143496.jp>; 31.3.09 'Drug treatment waiting times 'deeply concerning' <http://www.holyrood.com/content/view/3761/10051/>; K. Bussey 23.3.09 'Scots prisons 'awash with drugs' *The Press and Journal* <http://www.pressandjournal.co.uk/Article.aspx/1135549>; 21.4.09 'SNP attacked for 'completely misleading' heating claims' <http://www.holyrood.com/content/view/3851/10051/>; I. Swanson 2.4.09 'Ian Swanson: Half-term report.. broken by promises?' *Edinburgh Evening News* <http://news.scotsman.com/politics/Ian-Swanson-Halfterm-report-broken.5133788.jp>; H. Macdonell 13.5.09 'Malnutrition death rate in hospitals has doubled' *The Scotsman* <http://news.scotsman.com/latestnews/Malnutrition-death-rate-in-hospitals.5259600.jp>. See also: D. Maddox 16.2.09 'Inside Holyrood: A week of hiccups but SNP remains strong' *The Scotsman* <http://news.scotsman.com/politics/Inside-Holyrood-A-week-of.4982635.jp>⁷⁷ *The Times* 11.2.09 'Reshuffle signals SNP referendum route' <http://www.timesonline.co.uk/tol/news/uk/scotland/article5704248.ece>; H. Macdonell 11.2.09 'In from the cold ... Salmond's critics join the team' *The Scotsman* <http://news.scotsman.com/politics/In-from-the-cold-.4966779.jp>; *The Herald* 'Salmond buries hatchet and brings old foes into the fold' http://www.theherald.co.uk/politics/news/display.var.2488427.0.Salmond_buries_hatchet_and_bring_old_foes_into_the_fold.php; R. Dinwoodie 11.2.09 'Top team bolstered for next two years' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2488428.0.Top_team_bolstered_for_next_two_years.php; P. Miller 11.2.09 'The downfall of a Culture Minister' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2488429.0.The_downfall_of_a_Culture_Minister.php; D. Ross 11.2.09 'Cunningham inherits poisoned chalice proposal' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2488430.0.Cunningham_inherits_poisoned_chalice_proposal.php; R. Wishart 11.2.09 'A man who will need to exercise all his arts to

in March calling on the SNP to drop its referendum plans. While this is not the end of the matter (see 3.4), and the first two years have shown that minority government has proved remarkably stable⁷⁸ (defeats on non-binding motions in Parliament are certainly not fatal), the referendum issue puts more pressure than any other on the status of the SNP in office. Further strain has also been caused by the ongoing pressure by opposition parties on Justice Secretary Kenny MacAskill to resign. Suggestions that opposition parties may force a vote of no confidence in MacAskill (following his response to the escape by Brian Martin from prison, coupled with his handling of the plans for a community court in Glasgow and the knife crime debate in April) have prompted Alex Salmond to threaten to resign, arguing that the Scottish Parliament should not determine his ministerial team (see also 3.4 and 3.5).⁷⁹

5.3 The Economy

The essence of economic predictions in this period is that the Scottish economy will continue to shrink (perhaps at a rate comparable to the 1930s) and unemployment will continue to rise, but that the picture is worse in the rest of the UK.⁸⁰ Perhaps

prevail ' *The Herald*

http://www.theherald.co.uk/features/featuresopinon/display.var.2488394.0.a_man_who_will_need_to_exercise_all_his_arts_to_prevail.php; T. Cornwell and H. Macdonell 19.2.09 'Culture minister comes under fire for using arts as a nationalist stage' *The Scotsman*

<http://news.scotsman.com/politics/Culture-minister-comes-under-fire.4995040.jp>; H. Macdonell 2.3.09 'Russell seeks free vote on independence referendum' *The Scotsman*

<http://news.scotsman.com/politics/Russell-seeks-free-vote-on.5027324.jp>; S. Johnson 25.2.09

'Alex Salmond's referendum hopes hanging by a thread after Lib Dem leader says no' *The Telegraph* <http://www.telegraph.co.uk/news/newstopics/politics/scotland/4805657/Alex-Salmonds-referendum-hopes-hanging-by-a-thread-after-Lib-Dem-leader-says-no.html>; *The Herald*

'Parties challenged on Scots independence vote ' http://www.theherald.co.uk/politics/news/display.var.2492626.0.Parties_challenged_on_Scots_independence_vote.php

⁷⁸ P. Cairney (2009) 'The Scottish National Party and Minority Government in Scotland', Paper to Study of Parliament Group, London, 22 April (for a copy: paul.cairney@abdn.ac.uk)

⁷⁹ D. Maddox 22.5.09 'Vote against MacAskill and I'll quit, threatens Salmond' *The Scotsman* <http://news.scotsman.com/latestnews/Vote-against-MacAskill-and-I39ll.5293404.jp>; R. Dinwoodie 22.5.09 'MacAskill faces call to resign over prison escape' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2509674.0.MacAskill_faces_call_to_resign_over_prison_escape.php; A. Macleod 22.5.09 'Kenny MacAskill threatened with no confidence vote over jail escape' *The Times*

<http://www.timesonline.co.uk/tol/news/uk/scotland/article6338586.ece>

⁸⁰ T. Sharp 26.2.09 'Scottish economy braced for two difficult years ' *The Herald* http://www.theherald.co.uk/business/news/display.var.2491801.0.Scottish_economy_braced_for_two_difficult_years.php; P. Jones 26.2.09 'Scotland 'facing worst downturn since war' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5805103.ece>; T. Crichton 10.2.09 'Slump may be worse than feared warns City watchdog ' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2488151.0.Slump_may_be_worse_than_feared_warns_City_watchdog.php

Scottish Government News Release 22.4.09 'Scotland now officially in recession' <http://www.scotland.gov.uk/News/Releases/2009/04/22101441>; 13.5.09 'Unemployment rising slower in Scotland than across UK' <http://www.holyrood.com/content/view/3942/10051/>;

11.2.09 'Scotland faces unemployment 'challenge'

ironically, Scotland's reputation for having a large public sector that stifles the scope for private sector innovation may have helped dampen the effect of the economic downturn.⁸¹ Debates about how an independent Scotland would have fared during the crisis continues (Dominic Lawson also asks if Scots caused the recession),⁸² and Gordon Brown used the historic meeting of a UK Cabinet in Scotland to reinforce the value of the Union and argue that there can be no 'Scotland-only' solution to economic problems.⁸³ Most Scottish Government attention has focused on how it can criticize the extent of UK budget cuts but also assure its audience that they will not put paid to their flagship policies.⁸⁴ Both debates highlight the lack of policy

<http://www.holyrood.com/content/view/3562/10051/>; 18.3.09 'Unemployment reaches 135,000 in Scotland' <http://www.holyrood.com/content/view/3709/10051/>

⁸¹ H. Macdonell 19.3.09 'Public sector helps Scotland to stave off worst of the recession' *The Scotsman* <http://news.scotsman.com/politics/Public-sector-helps-Scotland-to.5086677.jp>; J. Sherman, G. Gilmore and D. Rose 19.3.09 'Forget the north-south divide, this time it's private sector versus public' *The Times*

<http://business.timesonline.co.uk/tol/business/economics/article5934769.ece>; H. Wallop 24.3.09 'Unemployment hits two million but public sector sheltered' *The Telegraph* <http://www.telegraph.co.uk/finance/jobs/5013524/Unemployment-hits-two-million-but-public-sector-sheltered.html>

⁸² H. Macdonell 9.4.09 'Top Salmond aide knocks independence' *The Scotsman* <http://news.scotsman.com/politics/Top-Salmond-aide-knocks-independence.5156398.jp>; 20.3.09 'Author attacks First Minister's "arc of reckless lending"'

<http://www.holyrood.com/content/view/3719/10051/>; *Independent On Sunday* 17.2.09 'Dominic Lawson: A sorry tale of Scottish shame – and English tolerance' *Independent On Sunday* <http://www.independent.co.uk/opinion/commentators/dominic-lawson/dominic-lawson-a-sorry-tale-of-scottish-shame-ndash-and-english-tolerance-1623819.html>

⁸³ G. Brown 16.4.09 'No Scotland-only or England-only solution to economic problems' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2502269.0.No_Scotlandonly_or_England_only_solution_to_economic_problems.php; T. Crichton 16.4.09 'Brown using Glasgow visit to promote Union' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2502293.0.Brown_using_Glasgow_visit_to_promote_Union.php; D. Maddox 16.4.09 'Cabinet in Scotland for first time in 88 years' *The Scotsman* <http://news.scotsman.com/politics/Cabinet-in-Scotland-for-first.5174760.jp>; see also H. Macdonell 17.4.09 'Mandelson to Scotland: Stop being so darned pessimistic' *The Scotsman* <http://news.scotsman.com/latestnews/Mandelson-to-Scotland-Stop-being.5179518.jp>; D. Maddox 14.5.09 'Taxing times in argument over independence' *The Scotsman* <http://news.scotsman.com/politics/Taxing-times-in-argument-over.5264952.jp>

⁸⁴ B. Currie 29.4.09 'Scottish budget cuts could top £3.8bn' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2504839.0.Scottish_budget_cuts_could_top_3_8bn.php; E. Barnes 15.3.09 'Doomsday budget to cut public spending' *The Scotsman* <http://news.scotsman.com/politics/Doomsday-budget-to-cut-.5073254.jp>; H. Macdonell 22.4.09 'Salmond warns the Chancellor: Hands off our services' *The Scotsman* <http://news.scotsman.com/politics/Salmond--warns-the-Chancellor.5191735.jp>; *The Scotsman* 21.4.09 'Westminster budget "will cost Scotland jobs" – Salmond' <http://news.scotsman.com/politics/Westminster-budget-34will-cost-Scotland.5189941.jp>; *The Daily Mail* 21.4.09 'Scotland must make cuts too, warns Labour leader Iain Gray' <http://www.dailyrecord.co.uk/news/scottish-news/2009/04/21/scotland-must-make-cuts-too-warns-labour-leader-iain-gray-86908-21293797/>; H. Macdonell 23.4.09 'Swinney says cuts will lead to loss of 9,000 jobs' *The Scotsman* <http://news.scotsman.com/politics/Swinney-says-cuts-will-lead.5196809.jp>; Scottish Government News Release 'Case against spending cuts' <http://www.scotland.gov.uk/News/Releases/2009/03/12081230>; 25.2.09 'SNP urges Scottish Labour to get 'heads out the sand' over cuts'

levers that the Scottish Government has to address economic problems independently.⁸⁵ In some cases this leads to an uneasy truce between the SNP and Labour (UK and Scotland) in which, for example, they make joint statements on the need to cooperate to tackle unemployment in Scotland, but then take credit for specific initiatives.⁸⁶ Or, they take similar (but only partially successful) measures to reduce the costs of government administration.⁸⁷ The perennial sticking point is the

<http://www.holyrood.com/content/view/3621/10051/>; H. Macdonell 27.4.09 'SNP refuses to cut back as Westminster squeezes cash' *The Scotsman* <http://news.scotsman.com/politics/SNP-refuses-to-cut-back.5207279.jp>; A. Macleod 26.4.09 'Scotland facing 'budget cuts of billions' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6175933.ece>; J. Swinney 26.4.09 'John Swinney: Labour cuts return Scotland to dark days of Thatcher' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6169107.ece>; 13.2.09 'Economic focus of Scottish Government 'must change''

<http://www.holyrood.com/content/view/3572/10051/>; D. Maddox 29.4.09 'Falling Scots budget will see 'sacred cows' axed to save money' *The Scotsman*

<http://news.scotsman.com/politics/Falling-Scots-budget--will.5214934.jp>; *The Scotsman* 26.4.09 'Alex Salmond wants more tools to fix Scotland's economy – but he could use the Tartan Tax. The question is: should it go up or down?'

<http://news.scotsman.com/politics/Alex-Salmond-wants-more-tools.5206620.jp>

⁸⁵ S. Paterson 12.3.09 'Government calls for extended power to borrow and spend' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2494904.0.Government_calls_for_extended_power_to_borrow_and_spend.php; Scottish Government News Release 8.5.09 'Call for action on exports'

<http://www.scotland.gov.uk/News/Releases/2009/05/08112526>; K. Bussey 17.4.09 'Swinney in £150m levy plea' *The Scotsman* <http://news.scotsman.com/politics/Swinney-in-150m-levy-plea.5179550.jp>

⁸⁶ S. Paterson 10.2.09 'Harmony across the border in push to save jobs' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2488186.0.Harmony_across_the_border_in_push_to_save_jobs.php; T. Peterkin 19.4.09 'SNP unveils £95m fund to create new jobs' *The Scotsman* <http://news.scotsman.com/politics/SNP-unveils-95m-fund-to.5183862.jp>; S.

Reeves 28.4.09 'Funding boost for young jobless' *The Scotsman*

<http://news.scotsman.com/politics/Funding-boost-for-young-jobless.5210893.jp>; *Edinburgh Evening News* 28.4.09 'Apprentices to warm homes' *The Scotsman*

<http://news.scotsman.com/politics/Apprentices-to--warm-homes.5211810.jp>; R. Dinwoodie 3.3.09 'Murphy reveals £600,000 funding for job seekers' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2492944.0.Murphy_reveals_600_00_funding_for_job_seekers.php; *The Scotsman* 29.4.09 'Jobless to be offered work with Scottish Government' <http://news.scotsman.com/politics/Jobless-to-be-offered-work.5217756.jp>; Scottish Government News Release 11.2.09 'New apprentices for Glasgow' <http://www.scotland.gov.uk/News/Releases/2009/02/11111047>; Scottish Government News Release 29.4.09 'Government jobs for unemployed'

<http://www.scotland.gov.uk/News/Releases/2009/04/29114514>; 28.4.09 'New energy apprenticeships announced' <http://www.holyrood.com/content/view/3878/10051/>; S. Reeves 28.4.09 'Funding boost for young jobless Scots' <http://news.scotsman.com/politics/Funding-boost-for-young-jobless.5210893.jp>; *The Daily Record* 27.4.09 'Labour promise to create 15,000 jobs for young Scots' <http://www.dailyrecord.co.uk/news/scottish-news/2009/04/27/labour-promises-to-create-15-000-jobs-for-young-scots-86908-21311969/>;

28.4.09 'UK Government 'funding 15,000 new jobs' in Scotland' <http://www.holyrood.com/content/view/3876/10051/>

⁸⁷ R. Dinwoodie and T. Crichton 'Scottish ministers agree to freeze their pay' *The Herald* http://www.theherald.co.uk/news/news/display.var.2499071.0.Scottish_ministers_agree_to_freeze_their_pay.php; J. Sherman 1.4.09 'Whitehall severance pay slashed and pay rise reduced to 1.5%' *The Times* <http://www.timesonline.co.uk/tol/news/politics/article6011798.ece>; A. Porter and C. Hope

issue of funding and borrowing for large scale capital projects. Experience from the Scottish Futures Trust (5.5) and plans for a 'Scottish Investment Bank' suggests that the Scottish Government will struggle to finance a high proportion of its planned projects in this way.⁸⁸ While this has produced the usual criticism from the UK Government and Scottish Labour regarding the higher delays and uncertainty when compared to PFI, the added twist in this period is heightened attention to the long-term costs of PFI and the higher risks to governments during economic crises.⁸⁹ The fallout from discussions on the Forth Road bridge (in which the UK Government announced its role in providing over £1billion but the Scottish Government argued that no new money or solution was being offered) also gives the impression of point-scoring rather than any serious breakthrough in relations on these matters.⁹⁰ For

31.5.09 'Thousands of senior civil servants, doctors and judges have pay rises capped at 1.5pc' *The Telegraph* <http://www.telegraph.co.uk/news/uknews/5082660/Thousands-of-senior-civil-servants-doctors-and-judges-have-their-pay-capped-at-1.5pc.html>; B. Ferguson 1.4.09 'Outrage over inflation-busting rises for judges, top brass and mandarins' *The Scotsman* <http://news.scotsman.com/politics/Outrage-over-inflationbusting-rises-for.5127650.jp>; J. Sherman 22.4.09 'Civil Service will lose thousands of jobs in Darling's efficiency drive' *The Times* <http://www.timesonline.co.uk/tol/business/economics/budget/article6143823.ece>; H. Macdonell 8.4.09 'Salmond and Swinney only ministers set to miss savings targets' *The Scotsman* <http://news.scotsman.com/politics/Salmond-and-Swinney-only-ministers.5151244.jp>; Scottish Government News Release 2.3.09 'Public sector reform' <http://www.scotland.gov.uk/News/Releases/2009/03/02125701> Secretary John Swinney; 18.3.09 'Swinney welcomes reduction in 'organisational clutter' of public sector' <http://www.holyrood.com/content/view/3707/10051/>; D. Maddox 2.4.09 'Salmond U-turn on pay rise 'hypocrisy' ' *The Scotsman* <http://news.scotsman.com/politics/Salmond-Uturn-on-pay-rise.5132729.jp>

⁸⁸ 22.4.09 'Salmond announces 'Scottish Investment Bank' for business growth ' <http://www.holyrood.com/content/view/3854/10051/>; B. Currie 22.4.09 'Scottish Investment Bank to help fund innovation' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2503460.0.Scottish_Investment_Bank_to_help_fund_innovation.php; R. Dinwoodie 2.4.09 'Labour: Scottish Futures Trust is a shambles' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2499246.0.Labour_Scottish_Futures_Trust_is_a_shambles.php; S. Johnson 2.4.09 'Labour reveal Alex Salmond's school building chief has attacked SNP funding plans' *The Telegraph* <http://www.telegraph.co.uk/news/newsttopics/politics/scotland/5095828/Labour-reveal-Alex-Salmonds-school-building-chief-has-attacked-SNP-funding-plans.html>; D. Maddox 1.4.09 'Labour hits out over £4m quango that has met only twice' *The Scotsman* <http://news.scotsman.com/politics/Labour-hits-out-over-4m.5127637.jp>

⁸⁹ H. MacDonell 4.3.09 'SNP attacked for stopping public project cash coming to Scotland' *The Scotsman* <http://news.scotsman.com/politics/SNP-attacked-for-stopping-public.5035036.jp>; R. Dinwoodie 4.3.09 'Public cash to help PFIs through credit crisis' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2493166.0.Public_cash_to_help_PFIs_though_credit_crisis.php; S. Macnab 16.3.09 '£30bn cost of paying off PFIs' *The Scotsman* <http://news.scotsman.com/politics/30bn-cost-of-paying-off.5073875.jp>; D. Hencke 3.4.09 'Treasury rescues big building projects with £2bn injection ' *The Guardian* <http://www.guardian.co.uk/politics/2009/mar/03/treasury-economy-construction>

⁹⁰ H. Macdonell 6.4.09 'Swinney rejects Treasury proposals to pay for bridge' *The Scotsman* <http://news.scotsman.com/politics/Swinney-rejects-Treasury-proposals-to.5143533.jp>; R. Dinwoodie 6.4.09 'Forth funding dispute' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2500070.0.Forth_funding_dispute.php; A.

both parties the politicking is tricky – while Labour needs to look like it is not blocking the SNP at the same time as being critical (to demonstrate policy failure from faulty policy), the SNP must balance the desire to criticize PPP while lauding the opening of schools and hospitals funded using this method.⁹¹ When the Scottish Government can use its own levers, minority politics proves to be no more straightforward: two of its most prominent measures to boost economic growth and address the economic downturn – tax relief for small business⁹² and the town centre regeneration fund⁹³ – resulted largely from negotiations with the Conservative party on the budget. This leaves relatively little, including the much-lauded decision to involve business more in public procurement and pay businesses quickly⁹⁴, the waiving of business fees by SEPA⁹⁵ and initiatives to part-fund home ownership (for first time buyers and those struggling with mortgages) to protect the housing market and reduce levels of repossession (with some prospect of legal reinforcement).⁹⁶

Macleod 5.4.09 'John Swinney turns down £1.5bn Treasury offer for new Forth crossing' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6041250.ece>

⁹¹ D. Maddox 12.3.09 'SNP government too late to build schools' *The Scotsman*

<http://news.scotsman.com/politics/SNP-government-too-late-to-5063506.jp>; *The Scotsman*

13.3.09 'Salmond bid to claim credit for schools 'shameless'' *The Scotsman*

<http://news.scotsman.com/politics/Salmond-bid-to-claim-credit-5068821.jp>

L. Davidson 19.2.09 'Glasgow schools 'being left to rot by SNP' *The Times*

<http://www.timesonline.co.uk/tol/news/uk/scotland/article5762818.ece>; I. Bell 13.3.09 'Labour eyebrows raised at SNP schools programme' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2495194.0.Labour_eyebrows_raised_at_SNP_schools_programme.php; D. Maddox 12.3.09 'SNP government too late to build schools' *The Scotsman*

<http://news.scotsman.com/politics/SNP-government-too-late-to-5063506.jp> Scottish

Government News Release 25.3.09 '£300 million hospital milestone marked'

<http://www.scotland.gov.uk/News/Releases/2009/03/25134911>

⁹² 1.4.09 'Small firms boosted by full rates relief'

<http://www.holyrood.com/content/view/3764/10051/>; Scottish Government News Release

6.4.09 'Help for businesses' <http://www.scotland.gov.uk/News/Releases/2009/04/06092112>

⁹³ Scottish Government News Release 2.4.09 'Detail of town centre fund revealed'

<http://www.scotland.gov.uk/News/Releases/2009/04/02105433>; Scottish Government News

Release 30.4.09 'Town Centre Regeneration Fund'

<http://www.scotland.gov.uk/News/Releases/2009/04/30121733>

⁹⁴ 29.4.09 'Government support for small businesses welcomed'

<http://www.holyrood.com/content/view/3882/10051/>; 24.4.09 'Government 'paying invoices quickly to support economy'' <http://www.holyrood.com/content/view/3862/10051/>

⁹⁵ 12.5.09 'SEPA waives £1.5m of environmental fees'

<http://www.holyrood.com/content/view/3935/10051/>

⁹⁶ Scottish Government News Release 31.3.09 'Help for first time buyers'

<http://www.scotland.gov.uk/News/Releases/2009/03/31102120>; Scottish Government News Release 16.3.09 'Help for struggling home owners'

<http://www.scotland.gov.uk/News/Releases/2009/03/16103352>; Scottish Government News Release 29.4.09 'Helping households through the recession'

<http://www.scotland.gov.uk/News/Releases/2009/04/29124157>; Scottish Government News Release 10.3.09 'Record funding for affordable housing'

<http://www.scotland.gov.uk/News/Releases/2009/03/10101958>; 23.2.09 'Repossessions 'complacency' must stop, says Labour' <http://www.holyrood.com/content/view/3612/10051/>

5.4 Healthcare, Mental Health and Public Health

Health policy in this period was dominated by the spread of infection. As in most countries the extent of, and response to, 'swine flu' received disproportionate media (and therefore government) attention.⁹⁷ This came on the back of the Scottish Government's responses – a new strategy on hygiene, extra cleaning staff and a public inquiry - to the outbreak of *C difficile*⁹⁸ amid calls by Labour for new legislation to create 'an independent commissioner to lead the fight against hospital-acquired infections'.⁹⁹ The SNP's pursuit of a publicly-funded NHS with minimal private sector involvement continued with the phased reduction of prescription charges, a bill to 'effectively ban private GP surgeries' and assurance that co-payments will be managed to ensure there is no 'two-tier NHS'.¹⁰⁰ The numbers game on waiting

⁹⁷ Scottish Government News Release 29.4.09 'Swine Flu outbreak' <http://www.scotland.gov.uk/News/Releases/2009/04/29141844>; Scottish Government News Release 11.05.09 'Update on A (H1N1) virus' <http://www.scotland.gov.uk/News/Releases/2009/05/11152458>; Scottish Government News Release 10.5.09 'A (H1N1) flu virus' <http://www.scotland.gov.uk/News/Releases/2009/05/10154119>; Scottish Government News Release 11.5.09 'Update on A (H1N1) virus' <http://www.scotland.gov.uk/News/Releases/2009/05/11152458>; 5.5.09 'Sturgeon praises NHS staff for flu response' <http://www.holyrood.com/content/view/3912/10051/>; L. Moss, H. Macdonell and D. Maddox 28.4.09 'Swine flu confirmed at Scottish hospital' *The Scotsman* <http://news.scotsman.com/latestnews/Swine-flu-confirmed-at-Scottish-hospital.5210861.jp>

⁹⁸ L. Moss 23.4.09 'Public inquiry to be held into 18 deaths at superbug hospital' *The Scotsman* <http://news.scotsman.com/latestnews/Public-inquiry-to-be-held.5196828.jp>; B. Currie 23.4.09 'Families win fight for probe into C Diff deaths' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2503703.0.Families_win_fight_for_probe_into_C_Diff_deaths.php; M. Reid 22.4.09 'Victory for families as Cdiff inquiry ordered' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6150756.ece>; Scottish Government News Release 17.4.09 'Hospital clean up' <http://www.scotland.gov.uk/News/Releases/2009/04/17115826>; L. Moss 6.3.09 'Plans to take on hospital superbugs stretch staff, say nurses' *The Scotsman* <http://news.scotsman.com/latestnews/Plans-to-take-on-hospital.5045778.jp>; H. Macdonell 17.4.09 'Six hundred new cleaners to fight hospital superbugs' *The Scotsman* <http://news.scotsman.com/latestnews/Six-hundred-new-cleaners-to.5179542.jp>; B. Currie 17.4.09 'Sturgeon: hospital hygiene to be boosted by 600 cleaners' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2502496.0.Sturgeon_hospital_hygiene_to_be_boosted_by_600_cleaners.php; F. Urquhart 14.5.09 'Hospital closes wards after superbug deaths' *The Scotsman* <http://news.scotsman.com/latestnews/Hospital-closes-wards-after-superbug.5265038.jp>; C. Sweeney 13.5.09 'Elgin health board accused of cover-up as two die of C. diff' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6282666.ece>; 10.2.09 "Significant infection progress" made at Vale of Leven <http://www.holyrood.com/content/view/3557/10051/>; 25.3.09 'Hand hygiene campaign to target all hospital staff' <http://www.holyrood.com/content/view/3743/10051/>

⁹⁹ R. Dinwoodie 7.3.09 'Labour plans its own attack on infections from hospitals' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2493971.0.Labour_plans_its_own_attack_on_infections_from_hospitals.php; L. Moss 12.2.09 'Labour wins support for plans to combat superbugs' *The Scotsman* <http://news.scotsman.com/latestnews/Labour-wins-support-for-plans.4971822.jp>

¹⁰⁰ Scottish Government News Release 8.2.09 'Lower prescription charges' <http://www.scotland.gov.uk/News/Releases/2009/02/04133819>; Scottish Government News

times, played most by political parties and governments, continues in the Scottish NHS with a particular focus on cancer (and the positive but variable progress towards the 62-day target for treatment following urgent referral) and the real funding of health boards (see also 3.7 on health board elections).¹⁰¹ The issue of NHS compensation remains in the news following the Scottish Government's continued investigation of historic Hepatitis C contamination of blood products (which helps keep the issue high on the UK agenda)¹⁰² and Labour and BMA calls for a reform of the 'no fault' compensation rules.¹⁰³ Less newsworthy but no less important is the Scottish Government's initiative to shift the balance of mental health policy focus from illness to wellbeing.¹⁰⁴ This is accompanied by plans to improve hospital and mental health provision for under 18s.¹⁰⁵ There has also been sporadic media

Release 25.3.09 'Access to new medicines'

<http://www.scotland.gov.uk/News/Releases/2009/03/25164314>; Scottish Government News Release 8.2.09 'Lower prescription charges';

<http://www.scotland.gov.uk/News/Releases/2009/02/04133819>; Scottish Government News Release 1.4.09 'Reduced prescription charges'

<http://www.scotland.gov.uk/News/Releases/2009/04/01084205>; 26.3.09 'Sturgeon backs co-payments amid 'two-tier NHS' warnings' <http://www.holyrood.com/content/view/3746/10051/>;

L. Moss 13.5.09 'Topping up NHS treatment could put other patients at risk, say MPs' *The Scotsman* <http://news.scotsman.com/latestnews/Topping-up-NHS-treatment-could.5259715.jp>;

J. Horton 25.2.09 'Bid to ban private GP surgeries' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2491547.0.Bid_to_ban_private_GP_surgeries.php

hearing services

¹⁰¹ L. Moss 21.3.09 'Cancer survivor confronts the health secretary on 62-day wait' *The Scotsman* <http://news.scotsman.com/politics/Cancer-survivor-confronts-the-.5095291.jp>;

Scottish Government News Release 27.1.09 'NHS treatment targets' <http://www.scotland.gov.uk/News/Releases/2009/01/27094922>;

Scottish Government News Release 17.2.09 'Best ever cancer waiting times'

<http://www.scotland.gov.uk/News/Releases/2009/02/17101343>; B. Donnelly 18.2.09 'Finnie calls for end to postcode lottery over waiting times' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2489903.0.Finnie_calls_for_end_to_postcode_lottery_over_waiting_times.php;

Scottish Government News Release 24.2.09 'Waiting times targets' <http://www.scotland.gov.uk/News/Releases/2009/02/24105046>;

T. Peterkin 15.2.09 'Jamieson attacks SNP priorities as health boards face £3.6m budget cuts' *The Scotsman* <http://news.scotsman.com/politics/Jamieson-attacks-SNP-priorities-as.4982012.jp>

¹⁰² <http://www.penroseinquiry.org.uk/>; G. Peev 24.2.09 'Toxic blood victims deserve millions, says inquiry' *The Scotsman* <http://news.scotsman.com/politics/Toxic-blood-victims--deserve.5008425.jp>;

M. Taylor 24.2.09 'Scope of inquiry into blood scandal in Scotland 'must be widened' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2491283.0.Scope_of_inquiry_into_blood_scandal_in_Scotland_must_be_widened.php;

S. Lister 24.2.09 'Victims of tainted blood scandal deserve higher damages, inquiry says' *The Times*

http://www.timesonline.co.uk/tol/life_and_style/health/article5792803.ece

¹⁰³ 30.3.09 'No-fault compensation needed' as NHS pay-outs rise'

<http://www.holyrood.com/content/view/3757/10051/>

¹⁰⁴ Scottish Government (2009) *Towards a Mentally Flourishing Scotland: Policy and Action Plan 2009-2011* <http://www.scotland.gov.uk/Publications/2009/05/06154655/2>;

Scottish Government News Release 7.5.09 'Mental health improvement plan'

<http://www.scotland.gov.uk/News/Releases/2009/05/07131017>

¹⁰⁵ Scottish Government News Release 20.4.09 'More help for under-18s mental health'

<http://www.scotland.gov.uk/News/Releases/2009/04/20120247>;

interest in issues such as the links between sun beds and skin cancer (which the Scottish Government addressed in the *Public Health etc. (Scotland) Act 2008*), screening for cervical cancer (the UK Government has been urged to follow devolved government policy) and obesity (and the rise of prescription drugs) and Scottish national standards for the treatment of hearing loss (a UK first).¹⁰⁶

5.5 Cigarettes and Alcohol

It is interesting to note the relative lack of attention given to issues in which there may be a perception that a problem has been solved, or at least a decision has been made. For example, Scotland and the rest of the UK now have one of the most restrictive tobacco control regimes in the world. Yet, measures to control the tobacco trade and consumption further – including restrictions on advertising at point of sale and paying people to give up smoking – may have passed most people by.¹⁰⁷ This contrasts with the relatively sexy issue of alcohol in which almost every aspect has been pored over: the launch of the strategy itself (signalling action to address minimum pricing, sales to under 21s, alcohol promotions, alcohol marketing, wine

Release 5.5.09 'Hospital care for teenagers'

<http://www.scotland.gov.uk/News/Releases/2009/05/05141510>; 21.4.09 'Mental health services for children receive £2m boost' <http://www.holyrood.com/content/view/3848/10051/>

¹⁰⁶ S. Johnson 28.4.09 'Scots warned about using sunbeds as skin cancer rate soars' *The Telegraph* <http://www.telegraph.co.uk/news/newstopics/politics/scotland/5236570/Scots-warned-about-using-sunbeds-as-skin-cancer-rate-soars.html>; D.Maddox 1.4.09 'Obesity drug use soars by 25 times' *The Scotsman* <http://news.scotsman.com/politics/Obesity-drug-use-soars-by.5127641.jp>; Jade Goody effect puts pressure on England NHS to follow rest of UK on age of smear test

Independent On Sunday 17.2.09 'NHS row brews over the Jade Goody effect' <http://www.independent.co.uk/life-style/health-and-wellbeing/health-news/nhs-row-brews-over-the-jade-goody-effect-1623790.html>; *The Scotsman* 28.4.09 'Scotland leads way with standards for hearing services' <http://news.scotsman.com/politics/Scotland-leads-way-with-standards.5210833.jp>

¹⁰⁷ F. Urquhart 24.3.09 'Smokers to get £50 a month 'rewards' for kicking the habit' *The Scotsman* <http://news.scotsman.com/latestnews/Smokers-to-get-50-.5100866.jp>; B. Donnelly 24.3.09 'Smokers to get £12.50 a week as incentive to quit' *The Herald* http://www.theherald.co.uk/news/news/display.var.2497415.0.Smokers_to_get_12_50_a_week_as_incentive_to_quit.php; Scottish Government News Release 26.2.09 'Further action to reduce smoking' <http://www.scotland.gov.uk/News/Releases/2009/02/26091047>; Scottish Government News Release 25.2.09 'Stubbing out illegal cigarettes' <http://www.scotland.gov.uk/News/Releases/2009/02/25113830>; Scottish Government News Release 16.3.09 'Calling time on tobacco displays'

<http://www.scotland.gov.uk/News/Releases/2009/03/16081807>; 25.2.09 'Two-pronged attack' launched on cigarettes' <http://www.holyrood.com/content/view/3620/10051/>; 26.2.09 'Cigarette vending machines set for ban' <http://www.holyrood.com/content/view/3625/10051/>

See also 26.3.09 'Smoking prevention 'needed' to support smoking ban'

<http://www.holyrood.com/content/view/3745/10051/>; L. Moss 13.2.09 'Second-hand smoke heightens dementia risk, say scientists' *The Scotsman* <http://news.scotsman.com/latestnews/Secondhand-smoke-heightens-dementia-risk.4977153.jp>

glass sizes and the 'social responsibility fee' for retailers);¹⁰⁸ successful pressure from the Scottish Parliament to further alcohol policy through legislation rather than regulation (see 3.3); the prospect of legal challenges and the role of the EU;¹⁰⁹ the likelihood of England following Scotland;¹¹⁰ the scale of the alcohol problem;¹¹¹ an

¹⁰⁸ C. Sweeney 2.3.09 'Minimum price plan to curb Scotland's drink problem' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5835438.ece>; 2.3.09 'Scottish Government launches framework to tackle alcohol misuse' <http://www.holyrood.com/content/view/3636/10051/>; *The Scotsman* 9.4.09 "Collective effort needed to tackle alcohol abuse" <http://news.scotsman.com/politics/39Collective-effort39-needed-to-tackle.5157578.jp>; D. Gunn 26.3.09 'Raft of new measures to tackle Scotland's drink problem' *The Scotsman* <http://news.scotsman.com/politics/Raft-of-new-measures-to.5113736.jp>; *The Herald* 'Call for united action on drink problem' http://www.theherald.co.uk/politics/news/display.var.2501061.0.Call_for_united_action_on_drink_problem.php; Scottish Government News Release 3.2.09 'Alcohol sponsorship guidelines' <http://www.scotland.gov.uk/News/Releases/2009/02/03095756>; D. Gunn 26.3.09 'Raft of new measures to tackle Scotland's drink problem' *The Scotsman* <http://news.scotsman.com/politics/Raft-of-new-measures-to.5113736.jp>; 13.5.09 'Alcohol misuse spending 'to rise by half' <http://www.holyrood.com/content/view/3939/10051/>; Scottish Government News Release 3.2.09 'Alcohol sponsorship guidelines' <http://www.scotland.gov.uk/News/Releases/2009/02/03095756>; Scottish Government News Release 2.3.09 'Tackling alcohol misuse' <http://www.scotland.gov.uk/News/Releases/2009/03/02085300>

¹⁰⁹ D. Maddox 3.3.09 'Ministers face legal headache over cut-price alcohol blitz' *The Scotsman* <http://news.scotsman.com/politics/Ministers-face-legal-headache-over.5030779.jp>; A. Macleod 13.3.09 'EU law may block SNP alcohol price plan' *The Times* <http://www.timesonline.co.uk/tol/global/article5897550.ece>; D. Maddox 7.3.09 'Whitehall says SNP's drink price rise is illegal' *The Scotsman* <http://news.scotsman.com/politics/Whitehall-says-SNP39s-drink-price.5048939.jp>

¹¹⁰ D. Maddox 16.3.09 'UK 'to follow Scotland's example' over alcohol prices' *The Scotsman* <http://news.scotsman.com/politics/UK-39to-follow-Scotland39s-example39.5073822.jp>; G. Braiden 16.3.09 'Call to adopt Scots alcohol crackdown south of the border' *The Herald* http://www.theherald.co.uk/news/news/display.var.2495663.0.Call_to_adopt_Scots_alcohol_crackdown_south_of_the_border.php; D. Heckne 16.3.09 'Government to reject proposals to set minimum prices for alcohol' *The Guardian* <http://www.guardian.co.uk/society/2009/mar/16/alcohol-minimum-prices-government-proposals>; P. Webster 16.3.09 'Government to defy top doctor and block calls for minimum alcohol price' *The Times* <http://www.timesonline.co.uk/tol/news/politics/article5912343.ece>; D. Hencke and A. Sparrow 16.3.09 'Gordon Brown rejects call to set minimum prices for alcohol' *The Guardian* <http://www.guardian.co.uk/politics/2009/mar/16/gordon-brown-alcohol-pricing>; B. Carlin 5.4.09 'MPs slammed for going on a £70,000 trip to New Zealand...to investigate binge-drinking' *Daily Mail* <http://www.dailymail.co.uk/news/article-1167548/MPs-slammed-going-70-000-trip-New-Zealand--investigate-binge-drinking.html>

¹¹¹ 23.2.09 'Scotland 'eighth worst' for alcohol consumption in the world' <http://www.holyrood.com/content/view/3613/10051/>; H. Macdonell 23.2.09 'Shameful record on alcohol revealed' *The Scotsman* <http://news.scotsman.com/politics/Shameful-record-on-alcohol-revealed.5004973.jp>; G. Braiden 23.2.09 'Scots eighth on alcohol consumption world league table' *The Herald* http://www.theherald.co.uk/news/news/display.var.2490957.0.Scots_eighth_on_alcohol_consumption_world_league_table.php; L. Davidson 22.2.09 'SNP under pressure to tackle alcohol abuse' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5786639.ece>

audit of existing alcohol and drugs policy;¹¹² the response from business and the industry;¹¹³ and, the likely effect of new proposals.¹¹⁴

5.6 Justice

Although the issue of returning the Lockerbie bomber to Libya represented the first flashpoint between Alex Salmond and then Prime Minister Tony Blair,¹¹⁵ it is now clear that the (likely negative) decision rests with the Scottish Government.¹¹⁶ This perhaps contrasts with other issues – such as drugs classification¹¹⁷, firearms¹¹⁸ and

¹¹² Audit Scotland (2009) *Drug and alcohol services in Scotland* <http://www.audit-scotland.gov.uk/media/article.php?id=103> ; M. Howie 26.3.09 'Billions spent but culture of addiction worsens' *The Scotsman* <http://news.scotsman.com/latestnews/Billions-spent-but-culture-of-5109982.jp>; 20.4.09 'Local drug and alcohol services face overhaul' <http://www.holyrood.com/content/view/3845/10051/>; 26.3.09 'Worsening' alcohol and drug problem costing Scotland £5bn' <http://www.holyrood.com/content/view/3748/10051/>; Scottish Government News Release 20.4.09 'Drug and alcohol services' <http://www.scotland.gov.uk/News/Releases/2009/04/20130938>; Scottish Government News Release 1.4.09 'Reforms to drug and alcohol treatment' <http://www.scotland.gov.uk/News/Releases/2009/04/07144534>

¹¹³ C. Brown 10.3.09 'Changes to Scotland's drinks laws branded 'not acceptable'' *The Scotsman* <http://news.scotsman.com/politics/Changes-to-Scotland39s-drinks-laws-5054060.jp>; Scottish Government News Release 6.4.09 'Edinburgh clubs call time on irresponsible promotions' <http://www.scotland.gov.uk/News/Releases/2009/04/06154417>

¹¹⁴ F. Urquhart 12.3.09 'Good for health, great for the drinks industry – expert backs cut-price alcohol ban' *The Scotsman* <http://news.scotsman.com/politics/Good-for-health-great-for-5063477.jp>; A. Macleod 11.3.09 'Minimum price would boost drink industry profits, says economist' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5891585.ece>; I. Oakeshott 15.3.09 'Price of alcohol could double' *Times Online* http://www.timesonline.co.uk/tol/life_and_style/food_and_drink/drinks/article5909773.ece

¹¹⁵ See *Scotland Devolution Monitoring Report* September 2007 1.5 p18.

¹¹⁶ Scottish Government News Release 6.5.09 'Prisoner transfer agreement' <http://www.scotland.gov.uk/News/Releases/2009/05/06122851>; H. Macdonell, M. Howie and J. Robertso 7.5.09 'Salmond to rule on Lockerbie bomber's return to Libya' *The Scotsman* <http://news.scotsman.com/latestnews/Salmond--to-rule-on-5242562.jp>; R. Dinwoodie 7.5.09 'Libya applies for transfer so Megrahi can go home to die' *The Herald* http://www.theherald.co.uk/news/news/display.var.2506539.0.Libya_applies_for_transfer_so_Megrahi_can_go_home_to_die.php; C. Sweeney 6.5.09 'Libya makes formal plea for return of al-Megrahi' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6237375.ece>; S. Johnson 6.5.09 'Libyans ask for return of Lockerbie bomber Abdelbaset Ali Mohamed al-Megrahi' *The Telegraph* <http://www.telegraph.co.uk/news/newstoppers/politics/scotland/5284462/Libyans-ask-for-return-of-Lockerbie-bomber-Abdelbaset-Ali-Mohmed-al-Megrahi.html> Salmond ; D. Maddox 8.5.09 'Salmond warned over bomber' *The Scotsman* <http://news.scotsman.com/politics/Salmond-warned-over-bomber-5247611.jp>

¹¹⁷ H. MacDonell 20.4.09 'Devolving classification for drugs 'would be problematic' *The Scotsman* <http://news.scotsman.com/politics/Devolving-classification-for-drugs-.5184524.jp>; T. Peterkin 19.4.09 'Tories condemn 'soft touch' approach to Class A drugs' *The Scotsman* <http://news.scotsman.com/politics/Tories-condemn-39soft-touch39-approach-5183896.jp>

¹¹⁸ *The Scotsman* 10.3.09 'Firearms legislation rejected' <http://news.scotsman.com/politics/Firearms-legislation-rejected-5054082.jp>; E. Barnes 15.2.09 'Calman sets sights on gun control power' *The Scotsman* <http://news.scotsman.com/politics/Calman-sets-sights-on-gun-4981990.jp> *BBC News* 27.3.09 'Ministers attack gun 'inaction'' <http://news.bbc.co.uk/1/hi/scotland/7967776.stm>; *The Scotsman* 10.3.09 'Firearms legislation rejected' <http://news.scotsman.com/politics/Firearms-legislation-rejected-5054082.jp>; 27.3.09

drink-driving¹¹⁹ – in which the Scottish Government has sought a wider role, only to be rebuffed or ignored.¹²⁰ If an offender uses a knife instead of a gun then they are firmly in devolved territory. While the Scottish Government has signalled some success in this issue (regarding longer sentences for offences), this has been overshadowed to some extent by the upper hand that opposition parties have following the knife crime debate (4.2).¹²¹ However, no party has explained how to introduce ‘mandatory’ knife-crime sentencing in a system built on judicial discretion. The parties are also divided on the SNP’s shift from short-term prison (a ‘skoosh’) to community sentences, with much of the debate focussed on the extent to which the SNP promotes a ‘soft-touch’ approach. Opposition party criticisms have been buoyed generally by the apparent unpopularity of early-release, the lack of success of the new regime to administer fiscal fines, the response by the Scottish Prison Officers’ Association to Scottish Government plans on needle exchanges within prisons, and suggestions of Scottish Government interference in court proceedings to reduce prison overcrowding (although note that while some papers report that the Sheriffs’ Association supports Labour and Conservative criticisms, its evidence relates more to the prospect of rigid and confusing sentencing rules).¹²² There have

‘New campaign to dispel myth air guns are toys’

<http://www.holyrood.com/content/view/3751/0051/>

¹¹⁹ Scottish Government News Release 23.2.09 ‘Calls to cut drink driving limit’

<http://www.scotland.gov.uk/News/Releases/2009/02/20100842>; 23.2.09 ‘Drink-driving limit ‘must be cut’, says Scottish Government ‘ <http://www.holyrood.com/content/view/3610/10051/>

¹²⁰ See also 12.5.09 ‘Government ‘hopes’ pilot will end child imprisonment at Dungavel’

<http://www.holyrood.com/content/view/3936/10051/>

¹²¹ B. Currie 29.4.09 ‘Sentences for knife crimes increase by 35% in a year’ *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2504834.0.Sentences_for_knife_crimes_increase_by_35_in_a_year.php; Scottish Government News Release 28.4.09 ‘Courts sending ‘clear message’ on knife crime’

<http://www.scotland.gov.uk/News/Releases/2009/04/28100415>

D. Maddox 3.4.09 ‘Knife crime campaigner ‘delighted’ by report’ *The Scotsman*

<http://news.scotsman.com/politics/Knife-crime-campaigner-39delighted39-by-5138301.jp>; R.

Dinwoodie 3.4.09 ‘MSPs call for action to deal with knife crime’ *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2499537.0.MSPs_call_for_action_to_deal_with_knife_crime.php; D. Maddox 14.5.09 ‘Tories call for 2-year minimum sentence to tackle knife crime’ *The Scotsman*

<http://news.scotsman.com/politics/Tories-call-for-2-year-minimum-5265042.jp>; B. Currie 14.5.09 ‘Parties want mandatory jail terms for knife thugs’

The Herald

http://www.theherald.co.uk/politics/news/display.var.2507986.0.Parties_want_mandatory_jail_terms_for_knife_thugs.php

¹²² Justice Committee Agenda and Papers 12.5.09

<http://www.scottish.parliament.uk/s3/committees/justice/papers-09/jup09-14.pdf>; H. Macdonell

11.5.09 ‘Justice minister: Prison’s a skoosh’ *The Scotsman*

<http://news.scotsman.com/politics/Justice-minister-Prison39s-a-skoosh.5252538.jp>; T.

Gordon 11.5.09 ‘Prison is a ‘skoosh’, says justice secretary’ *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2507302.0.Prison_is_a_skoosh_says_justice_secretary.php; A. Macleod 10.5.09 ‘MacAskill: Manual labour should replace short jail terms’ *The Times*

<http://www.timesonline.co.uk/tol>

also been some calls by Labour to be tougher on youth crime, although a focus on ASBOs (which never caught on in Scotland) may undermine its case.¹²³ The Solicitor General has praised the efficiency of new court proceedings to encourage earlier guilty pleas.¹²⁴ The current *Criminal Justice & Licensing* and *Sexual Offences* bills also include provisions to compensate victims of crime, allow some witnesses to give anonymous evidence and widen the definition of sexual offences to include 'flashers' and voyeurs. There will also be pilots providing public information on sex offenders and giving the victims of crime the chance to influence court decisions.¹²⁵

The Herald 'Scrapping short jail sentences will not save cash, says Baker'
http://www.theherald.co.uk/politics/news/display.var.2505798.0.Scrapping_short_jail_sentences_will_not_save_cash_says_Baker.php

12.5.09 'MacAskill 'out of touch' on short-term imprisonment'

<http://www.holyrood.com/content/view/3938/10051/>; M. Howie 12.5.09 'Short prison sentences go on trial as sheriffs state their case' *The Scotsman*

<http://news.scotsman.com/latestnews/Short-prison--sentences-go.5255881.jp>

M. Howie 28.4.09 'One in five offenders waits three months for punishment to start' *The Scotsman* <http://news.scotsman.com/politics/One-in-five-offenders-waits.5210838.jp>; M.

Howie 5.5.09 'Fast fines scheme 'a failure' as 15,000 go unpaid' *The Scotsman*

<http://news.scotsman.com/latestnews/Fast-fines-scheme-39a-failure39.5233325.jp>; *The*

Herald 'More than half of fiscal fines not paid in full'

http://www.theherald.co.uk/politics/news/display.var.2506053.0.More_than_half_of_fiscal_fines_not_paid_in_full.php; K. MacAskill 5.5.09 'Scots criminal justice 'meltdown' as 50% of fines not fully paid' *The Times*

<http://www.timesonline.co.uk/tol/news/uk/scotland/article6221762.ece>

The Herald 'More than half of fiscal fines not paid in full'

http://www.theherald.co.uk/politics/news/display.var.2506053.0.More_than_half_of_fiscal_fines_not_paid_in_full.php; Scottish Government News Release 25.3.09 'Fiscal fines'

<http://www.scotland.gov.uk/News/Releases/2009/03/25103845>; M. Williams 30.3.09 'Prison

officers ready to revolt over needle exchange plan' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2498577.0.Prison_officers_ready_to_revolt_over_needle_exchange_plan.php; A. Philip 30.3.09 'Scots Tories in call for mandatory drug

testing for inmates' *The Scotsman* <http://news.scotsman.com/politics/Scots-Tories-in-call-for.5120006.jp>; see also 1.5.09 'Reforms would radically reduce number of female prisoners'

<http://www.holyrood.com/content/view/3893/10051/>; 22.4.09 'Concerns raised over treatment of 'innocent prisoners' '<http://www.holyrood.com/content/view/3855/10051/>

¹²³ Scottish Government News Release 19.3.09 'Confronting antisocial behaviour'

<http://www.scotland.gov.uk/News/Releases/2009/03/19093149>; Scottish Government News Release 1.3.09 'Criminal age to be raised to 12'

<http://www.scotland.gov.uk/News/Releases/2009/03/27140804>; 9.4.09 'Labour backs youth ASBOs after police curfew plea' <http://www.holyrood.com/content/view/3800/10051/>; *The*

Scotsman 8.4.09 'Labour backs youth ASBOs after police curfew plea'

<http://news.scotsman.com/politics/Police-trained-39on-the-cheap39.5152917.jp>; S. Macnab

16.3.09 'SNP under fire over bail 'interference'

The Scotsman <http://news.scotsman.com/politics/SNP-under-fire--over.5073898.jp>

¹²⁴ *The Scotsman* 10.3.09 'Scottish justice more efficient, MSPs are told'

<http://news.scotsman.com/politics/Scottish-justice-more-efficient-MSPs.5054115.jp>; S.

Paterson 10.3.09, More offenders pleading guilty after justice system revamp' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2494469.0.More_offenders_pleading_guilt_after_justice_system_revamp.php

¹²⁵ 20.2.09 'Victims' compensation and witness anonymity included in new bill'

<http://www.holyrood.com/content/view/3599/10051/>; M. Howie 20.2.09 'New powers set to keep victims' IDs secret' *the Scotsman*

<http://news.scotsman.com/latestnews/New-powers-set-to-keep.5000299.jp>; 6.3.09 'Criminal Justice Bill launched' <http://www.holyrood.com/content/view/3654/10051/>; D. Maddox 4.5.09

If there is one promise that the SNP may regret putting a number to, it must be 1000 extra police officers. The continuing debate about the prospect of the Scottish Government meeting its target is now supplemented with criticisms of the unintended consequences on police training and a new agenda on consolidating the police forces to address financial difficulties.¹²⁶ However, there is also some evidence of Scottish success, with its system for finding missing people likely to be adopted UK-wide¹²⁷ and its stance on DNA storage less problematic than in England.¹²⁸ More consensus is also likely to be found in the Scottish Government's plans to find ways

'New law to unmask child sex offenders' *The Scotsman*

<http://news.scotsman.com/latestnews/New-law-to-unmask-child.5230946.jp>; *The Herald* 'Plan to give access to sex offender data'

http://www.theherald.co.uk/news/news/display.var.2505845.0.Plan_to_give_access_to_sex_offender_data.php; L. Davidson 3.5.09 'Parents able to ask if sex offenders have access to their children' *The Times*

<http://www.timesonline.co.uk/tol/news/uk/scotland/article6216904.ece>; D. Maddox 18.3.09 'Peeping Toms face five years in jail under tough new laws' *The Scotsman*

<http://news.scotsman.com/politics/Peeping-Toms--face-five.5081376.jp>; *The Herald* 'More victims of crime to be given right to tell court of effects'

http://www.theherald.co.uk/politics/news/display.var.2493171.0.More_victims_of_crime_to_be_given_right_to_tell_court_of_effects.php

Scottish Government News Release 3.5.09 'Child sex offences'

<http://www.scotland.gov.uk/News/Releases/2009/05/02104703>

¹²⁶ Scottish Government News Release 18.3.09 'Police numbers to rise by more than 1000'

<http://www.scotland.gov.uk/News/Releases/2009/03/18100756>; 18.3.09 'SNP 'on target' to recruit 1,000 extra police, says MacAskill' <http://www.holyrood.com/content/view/3708/10051/>

L. Adams 25.2.09 'SNP will fail in pledge to recruit 1000 extra police, says Labour' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2491540.0.SNP_will_fail_in_pledge_to_recruit_1000_extra_police_says_Labour.php; L. Adams 30.3.09 'Police chiefs urge debate on case for single force in Scotland' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2498627.0.Police_chiefs_urge_debate_on_case_for_single_force_in_Scotland.php; M. Howie 20.3.09 'Watchdog champions single Scots police force' *The Scotsman*

<http://news.scotsman.com/latestnews/Watchdog-champions-single-Scots-police.5092240.jp>; L. Adams 25.2.09 'SNP will fail in pledge to recruit 1000 extra police, says Labour' *The*

Heraldhttp://www.theherald.co.uk/politics/news/display.var.2491540.0.SNP_will_fail_in_pledge_to_recruit_1000_extra_police_says_Labour.php; Scottish Government News Release

3.3.09 'Police numbers at record high' <http://www.scotland.gov.uk/News/Releases/2009/03/03095855>;

D. King 8.4.09 'SNP accused of cutting corners in police training' *The Daily Mail*

<http://www.dailyrecord.co.uk/news/scottish-news/2009/04/08/snp-accused-of-cutting-corners-in-police-training-86908-21262473/>; see also 25.3.09 'Greater police consultation with public "needed"' <http://www.holyrood.com/content/view/3742/10051/>

¹²⁷ L. Adams 4.3.09 'Scottish policeman's system for finding missing children will be' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2493202.0.Scottish_policemans_system_for_finding_missing_children_will_be_used_across_UK.php

¹²⁸ A. Travis 7.5.09 'Ministers keep innocent on DNA database' *Guardian*

<http://www.guardian.co.uk/politics/2009/may/07/dna-database-government-retention>

(such as charging prisoners for lodgings) to recoup compensation payments made to 'slopping out' prisoners (see 6.3) and to keep Scotland's 15-member juries.¹²⁹

5.7 Social Services

Alex Salmond countered to some extent the UK media tendency to blame social workers for the death of children of people monitored by social services (perhaps allowing us to compare levels and types of attention to baby P and Brandon Muir).¹³⁰ While more ire could be reserved for the relevant staff of the Kerelaw Residential School and Secure Unit, the inquiry's recommendations relate largely to performance management, training and better procedures for children to be heard.¹³¹

5.8 Education

Fiona Hyslop's recent support for 'parent power'¹³² raises the wider issue of power in compulsory education policy. For example, the new Curriculum for Excellence¹³³

¹²⁹ L. Adams, S. Paterson and C. Churchill 'Plan to charge prisoners for bed and board' *The Herald* http://www.theherald.co.uk/news/news/display.var.2496642.0.Plan_to_charge_prisoners_for_bed_and_board.php; A. Macleod 19.3.09 'Compensated inmates 'should get bill for board and lodgings' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5941565.ece>; D. Maddox 20.3.09 'Slopping-out: Bid to stop payouts 'will cost taxpayer even more' *The Scotsman* <http://news.scotsman.com/politics/Sloppingout-Bid-to-.5092277.jp>; *The Scotsman* 19.3.09 '£50m could be saved by move to limit slopping-out claims – MacAskill' <http://news.scotsman.com/politics/50m-could-be-saved-by.5091810.jp> Scottish Government News Release 19.3.09 'Agreement to end slopping out anomaly' <http://www.scotland.gov.uk/News/Releases/2009/03/19121655>; J. Forsyth and H. Macdonell 11.5.09 'Scotland's unique 15-strong juries will not be abolished' *The Scotsman* <http://news.scotsman.com/politics/Scotland39s-unique-15strong--juries.5252536.jp>

¹³⁰ H. MacDonell 6.3.09 'Salmond: Don't blame social workers for Brandon's death' *The Scotsman* <http://news.scotsman.com/politics/Salmond-Don39t-blame--social.5045738.jp>; L. McIntosh 5.3.09 'Don't blame social workers for death of Brandon, Salmond warns' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5854659.ece>

Data sharing S. Paterson 11.3.09 'Forces to share information to improve child protection' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2494698.0.Forces_to_share_information_to_improve_child_protection.php; J. Beattie 2.12.08 'Baby P social workers are still drawing full pay while on suspension' *The Mirror* <http://www.mirror.co.uk/news/top-stories/2008/12/02/baby-p-social-workers-are-still-drawing-full-pay-while-on-suspension-115875-20939691/>; J. Carvel 27.11.08 'Baby P social worker witch-hunt 'could harm children' *The Guardian* <http://www.guardian.co.uk/society/2008/nov/27/baby-p-social-workers>

¹³¹ 11.5.09 'Kerelaw abuse inquiry calls for improved training and leadership' <http://www.holyrood.com/content/view/3934/10051> Scottish Government News Release 11.5.09 'Kerelaw Independent Inquiry' <http://www.scotland.gov.uk/News/Releases/2009/05/11085814>

¹³² A. Denholm 16.4.09 'Minister backs 'parent power' revolution' *The Herald* http://www.theherald.co.uk/news/news/display.var.2502291.0.Minister_backs_parent_power_revolution.php; A. Denholm 16.4.09 "It is important that parent councils seize this opportunity to be heard" *The Herald* http://www.theherald.co.uk/news/news/display.var.2502286.0.It_is_important_that_parent_councils_seize_this_opportunity_to_be_heard.php

may be seen in part as a means to devolve power to local authorities and teachers - although whether or not either called for this greater discretion is another matter. The role of the Scottish Parliament and accountability through ministers for overall Scottish attainment (a perennial source of concern)¹³⁴ may also produce the freedom to conform. A more clear link to power can be found in teacher (and perhaps parent) calls for maximum class sizes. Yet, this may only apply to the principle rather than the implementation, particularly if teacher numbers are falling.¹³⁵ In other words, the Scottish Government may often choose not to exercise the power it has over local authorities – as seems to be the case with the provision of higher and baccalaureate courses.¹³⁶ This contrasts with the (albeit changing) image of control freakery in England.¹³⁷ The new Scottish Government bill to protect rural schools perhaps

¹³³ A. Denholm 3.4.09 'Radical learning reform unveiled' *The Herald* http://www.theherald.co.uk/news/news/display.var.2499572.0.Radical_learning_reform_unveil.ed.php; F. Macleod 3.4.09 'Pupils to get lessons on texting and blogs' *The Scotsman* <http://news.scotsman.com/latestnews/Pupils-to-get-lessons-on.5138265.jp>; L. McIntosh 2.4.09 'New curriculum to change how Scottish pupils study' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6025445.ece>
BBC News 2.4.09 'Teachers schooled on curriculum' <http://news.bbc.co.uk/1/hi/scotland/7979435.stm>; Scottish Government News Release 2.4.09 'Curriculum for Excellence launch' <http://www.scotland.gov.uk/News/Releases/2009/04/02111045>

¹³⁴ H. Duncanson 30.3.09 'Illiteracy time bomb' must be tackled, opposition tell SNP' *The Scotsman* <http://news.scotsman.com/politics/39Illiteracy-time-bomb39-must-be.5120001.jp>; F. Macleod 1.4.09 'Find answers over pupils' poor maths, minister told' *The Scotsman* <http://news.scotsman.com/politics/Find-answers-over-pupils39-poor.5127588.jp>

¹³⁵ F. Macleod 25.2.09 'Promise to reduce class sizes 'will take 87 years to achieve' ' *The Scotsman* <http://news.scotsman.com/politics/Promise--to-reduce-class.5012421.jp>; Scottish Government News Release 24.2.09 'Class size targets' <http://www.scotland.gov.uk/News/Releases/2009/02/24114523>; 24.3.09 'Teacher numbers 'fall by 1,000' in a year' <http://www.holyrood.com/content/view/3737/10051/>

¹³⁶ A. Macleod 5.4.09 'Salmond has laid her bed of nails' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6041219.ece>; L. McIntosh 31.3.09 'Scottish baccalaureate snubbed by education chiefs' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6011656.ece>; T. Peterkin 5.3.09 'Quarter of high schools axe Highers due to cuts' *The Scotsman* <http://news.scotsman.com/politics/Quarter-of-high-schools-axe.5142925.jp>; S. Macnab 6.4.09 'Concerns at Higher course cuts' *The Scotsman* <http://news.scotsman.com/politics/Concerns-at-Higher-course-cuts.5143543.jp>; A. Macleod 5.4.09 'Fiona Hyslop under fire as schools cut courses' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article6041209.ece>

¹³⁷ L. Clark 2.4.09 'Ministers should be stripped of their powers to set national curriculum, say MPs' *The Daily Mail* <http://www.dailymail.co.uk/news/article-1166599/Ministers-stripped-powers-set-national-curriculum-say-teachers.html>; L. Clark 26.3.09 'Teachers threaten a mass boycott of SATs' *Daily Mail* <http://www.dailymail.co.uk/news/article-1164930/Teachers-threaten-mass-boycott-SATs.html>; N. Woolcock 7.5.09 'Ed Balls backs experts who undermine future of primary school tests' *The Times* http://www.timesonline.co.uk/tol/life_and_style/education/article6242693.ece; P. Curtis 20.2.09 'Where now after damning indictment of education?' *The Guardian* <http://www.guardian.co.uk/education/2009/feb/20/primary-school-review>; R. Garner 23.3.09 'Teachers 'stricter' than examiners' *Independent On Sunday* <http://www.independent.co.uk/news/education/education-news/teachers-stricter-than-examiners-1651720.html>; see also (unlikely in Scotland?) A. Grice 10.3.09 'Fast-track plan to turn jobless into teachers' *The Independent*

demonstrates the new power of opposition parties (it was a manifesto commitment, but SNP plans were accelerated by a Conservative bill).¹³⁸ We may also see a much wider link between power, class and life chances in the most recent figures on attainment.¹³⁹

In the recent past the concern of most Scottish Universities regarded how to keep up with England while rejecting student fees. The economic crisis has put further pressure on University finances, prompting the Chief Executive of the UK Commission for Employment and Skills to argue that Scotland should reconsider its reliance on state (rather than individual and business) funding.¹⁴⁰ In contrast, the University and College Union has called on the Scottish Government to provide more money to fund the rise in University admissions linked to the recession.¹⁴¹ There is also a strong agenda in Scotland regarding student debt and the need to go *further* than abolishing tuition fees.¹⁴² A report by Universities Scotland serves to remind the Scottish Government about the importance of higher education to the economy by establishing the value of innovation driven by University-educated individuals.¹⁴³ The report also questions the assumption of skill shortages in the policy for more apprenticeships, a factor reinforced recently by the lack of places for work-based

<http://www.independent.co.uk/news/education/education-news/fasttrack-plan-to-turn-jobless-into-teachers-1641009.html>

¹³⁸ BBC 3.3.09 'Plan to save rural Scots schools' *BBC*

<http://news.bbc.co.uk/1/hi/scotland/7920650.stm>; 3.4.09 'New bill to safeguard future of rural schools' <http://www.holyrood.com/content/view/3642/10051/>

¹³⁹ 10.3.09 'New figures reconfirm educational gap between rich and poor'

<http://www.holyrood.com/content/view/3680/10051/>

¹⁴⁰ 17.4.09 'State alone cannot continue to fund education, skills chief warns'

<http://www.holyrood.com/content/view/3826/10051/>

¹⁴¹ *BBC News* 17.2.09 'Cash plea after admissions rise

<http://news.bbc.co.uk/1/hi/scotland/7893584.stm>

¹⁴² A. Denholm 28.4.09 'Debt worry 'blocking deprived students' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2504621.0.Debt_worry_blocking_deprived_students.php; 27.4.09 'SNP 'failing to solve student hardship crisis'

<http://www.holyrood.com/content/view/3873/10051/>; A. Howarth 28.4.09 'Students slam SNP for lack of support' *The Scotsman* <http://news.scotsman.com/politics/Students-slam-SNP-for-lack.5210863.jp>

¹⁴³ Universities Scotland (2009) *What Was/ What Next?* [http://www.universities-](http://www.universities-scotland.ac.uk/uploads/Inform/What%20next%20print%20version.pdf)

[scotland.ac.uk/uploads/Inform/What%20next%20print%20version.pdf](http://www.universities-scotland.ac.uk/uploads/Inform/What%20next%20print%20version.pdf); H. Macdonnell 13.2.09

'Academics call for drastic change in direction to boost Scots economy' *The Scotsman*

<http://news.scotsman.com/politics/Academics-call-for-drastic-change.4977123.jp>; A.

Denholm 13.2.09 'Universities clash with ministers on 'flawed' slump policy' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2488930.0.Universities_clash_with_ministers_on_flawed_slump_policy.php

experience.¹⁴⁴ On a more positive funding note, more money will be provided for disabled students and Scottish students engaged in study-abroad programmes.¹⁴⁵

5.9 Energy and Environment¹⁴⁶

The UK Government appears to have taken the decision to accept the Scottish Government's nuclear veto (via the refusal of planning permission for new plants) but criticise the SNP policy heavily and relate it to (a) policy advances in England and (b) the public and scientific demand within Scotland to follow England¹⁴⁷ (it is also unlikely to agree to any Barnett consequentials arising from English spending on new

¹⁴⁴ 20.3.09 'Apprenticeship system fundamentally flawed' <http://www.holyrood.com/content/view/3723/10051/>; see also 17.3.09 'Education participation for older adults 'unacceptable' <http://www.holyrood.com/content/view/3702/10051/>

¹⁴⁵ Scottish Government News Release 6.5.09 'Foreign exchange students' <http://www.scotland.gov.uk/News/Releases/2009/05/06100707>; 25.3.09 'Disabled students to receive additional support' <http://www.holyrood.com/content/view/3744/10051/>

¹⁴⁶ For discussion of the Marine bill, see 3.8

¹⁴⁷ P. Jones 11.2.09 'Challenge to SNP on nuclear policy' *The Times* <http://www.timesonline.co.uk/tol/news/uk/scotland/article5704932.ece>; J. Haworth 17.2.09 'Murphy: SNP's ban on new nuclear power stations lacks common sense' *The Scotsman* <http://news.scotsman.com/politics/Murphy-SNP39s-ban-on-new.4985895.jp>; S. Paterson 17.2.09 'Murphy rounds on 'ideology' of vetoing nuclear power stations' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2489680.0.Murphy_rounds_on_ideology_of_vetoing_nuclear_power_stations.php; 16.4.09 'Opposing new nuclear a 'huge mistake', claims Labour' <http://www.holyrood.com/content/view/3824/10051/>; J. Haworth 16.4.09 'Minister provokes nuclear war over Scotland's energy future' *The Scotsman* <http://news.scotsman.com/latestnews/Minister--provokes--nuclear.5174773.jp>; T. Crichton and B. Currie 'Miliband calls on SNP to drop opposition to nuclear power' *The Herald* http://www.theherald.co.uk/news/news/display.var.2502289.0.Miliband_calls_on_SNP_to_drop_opposition_to_nuclear_power.php; J. Haworth 17.2.09 'Murphy: SNP's ban on new nuclear power stations lacks common sense' *The Scotsman* <http://news.scotsman.com/politics/Murphy-SNP39s-ban-on-new.4985895.jp>; *The Scotsman* 16.2.09 'SNP's opposition to nuclear power costing jobs says Labour's Murphy' <http://news.scotsman.com/politics/SNP39s-opposition-to-nuclear-power.4984403.jp>; A. Philip 16.2.09 'Nuclear power vital to back up green energy, says Murphy' *The Scotsman* <http://news.scotsman.com/politics/Nuclear-power-vital-to-back.4982611.jp>; S. Paterson 17.2.09 'Murphy rounds on 'ideology' of vetoing nuclear power stations' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2489680.0.Murphy_rounds_on_ideology_of_vetoing_nuclear_power_stations.php; *BBC News* 16.2.09 'Nuclear future 'key for Scotland's *BBC* <http://news.bbc.co.uk/1/hi/scotland/7891130.stm>; T. Macalister 15.4.09 'Possibility of new nuclear power plants in Lake District sparks eco concerns' *The Guardian* <http://www.guardian.co.uk/global/2009/apr/15/nuclearpower-edf>; P. Scruton 15.4.09 'Potential locations for new UK nuclear power stations' *The Guardian* <http://www.guardian.co.uk/environment/2009/apr/15/nuclear-power>; R. Pagnamenta 16.4.09 'All-clear for nuclear plants 'too late to plug power gap' *The Times* http://www.timesonline.co.uk/tol/business/industry_sectors/utilities/article6101502.ece; R. Alleyne 15.4.09 'Mixed reaction to new generation of nuclear power stations' *The Telegraph* <http://www.telegraph.co.uk/earth/energy/nuclearpower/5158636/Mixed-reaction-to-new-generation-of-nuclear-power-stations.html>; E. Barnes 15.3.09 'Blow to SNP as Scots back nuclear power' *The Scotsman* <http://news.scotsman.com/politics/Blow-to-SNP-as-Scots.5073221.jp>; J. Haworth 23.2.09 'Science chief at odds with SNP nuclear policy' *The Scotsman* <http://news.scotsman.com/politics/Science-chief-at-odds-with.5004998.jp>

nuclear plants). The SNP policy places a lot of faith in renewable energy and, therefore, more stress on governance practices when deciding on new projects.¹⁴⁸

The Scottish Government has 'toughened' its overall targets on climate change following interest group and parliamentary pressure (see also 3.5). However, the long-term nature of these targets, combined with the economic effects of each measure, suggests that much is still to be negotiated and announced.¹⁴⁹ It has also dropped controversial proposals to lease Scottish forestry to private companies (see also 3.4).¹⁵⁰

5.10 Transport

The Scottish Government has announced that the UK Government's high-speed rail link will extend to Scotland (perhaps a sexier topic than new contracts on the Airdrie-Bathgate link).¹⁵¹ There is less good news for the Edinburgh trams project following the Scottish Government's decision not to provide more funding than originally agreed with the Scottish Parliament.¹⁵² Recent decisions suggest that the Scottish Government cannot control the price of fuel but can compensate buses for the rise.¹⁵³ The future of Gaelic road signs is uncertain following safety concerns.¹⁵⁴

¹⁴⁸ *BBC News* 13.3.09 'Where the wind farm war is waged'

<http://news.bbc.co.uk/1/hi/scotland/7933154.stm>; B. Currie 11.4.09 'Wind farm inquiries are 'good value' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2501309.0.Wind_farm_inquiries_are_good_value.php;

¹⁴⁹ 9.4.09 'Climate Change Bill criticised by SSE and climate campaigners'

<http://www.holyrood.com/content/view/3802/10051/>; 6.5.09 'Tougher' climate change target set for Scotland' <http://www.holyrood.com/content/view/3918/10051/>; J. Haworth 28.2.09

'Ministers go back on green pledge' *The Scotsman*

<http://news.scotsman.com/politics/Ministers-go-back--on.5025734.jp>

J. Haworth 8.5.09 'Climate bill wins first round of MSPs vote' *The Scotsman*

<http://news.scotsman.com/politics/Climate-bill-wins-first-round.5247604.jp>; Scottish

Government News Release 30.4.09 'Public sector power goes greener'

<http://www.scotland.gov.uk/News/Releases/2009/04/30112053>

¹⁵⁰ 13.3.09 'Forestry leasing plans dropped by Government'

<http://www.holyrood.com/content/view/3690/10051/>; J. Haworth 19.2.09 'Big thumbs-down for 'private' forests' *The Scotsman*

<http://news.scotsman.com/latestnews/Big-thumbsdown-for-39private39-forests.4995016.jp>; J.

Haworth 19.2.09 'Should plan for forests be kicked in to the long grass?' *The Scotsman*

<http://news.scotsman.com/comment/Should-plan-for-forests-be.4994994.jp>

¹⁵¹ A. Dalton 24.4.09 'High-speed rail link will come to Scotland' *The Scotsman*

<http://news.scotsman.com/latestnews/Highspeed-rail-link--will.5202111.jp>; Scottish

Government News Release 28.4.09 'Airdrie-Bathgate rail link'

<http://www.scotland.gov.uk/News/Releases/2009/04/28120018>

¹⁵² *The Scotsman* 27.2.09 'Transport minister calls for deal on city trams dispute'

<http://news.scotsman.com/politics/Transport-minister-calls-for-deal.5022632.jp>; B. Ferguson

28.4.09 'Still no tram track – but workers have £1m bonuses paid on time' *The Scotsman*

<http://news.scotsman.com/politics/Still-no-tram-track-.5210860.jp>

¹⁵³ J. Ross 1.5.09 'Minister backs campaign for cheaper petrol in rural areas'

<http://news.scotsman.com/politics/Minister-backs-campaign-for-cheaper.5225494.jp>; D. Ross

5.11 Agriculture, Fish, Food and Water

The unveiling of the Scottish Government's new days-at-sea scheme for fishing vessels sparked much debate with its opposition counterparts.¹⁵⁵ Much concern relates to uncertainty about the future of fishing, which can also be discerned in agriculture and rural funding.¹⁵⁶ Less controversial, but no less important is its involvement in the UK-wide food strategy.¹⁵⁷

5.12 Housing, Planning, Poverty and Homelessness

Poverty remains an issue effectively reserved to the UK Government,¹⁵⁸ with the Scottish Government only able to seek to influence UK welfare policy,¹⁵⁹ address fuel

1.5.09 'Call to lower petrol prices in rural areas' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2505314.0.Call_to_lower_petrol_prices_in_rural_areas.php; Scottish Government News Release 18.2.09 'Affordable bus fares' <http://www.scotland.gov.uk/News/Releases/2009/02/18115131>

¹⁵⁴ J. Ross 10.3.09 'Lost in translation: Holyrood puts brakes on bilingual road signs after safety fears' *The Scotsman* <http://news.scotsman.com/politics/Lost-in-translation-Holyrood-puts.5054119.jp>

¹⁵⁵ 28.4.09 'New days-at-sea scheme unveiled to criticism' <http://www.holyrood.com/content/view/3874/10051/>

Scottish Government News Release 27.4.09 'Days at sea scheme unveiled' <http://www.scotland.gov.uk/News/Releases/2009/04/27141929>

¹⁵⁶ 8.5.09 'Certainty' over rural funding offered by Government' <http://www.holyrood.com/content/view/3924/10051/>

Scottish Government News Release 7.5.09 'Funding for rural communities' <http://www.scotland.gov.uk/News/Releases/2009/05/07134744>

Scottish Government News Release 9.4.09 'Rural support measures' <http://www.scotland.gov.uk/News/Releases/2009/04/09115829>; 9.4.09 'Rural development fears as changes announced' <http://www.holyrood.com/content/view/3801/10051/>

¹⁵⁷ Scottish Government News Release 8.5.09 'Food and drink summit' <http://www.scotland.gov.uk/News/Releases/2009/05/07142231>; Scottish Government News Release 11.5.09 'Food summit covers global issues'

<http://www.scotland.gov.uk/News/Releases/2009/05/11152153>; see also Scottish Government News Release 24.4.09 'Genetic Modification (GM)'

<http://www.scotland.gov.uk/News/Releases/2009/04/24150325>

¹⁵⁸ T. Crichton 18.2.09 'Labour 'set to fail' in bid to halve child poverty by 2010' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2489901.0.Labour_set_to_fail_in_bid_to_halve_child_poverty_by_2010.php; A. Gentleman 18.2.09 'Majority of children living in poverty have at least one parent in work, says study' *The Guardian* <http://www.guardian.co.uk/society/2009/feb/18/child-poverty-research>; J. Sherman and P. Bahra 18.2.09 'Gordon Brown 'will miss targets on child poverty' *The Times* <http://www.timesonline.co.uk/tol/news/politics/article5755344.ece> ; M. Beckford 18.2.09 'Billions needed to meet child poverty target, warns Joseph Rowntree Foundation' *The Telegraph* <http://www.telegraph.co.uk/news/newstoppers/politics/4679424/Billions-needed-to-meet-child-poverty-target-warns-Joseph-Rowntree-Foundation.html>

¹⁵⁹ K. Bussey 18.3.09 'Ministers urged to do more in battle to eliminate child poverty' *The Scotsman* <http://news.scotsman.com/politics/Ministers-urged--to-do.5081427.jp> M. Williams 18.3.09 'Sturgeon: Westminster benefit reforms would fuel child poverty' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2496153.0.Sturgeon_Westminster_benefit_reforms_would_fuel_child_poverty.php

poverty at the margins (using insulation and central heating programmes),¹⁶⁰ help people claim UK benefits¹⁶¹ and coordinate public services for people living with poverty.¹⁶² It may also be able to ward off homelessness in some cases,¹⁶³ but much also depends on the availability of social housing. To this end it has promised more spending on council housing and housing associations¹⁶⁴ (while also calling on the UK Government to invest more¹⁶⁵) and signalled further restrictions on the right-to-buy (see 5.4).¹⁶⁶ Home reports, requiring sellers to survey their own homes and provide information to potential buyers, are under pressure in both Scotland and England.¹⁶⁷

¹⁶⁰ Scottish Government News Release 7.5.09 'Support for the fuel poor' <http://www.scotland.gov.uk/News/Releases/2009/05/07144645>; Scottish Government News Release 27.2.09 'Help for fuel poor'

<http://www.scotland.gov.uk/News/Releases/2009/02/27103532>

Scottish Government News Release 3.2.09 'Help for fuel poor'

<http://www.scotland.gov.uk/News/Releases/2009/02/03123816>; Scottish Government News

Release 3.5.09 'Heating scheme to help families'

<http://www.scotland.gov.uk/News/Releases/2009/05/03141505>; Scottish Government News

Release 20.4.09 'Record central heating installations'

<http://www.scotland.gov.uk/News/Releases/2009/04/20100249>

¹⁶¹ Scottish Government News Release 26.4.09 'Pounds in pensioners pockets'

<http://www.scotland.gov.uk/News/Releases/2009/04/24144509>

¹⁶² 7.5.09 'Unchanged poverty level 'Scotland's shame'

<http://www.holyrood.com/content/view/3922/10051/>

¹⁶³ Scottish Government News Release 1.4.09 'Early warning on homelessness'

<http://www.scotland.gov.uk/News/Releases/2009/04/01103459>; Scottish Government News

Release 22.3.09 'Children to be at forefront of housing decisions'

<http://www.scotland.gov.uk/News/Releases/2009/03/23142701>

¹⁶⁴ Scottish Government News Release 17.4.09 'More cash for council homes'

<http://www.scotland.gov.uk/News/Releases/2009/04/17114704>; F. Urquhart 11.3.09 'Families thrown a lifeline as 6,500 low-cost homes to be built in year' *The Scotsman*

<http://news.scotsman.com/politics/Families--thrown-a-lifeline.5058106.jp>; 20.4.09

'Government 'must go further' on council housing funding'

<http://www.holyrood.com/content/view/3844/10051/>; 17.3.09 'Housing 'swiftly needed' as

Scottish homelessness rises' <http://www.holyrood.com/content/view/3703/10051/>; 11.2.09

'Housing association funding 'too little too late', says Jamieson'

<http://www.holyrood.com/content/view/3563/10051/>; G. Braiden 23.3.09 'Sturgeon launches

stinging criticism of GHA over growth plan' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2497161.0.Sturgeon_launches_stinging_criticism_of_GHA_over_growth_plan.php

¹⁶⁵ 2.3.09 'SNP calls for £500m housing investment from Westminster'

<http://www.holyrood.com/content/view/3634/10051/>

¹⁶⁶ Scottish Government News Release 27.4.09 'Right to Buy reforms'

<http://www.scotland.gov.uk/News/Releases/2009/04/24112830>; 27.4.09 'Radical' Right-to-

Buy reforms welcomed' <http://www.holyrood.com/content/view/3872/10051/>; A. Howarth

28.4.09 'Ministers may scrap 'right to buy' laws' *The Scotsman*

<http://news.scotsman.com/politics/Ministers-may-scrap-39right-to-5210852.jp>

The Herald 'MSPs reveal proposal to scrap right to buy for social housing'

http://www.theherald.co.uk/politics/news/display.var.2504624.0.MSPs_reveal_proposal_to_scrap_right_to_buy_for_social_housing.php; BBC NEWS 26.3.09 'Council suspends 'right to

buy' http://news.bbc.co.uk/1/hi/scotland/tayside_and_central/7965385.stm

¹⁶⁷ C. Mackie 10.3.09 'Lawyers deliver damning verdict on 'fatally wounded' Home Reports'

The Scotsman <http://news.scotsman.com/latestnews/Lawyers-deliver--damning->

5.13 Culture¹⁶⁸ and Media

The Scottish Government has signalled its intention to carry out proposals from the Scottish Broadcasting Commission's (SBC) report, 'where we have the powers to do so'.¹⁶⁹ Much depends on the willingness of the UK Government to fund a new Scottish digital network (and BBC and Channel 4 to support its case), suggesting that the Scottish Government role will be to lobby for 'a fair share of television production in Scotland'. The Scottish Government's role is similarly limited in competition law, suggesting that any appeals to help Scottish newspapers merge will be made in London.¹⁷⁰ The same can be said for lottery funding for arts and sport.¹⁷¹ However, it can control the direction of its *Homecoming Scotland* celebrations (albeit inherited from the previous government) and is therefore the main recipient of criticisms.¹⁷²

5.14 Freedom of Information

Scottish Information Commissioner Kevin Dunion argues that 'clear blue water' is emerging between the Scottish and UK FOI procedures, criticising specific plans (e.g. to give journalists quotas of requests) and a general culture of secrecy in the UK.¹⁷³ Dunion also argues that all senior civil servants should reveal their salaries to

[verdict.5054054.jp](http://www.scotland.gov.uk/Resource/Doc/264161/0079171.pdf); *Daily Mail* 6.4.09 'Sellers 'will be hit' by new rules on Home Information Packs'

¹⁶⁸ For a discussion of Creative Scotland see 5.7

¹⁶⁹ Scottish Government (2009) *Platform for Success: the Scottish Broadcasting Commission Report*. Response from the Scottish Government

<http://www.scotland.gov.uk/Resource/Doc/264161/0079171.pdf>

Scottish Government News Release 18.3.09 'Shaping the future of broadcasting'

<http://www.scotland.gov.uk/News/Releases/2009/03/18151536>

¹⁷⁰ T. Crichton 7.5.09 'Merger rules must be relaxed if newspapers to survive' *The Herald*

http://www.theherald.co.uk/politics/news/display.var.2506584.0.Merger_rules_must_be_relaxed_if_newspapers_are_to_survive_says_chief.php

¹⁷¹ 9.3.09 'SNP demands 'return' of Commonwealth Games funding'

<http://www.holyrood.com/content/view/3675/10051/>; P. Miller 14.4.09 'Arts and culture lose out in £44m lottery cash squeeze' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2501798.0.Arts_and_culture_lose_out_in_44m_lottery_cash_squeeze.php; P. Miller 14.4.09 'Lottery: 'Those days of the big cheques are over' *The Herald*

http://www.theherald.co.uk/news/news/display.var.2501785.0.Those_days_of_the_big_cheques_are_over.php; Dr. P. Schlesinger 'London's gain will be Scotland's loss in Lotto shuffle' *The Herald*

http://www.theherald.co.uk/features/featuresopinon/display.var.2501786.0.londons_gain_will_be_scotlands_loss_in_lotto_shuffle.php

¹⁷² D. Maddox 2.4.09 'Homecoming leaves tourist chief cold' *The Scotsman*

<http://news.scotsman.com/politics/Homecoming-leaves-tourist-chief-.5132738.jp>; I. Swanson

4.3.09 'SNP accused of ignoring US market with Homecoming ad' *The Scotsman*

<http://news.scotsman.com/politics/SNP-accused-of-ignoring-.5035934.jp>

¹⁷³ 9.3.09 'FOI moving into 'second phase'

<http://www.holyrood.com/content/view/3673/10051/>

the public (following the lead taken by police chief constables).¹⁷⁴ Former Justice Minister Lord Wallace (responsible for the original FOI legislation) has also backed Dunion's call to extend FOI provisions to most bodies providing public services.¹⁷⁵ FOI became strongly party-political when the SNP criticised the selective release by the UK Government of Cabinet minutes regarding the Iraq War but then refused to release its own Cabinet minutes regarding its decision to drop the local income tax. Labour was also critical of alleged delays in providing information about the Glenrothes by-election.¹⁷⁶ A request under FOI revealed UK Government plans to situate all of Britain's nuclear submarines in Scotland (Faslane) by 2015. This was reported to some extent as undermining the SNP's opposition,¹⁷⁷ particularly since any potential for devolved powers to monitor defence activity have also been rejected.¹⁷⁸

¹⁷⁴ Scottish Information Commissioner News Release (9.3.09) 'Commissioner calls on Scottish public sector leaders to push the boundaries of openness' <http://www.itspublicknowledge.info/home/News/20090309A.asp>; Scottish Information Commissioner (2009) Freedom of Information Annual Report 2008 <http://www.itspublicknowledge.info/nmsruntime/saveasdialog.asp?IID=3098&SID=234> H. Macdonell 9.3.09 'Top civil servants 'should reveal salaries'' *The Scotsman* <http://news.scotsman.com/politics/Top-civil-servants-39should-reveal.5050619.jp>; H. Macdonell 9.3.09 'Top civil servants 'should reveal salaries'' *The Scotsman* <http://news.scotsman.com/politics/Top-civil-servants-39should-reveal.5050619.jp>; R. Dinwoodie 9.3.09 'Call for council and NHS chiefs to publish expenses' *The Herald* http://www.theherald.co.uk/news/news/display.var.2494206.0.Call_for_council_and_NHS_chiefs_to_publish_expenses.php

¹⁷⁵ Scottish Information Commissioner News Release (8.2.09) 'Lord Wallace calls for extension of the FOI Act in Scotland'

<http://www.itspublicknowledge.info/home/News/20090209.asp>

¹⁷⁶ D. Maddox 19.3.09 'SNP 'hypocrisy' as it insists on keeping Cabinet papers secret' *The Scotsman* <http://news.scotsman.com/politics/SNP-39hypocrisy39-as-it-insists.5086668.jp>; 7.4.09 'Labour attacks 'unacceptable delay' on FOI request' <http://www.holyrood.com/content/view/3792/10051/>

¹⁷⁷ D. Maddox 28.4.09 'Snub for SNP's anti-nuclear line as Faslane picked to be sole sub base' *The Scotsman* <http://news.scotsman.com/politics/Snub-for-SNP39s-antinuclear-line.5210837.jp>; H. Macdonell 28.4.09 'Analysis: Westminster ups the nuclear ante and gets First Minister all hot under the collar' *The Scotsman* <http://news.scotsman.com/politics/Analysis-Westminster-ups-the-nuclear.5210862.jp>

¹⁷⁸ R. Dinwoodie and M. Settle 'Only MoD immunity 'has saved Faslane' *The Herald* http://www.theherald.co.uk/politics/news/display.var.2504619.0.Only_MoD_immunity_has_saved_Faslane.php; D. Maddox 28.4.09 'Fears over safety after nuclear waste leaks into Clyde revealed' *The Scotsman* <http://news.scotsman.com/politics/Fears-over-safety-after-nuclear.5210867.jp>; *The Times* 27.4.09 'SNP calls for probe into Faslane failures' <http://www.timesonline.co.uk/tol/news/uk/scotland/article6182381.ece>

6. Government beyond the centre

David Scott

Key Points:

- There is much debate about why the Scottish Government withdrew its plans to introduce a local income tax.
- Although not happy with the funding settlement, local authorities have agreed to freeze council taxes for a second year.
- The Local Government Elections Bill will separate the dates of elections to the Scottish Parliament and local authorities.
- The Concordat remains in place despite financial pressures and implementation problems.
- The Scottish Government has announced further funds for social and council housing and further restrictions on the right-to-buy
- An expert in PPP has been appointed as Chief Executive of the Scottish Futures Trust
- Direct elections to health boards (allowing 16 and 17 year olds to vote) will be piloted
- Mike Russell has taken over responsibility for Creative Scotland
- John Swinney has signalled plans to reduce public bodies by one-quarter

6.1 Local Government Finance

The Scottish Government's decision not to go ahead with its plans for a local income tax (LIT) in the current session of the parliament was seen as the SNP's biggest U-turn¹⁷⁹ since the party came into office in May 2007. In some respects such a decision was not entirely unexpected since the proposal for a nationally-set LIT of 3p in the pound was strongly opposed by opposition parties and was widely regarded as 'unworkable' by a wide range of bodies. However, it was the timing of the

¹⁷⁹ Stewart Patterson and Robbie Dinwoodie 12.02.09 'SNP ditch pledge to scrap council tax', *The Herald* http://www.theherald.co.uk/news/news/display.var.2488702.0.SNP_ditches_pledge_to_scrap_council_tax.php Robbie Dinwoodie 12.02.09 'Salmond gives his opponents own goal with U-turn on local income tax', http://www.theherald.co.uk/politics/news/display.var.2488668.0.Salmond_gives_his_opponents_own_goal_with_Uturn_on_tax.php Angus Macleod 12.02.09 'SNP retreat on flagship policy', *The Times* (Scotland) <http://www.timesonline.co.uk/tol/news/uk/scotland/article5711795.ece>

announcement that caused most surprise. It came during the normally routine statement on the annual finance settlement for local government.¹⁸⁰

John Swinney, the Cabinet Secretary for Finance, told the Scottish Parliament that the financial climate had changed and that the UK Government was planning a reduction of £500 million in the Scottish budget in each of the next two years. Mr Swinney felt it would not be wise to introduce a tax cut that would be made possible by LIT in view of the scale of Westminster cuts. He also pointed to the problems of minority government, saying the parliamentary arithmetic suggested that the government would be unable to put together a stable majority to enable it to steer detailed LIT legislation through the parliament. The minister said the Cabinet had decided not to introduce legislation to abolish the 'unfair' council tax and replace it with a LIT until after the election in 2011.

During the parliamentary debate that followed Mr Swinney's announcement, the Scottish Government was accused by the Labour finance spokesman, Andy Kerr, of not going ahead with a bill on LIT because 'the policy is bad.' Derek Brownlee, of the Scottish Conservatives, said he wholeheartedly welcomed what was a 'long overdue decision'. Jeremy Purvis, of the Scottish Liberal Democrats, claimed the SNP had 'betrayed' the people who had voted in favour of it. Business leaders¹⁸¹ welcomed the change of policy, while Glasgow City Council, Scotland's biggest local authority, said LIT would have 'dire consequences' for the delivery of services.

6.1.1 Finance settlement/council tax

In his announcement to the Parliament¹⁸² Mr Swinney said councils would share £11.8 billion from the Scottish Government during 2009-10 to deliver public services. This is an increase of £658 million, or 5.9 per cent, over the comparable period for 2008-09. The package includes extra resources of £70 million to allow councils to freeze council tax for the second successive year. Mr Swinney also guaranteed to fund a council tax freeze to the end of the current parliamentary session.

¹⁸⁰ Scottish Parliament Official Report 11.02.09 Local government finance Act 1992 (Scotland) Order 2009
<http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-09/sor0211-02.htm#Col14893>

¹⁸¹ Hamish Macdonell 12.02.09 'SNP forced to drop its flagship policy,' *The Scotsman*
<http://thescotsman.scotsman.com/latestnews/SNP-forced-to-drop-flagship.4971846.jp>

¹⁸² Scottish Parliament official report 11.02.09 Local government finance Act 1992 (Scotland) Order 2009
<http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-09/sor0211-02.htm#Col14893> Local government funding 11.02.09
<http://www.scotland.gov.uk/News/Releases/2009/02/11162958>

.Additional sums agreed and discussed with the Convention of Scottish Local Authorities (COSLA) included £40 million in response to a report by Lord Sutherland on his review of free personal care; £42 million to meet commitments on police and fire and rescue services pensions; £18 million to support local government with an increase above that which was forecast in employers' pensions contributions by teachers and £12.2 million to finance some of the powers on local regeneration which are being taken on by local authorities. Cllr Pat Watters, president of COSLA¹⁸³, dismissed the suggestion that funding for councils was increasing by more than 5 per cent. He claimed it would mean 'a standstill at best.'

Mr Swinney pointed out in his statement that the finance order confirmed the amount of business rates to be distributed among the local authorities. Through the small business bonus scheme, rates bills for many small businesses had already been cut and from April 2009, when the scheme is fully implemented, many businesses would pay no rates at all. Following the announcement, all 32 councils in Scotland agreed to freeze council tax at 2007-08 levels. Welcoming the decision¹⁸⁴ Mr Swinney said it had been achieved as a result of a stronger, more productive relationship with local government which had freed councils to focus on local priorities without having national government constantly looking over their shoulders.

6.2 Local elections

The Scottish Government published a local government elections bill¹⁸⁵ which will result in the local government elections being held on a separate day from the Scottish Parliament elections. The bill amends the date of the local government elections so that the next council elections are held in 2012 and then 2017. Thereafter the elections will revert to a 4-year cycle.

The issue of holding the two elections on the same day has been the subject of controversy for several years and considered by a number of different local government review groups. Following the parliamentary elections in 2007, the

¹⁸³ COSLA Press release 11.02.09 Line from COSLA on Finance Settlement
http://www.cosla.gov.uk/news_story.asp?leftId=10001EBD8-10766761&rightId=10001EBD8-10771676&hybrid=false&storycode=10001EBDE-16166206

¹⁸⁴ Scottish Government Press release 12.02.09 Council tax freeze
<http://www.scotland.gov.uk/News/Releases/2009/02/13083303>

¹⁸⁵ Local Government Elections Bill 04.02.09
<http://www.scotland.gov.uk/News/Releases/2009/02/04110613>
Scottish Local Government (Elections) Bill (SP Bill 21) 3.02.09
Local government elections bill
<http://www.scottish.parliament.uk/s3/bills/21-SLGelections/index.htm>

Scottish Government appointed a committee headed by a Canadian elections expert, Ron Gould to investigate problems in the administration of the 2007 Scottish Parliament elections including the rejection of several thousand ballot papers¹⁸⁶ and claims of electoral confusion. Gould examined whether the two elections should have been combined on the same day. He concluded¹⁸⁷ that combined elections were not only a disservice to local councils and candidates but also to the electorate. His report recommended that the parliamentary and local government elections should be separated, preferably by a period of two years.

The President of the Convention of Scottish Local Authorities (COSLA), Pat Watters¹⁸⁸, welcomed the outcome of the review. He pointed out that COSLA's long stated position that the two elections should be separate would help increase the proportion of valid votes cast particularly with the new complexities of the different PR systems.

In March 2008 the Scottish Government published a consultation paper¹⁸⁹ seeking views on a proposal to decouple the elections. The Scottish Local Government (Elections) Bill¹⁹⁰ was published on February 3 2009. The Local Government and Communities Committee was designated as the lead committee for parliamentary consideration of the Bill.

6.3 Concordat

Controversy has continued over the 'historic' Concordat¹⁹¹ which was signed by the Scottish Government and leaders of the Convention of Scottish Local Authorities (COSLA). While there appears to be general agreement that it has led to improved relations between local and central government and that it is working, some council

¹⁸⁶ Shan Ross 04.05.07 'Tens of thousands of spoiled ballot papers mar poll'. *The Scotsman*
<http://thescotsman.scotsman.com/scotland/Tens-of-thousands-of-spoiled.3282556.jp>

¹⁸⁷ Electoral Commission: Independent review of the Scottish parliamentary and local government elections 3.05.09
<http://www.electoralcommission.org.uk/document-summary?assetid=13223>

¹⁸⁸ COSLA Press release 22.10.07 'COSLA President Welcomes Gould Report'.
http://www.cosla.gov.uk/news_story.asp?leftId=10001C217-10766761&rightId=10001C217-10771676&hybrid=false&storycode=10001C217-16011326

¹⁸⁹ Decoupling the Scottish Parliamentary Local Government Elections – Consultation Paper March 2008
<http://www.scotland.gov.uk/Publications/2008/03/18080302/0>

¹⁹⁰ Scottish Local Government (Elections) Bill as introduced 10.01.08
<http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-08/sor0110-02.htm#Col5006>

¹⁹¹ Concordat between Scottish Government and local government', 14.II.08
<http://www.scotland.gov.uk/Publications/2007/11/13092240/concordat>

leaders have warned that the worsening financial climate will make the agreement unsustainable in its current form.¹⁹² It has also been reported¹⁹³ that problems have arisen over the implementation of Scottish Government policies on the provision of free school meals for primary 1-3 children and over plans to reduce classroom sizes.

Under the terms of the Concordat, councils agreed to co-operate with the government by working with it to ensure key policies, like the council tax freeze, and the policies on school meals and classroom sizes were put into effect. This was in return for the relaxation of ring fencing rules, regulation and centralised controls. New outcome agreements have been successfully introduced. These are intended to reflect local needs, circumstances and priorities but should be related to national outcomes agreed in the Concordat.

Some council leaders believe the Scottish Government has failed to provide enough funds for the implementation of the policies and that the agreement will now face its severest test because of the financial pressures facing councils. The President of COSLA, Pat Watters, continues to defend the Concordat¹⁹⁴ stressing that it was in the best interests of member councils to enter into the agreement and that it was time for the development of a new and more positive relationship between local and central government.

In a speech¹⁹⁵ to the annual conference of COSLA in March, John Swinney, Cabinet Finance Secretary, said the Scottish Government had stepped back from macro managing councils, giving them increased flexibility to support local issues and to support the local economy through the economic downturn. He believed the more productive relationship between central and local government was delivering greater efficiencies and better services. .

6.4 Social housing

A series of initiatives aimed at boosting social housing and council houses in particular were announced by the Scottish Government. These included the allocation of £644 million for housing associations this year, a £25 million scheme

¹⁹² Kerry Lorimer 12.01.09 'Financial crisis sparks fears for Concordat', *Holyrood* magazine, Pages 9 and 37.

¹⁹³ David Maddox 16.04.09 'History will decide the success of the Concordat' *The Scotsman* <http://thescotsman.scotsman.com/latestnews/David-Maddox--History-will.5174826.jp>

¹⁹⁴ Mandy Rhodes 'The man from the council' *Holyrood* magazine 23.02.09 P 14-17

¹⁹⁵ Scottish Government Press release 26.01.09 'Councils crucial to economic recovery'. <http://www.scotland.gov.uk/News/Releases/2009/01/26091313>

which aims to help 'kickstart' a new generation of local authority homes and the extension of a £60 million open market share equity pilot to cover the whole of Scotland. The Scottish Government claimed that Scotland's first major council house building programmes in 30 years had come a step closer.¹⁹⁶

Announcing the £644 million Affordable Housing Programme,¹⁹⁷ the Housing and Communities Minister, Alex Neil, said the investment would support approval of at least 6,500 new and improved properties. Mr Neil said the Scottish Government was investing a total of more than £1.5 billion in affordable housing over three years. The housing announcements included an extra £26 million to support the construction of local authority houses.

The Scottish Government announced statistics¹⁹⁸ showing that a record number of almost 5,700 public houses were started in 2007-08 – more than any year since the early 1990s. Local authorities started 432 council houses in 2007-08 compared to a total of six completed in the previous year.

Proposals to end the Right to Buy for new build social housing were published in April.¹⁹⁹ It is estimated that the reforms, which are part of a draft Housing Scotland Bill, will retain between 10,000 and 16,000 homes for low cost rent that would otherwise be lost through Right to Buy sales.

A consultation on the bill proposes that, in addition to ending right to Buy for new build social housing, the Scottish Government would also abolish the scheme for new tenants in all social housing property. It would also devolve and extend the pressure-area designation process which can suspend Right to Buy in certain areas.

Giving details of the changes, Mr Neil said ending Right to Buy for new build houses would safeguard social housing for future generations of families across Scotland. The director of the Chartered Institute of Housing in Scotland, Alan Ferguson, voiced

¹⁹⁶ Scottish Government Press release 09.04.09 'Council house building'

<http://www.scotland.gov.uk/News/Releases/2009/04/09120809>

¹⁹⁷ Scottish Government Press release 10.03.09 'Record funding for affordable housing'

<http://www.scotland.gov.uk/News/Releases/2009/03/10101958>

¹⁹⁸ Scottish government Press release 12.01.09 'Public sector house building'

<http://www.scotland.gov.uk/News/Releases/2009/01/12082103>

¹⁹⁹ Scottish Government Press release 27.04.09 'Right to buy reforms'

<http://www.scotland.gov.uk/News/Releases/2009/04/24112830>

his support²⁰⁰ for the decision but said he hoped the new policy would allow for local needs and circumstances to be taken into consideration.

6.5 Scottish Futures Trust

Controversy continued over the Scottish Futures Trust (SFT), the body set up by the Scottish Government to oversee public infrastructure projects. The Finance Secretary, John Swinney,²⁰¹ argued that another strong step in continuing the implementation of SFT had been taken with the appointment of a chief executive, Barry White, the head of BAM PPP, a company which manages all aspects of PPP projects.

Media reports²⁰² pointed to the irony of the government appointing a leading expert in PFI/PPP models of finance which the SNP had pledged to consign to the history books as it regarded this method of funding as costly to the taxpayer and inefficient. A Labour MSP, Jackie Baillie, was quoted as saying that White's appointment 'shows they have actually accepted PPPs whatever they say publicly.'

The Scottish Government also continued to come in for criticism over alleged delays to planned public sector projects because of uncertainty over the SFT.²⁰³ It was accused²⁰⁴ of preventing capital project cash coming to Scotland by rejecting of £1 million of Treasury funding being made available to Scotland for PFI/PPP infrastructure projects (4.3).

The Scottish Government strongly rejected the accusations. Mr Swinney²⁰⁵ assured the Scottish Parliament there had been no delay to projects. It had signed off an

²⁰⁰ Chartered Institute of Housing in Scotland 27.04.09 CIH responds to Scottish Government's bill to reform Right to Buy' <http://www.cih.org/scotland/news/view.php?id=1043&branch=Scotland&db=news&subcat=NR>

²⁰¹ Scottish Government Press release 06.04.09 Scottish Futures Trust <http://www.scotland.gov.uk/News/Releases/2009/04/06153149>

²⁰² David Maddox 03.04.09 'Finance quango's biggest critic "to be its new chief executive"' *The Scotsman* <http://thescotsmen.scotsman.com/Register.aspx?ReturnURL=http%3A%2F%2Fthescotsmen.scotsman.com%2Flatestnews%2FFinance-quango39s-bitter-critic-39to.5138264.jp>

²⁰³ Erikka Askland 10.03.09 'Funding trust has "left gap in projects"' *The Scotsman* <http://thescotsmen.scotsman.com/business/Funding-Trust-39has-left-gap.5054016.jp>
<http://thescotsmen.scotsman.com/latestnews/SNP-attacked-for-stopping-public.5035036.jp>

²⁰⁴ Hamish Macdonell 04.03.09 SNP attacked for stopping public project cash coming to Scotland' *The Scotsman* <http://thescotsmen.scotsman.com/latestnews/SNP-attacked-for-stopping-public.5035036.jp>

²⁰⁵ Robbie Dinwoodie 02.04.09 'Scottish Futures Trust is a Shambles' *The Herald* <http://pqasb.pqarchiver.com/smgpubs/access/1674207421.html?dids=1674207421&FMT=ABS&FMTS=ABS:FT&date=Apr+2%2C+2009&author=ROBBIE+DINWOODIE+CHIEF+SCOTTISH+POLITICAL+CORRESPONDENT&pub=The+Herald&edition=&startpage=10&desc=Labour%3A+Scottish+Futures+Trust+is+a+shambles>

'enormous programme' of infrastructure plans including major road, school and hospital projects. In a significant statement, business leaders who had been previously opposed to the SFT voiced cautious backing for the Trust.²⁰⁶ In a submission to ministers CBI Scotland said it would support the finance model as long as certain conditions were met.

6.6 Health board elections

Direct elections to health boards are to be tested in Scotland following the Scottish Parliament's approval of the Health Boards (Membership and Elections) Bill.²⁰⁷ The legislation means that, for the first time in the UK, young people aged 16 and 17 will be able to take part in the proposed polls.

The Health Secretary, Nicola Sturgeon²⁰⁸ welcomed the parliament's decision as a 'major boost for democracy.' She said elected health boards would give power back to local people and that the elections were the 'best way of ensuring that boards will no longer be able to ride roughshod over community.' She added: 'The voices of people whose taxes pay for the NHS will now have to be listened to and acted upon.'

The bill received Royal Assent on 22 April 2009. It will be some time before the measures can come fully into effect. Two pilot elections will take place next year and will run for two years to test the full range of issues a board might face. In addition to directly elected members, the boards will continue to include elected councillors. While elected members will form a majority on boards, other members, including the chair, will continue to be appointed by ministers. Elections will be on a proportional basis (Single Transferable Vote) and a single ward will cover the health board area.

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6.7 Creative Scotland

Plans for the setting up of Creative Scotland, a new body responsible for culture and the arts, were announced by the Minister for Culture, Michael Russell.²¹⁰ In a

²⁰⁶ Hamish Macdonell 02.03.09 'Business leaders back SFT' *The Scotsman*
<http://thescoatsman.scotsman.com/scotland/Business-leaders-back-SFT.5027249.jp>

²⁰⁷ Health Boards (Members and Elections) (Scotland) Bill
<http://www.scottish.parliament.uk/s3/bills/13-HealthBoards/index.htm>

²⁰⁸ Scottish government Press release: Final vote on health boards bill 12.03.09
<http://www.scotland.gov.uk/News/Releases/2009/03/11143239> Scottish Government Press release: Elected health boards get go ahead 12.03.09
<http://www.scotland.gov.uk/News/Releases/2009/03/12171601>

²⁰⁹ SPICe briefing 5.03.09 Health Boards (Membership and Elections) Scotland Bill: Stage 3:
<http://www.scottish.parliament.uk/business/research/briefings-09/SB09-17.pdf>

²¹⁰ Scottish Government Press release 02.04.-09 'Creative Scotland'

statement to the Scottish Parliament in April he gave details of the progress toward establishing the body and the potential that would be realised 'to better support, sustain, develop and underpin Scotland's creativity.'

Creative Scotland is due to come into operation in the first half of next year subject to the final decision of the Scottish Parliament. As stated in a framework document,²¹¹ its role will be to provide research, intelligence and advocacy across 13 creative industries. It will inherit the functions, responsibilities and resources of the existing Scottish Arts Council and Scottish Screen. Proposals for merging of those bodies will be included in the forthcoming Public Services Reform Bill which will also contain plans to reduce the number of public bodies in Scotland.

Plans for the new arts quango have been the subject of a long-running dispute. The Creative Scotland Bill was defeated in June 2008. Ministers were criticised over their handling of the planned merger of the arts bodies and concern voiced over the costs involved.²¹² Commenting on the new framework document, Linda Fabiani, the then Culture Minister, outlined the roles and responsibilities of key organisations – the enterprise agencies and local authorities – and reiterated the importance of working together to provide complementary services that would maximise economic growth.

In his statement to the parliament, Mr Russell²¹³ (who took over the post from Linda Fabiani, following Cabinet changes made in February) announced that the new body would cost £3.3 million to set up. He emphasised that the money would not come from frontline grants to artists. 'It is, in essence, an establishment cost for a new body and we should see it in that positive light,' he stated. Mr Russell said the culture industries sector made a huge cultural and economic impact on Scotland contributing to more than £5 billion of turnover and supporting 60,000 jobs.

<http://www.scotland.gov.uk/News/Releases/2009/04/02095743>

Statement to Scottish Parliament 02.04.09

<http://www.scotland.gov.uk/News/This-Week/Speeches/Weather-and-Fairer/creative-scotland>

²¹¹ 'Creative Scotland blueprint published by Scottish Government,' 05.02.09 *The Herald*

http://www.theherald.co.uk/news/news/display.var.2487209.0.Creative_Scotland_blueprint_published_by_Scottish_Government.php Press release: 'Promoting Creative talent' 05.02.09

<http://www.scotland.gov.uk/News/Releases/2009/02/05125752>

²¹² Andy Philip 09.01. 'SNP under fire over arts merger "chaos"' *The Scotsman*

<http://news.scotsman.com/scotland/SNP-under-fire-over-arts.4859201.jp> Terry Anderson (Scottish Artists Union 21.01.09 'Rush to set up Creative Scotland could end in tears,' *The Scotsman*

<http://thescotsmanscotsmans.com/letters/Rush-to-set-up-Creative.4895652.jp>

²¹³ Statement to Scottish Parliament 02.04.09

<http://www.scotland.gov.uk/News/This-Week/Speeches/Weather-and-Fairer/creative-scotland> Scottish Government Press release 02.04.-09 'Creative Scotland'

<http://www.scotland.gov.uk/News/Releases/2009/04/02095743> Scott Macnab 03.04.09 'Setting up new culture body will cost £3.3m says Russell' *The Scotsman*

<http://thescotsmanscotsmans.com/scotland/Setting-up-new-culture-body.5138237.jp>

6.7.1 Public Service Reform

John Swinney, Cabinet Minister for Finance, underlined his desire to press ahead with public sector reform when he said the reform was 'inescapable' in a changing financial climate. Speaking at a conference in Edinburgh²¹⁴ he said the impact of a spending squeeze and the global downturn 'intensify our resolve.' He added: 'Public sector reform is inescapable and the Government will deliver that.'

The minister confirmed that the Scottish Government intends to reduce the number of public bodies by 25 per cent. This would 'deliver more proportionate and focussed public services fit for a country of five million people.' The changes will be delivered in the proposed Public Services Reform Bill.

²¹⁴ Scottish Government Press release 02.03.09 Public sector reform
<http://www.scotland.gov.uk/News/Releases/2009/03/02125701>

7. Intergovernmental Relations

Alan Trench

Key Points:

- The first part of 2009 has seen an increasing level of formal engagement between London and Edinburgh, and an increasing focus on substantive issues where the two governments are in disagreement.
- Some issues have been resolved effectively (such as the 'Somerville' issue, visas for overseas students,²¹⁵ and fatal accident inquiries) while others, mainly financial, have not.
- The period has also seen considerable activity on the part of the UK Secretary of State for Scotland, Jim Murphy, who has raised both his and the UK Government's profile.
- The UK Government has adjusted the devolution settlement further to ensure that defence policy is wholly reserved.
- UK Government 'efficiency savings' may have a greater effect on Scotland than Wales or Northern Ireland.
- Although the SNP dropped its plans for a local income tax, it did not blame the UK Government's refusal to collaborate with the collection of the new scheme (although we can still infer SNP criticism of its position on council tax benefits).

7.1 Formal intergovernmental relations and high-level ministerial meetings

A summit meeting of the British-Irish Council was held in Cardiff on 12 February. The Scottish Government was represented by the First Minister, the Deputy First Minister and Mike Russell, the newly-appointed Minister for Culture, External Affairs and Constitution. The communiqué indicates that a range of issues was discussed, including the strategic review of Council and the review of its work areas, as well as drugs, social inclusion, transport, demography, early years, and indigenous and minority languages.²¹⁶ However, the main issue was the economic crisis and its implications.

²¹⁵ Regarding visas, see Scotland Office News Release 9 March 2009, 'Scotland Office Minister secures visa concession for overseas students'. Generally, see T. Crichton 'When SNP and Labour can agree', *The Herald* 20 March 2009.

²¹⁶ Available at http://www.britishirishcouncil.org/documents/cardiff_summit2.asp

A Ministerial Meeting of the BIC's Sectoral Group on Environment was held in Jersey on 17 April 2009. Its communiqué reports that it discussed the creation of an energy workstream (originally a proposal of the Scottish Government), climate change, Sellafield and radioactive waste, and marine issues.²¹⁷ The Scottish Government was represented by the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson MSP, and his officials.

A meeting of the devolved first ministers and UK Prime Minister to discuss the economic crisis took place at 10 Downing Street on 25 February. This was outside the JMC framework, and appears to have been the first formal direct meeting between Alex Salmond and Gordon Brown since they respectively became First Minister and Prime Minister. A large part of the regarded Scottish complaints about the efficiency savings required of the Scottish Government, following the Pre Budget Review (PBR) of November 2008.²¹⁸

The first meeting of the JMC (Domestic) took place on 11 March. Again, no communiqué appears to have been issued. It appears that the key topics discussed related to the UK Welfare Reform bill (which requires extensive co-operation from the devolved administrations if it is to work, but for which the Department of Work and Pensions has been at best laggardly in entering into discussions).²¹⁹ The meeting also established a revised version of the Memorandum of Understanding, which will be published following final approval by ministers. Another meeting is planned for late May, in preparation for a further plenary JMC meeting in June 2009.

On 12 March, a quadrilateral meeting of devolved finance ministers with the Chief Secretary to the Treasury took place. Again, the main matter discussed was the issue of efficiency savings and their impact on devolved public services and devolved economies more generally – though again no communiqué was issued.²²⁰

²¹⁷ Available at <http://www.britishirishcouncil.org/documents/environment9.asp>

²¹⁸ No communiqué was issued after the meeting, but it was discussed by the Prime Minister's Spokesman at that day's afternoon press briefing: see

<http://www.number10.gov.uk/Page18440> . See also T. Peterkin 'Salmond and Brown to break silence with first meeting in 10 months' *Scotland on Sunday* 15 February 2009.

²¹⁹ For an example of the difficulties that appear to have arisen – where the DWP has failed to ensure co-operation despite the Scottish Government's own policy – see E. Barnes 'Crackdown on addicts "blocked by SNP"', *Scotland on Sunday* 25 January 2009.

²²⁰ However, see Scottish Government News Release 12 March 2009, 'Case against spending cuts' available at <http://www.scotland.gov.uk/News/Releases/2009/03/12081230>

Alex Salmond and Gordon Brown met again, less formally, at a private dinner (with other 'Scottish Parliament leaders') at Brown's constituency home in North Queensferry on 15 April. This preceded the UK Cabinet meeting in Glasgow, and was the UK's preferred alternative to Salmond's suggestion of a joint meeting of the Scottish and UK Cabinets to discuss the economic crisis.²²¹

The UK Government has recently re-established a page about devolution on the Cabinet Office website, which gives details of ministerial meetings etc.²²²

7.2 The Secretary of State for Scotland and Scotland Office

Jim Murphy, the Secretary of State for Scotland, has been involved in a range of matters, including the aftermath of the 'Somerville' case (discussed below), the collapse of the Dunfermline Building Society and its takeover by the Nationwide. He also was involved in the holding of a UK Cabinet meeting in Glasgow (on 16 April), along with related public events, and 'instigated' an economic summit on 11 March in Glasgow, held with the Scottish Government, Scottish TUC and CBI Scotland.

7.3 Human rights claims and the implications of the 'Somerville' case

The implications of the opinion of the House of Lords in the case of *Somerville v Scottish Ministers* [2007] UKHL 44 was discussed in the Scotland Devolution Monitoring Report for January 2008. This concerned a discrepancy between the time limits applying to claims for breaches of human rights under the Scotland Act 1998 compared with the Human Rights Act 1998. The practical effect was to remove a time limit for such claims being brought by prisoners and former prisoners – specifically, ones who had been subject to the 'slopping out' regime. The result was a hefty financial liability for the Scottish Government – estimated at £50 million by the Scottish Government.²²³ After extended behind-the-scenes negotiations between the two governments, a solution was reached to enable the 'loophole' to be closed, by means of an order amending the Scotland Act 1998 and an Act of the Scottish Parliament to introduce a time limit for claims.²²⁴ These are to be followed by a

²²¹ See H. MacDonell 'Brown and Salmond to have dinner as Cabinet row flares', *The Scotsman* 15 April 2009.

²²² At <http://www.cabinetoffice.gov.uk/devolution.aspx>

²²³ See Scottish Government News Release 'Compensation for prisoners' 11 March 2009; L. Adams 'Slopping-out compensation bill continues to escalate', *The Herald* 12 March 2009.

²²⁴ See Scotland Office News Release SO1494 19 March 2009 'Scotland Office moves to close Somerville loophole' available at <http://www.scotlandoffice.gov.uk/scotlandoffice/11542.html>, and the Joint Statement from the First Minister and Secretary of State at

Westminster statute applying also to similar claims under the devolution settlements for Wales and Northern Ireland as well as Scotland.²²⁵

7.4 Disputes and litigation

There have been no judgments or opinions in devolution-related cases in the Judicial Committee of the Privy Council or the Appellate Committee of the House of Lords since January 2009.

7.5 Adjusting the devolution settlement

Five orders have been made revising the devolution settlement since January 2009. Two of these (The Insolvency (Scotland) Amendment Rules 2009, SI 2009 No. 662 and The Building Society Special Administration (Scotland) Rules 2009, SI 2009 No. 806) concern insolvency issues and so only tangentially affect the framework of devolved powers.²²⁶ The Title Conditions (Scotland) Act 2003 (Development Management Scheme) Order 2009, SI 2009 No. 729, deals with aspects of development management schemes made under the Title Conditions (Scotland) Act 2003. The European Parliamentary Elections (Local Returning Officers' Charges) (Scotland) Order 2009, SI 2009 No. 1120, sets out the charges recoverable by local returning officers for the administration of the forthcoming European Parliament elections. The most noteworthy order is the Building (Scotland) Act 2003 (Exemptions for Defence and National Security) Order 2009, SI 2009 No. 822, which exempts buildings used for purposes of defence and national security from the system of ensuring compliance with building standards set out in the Building Standards (Scotland) Act 2003 (see also 4.13).

7.6 The UK Budget and 'efficiency savings'

The question of 'efficiency savings' required or assumed by HM Treasury has been a controversial one. Much of the debate has related to the wave of such savings that were set out in the November 2008 PBR (discussed in section 6.7 of the January 2009 *Scotland Devolution Monitoring Report*). As anticipated there, the savings for 2010-11 required of the Scottish Government appear to amount to £500 million

<http://www.scotlandoffice.gov.uk/scotlandoffice/11541.html> . See also 'Deal struck to close stopping-out claims loophole', *The Herald* 19 March 2009.

²²⁵ As neither Wales nor Northern Ireland currently have responsibility for prisons or criminal justice, this implies a more general approach to eliminating the gap between the rules relating to human rights under the devolution statutes and the Human Rights Act 1998.

²²⁶ The law relating to 'business associations', including companies, is a reserved matter under the Scotland Act 1998, but the law of insolvency is an area in which Scots law differs from that of other parts of the UK.

(according to the Scottish Government; the UK Government considers them to be £367 million, taking into account, among other things, Barnett consequentials leading to increased payments to the Scottish Government).²²⁷

This controversy will only increase following the 2009 UK Budget, which increased the assumed amount of efficiency savings from the £5 billion set out in the PBR to £9 billion. Indeed, consideration of the figures set out in the Budget 'Red Book' shows that the Scottish Government's total Departmental Expenditure Limit spending is to increase by only 1.8 per cent in 2008-09, 4.3 per in 2009-10 and 0.7 per cent in 2010-11 – not only dramatically slower growth than in the last few years, but also significantly slower rates of growth than in Wales or Northern Ireland.²²⁸ (The Welsh Assembly Government's DEL is to increase by 5.8 per in 2008-09, 4.8 per cent in 2009-2010 and 2.6 per cent in 2010-11; that of the Northern Ireland Executive, by 5.8, 3.3. and 3.2 per cent.) Whether this is a manifestation of the 'Barnett Squeeze', or some other factor at work, remains unclear. Nonetheless, the UK Government has been keen to emphasise that Scotland is 'sharing the pain' public spending across the UK is experiencing, and that in other respects – including spending on reserved functions in Scotland – Scotland as a whole is doing fairly if not well out of the Budget.²²⁹

7.7 Intergovernmental financial issues: the local income tax and the replacement Forth Road Bridge

The SNP finally abandoned its proposals for a local income tax on 11 February. In abandoning it, the Finance and Sustainable Growth Secretary blamed the economic downturn, Westminster cuts and Holyrood arithmetic (see 5.1 and 4.3).²³⁰ It is notable that he did not blame the UK Government's refusal to collaborate with the collection of the new scheme, set out in a letter from the chairman of HM Revenue and Customs some two weeks earlier.²³¹ Revenue & Customs said that they had no

²²⁷ See T. Crichton 'Battle over what Budget means for Scotland', *The Herald* 23 April 2009.

²²⁸ See HM Treasury Budget 2009: *Building Britain's future. Economic and Fiscal Strategy Report and Financial Statement and Budget Report* HC 407 (London: The Stationery Office, 2009), Table C.11.

²²⁹ See Scotland Office News Release 22 April 2009 'Secretary of State welcomes a Budget for Scotland' available at <http://www.scotlandoffice.gov.uk/scotlandoffice/11842.html>; 'Budget 2009: Darling warns Scotland must share Budget pain', *The Herald* 23 April 2009.

²³⁰ See S. Paterson and R. Dinwoodie 'SNP ditches pledge to scrap council tax', *The Herald* 12 February 2009.

²³¹ See "'No legal basis" for local income tax' *The Herald* 24 January 2009. The leaking of this letter was itself the subject of some controversy, with an allegation that it was leaked by

power to collect such a tax, only the Scottish variable rate of income tax. This would have meant that administrative arrangements for collection would have to be created within Scotland, hugely increasing the costs of doing so.

Attempts to find a solution to the problems of financing the replacement road crossing across the Firth of Forth have continued, without any conclusion so far. In January the UK Government rejected a Scottish Government request to fund money from future budgets to do so (in effect, to use the present freedom to move money from one spending budget to another within a year, to do something similar between years), saying that the private finance initiative or an accumulated underspend from previous years could be used, but that borrowing from funds that had yet to be allocated was not acceptable.²³² A meeting between the Scottish Finance Secretary and UK Chief Secretary to the Treasury was arranged, taking place on 4 March, but despite a proposed solution (involving the Scottish Government being permitted to use accumulated underspends through a new approach to end year flexibility, the consequential from UK Government spending on the Crossrail scheme, and the proceeds of asset disposal), no resolution has been reached (see also 4.3).²³³

the Treasury itself: see M. Settle 'Fury as leaked letter says SNP council tax plan "illegal"', *The Herald* 26 January 2009.

²³² See BBC News 'Forth bridge payment plan blocked' 4 January 2009, at <http://news.bbc.co.uk/1/hi/scotland/7810315.stm>

²³³ See A. Dalton 'Swinney dismisses £1bn to help build new Forth bridge', *The Scotsman* 5 March 2009; H. MacDonell 'Swinney rejects Treasury proposals to pay for bridge', *The Scotsman* 6 April 2009.