

Quarterly Report

April 2005

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1. The Executive

Barry Winetrobe

1.1 Ministerial issues

There was much criticism of the quality of ministerial talent (or of devolved politicians generally), from Lord Sewel and others.¹ The European External Relations Committee has added to the pressure for the various ministerial external relations responsibilities to be merged into a single portfolio, something the

footing. ... The civil service in Scotland is directly accountable to Scottish ministers for its actions, the direction in which it works, and delivering the priorities which are set for it. As the consultation paper makes clear, the draft bill would maintain this position and in particular the flexibility and responsiveness with which the civil service is managed in Scotland. It would not interfere with our responsibilities for pay, grading and management, nor would it inhibit the different ways of working which we have been developing to meet the needs of devolved government. The draft legislative proposals include provision for Scottish ministers to be consulted on the appointment of the First Civil Service Commissioner and involved in the appointment of a Commissioner to take a particular interest in Scotland; for the Civil Service Commission's annual report to be presented to the First Minister and laid before the Scottish Parliament, and for an annual report to be made to the Scottish Parliament on special advisers.

Minister for Parliamentary Business said that “the Executive will shortly issue a consultation paper on the criteria for bringing other bodies within the scope of the Freedom of Information (Scotland) Act 2002 ... It is in the Executive’s interest to ensure that proper information about all public bodies in Scotland is available to people, according to freedom of information legislation.”²⁵ On a related matter, the Executive’s website was relaunched at the end of November, with a new design. According to a press release of 25 February, it seems to be a heavily-used site.²⁶

1.5 Civic Participation

The Executive’s policy towards civic participation was set out in a WA to Robin Harper on 31 January, though it has announced cuts in its funding of the Scottish Civic Forum (which sees itself as the main ‘gateway’ for such participation). The reason for this move, according to the minister, is that “speaking to organisations and interest groups is an important part of the process. But I also want to see us getting beyond those and talking to Scots who aren’t members of a particular organisation.”²⁷ The Forum has been trying to persuade the Parliament to fund it, and this campaign included a Member’s Business Debate on 24 February.²⁸

Ministers have issued 904 consultations since July 1999, and have explained how these feed into the Executive’s policy processes:²⁹

The Executive is committed to consultation as an important way of involving people and organisations in the policy making process. Consultation on specific policy issues ensures that a wide range of views and experiences are taken into account in formulating policies, and provides an opportunity for all those with an interest in an issue to make a contribution. For all exercises, the responses received (or views put forward in consultation events) are analysed and considered along with other relevant evidence and information in reaching a final policy decision.

2. The Scottish Parliament

Mark Shephard

2.1 Parliamentary Pressure on the Executive and Westminster

The Executive suffered its first defeat since the fishing tie-up vote (see May 2001 Report). In the ferry tendering vote (December 2004), the Executive lost its motion to open Clyde and Hebrides ferry routes to competitive tendering by one vote. Despite the promise of additional investment by the Executive, the motion was defeated by 54 votes to 53, with 14 Labour MSPs and Margo Macdonald (Independent) abstaining.³⁰ Transport Minister, Nichol Stephen argued that the motion was in response to European legislation requiring tendering of ferries. However, several MSPs disputed the Executive's interpretation of the law and handling of the situation, citing clarifications from the Commission and past legal precedents as evidence that the Executive still had a degree of legal latitude in providing state aid to a monopoly service provider. Only one of the 14 abstainers represented a constituency that was directly affected by the move.

In February 2005, the Parliament also succeeded in forcing an Executive climb-down over Executive proposals to designate areas of Crown land as off limits to the public.³¹ The Executive was responding to UK government concerns over trespassing on Royal lands, but for most in the Parliament the Executive was perceived as going back on its commitments to the 'right to roam' principle enshrined in the recent Land Reform (Scotland) Act. Since the Executive faced enough opposition to this measure from its own backbenches, it was forced to withdraw its proposals for a Sewel motion assigning the Executive designation powers. Ironically, now that the Executive has withdrawn its right to designation powers, that right now falls to the UK Home Secretary.

The Labour Party suffered further embarrassment in December 2004 following the success of opposition motions on infantry regiment reorganisation and ID cards. The Parliament voted 61 to 59 (with 7 abstentions)³² in favour of a Conservative motion opposing Westminster plans for mergers of Scottish infantry regiments. A Liberal Democrat motion generally supporting the Conservative position was also approved by 60 votes to 55 with 12 abstentions. Further Liberal Democrat and Labour tensions were expressed in a February 2005 debate on ID cards prompted by the Greens. A Green motion opposing Westminster plans to introduce ID cards was passed (52 to 47 votes)³³ as 15 Liberal Democrats abstained.

2.2 People Power

In December 2004, a debate was held on child abuse in Scotland's children's homes. The debate was secured by the Petitions Committee and was the first debate on an issue raised by a petitioner to the Parliament. The petition (lodged in 2002) called for an inquiry and an apology. While a formal inquiry has so far not been forthcoming, the petitioner and all those suffering similar abuse did receive an official apology from the First Minister in the debate. This quarter also witnessed the largest petition ever lodged before the Scottish Parliament. In February 2005, representatives from the Fisherman's Association and the Cod Crusaders delivered a petition with 160,000 signatures that called on MSPs to pressure the UK government for a withdrawal from the Common Fisheries Policy. The petition prompted heated exchanges between the petitioners and members of the Petitions

Preliminary Stage Report on the Edinburgh Tram (Line One) Bill, 16 February 2005, Edinburgh Tram (Line One) Bill Committee

Inquiry into the Effectiveness of Rehabilitation in Prisons, 21 February 2005, Justice 1 Committee

Stage 1 Report on the Transport (Scotland) Bill, 22 February 2005, Local Government and Transport Committee

Stage 1 Report on the Prohibition of Female Genital Mutilation (Scotland) Bill, 23 February 2005, Equal Opportunities Committee

An Inquiry into the Promotion of Scotland Worldwide: the Strategy, Policy and Activities of the Scottish Executive, 24 February 2005, European and External Relations Committee

Stage 1 Report on the Charities and Trustee Investment (Scotland) Bill, 2 March 2005, Communities Committee

Report on Arts in the Community, 3 March 2005, Enterprise and Culture Committee

Procedures in Relation to the Commissioner for Public Appointments, 4 March 2005, Procedures Committee

Restructuring Scotland's Tourism Industry:

Abolition of NHS Prescription Charges (Scotland) Bill (Introduced: 19 January 2005)
Council Tax Abolition and Service Tax Introduction (Scotland) Bill (Introduced: 11 November 2004)
Prohibition of Smoking in Regulated Areas (Scotland) Bill (Stage 1)
Prostitution Tolerance Zones (Scotland) Bill (Stage 1)

Private Bills in Progress:

Baird Trust Reorganisation Bill (Introduced: 27 October 2004)
Edinburgh Tram (Line One) Bill (Preliminary Stage)
Edinburgh Tram (Line Two) Bill (Preliminary Stage)
Waverley Railway (Scotland) Bill (Preliminary Stage)

Executive Bills Passed:

Tenements (Scotland) Bill: Passed on 16 September 2004, Royal Assent on 22 October 2004
School Education (Ministerial Powers and Independent Schools) (Scotland) Bill: Passed on 6 October 2004, Royal Assent on 12 November 2004
Emergency Workers (Scotland) Bill: Passed on 22 December 2004, Royal Assent on 1 February 2005

Members' Bills Passed:

Breastfeeding etc. (Scotland) Bill: Passed on 18 November 2004, Royal Assent on 18 January 2005

Proposals for Members' Bills (01 November 2004 – 11 March 2005)

Following parliamentary debate of Procedure Committee proposals on 11th November 2004, Standing Orders for Members' Bills were amended on 12 November 2004. As part of transitional arrangements to new procedures, all Members' Bill proposals that had not been introduced in Session 2 automatically fell on 12 November 2004. Consequently, 35 Members' Bill proposals were dropped and four (which had been introduced) remained for consideration. Of these four proposals, Breastfeeding has passed, while Prostitution Tolerance Zones, Prohibition of Smoking in Regulated Areas, and Abolition of Council Tax and Service Tax Introduction are still being considered. Tommy Sheridan's Abolition of Council Tax became the last Members' Bill to be introduced under the old system.

Since 12 November 2004, there have been 12 proposals (two new) for consideration by the Parliament. In order of the date lodged, the two new proposals are:

St. Andrews Day Bank Holiday Bill (Dennis Canavan, Ind.)

Proposed Right to Die for the Terminally Ill Bill (Jeremy Purvis, Liberal Democrat)

In order of the date lodged, the ten old proposals that have been re-lodged are:

Proposed Abolition of NHS Prescription Charges (Scotland) Bill (Colin Fox, SSP)

Christmas and New Year's Day Trading in Scotland Bill (Karen Whitefield, Lab)

Proposed Commissioner for Older People (Scotland) Bill (Alex Neil, SNP)

Proposed Liability for Release of Genetically Modified Organisms (Scotland) Bill (Mark Ruskell, Green)

Proposed Plastic Bag Environmental Levy Bill (Mike Pringle, Liberal Democrat)

Proposed Green Transport Bill (Chris Ballance, Green)

Proposed Local Government Elections (Scotland) Bill (David Mundell, Conservative)

Proposed Civil Appeals (Scotland) Bill (Adam Ingram, SNP)

Proposed Direct Elections to National Health Service Boards (Scotland) Bill (Bill Butler, Labour)

Proposed National Register of Tartans Bill (Jamie McGrigor, Conservative)

As of 11th March 2005, only Colin Fox's Proposed Abolition of NHS Prescription Charges (Scotland) Bill has been introduced (see above).

Under the new rules, before supporting signatures are collected, now an MSP must

3. The Media

Philip Schlesinger

3.1 Still asking: ‘Whither SMG?’

The future of Scottish Media Group has been a constant theme in these reports, and questions about its future are still being posed. Richard Huntingford, chief executive of Chrysalis forecast a break-up in November 2004⁵⁸ suggesting that SMG’s radio and television assets would be⁵⁸subject to separate bids. He⁵⁸suggested that ITV would lead the charge, followed by predators interested in the radio holdings.³⁸ The take-over plays came in February 2005. SMG rejected an offer from the private equity group 3i – headed up by Labour peer Lord Alli, co-founder of TV production house Planet 24 – to buy its Virgin Radio holdings.³⁹ This bid was followed by expressions of interest from Virgin Group boss, Richard Branson, keen to bring the station back into his empire, which retains rights over the brand.⁴⁰ However, if everyone was waiting for SMG key shareholder, ITV, to make its play, they were disappointed. The company let it be⁵known that it had no strategic designs on SMG at the present.⁴¹ Another big shareholder, Fidelity, also refused to countenance dismemberment.⁴² Despite the present cooling of the situation, many observers still think that SMG is bound to reconfigure in the medium term, not least because of strategic questions facing its television business.

SMG also came under pressure from the communications regulator, Ofcom, which reduced the minimum obligations on regional programming but refused to countenance any ⁸subsidy to the company to ensure that job cuts could be⁵avoided. Ofcom’s research did show that demand for regional output, news in particular, was stronger in Scotland than in England.⁴³ The Secretary of State of Culture, Media and Sport, Tessa Jowell, threw no impediments in the way of Ofcom’s recommendations.⁴⁴ In its Phase 3 report on public service television broadcasting, Ofcom proposed keeping non-news programming in Scotland and the other nations at a higher level than England until the first region implemented digital switch-over.⁴⁵

SMG’s response was to float two initiatives. First, it sought to position itself as the pan-Scottish commercial channel, arguing that its franchise should be⁵expanded to include that of Border TV. This would require legislative change⁵at Westminster and there are indications that the idea has been actively considered inside Ofcom. The aim would be⁵to tidy up the present demarcation lines between ITV and the Scottish franchises at the border.⁴⁶ Second, SMG revived the auld sang of having a pan-Scottish news programme, which had caused the BBC such grief when this took the form of proposing a ‘Scottish Six’ – an issue much aired in these reports. SMG proposed to Ofcom that ITV produce a special bulletin⁵at 10.30 pm, replacing the networked ITV News. Quickly dubbed the ‘Tartan Ten-Thirty’, this has produced no denunciations of breaking up the Union, so far⁵at least. The company also proposed more regional news within Scotland to address viewers’ demands. Scottish TV’s managing director, Bobby Hain, made it clear that if⁵extra funding was not available, regional programming, news included, would disappear from the schedules. STV’s staff were concerned that the shake-up in regional output would result in job losses.⁴⁷

3.2 Last of the Governors?

In late December 2005, the new national BBC Governor was revealed as Jeremy Peat, chief economist at the Royal Bank of Scotland until March 2005. He succeeded Sir Robert Smith, chairman of the Weir group. Mr Peat is not known to have expertise in broadcasting but fits the quest for a range of expertise on the Board sought by BBC chairman Michael Grade. Peat will chair the Governors' audit committee.⁴⁸

But will he be the last of the Mohicans? The signs are that he will. That is because in the wake of the Hutton inquiry of 2003, the BBC's Governors have increasingly hung on a shoggy peg. They were seen as weak in their exercise of governance during the Andrew Gillian affair and although Michael Grade has increased their distance from BBC management, their restructuring now looks inevitable. A panel led by Lord Burns, and reporting to Culture Secretary Jowell in January 2005, recommended replacing the Governors with a Public Service Broadcasting Commission, rapidly dubbed Ofbeeb.⁴⁹ Ofcom is also thought to have ambitions to extend its regulatory remit over all of the BBC's activities.⁵⁰ Lord Birt, ex-BBC director-general and advisor to the Prime Minister, backed his friend Lord Burns' recommendation that the BBC licence fee be parcelled out to other broadcasters.⁵¹ Mrs Jowell did not buy the Burns proposals in their entirety. The government's Green Paper on Charter Review, published on March 2005, advocated replacing the

The row began early in January 2005, when Ms Wark was criticised for inviting Mr McConnell and his family to her Majorca holiday home over New Year.⁵⁵ The response to initial allegations that this compromised Ms Wark's integrity as an impartial broadcaster were fiercely rebutted by her and Mr McConnell let it be known that his holidays were his own concern. Very quickly, concerns were aired about whether or not the close friendship has jeopardised the credibility of *The Gathering Place*, which was still being edited for screening in March 2005, a point emphasised by Labour's political opponents.⁵⁶ This has been a running sore in body politic as we have reported in the past. The story – now 'Villagate' - did not remain a mere Scottish stushie but quickly achieved national coverage both in the press and broadcasting.⁵⁷ Questions were also raised about whether Ms Wark should front election coverage and the BBC's senior management was plainly alarmed, as was the Board of Governors.

While questions were being raised about Ms Wark's good judgment, it next transpired that Mr McConnell's family had previously been guests of Ms Wark and her husband and fellow TV company director, Alan Clements. This turned into a row about whether Mr McConnell had received a gift in kind declarable under the ministerial or parliamentary codes.⁵⁸ The press and opposition politicians turned the case into a debate about cronyism in high places and invoked the earlier Wark connection with Mr Dewar. In the manner much beloved of the Scottish press in high moral flight, the spider's web of Ms Wark's many power connections was lovingly elaborated.⁵⁹ Mr McConnell next came out fighting, saying that his friendship was a private matter.⁶⁰

The initial refusal by Ms Wark and Mr McConnell to recognise widespread perceptions that something was amiss kept the media storm flying, as well as the questions coming from the Conservatives and the SNP.

It next transpired that Mr Wark and Mr Clements had themselves been guests at the First Minister's official residence on two occasions, which revelation urged sections of the press into greater investigative and denunciatory zeal.⁶¹ Lord Fraser of Carmyllie, who had headed the Holyrood inquiry and had long – and very publicly - sought the unedited taped interviews with Donald Dewar and architect Enric Miralles recorded for *The Gathering Place*, said he should have told about the relationship.⁶² He is a Conservative peer. The UK Conservative leadership also took up the matter with the BBC's Board of Governors, citing 'unacceptable' links between Ms Wark and Mr McConnell. The story had centred on a conflict of interests and the connection was indelibly made between a media-political friendship and the credibility of the BBC Scotland documentary.

Although the intensity of attention diminished for a while, the issue was not off the agenda for three entire months, with allegations of critics being cut from the programme being made well before it finally came to be aired. BBC Scotland's leadership was forced onto the back foot and had to give assurances that the programme would be balanced.

By start of March 2005, Kirsty Wark had been dropped from fronting BBC Scotland's general election coverage, corporation insiders making it clear that they

were worried about political perceptions of her impartiality.⁶³ *The Gathering Place*, began its run of four episodes on 10 March on BBC2 Scotland.

For the most part, critical comment was hostile. The background was set by denunciations of the programme's near to £1m budget, financed by the BBC, the Scottish Arts Council and Scottish Screen.⁶⁴ There were strong reactions in the Scottish Parliament to the programme's contention that MSPs were mainly responsible for the Holyrood fiasco.⁶⁵ There was widespread astonishment that the footage included no interview with Donald Dewar. This omission led to a scathing attack by Lord Fraser.⁶⁶ His damning verdict was echoed by John Campbell QC, counsel to the Holyrood inquiry who said he had learned nothing new, despite the claims that the programme would contain new revelations.⁶⁷ It is doubtful that we have heard the last of this matter.

4. Public Opinion

James Mitchell

4.1 Opinion Polls

With an election imminent, a few Scottish opinion polls have appeared. However, the very different findings leave us little better informed as to the state of public opinion. The only clear message from the polls, though one that comes as no surprise, is that Labour still commands a massive lead over all the other parties in Scotland, though anywhere between 33 and 52 per cent. The polls vary considerably as to the support for and position of each of the other parties ranging from putting the SNP in second to fourth place on between 15-23 per cent, the Tories on between 14-19 per cent and the Liberal Democrats between 12 and 23 per cent. While the times when the polls were conducted might explain some variation, these differences are such that there is little reason to have much confidence in the polls. Even if one is accurate, clearly others cannot be. As ever when considering polls, a note of caution is essential. Inevitably, the parties have focused on those polls which work to their advantage. This has generally meant that Labour has been reasonably content with polls showing that the gap between it and any of its rivals has narrowed as Labour fears complacency at least as much as its rivals while the other parties have all been keen to point to polls placing them at the head of the challengers to Labour. Table 4.1 sets out the findings of the more reputable polls.

Labour SNP Cons LibDem SSP Green Others

Grampian television.							
TNS System Three poll of voting intentions for Westminster 992 adults canvassed across 44 constituencies 31/3-7/4. Commissioned for SNP	45	23	14	14	2		

One poll asked voters for views on the constitution. The question asked was significant and unlike questions traditionally asked which are biased in favour of the status quo, this poll appears to have a pro-independence bias, hence the higher support recorded for this constitutional option.

‘Do you support or oppose Scotland becoming a country independent from the rest of the UK?’

	All %	Male %	Female %	18-34 %	35-54 %	55+ %	AB %	C1 %	C2 %	DE %
Support	46	45	46	56	50	32	31	43	50	55
Oppose	39	41	37	25	36	54	55	40	36	28
DK	15	14	17	20	14	14	13	17	13	17

TNS System Three poll of voting intentions on Scotland’s constitutional status. 992 adults across 44 constituencies from 31/3-7/4. TNS System Three used to produce monthly polls for the Herald newspaper.

Amongst the most controversial polls was that commissioned for Grampian television which purported to show that th

Independent	232	22.8	+22.8
Independent	99	9.7	-0.1
Liberal Democrat	62	6.1	+6.1
MAJORITY	141		
Turnout	40%		

PARTY	VOTE	%	+ or -
Labour	607	50.1	-11.1
SNP	287	23.7	+3.1
Independent	141	11.6	+11.6
SSP	130	10.7	-7.5
Conservative	30	2.5	+2.5
Green	16	1.3	+1.3
MAJORITY	320		
Turnout	41.7%		

This was previously held by Labour and is in solidly Labour territory. Both at Westminster and the Scottish Parliament, the ward is within a labour seat.

Midlothian Council: Dalkeith/Woodburn Ward: 17 March 2005-05-09

PARTY	VOTE	%	+ or -
Liberal Democrat	742	52.6	+30.4
Labour	418	29.6	-18.6
SNP	179	12.7	-4.9
SSP	48	3.4	-5.3
Conservative	24	1.7	-1.6
MAJORITY	324		
Turnout	42%		

This was previously a Labour ward in Labour constituency.

5. Scotland/UK Relations

Alex Wright

5.1 The Scotland Office and the Queen's Speech

The Scotland Office issued a press release relating to the Queen's Speech on November 23rd 2004 stating that:

The majority of bills in the legislative programme include provisions which would apply in Scotland, and show a Government committed to delivering opportunity and security for all. Flagship bills such as the child benefit bill, the commission for equality and human rights bill will make a real difference to the lives of many Scots.

Under 'notes for news editors' the release listed Bills:

Applies to Scotland: Predominantly or Wholly Reserved Matters:

Child Benefit
Commissioner for Revenue and Customs
Consumer Credit
Disability Discrimination
European Union
Gambling
Identity Cards
International Organisations
Judicial Pensions
National Lottery
Railways
Road Safety

May apply Wholly or in Part to Scotland: Mixture of Devolved and Reserved Matters

Animal Welfare
Constitutional Reform
Drugs
Education
Inquiries
Management of Offenders
Serious Organised Crime
Equality

Bills not applying to Scotland. These Bills only apply to Scotland in marginal or consequential areas, if at all.

Charities
Clean Neighbourhoods and Environment
Criminal Defence Service
Crossrail
Mental Capacity
Public Services Ombudsman (Wales)
School Transport
Transport Wales⁶⁸

By dividing the legislative programme into three sections, the Scotland Office helped underline the extent to which UK legislation will be of relevance to matters

5.3 The Procedures Committee and the Sewel Convention

The Procedures Committee agreed to conduct an inquiry into the Sewel Convention at its meeting on December 21st. By this time 54 pieces of legislation had been subject to a Sewel motion⁷² and there was a growing awareness that such extensive use of this mechanism had not been foreseen by its author Lord Sewel, who himself was to be invited to appear before the committee. Other potential witnesses included Henry McLeish, the former First Minister and Anne McGuire of the Scotland Office. But before it questioned its witnesses the committee needed to determine its remit with regard to the inquiry. A draft of its remit stated:

The general view of Committee members at the last meeting was that the inquiry should have a broader, rather than a narrower scope, looking at the whole process of how consent for relevant UK legislation at Westminster is sought and obtained, and not merely at the procedural mechanics of handling Sewel motions. On this basis, it is suggested that the title of inquiry refers to the wider Sewel convention, rather than just to Sewel motions.

However, members noted that its ability to inquire more widely on this subject could be constrained by the Procedures Committee's remit – “to consider and report on the practice and procedures of the Parliament in relation to its business”.

That remit indeed puts two important limits on the scope of an inquiry on this topic.

For one thing, it means this inquiry (like any other Procedures Committee inquiry) should remain directed at making recommendations to the Parliament about how best to manage the Parliament's own business. Since, in this instance, the business is directly connected to what goes on elsewhere, it will be necessary (particularly if the inquiry is to have the broader remit sought) to look beyond the confines of the Parliament itself, including considering the relevant practices of the Executive and the UK Government and the procedures operated at Westminster. This is a legitimate part of a Procedures Committee inquiry provided it is done in order to inform recommendations about how the Parliament's own procedures should operate.

The other main limit is that this must be an inquiry into the process rather than the substance. It should not be an inquiry into the general reasons given in support of Sewel motions, still less about the merits for their use in any particular instance. As a result, it would not be appropriate for the Committee to take a view on the frequency of use of the Sewel convention for example.

Instead, it is suggested that a starting point for a broader inquiry is to understand how the perceived need for something like the Sewel convention as it now exists arose from the terms of the Scotland Act (or Bill, as it was at the time the convention was first articulated). The Act asserts Westminster's continuing right to legislate on all the matters also devolved to the Scottish

The above is of particular interest for a number of reasons. Firstly, it is notable because the Scottish Parliament will examine the practices and procedures of the UK Government and Westminster. Second, it will also address the issue of dispute resolution as to whether Westminster or Holyrood should legislate in a particular instance. Such disputes would be more likely to arise if there were different parties in government in Edinburgh and in London. Last but by no means least, by considering whether the Sewel convention is the most appropriate mechanism, or if not that it should be altered, the Committee is asserting Holyrood's entitlement to call for the reform of inter-parliamentary conventions such as this.

The document was also of interest because it highlighted the ad hoc characteristics of the arrangement. The draft stated:

The process is not, at present, governed by any specific, formal procedure. Sewel motions are simply treated as any other type of motion, and there are no specific rules about when they should be lodged or whether they can be debated in the Chamber before being decided. There are also no rules governing whether or at what stage a request for Sewel consent is referred to a committee or what the committee is expected to do if it is so referred.

It then called into questions the procedures relating to Executive memorandums:

The Executive's practice is to prepare a memorandum to accompany each motion, explaining the relevant provisions of the UK Bill and the case for giving Sewel consent – but these memorandums are not governed by any Parliamentary rules. They tend to be published only electronically (and only for a limited period) on the Executive's website, and because they are neither produced as a category of Parliament

may wish to consider whether it is appropriate for these items of business to be referred to committees by such an informal process, or whether it would be preferable to have these decisions made by the Bureau, subject to the

Sewel motions are appropriate. However, I would say that a lot of Sewel motions concern administrative issues relating to base legislation that is reserved, such as consequential changes to courts procedures in relation to drugs laws. Many of those matters are not major policy issues; they are mainly administrative. A brief analysis of the types of Sewel motion that there have been would show whether that is the case.

McGrigor then referred to the Sewel motion on Civil Partnerships which had earlier been a source of controversy (See previous Monitor Report). To which the Smith replied:

That is right. There have been one or two Sewel motions on major policy issues. I do not want to get into discussions on particular Sewel motions, but the legislation on civil partnerships involved an amalgamation of devolved and reserved issues. That meant that it would not have been possible for the Scottish Parliament to have passed the same legislation that was to be passed at Westminster; it could only have passed only part of that legislation. Although we must examine how the Scottish Parliament deals with such issues, I do not think that it is for the committee to decide whether the Parliament should have used Sewel motions in particular cases.⁷⁹

5.4 ID cards concession

Jack McConnell reportedly managed to persuade UK ministers that Scotland was a special case as far as the introduction of identity cards was concerned. The introduction of the cards was announced in the Queen's Speech in November and they fell under powers reserved to Westminster (See section 5.1 above). However the Lib Dems (in particular Jim Wallace, the Deputy Firsts Minister) wanted the scheme to be implemented differently in Scotland. This was because transport and the NHS fell within Holyrood's competence. Consequently, pensioners will have to produce their ID card when they draw their pension but citizens in Scotland will not have to produce them when using NHS services or transport facilities provided by local authorities.⁸⁰

5.5 Defence

Although defence is reserved to Westminster that did not deter MSPs from holding a debate over Mr Hoon's support for the amalgamation of six Scottish regiments. The issue of the amalgamation has become increasingly politicised in part because Scottish units such as the Black Watch have been at the forefront of military operations in Iraq. MSPs voted by 61 to 59, with seven abstentions, in favour of the retention of the regiments. Although the vote was of little material consequence, it serves to affirm that Holyrood can debate and vote any issue, including matters that have been reserved to Westminster.

5.6 Boundary Commission

The Boundary Commission submitted its fifth periodical report on the parliamentary constituencies. As had been suggested in previous Monitor Reports, it called for the number of Scottish constituencies at Westminster to be cut from 72 to 59. Alistair Darling, the Scottish Secretary of State told MPs at Scottish Questions on November 30th:

I have today received the Boundary Commission's report. Once I have considered the Commission's recommendations, which I expect to do shortly,

I will lay the report before Parliament together with a draft Order in Council giving effect, with or without modifications, to the recommendations.⁸¹ Mr Darling expected the recommendations to take effect in February 2005, in good time for the next UK election.⁸² The Parliamentary Constituencies (Scotland) Order was laid before the Westminster Parliament on December 14th 2004. In so doing, The Parliamentary Constituencies (Scotland) Order 1995(2) was revoked.

5.7 Commission on Boundary Differences and Voting Systems

The changes to Scottish constituencies at Westminster (See above) will mean that the Westminster constituencies will no longer be coterminous with those of constituency MSPs at Holyrood. During the last year or so, that led to concerns (See previous Monitor Reports). In addition the introduction of an STV electoral system for local government in Scotland would mean that the electorate now has to deal

senior figures refused to appear before the European and External Relations Committee (See previous Monitor Report). As far as the latter is concerned, the only exception has been the ministers for Europe, but even in such instances as these, technically they were 'appearing' before the committee, as opposed to providing 'oral testimony'.

little of the media's attention and the reference to the ECJ was no longer a bone of contention. Thus to some extent it can be supposed that London is no longer as concerned with the Executive's evolving fore

Executive treading very warily so as not to upset Whitehall or Westminster?’
McLeish replied:

Post devolution, there has always been a concern. Devolution was a new initiative , a new development and a new set of ideas, so there was a psychology that said we should move slowly, which was perhaps fair at the time.⁸⁷

Mr Raffan subsequently, touched on McLeish’s assertion in his written submission that Scotland should ‘no longer have a part-time approach to Scotland’s place in the world’. This related to ministerial responsibilities at the Executive. During the last

distinguished background in global affairs that goes back centuries, but it is still highly centralised.⁹⁰

He later suggested that Scotland should lead not just delegations at the Council of the EU where appropriate but that it should also take the lead on policy (e.g. fishing).

When Robin Cook, the former foreign secretary appeared before the committee, he denied that the Foreign Office regarded the Executive's involvement in foreign affairs as 'forbidden territory. He also objected to the creation of a single department of European affairs under a single Scottish cabinet minister. He told MSPs on the committee that:

The reality is that you can't separate a domestic policy from its international dimension, and I don't think it's helpful culturally, psychologically, to suggest that one department that it could subcontract its external relations work to somebody else. What's important is that every department mainstreams its European and external dimensions and recognises that it's operating in an interdependent world.⁹¹

6.3 Iraq Debate

MSPs conducted a lively debate on the demand by the Scottish Socialist Party that the UK's troops should be withdrawn from Iraq immediately. This was rejected.⁹² As with the debate on defence (See Section 5.5 on Scotland- UK relations), debates such as these are of little material consequence due to defence being reserved to Westminster.

6.4 Fresh Talent Initiative

The First Minister's Fresh Talent initiative has faced a number of hurdles recently. The Initiative was a response to Scotland's declining population. The intention was therefore to encourage more people from other countries to migrate and settle in Scotland. This particularly applied to skilled workers including those possessing or studying for a degree. As far as the latter were concerned it had been hoped that students from overseas who were studying in Scotland would receive a visa extension at the end of their studies so that they might remain in Scotland a bit longer or perhaps even permanently, if they so wished. However this proposal has not been without its problems because the border between England and Scotland is porous and thus there is nothing, it would seem, to prevent an individual securing a visa extension on the basis that they would remain in Scotland but then heading down south (See previous Monitor Reports). McConnell's proposals have been watered down by the Home Office and that Labour at Westminster was sensitive to fears that in England that the number of immigrants was too high. In the event, Labour proposed to introduce a pan-UK immigration policy, which would be based on a points system. But Des Browne, the immigration minister, confirmed that the system would be 'weighted in favour of parts of Scotland' (e.g. it is weighted in favour of those areas with , debates7,he.0016.4e t.0.0005 TtD0.0002 . nglos3007 Tcre

6.5 EU and Sewel memorandum on European Union Bill

In January 2005, the Executive published a Sewel memorandum on the European Union Bill. The motion put to the Parliament is:

European Union Bill: that the Parliament agrees that those provisions in the European Union Bill that relate to the implementation of EU obligations which are within the legislative competence of the Scottish Parliament including those which confer powers on the Scottish Ministers should be considered by the UK Parliament.

It subsequently explained that the European Union Bill had two main purposes. These were:

First, to make provision enabling the Treaty to become part of UK law, principally by amending the European Communities Act 1972. Those provisions are contained in part I of, and schedules 1 and 2, to the Bill (and include certain consequential Scottish provisions). The Bill makes provision consequential on the bringing of the Common Foreign and Security Policy within the terms of the Treaty and provides for the implementation of Common Foreign and Security Policy obligations by regulations. Those provisions are contained in Part 2 of the Bill.

Second, to require the holding of a referendum on the question of whether the United Kingdom should approve the Treaty. Those provisions are contained in Part 3 of the Bill.⁹⁵

7. Relations with Local Government

Neil McGarvey

7.1 Council Tax

This quarter has witnessed a series of reports all related to council tax. The Accounts Commission's annual assessment of council tax collection rates was released this quarter. In its annual report on council performance, it said the country's 32 authorities failed to collect £132m in 2003-04, or 8.3%. The report compares the performance of councils in a number of key areas including council tax collection rates, payment of invoices and employee sickness levels. The national collection rate of 91.7% was up on the previous year's 91.4%, the fifth marginal rise in successive years. Levels varied widely from 85.1% in Glasgow to 97.8% in the Orkney Islands. Overall, 28 councils improved their rate and four deteriorated. The commission's report also showed that councils were catching up on their English counterparts. In 1996-97, the gap in collection rates north and south of the border was 8.7%, but by last year that had narrowed to 4.8%, with English councils collecting 96.5% of their money against Scotland's 91.7%.⁹⁶

Despite this, the collection figures were criticised by both the Scottish Executive and opposition parties. Tom McCabe, finance minister, said the slight improvement was not good enough: 'There is absolutely no excuse for councils not to take all practical steps to collect unpaid council tax or community charge debts. Any pound not collected is a pound that is not being spent on local services'.

The annual announcement of above-inflation rises in council tax levels was accompanied by an Executive statement announcing there were ready for a "root-and-branch" review of council funding and functions, after authorities announced yet another year of above-inflation tax rises. From April, the Scotland-wide average rise will be 3.9%, taking the average band D bill from £1053 to £1094. However, band D charges will range from £956 in Western Isles to £1213 in Glasgow. The current water bill for a band D home will add a further £348. Percentage increases in the levy ranged from 2.2% in Labour-controlled West Dunbartonshire to 5.5% in SNP-led Angus. Inflation on the CPI index is currently 1.6%. In a break with previous years, councils refused to forecast tax rises for the two years after 2005-06 in protest at what they regarded as an unworkable financial settlement which they received from the Scottish Executive. John Pentland, finance spokesman for the Convention of Scottish Local Authorities (Cosla), said ministerial hopes of increases sticking to 2.5% were "never a reality", given the level of grant from central government.

In Scotland, council tax bills include a charge for Scottish Water, which remains a public sector institution. The Executive this quarter announced a policy that water bill rises be pegged at or below inflation for the next four years. The move ends years of steep rises since the nationalised monopoly was created in 2002. Increases for 1

A separate Accounts Commission report on financial reserves in council also caused some political controversy when it highlighted that councils had record reserves of more than £1bn – a rise of 25%. Reserves across the 32 councils rose £211m to £1050m in the year ending March 31 2004, making them equivalent to 10% of all council spending budgets. Whilst acknowledging that councils had to maintain adequate reserves to maintain financial flexibility, Tom McCabe, the finance minister, suggested some councils were maintaining unreasonably large reserves. He also agreed with the commission that councils must now produce clear policies on their reserves as part of ‘robust financial planning’, and explain them to the public. Cosla, on the other hand, accused the Accounts Commission of pursuing a cheap headline, arguing that it was wrong to present an all-Scotland figure as reserves and balances are something that should be treated on a case-by-case basis with councils holding balances in accordance with local needs and a strategy for long-term investment.⁹⁸

A submission by the Chartered Institute of

The proposed tolls would have ran from Monday to Friday and feature two cordons - one around the city centre and one just inside the city bypass. The inner cordon

which powers are shared between ministers, local police authorities and chief constables, with the latter in day-to-day control of policing in their area.

9. Chapter 9: Legal Disputes

9.1 Holyrood Project

Sir Robert McAlpine, the construction company, announced in late December that it would be suing the SPCB over the procurement tendering process for the Holyrood Project construction management contract, when it lost out to Bovis under very controversial circumstances, discussed in the Fraser Inquiry Report. It is apparently claiming £4.31m (1% of the final construction cost), which would have been the fee it would have earned had it won the contract.¹⁰³ The case has now begun in the Court of Session before Lord Clarke, and is due to continue in late March.¹⁰⁴

Although the relevant facts relate to the pre-devolution period, the SPCB had acquired all appropriate legal rights and liabilities of the old Scottish Office in 1999, and so seems to be the proper defender in this case. The SPCB has declared that it will vigorously defend the case, and doubtless will be hoping that, whatever the strict legal position, any adverse consequences, such as financial penalties, will ultimately be borne by the UK Government or the Executive rather than the Parliament itself. Even though the case may be decided on technical legal issues, such as whether the action is out of time, it may provide some useful legal commentary on aspects of the devolution scheme, including the respective roles and legal rights and duties of key bodies such as the SPCB and the UK and devolved successors to the old Scottish Office.

9.2 Possible challenge to parliamentary procedure

There seems to be a possibility of the Parliament becoming involved in a judicial review action involving the Forth Estuary Transport Authority, which seems to be in relation to the validity of the parliamentary procedures for the 2002 Order which set it up. There is little public information on this potential action, other than what was recorded in the minutes of the SPCB meeting of 18 January:¹⁰⁵

13. The SPCB noted the ongoing judicial review proceedings and the possible involvement of the SPCB in relation to part of the challenge

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Whaley v Lord Watson and that there is no existing authority which confirms the availability to them of the *Carltona* doctrine but I do not see that these observations are such as to bar its application to their circumstances. There are strong practical reasons for it to apply, in circumstances where the public interest is evidently and adequately protected by the respondents being not only answerable to the Scottish Parliament but vulnerable to judicial review in the event of a question arising as to the appropriateness of a decision made by or an action of a civil servant on their behalf. Further, were it to be the case, as the petitioners would have it, that Rule 80(5) and (6) orders require to be signed by one of the respondents that would mean, in practice, that such an order signed by, say, the Minister for Tourism, Culture and Sport would be valid whereas one signed by an experienced civil servant who had worked for many years in the Scottish Prison Service would not. That would be an odd result. I recognise that the converse would also apply, namely that a civil servant working in the department for Tourism, Culture and Sport would, given the particular structure of the Scottish Executive, under *Carltona* have the power to act on behalf of the Justice Minister. That does not, however, seem to be such an odd result given the fact that the Justice Minister, being answerable to the Scottish Parliament, could be expected to organise the discharge of her responsibilities so that no civil servant who does not have the appropriate knowledge and experience is able so to act. In short, I agree with the sentiments expressed by Lord Macfadyen in *SHBA v The Scottish Ministers*, regarding the applicability to the respondents of the analogous *Bushell* doctrine, one which bears striking similarities to the *Carltona* one, and I see no good reason in principle or practice for not holding that the *Carltona* doctrine applies to the respondents. I should add that I do so without resorting to the line of reasoning adopted by Lord Justice Sedley in *R v Birmingham Justices* which involved consideration of the powers of a police authority, a body different and distinct from the devolved government of Scotland.

9.4 Hunting cases

Though the anti-hunting legislation applicable north and south of the border is different, the substantive legal challenges, especially on human rights grounds may

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10. Parties

James Mitchell

10.1 SSP new leader

Colin Fox MSP was elected leader of the Scottish Socialist party, replacing Tommy Sheridan. Press reports had predicted a close contest but Fox defeated the party's press and policy co-ordinator Allan McCoombes at the party's conference in February by 252 votes to 154. Tommy Sheridan had resigned as leader in November, purportedly because he wanted to be a good 'socialist Dad' after announcing that his wife was expecting their first child. However, newspaper reports suggested that divisions within the six member team of SSP's at Holyrood and other personal matters had led to Sheridan's resignation.

Sheridan and Rosemary Byrne MSP backed Fox as leader while McCoombes had the support of his partner Carolyn Leckie MSP, Rosie Kane MSP and Frances Curran MSP. Fox had criticised his opponent for being too 'aloof' and 'intellectual' to lead the party and insisted that the leader had to be one of the party's MSPs.¹¹³ After the result became known, Fox acknowledged that his rival had strong support in Glasgow and the west of Scotland and stated, 'I want to go out to those who voted for Alan, principally in Glasgow, and reassure them that rank-and-file democracy is safe in my hands.' Press reports that Fox was less keen on independence appear to have been confounded by the higher profile given to independence in the party's campaign material since Fox's leadership.

The party had considered permanently adopting a new style collective leadership. This had been in place since Sheridan's resignation but a party meeting in December had very narrowly rejected the idea by 42 votes to 41.¹¹⁴ Fox was elected as SSP List Member for the Lothians in 2003.

10.2 Parties confer prior to UK general election

With a UK general election imminent, parties in Scotland held special conferences which were in each case little more than pre-election rallies. The conferences gave an indication of the issues on which the parties would fight the general election. The SNP focused on the Scottish Executive's health record.¹¹⁵ So too did Tony Blair in his speech to the Scottish Labour Party in conference in Dundee. However, the striking difference was that the Prime Minister focused on health in England despite addressing the party's Scottish conference.¹¹⁶ The *Daily Record*, Labour's principal Scottish media mouthpiece, focused heavily on Gordon Brown's speech to the conference suggesting that Brown was a greater electoral asset than Blair.¹¹⁷

At the Liberal Democrats Scottish conference, Charles Kennedy attacked the 'illiberal' and 'authoritarian' tendencies of Labour. He identified five Labour seats in Scotland which his party expected to win setting a target against which his party would be judged at the forthcoming election.¹¹⁸ In contrast, the SNP leader has been unusually modest and cautious, as compared with past predictions, in his various responses to questions about the number of seats his party would win. At the SNP conference, Alex Salmond attacked Gordon Brown for forgetting Scotland.¹¹⁹ Michael Howard's visit to Dumfries for his party's Scottish pre-election conference was undermined when the Tory leader was approached by

Sharon McMillan, the mother of a small child killed by an airgun two weeks before. Howard's response was deemed to be unsympathetic and insufficiently robust by failing to demand a ban on airguns.

Government's wider immigration policies, especially so in the run-up to the general election, as was seen following the Home Secretary's recent announcements of proposed tightening of the immigration and asylum regimes, with opposition claims that the UK Government is undermining the Executive's efforts.¹²⁸ Tory criticisms were blunted by reports that a senior UK frontbencher, Dominic Grieve, had made derogatory remarks about Scotland.¹²⁹ For a description of how the Executive liaises with the UK Government over relevant aspects of immigration policies, see a WA of 31 January.¹³⁰

11.5 Health

Health policy is clearly the area where the Executive is having the greatest difficulty in 'delivering'. Whichever targets Ministers choose, they not only seem to be missed, but things appear to be getting worse rather than better.¹³¹ New plans seem to be a step towards the more radical changes seen south of the border, including greater use of private resources.¹³² Health costs seem to be growing significantly, especially the free personal care for the elderly scheme, and care home fees.¹³³ The much-trailed sexual health strategy was finally launched, though there were claims that it has been much diluted under religious pressure.¹³⁴ Audit Scotland produced a critical report on NHS Scotland.¹³⁵ The performance of the *NHS 24* call service is to be reviewed.¹³⁶ The Health Committee published a major report into the NHS workforce, amid continuing debate over hospital reorganisations.¹³⁷ The value of the free eye test pledge has been questioned by opticians, and public sector dentistry is under pressure.¹³⁸ Ministers have been getting into trouble over their public health messages, with the Justice Minister threatened with legal action after calling for retail outlets in her constituency to stop stocking a popular form of 'tonic wine', and the First Minister apparently quoted as saying that it was OK to get drunk once in a while.¹³⁹

11.6 Rural & Environmental issues

The annual EU fishing negotiations seemed to have been relatively painless for the Scottish industry, though it appears that Scots fishing has been granted an extra 3 days a month allocation in error.¹⁴⁰ The Environment Minister¹⁴¹ and two officials appeared before the Commons' DEFRA Select Committee, as part of its UK fishing

www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-04/sor1223-02.htm#Col13302

² Committee PN, 24 February: www.scottish.parliament.uk/nmCentre/news/news-comm-05/ceu05-002.htm.

³ FMQs, 24 February 2005:

www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0224-02.htm#Col14747

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²⁰ For example, “Blizzard of freedom of information that exposes ministers’ claims”, *Herald*, 3 February 2005 2005: www.theherald.co.uk/news/32734.html; “Guess who Jack has had round for dinner?”, *Scotsman*, 3 February 2005: thescotsmen.scotsman.com/politics.cfm?id=128232005; “Executive in expenses probe”,

⁴⁴ Owen Gibson, 'Jowell ready to give in to cuts in regional TV output', *The Guardian*, 24 December 2004, p.5

⁴⁵ Ofcom, *Review of public service television broadcasting, Phase 3 – Competition for quality*, London: Ofcom, 2005, pp.12-13.

⁴⁶ Douglas Fraser, 'Scottish TV eyes up Borders coverage', *The Herald*, 24 December 2004, p.6.

⁴⁷ Dan Milmo, 'ITV plans Scottish national news', *The Guardian*, 28 January 2005, p.23; Terry Murden, 'Breaking news for Scottish viewers', *Scotland on Sunday*, 30 January 2005, scotlandonsunday.scotsman.com/business.cfm?id=112892005; Steve Vass, 'Staff fear big losses in STV news shake-up', *Sunday Herald*, News, 30 January 2005, p.7.

⁴⁸ Ian McConnell, 'Banking chief to be next BBC governor', *The Herald*, 18 December 2005, p.1; 'Peat to burn bright as BBC governor', *The Herald*, 18 December 2004, p.19.

⁴⁹ Alastair Jamieson, 'BBC board faces Labour revenge', *The Scotsman*, 29 January 2005, news.scotsman.com/topics.cfm?tid=474&id=110362005.

⁵⁰ James Robinson, 'Governors face ultimate makeover', *The Observer*, Media, 13 February 2005, p.8.

⁵¹ nTw[(7)7d/7(po)].47tliticsJ..67i6(4c880 T5(49.48 0 0 6.48 99 558.02033990 Tc(51)470.0042 0 0 10.029105.48 553.52033

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- ⁷² The Herald 19/01/05, Sewel device is called into question, staff reporter, p.8.
- ⁷³ The Procedures Committee, 2005, PR/S2/05/1/1, Sewel Convention Inquiry, Agenda item 2, paras 2-8, p. 1-2.
- ⁷⁴ The Procedures Committee, 2005, PR/S2/05/1/1, Sewel Convention Inquiry, Agenda item 2, paras 13 and 14, p.3.
- ⁷⁵ The Procedures Committee, 2005, PR/S2/05/1/1, Sewel Convention Inquiry, Agenda item 2, paras 1 and 16, p. 3-4.
- ⁷⁶ The Procedures Committee, 2005, PR/S2/05/1/1, Sewel Convention Inquiry, Agenda item 2, para 23, p.5.
- ⁷⁷ The Procedures Committee, 2005, PR/S2/05/1/1, Sewel Convention Inquiry, Agenda item 2 paras 24 and 25, p.5.
- ⁷⁸ The Procedures Committee, 2005, PR/S2/05/1/1, Sewel Convention Inquiry, Agenda item 2, para 29, p.6.
- ⁷⁹ Procedures Committee, Official Report 18 January 2005, Cols. 777-8.
- ⁸⁰ The Times, 24 November 2004, 'Scotland follows its own path', A. Macleod, p.30.
- ⁸¹ Scotland Office, News Release SS0851 November 30 2004.
- ⁸² The Herald, 1 December 2004, 'Time running out for 13 Scots MPs', D. Summers, p.7.
- ⁸³ Commission on Boundary Differences and Voting Systems, News Release, 18 January 2005
- ⁸⁴ The Times, 20/01/05, MSPs agree on Supreme Court, staff reporter, p.26.
- ⁸⁵ The Times, 18/01/05, Finnie rejects fishing plan, A. Macleod, p.25.
- ⁸⁶ Scottish Parliament, European and External Af

¹⁰³ Parl PN, 22 December 2004: www.scottish.parliament.uk/nmCentre/news/news-04/pa04-075.htm;
“Hollywood”, *Sunday Herald*, 26 December 2004:

www.scotland.gov.uk/News/Releases/2004/11/26163736; “Anger at Scots trespass law plan”, *BBC News*, 25 January 2005: news.bbc.co.uk/1/hi/scotland/4204663.stm

¹⁴⁴ www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-04/sor1124-02.htm#Col12151; Committee PN, 10 December 2004:

www.scottish.parliament.uk/nmCentre/news/news-comm-04/cenv04-005.htm;

www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0120-02.htm#Col13764

¹⁴⁵ “Scotland’s secret environmental shame revealed”, *Sunday Herald*, 27 February 2005: www.sundayherald.com/48024

¹⁴⁶ SE PN, 1 November 2004: www.scotland.gov.uk/News/Releases/2004/11/01082841; Plenary debate, 3 November 2004:

www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-04/sor1103-02.htm#Col11411; Questions, 25 November 2004 and 2 December 2004:

www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-04/sor1125-02.htm#Col12291 and www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-04/sor1202-02.htm#Col12541

¹⁴⁷ SE PN, 18 January 2005: www.scotland.gov.uk/News/Releases/2005/01/18100213; “Education spending ‘poor value’”, *Scotsman*, 19 January 2005:

thescotsman.scotsman.com/scotland.cfm?id=65812005; FMQs, 20 January 2005:

www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0120-02.htm#Col13731; “Watchdog to check value for money of McCrone deal”, *Herald*, 15 February

2005: www.theherald.co.uk/news/33441.htmlw

¹⁵⁶ Report: www.scottish.parliament.uk/business/committees/justice1/reports-05/j1r05-03-vol01-00.htm; “Prison population hits new high“, *BBC News*, 25 February: news.bbc.co.uk/1/hi/scotland/4298161.stm

¹⁵⁷ FMQs, 23 December 2004: www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-04/sor1223-02.htm#Col13306; www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0113-02.htm#Col13441 and www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0119-02.htm#Col13595

¹⁵⁸ SE PN, 14 February 2005: www.scotland.gov.uk/News/Releases/2005/02/14153907; SE PN, 24 January 2005: www.scotland.gov.uk/News/Releases/2005/01/24101059; www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0210-02.htm#Col14527

¹⁵⁹ Education Committee Stage 1 Report, 26 January 2005: www.scottish.parliament.uk/nmCentre/news/news-comm-05/ced05-001.htm; Stage 1 plenary debate, 2 February 2005: www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0202-02.htm#Col14095; Scotland Office PN, 7 February 2005: www.scotlandoffice.gov.uk/our-communications/release.php?id=3480

¹⁶⁰ “Welcome for right-to-buy review”, *BBC News*, 4 January 2005: news.bbc.co.uk/1/hi/scotland/4144657.stm; SE PN: www.scotland.gov.uk/News/Releases/2005/02/15104646

¹⁶¹ www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-04/sor1104-02.htm#Col11599 and www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-04/sor1125-02.htm#Col12320; SE PN, 4 November 2004: www.scotland.gov.uk/News/Releases/2004/11/04114342; www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0210-02.htm#Col14515

¹⁶² FMQs, 27 January 2005: www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0127-02.htm#Col13994; “Edinburgh rejects congestion plan”, *BBC News*, 22 February: news.bbc.co.uk/1/hi/scotland/4287145.stm; “‘McConnell to blame’ for road charging flop”, *Sunday Herald*, 27 February: www.sundayherald.com/47998;

¹⁶³ Local Government & Transport Committee report on the Sewel motion, 25 January 2005: www.scottish.parliament.uk/business/committees/lgr/reports-05/lgr05-01-01.htm; Sewel motion debate, 26 January 2005: www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor0126-02.htm#Col13889

¹⁶⁴ “Executive in £325m rail takeover”, *BBC News*, 18 January 2005: news.bbc.co.uk/1/hi/scotland/4185185.stm; SE PN, 18 January 2005: www.scotland.gov.uk/News/Releases/2005/01/18150016

¹⁶⁵ Local Government & Transport Committee Stage 1 Report: www.scottish.parliament.uk/business/committees/lgr/reports-05/lgr05-03-00.htm; Committee PN, 22 February 2005: www.scottish.parliament.uk/nmCentre/news/news-comm-05/clg05-001.htm; SE PN, 13 January 2005: www.scotland.gov.uk/News/Releases/2005/01/13095141

¹⁶⁶ SE PN, 22 December 2004: www.scotland.gov.uk/News/Releases/2004/12/22145603