

NATIONS AND REGIONS: THE DYNAMICS OF DEVOLUTION (AUGUST 2000)

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NATIONS AND REGIONS: THE DYNAMICS OF DEVOLUTION

Monitoring programme: fourth draft quarterly report

August 2000

Summary

The Scottish Parliament went into recess on 7 July, a year after its formal opening. The period was marked by numerous analyses of the first year, most of which could be summed up as 'Reasonable/shaky start... could do better'. Iain MacWhirter writing in the Sunday Herald was more upbeat than most with a grudging optimism: "It has been a painful birth, and there are growing pains ahead. But the infant Scottish democracy is starting to discover itself. Yet... it may have to crawl for a couple of years, before it learns to walk." Cardinal Thomas Winning, leader of the Catholic Church in Scotland and a vociferous critic of the government over the decision to repeal 'Section 28' (the ban on promoting homosexuality in schools) was perhaps the most dismissive, condemning the parliament as "an utter failure".

At the same time, a number of opinion polls revealed large levels of ignorance or indifference after one year of devolution. One poll for Scottish TV at the end of June revealed that nearly 80% thought devolution had made no difference; and one in four were not able to name Scotland's First Minister.

That puts into perspective the political stories of the summer, one of which has been Donald Dewar's gradual return to work. He was pictured using a laptop and described as having turned to surfing the net for interest during his convalescence – which gave encouragement to those still waiting for the 'new Scotland' to materialise. He was also called in to intervene in an unseemly public row between Health Minister Susan Deacon and Finance Minister Jack McConnell. McConnell announced that money underspent on last year's budget would be reallocated (pre-devolution it would have simply returned to the Treasury). Deacon came under pressure when it became clear that the NHS had underspent by £34m and launched a public campaign to 'get her money back'. This won her few friends in cabinet. She will be relieved that the focus has now switched to Education Minister Sam Galbraith who is resisting calls for his resignation over a failure in the Scottish Qualifications Authority to handle the Higher examination process this summer.

Finally, the biggest political news of the recess was the resignation of Scottish National Party Leader Alex Salmond, on 17 July. Although Salmond had been the subject of much criticism in the last year, few had expected his resignation. The leadership will be decided at the SNP conference in Inverness on 23 September. The main contenders are John Swinney, the deputy leader of the party and clear favourite; and Alex Neil, who is regarded as being on the left of the party and more in touch with the grass roots. Swinney is shrewd and far-sighted and clearly wants to put the issue of 'independence' into perspective so that his party can concentrate more on winning a mandate to govern a devolved Scotland. But it is the difficulty and frustration of playing that hand that finally persuaded his mentor Salmond to leave.

1. The devolved governments

- organisation and operation of the core executive
- Policy Units

- **Organisation and operation of the core executive**

Donald Dewar, the First Minister for Scotland, has continued his convalescence following heart surgery in early May. In the first couple of weeks in August, he has visibly been taking up the reigns of office again, with a couple of public appearances, one in Kirkcudbright, and the other in his own Anniesland constituency. In late June, his first radio interview since his operation, with Ruth Wishart on BBC Radio Scotland's Eye to Eye programme, was an opportunity for him to demonstrate his determination to return to work as soon as he was able, but he still sounded tired.

Very soon after that, he was forced to step into a row over money being redirected from the 1999/2000 health budget which developed between Health Minister Susan Deacon, and Finance Minister Jack McConnell (see below: section 11). The message delivered by Labour Chief Whip and Minister for Parliament Tom McCabe during the first week in July was that "there might have to be changes in personnel if the in-fighting did not stop". David Whitton, Dewar's senior press adviser told journalists at a formal briefing, "He says that if this continues, there will be changes: you can make your own interpretation." It was reported that Dewar had "never been so angry" at the coverage of the row between Deacon and McConnell.

During Dewar's recovery from surgery, the jockeying for the succession to the leadership of the Labour Party in Scotland, and to the position as First Minister, has continued. Susan Deacon has annoyed the leadership by her obvious ambition, compared to her relative lack of experience.

The Section 28 debacle has continued over the last quarter, with Henry McLeish, Minister for Enterprise and Lifelong Learning, Finance Minister Jack McConnell and Tom McCabe, Chief Whip and Minister for Parliament continuing privately to brief against the line taken by Communities Minister Wendy Alexander.

Dewar, who will be 63 in August, formally returns to work on 14 August, and is known to be concerned at the obvious lack of a clear successor. His friends say he is still physically weak and easily tired, and that he does not relish hanging on for a long time while those following him gain the necessary experience. His favoured successor for some time has been Wendy Alexander, but she has been considerably damaged by Section 28.

Over the last quarter there has been the usual media speculation about reshuffles, although more muted because of the First Minister's absence. It is thought that a reshuffle of the Scottish Cabinet is still some way off, but the First Minister may have had thoughts about this during his absence. Health Minister Susan Deacon would appear to be the Minister most likely to be moved, having been criticised for her handling of the "lost" NHS cash row with Jack McConnell and also in failing to be coordinated with the launch of the National Plan for the NHS in England and Wales. Backbenchers being spoken of with approval have included Richard Simpson (Ochil), Pauline McNeill (Glasgow Kelvin), Gordon Jackson (Glasgow Govan), and Andy Kerr (East Kilbride). Junior Ministers who may obtain promotion include Deputy Social Inclusion Minister Jackie Baillie, Deputy Minister for Justice Angus Mackay, and Frank McAveety, Deputy Minister for Local Government.

A more immediate concern of the First Minister's is how to handle the fall out from the chaos that ensued when many candidates failed to receive the results of their Higher examinations on time. This is the first time that the results have been handled by the Scottish Qualifications Authority, and around 147,000 students have been affected, either by a delay in receiving their results or by receiving inaccurate results. Dewar issued a statement explaining that the Education Minister, Sam Galbraith, has called in independent consultants to report on the causes of the present pressing concerns. His statement fell short of expressing support for the beleaguered minister who has faced opposition calls for his resignation over the affair.

Ministerial Committees

In July, the First Minister, Donald Dewar, released details of a comprehensive list of Cabinet Committees and Sub-Committees (along with membership). These are:

- 21st Century Government Ministerial Steering Group
- Ministerial Committee on Digital Scotland
- Ministerial Committee on Tackling Drug Misuse
- Ministerial Committee on Rural Development
- Ministerial Group on Sustainable Scotland
- Ministerial Steering Committee on Diligence
- Ministerial Working Group on GM Science
- Ministerial Working Group on Renewing Local Democracy
- Poverty and Inclusion Task Force
- Spending Strategy Group

Details of the ministerial membership of these committees are set out below. The membership of some committees also includes senior officials from relevant policy areas and Special Advisers who advise and support the ministerial members.

Ministerial Committees: Ministerial Membership

21st Century Government Ministerial Steering Group

Minister for Finance (Chair)
Minister for Health and Community Care
Minister for Communities
Deputy Minister for Enterprise and Lifelong Learning
Deputy Minister for Children and Education

Ministerial Committee on Digital Scotland

Minister for Children and Education (Chair)
Minister for Enterprise and Lifelong Learning
Minister for Finance
Minister for Health and Community Care
Minister for Rural Affairs
Minister for Communities
Deputy Minister for Children and Education

Ministerial Committee on Tackling Drug Misuse

Deputy Minister for Justice (Chair)
Minister for Children and Education
Deputy Minister for Community Care
Deputy Minister for Communities

Ministerial Committee on Rural Development

Minister for Rural Affairs (Chair)
Minister for Transport and the Environment
Deputy Minister for Children and Education
Deputy Minister for Communities
Deputy Minister for Community Care
Deputy Minister for Enterprise in the Highlands & Islands and Gaelic
Deputy Minister for Justice
Deputy Minister for Rural Affairs

Ministerial Group on Sustainable Scotland

Minister for Transport and the Environment (Chair)

Minister for Finance

Minister for Communities

Deputy Minister for Enterprise and Lifelong Learning

The membership of the Ministerial Group on Sustainable Scotland also includes:

Mr Kevin Dunion – Director, Friends of the Earth Scotland

Mr Mark Hope – Director of External Affairs, Shell Expro

Ministerial Steering Committee on Diligence

Deputy First Minister (Chair)

Minister for Finance

Minister for Parliament

Deputy Minister for Communities

Solicitor-General for Scotland

Ministerial Working Group on GM Science

Minister for Health and Community Care (Chair)

Minister for Enterprise and Lifelong Learning

Minister for Rural Affairs

Minister for Transport and the Environment

Ministerial Working Group on Renewing Local Democracy

First Minister (Chair)

Deputy First Minister

Minister for Enterprise and Lifelong Learning

Minister for Finance

Minister for Parliament

Minister for Rural Affairs

Minister for Communities

Poverty and Inclusion Task Force

Minister for Communities (Chair)

Minister for Children and Education

Minister for Enterprise and Lifelong Learning

Minister for Finance

Minister for Health and Community Care

Minister for Rural Affairs

Deputy Minister for Justice

Deputy Minister for Communities

Spending Strategy Group

Minister for Finance (Chair)

Minister for Parliament

Minister for Rural Affairs

- **Policy Unit**

The review of the Policy Unit has not yet been finalised. No new personnel have been appointed to the policy unit, but in late May/early June a new special adviser was recruited to assist Health Minister Susan Deacon. He is Dr Colin Curry, the first special adviser to be appointed to an individual Minister rather than being part of the shared Policy Unit. He is a consultant geriatrician at the Astley Ainslie Hospital in Edinburgh, a long-standing member of the Labour Party and a friend of Gordon Brown MP.

2. The assemblies

- committee structure and operating procedures
 - the legislative process, including secondary legislation
 - partnerships with external bodies
 - democratic engagement/public involvement (e.g. civic forums)
- **Committee structure & operating procedures**

The changes to the committee structure which were discussed in the last quarterly report have not yet been implemented, nor is it clear whether they will be. It is understood that there was some resistance to the suggestion that the Standards Committee and the Procedures Committee should be merged.

3. The media

- media reporting of the new institutions
- government/parliament media strategy and implementation

Nil return.

4. Public attitudes and identity

- public attitudes towards the performance of the new institutions
- reports of any occasional polls (e.g. Herald/System 3, HTV/NOP, Beaufort Research etc)
- attitudes to devolution, expectations, demands for further reform (*Project 2*)
- interim outputs from Project 1: national and regional identity

- **Attitudes towards Devolution**

The first anniversary on July 1st of the opening of the parliament and of the accession of its powers unsurprisingly resulted in further attempts to gauge the reaction of Scots to the experience of devolution, the most important of which was a System Three poll for a Scottish Television special on the first year of the parliament. The results (see below along with details of all polls referred to in this section) largely confirmed the impression of poll readings taken earlier this year. Scots are so far underwhelmed by the impact of devolution. Just 13% think it has had a positive impact on their own lives while as many as 78% say it has made no difference. Meanwhile no less than 57% claim to be dissatisfied with the performance of the new parliament while only 27% are satisfied. What the solution to that dissatisfaction might be was not explored, but previous poll evidence suggests that Scots are looking for a more active parliament rather than for its abolition.

If the new parliament has apparently been learning to walk in the first year, the Scottish Executive has often been portrayed as a wayward and ill-disciplined youngster. Thus it is perhaps unsurprising to discover that less than one in four Scots - far fewer than say they would vote Labour or Liberal Democrat - believe that the Executive has been very or fairly successful. Still, things might be worse; only 22% believe it has had no success at all. Alas differences in question wording make it difficult for us to determine whether the Executive is evaluated more or less positively than the parliament.

One of the apparent problems facing devolution is not bad publicity but rather not getting any publicity at all. A Scotsman poll in February had already revealed that only two in three Scots had heard of the five best known Scots ministers whereas over nine in ten people in England had heard of the five best known UK Cabinet Ministers. After a year of devolution, one in four Scots were unable to name Scotland's First Minister. Unfortunately the System Three poll did not provide comparative evidence for the proportion of Scots or English who could name Tony Blair as Prime Minister but previous poll evidence suggests that such knowledge is near universal. Whether the fact that around two in three Scots did not know either the

Deputy First Minister or the Presiding Officer of the Scottish Parliament puts Jim Wallace at a disadvantage with John Prescott or Betty Boothroyd is however less clear, though inevitably it was their absolute low levels of recognition that were featured in reporting of this poll. In particular, Jim Wallace's sudden promotion to Acting First Minister since May, following the need for Donald Dewar to have heart surgery, has led some commentators to ask how it is that Scotland could find itself led by a man whose party came fourth in the Scottish election and whose identity is unknown to a majority of Scots.

A somewhat unusual exercise undertaken by NOP for The Sunday Times in May revisited the issue of whether devolution is increasing tensions between Scotland and England. The poll, which was undertaken briefly before the commencement of the Euro 2000 football tournament, only interviewed those who expressed an interest in Euro 2000 (in which England were represented and Scotland not following the latter's elimination in the qualifying stages by the former). Although the results might be considered rather equivocal, it was presented by The Sunday Times as evidence that Scots animosity to the English was in decline. In fact its finding that most Scots football fans are not ill-disposed towards English success had been ascertained by a poll undertaken for The Scotsman in June 1998, at the time of the world cup, before devolution was implemented. Meanwhile those who believed that relations with England have improved since devolution are matched by an equal number who believe they have got worse. And anti-English sentiment was more likely to be thought to be on the increase than the decrease. Perhaps, as in the case of evaluations of the parliament, the first lesson of the first year of devolution is not to have over high expectations of its impact on public opinion either way.

Detailed polling data

NOP/Sunday Times May 2000

Sample of 750 Scots who expressed an interest in the Euro 2000 tournament

If England wins the Euro 2000 would you be...

Pleased	36
Do not mind	47
Displeased	17

Do you think anti-English sentiment is increasing amongst Scots?

Increasing	26
No change	56
Decreasing	13
Don't Know	5

Do you think Scotland's relations with England have improved or become worse since devolution?

Improved	32
Become worse	31
Don't Know	37

System 3/Herald June 2000

Satisfaction with performance of parliament in first year

Very satisfied	1
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Fairly satisfied	26
Neither	33
Fairly dissatisfied	20
Very unsatisfied	37

System 3/Scottish TV June 2000

Perceived impact of Scottish Parliament on people's lives

Changed things for better - great deal	2
- a little	11
No difference	78
Changed things for worse	6

Perceived success of Scottish Executive

Very or fairly successful	24
Limited or no success	67

Recognition

% able to name Donald Dewar as First Minister	75
% able to name Jim Wallace as Deputy First Minister	38
% able to name Sir David Steel as Presiding Officer	32

- **Attitudes towards other issues**

The fierce public debate about the Scottish Executive's proposed abolition of Section 28 (which bars local authorities from spending money on the promotion of homosexuality as a pretended family relationship) continued almost unabated until the relevant legislation was eventually passed in June. No further polling was undertaken on the subject, but in May the Keep The Clause campaign conducted a postal referendum financed by the millionaire boss of the Stagecoach bus company, Brian Souter. The decision to hold such a referendum proved highly controversial and many advocates of abolition urged people to boycott the ballot. Many of these critics appeared unaware that the same tactic had been used highly successfully in 1994 by the Labour dominated former Strathclyde Regional Council as part of its campaign against the then Conservative government's plans for water privatisation.

In the event the result of the referendum proved a mixed blessing for its organisers. On the one hand they achieved their objective of securing the expressed support of one million Scots. On the other hand the turnout of 34.5% was well below the 71.5% turnout in the 1994 water referendum. Moreover the 87% vote against abolition was far higher than the figure obtained by any of the polls conducted on the subject earlier in the year, suggesting that supporters of abolition had been relatively unwilling to participate. In practice the result was used by the Keep The Clause campaign not to argue that repeal should happen but rather that the new statutory guidelines on sex education (to which the Executive had committed itself while the ballot was being conducted) should include references to the merits of marriage. In this their wishes were eventually granted.

The Scottish Executive is currently considering a possible reorganisation of the police forces in Scotland whose structure largely reflects the boundaries of the former regional councils. Thus one police force, Strathclyde, covers half the country. One option is the creation of a single national police force for Scotland, a proposal that raises concerns amongst some civil libertarians. Although the subject of little public debate, The Herald commissioned a poll

question on the subject in May. Two-thirds said that they wanted to keep the existing structure, but whether attitudes are at all deeply held or well informed is open to doubt.

Detailed polling data

Postal referendum organised by 'Keep The Clause' campaign May 2000

Voted for retention of Section 28	87%
Voted for repeal of Section 28	13%
Turnout	34.5%

System 3/Herald May 2000

Attitudes towards future structure of police service

Favour existing structure of 8 separate forces	68
Favour single Scottish police force	18
Favour amalgamation into 3 separate forces	7

5. Relations with Westminster and Whitehall: UK intergovernmental relations

- role/interventions by the Secretary of State. Concordats. Bilateral/multilateral machinery
- links between the devolved governments *inter se*

The working relationship between The UK parliament and the Scottish parliament appears to be settling down and working fairly well, over a year into the experiment. There have been few obvious cases of direct clashes between Westminster and Holyrood, though there are clearly areas (such as fisheries and agriculture) where the possibility of clashes remain fairly constant. However, on most issues the UK government and the Scottish executive have been at pains to point out how smoothly the relationship is working. An example came in the parallel statements made by Donald Dewar, the Scottish First Minister and Prime Minister Blair on the use of information and communications technologies in enhancing government provision. An example from the official Scottish Executive announcement (31 March 2000) conveys the tone: 'The Scottish Executive strongly supports the emphasis which the UK Government is giving to information age issues ...'

However, the last quarter has also seen some areas where the relationship between the UK government and either popular or governmental opinion, or both, have been at odds. The decision to grant a visa to the American boxer Mike Tyson, for example, while clearly technically a matter for the UK Home secretary (who allowed the visit despite Tyson's conviction on a rape charge) created a major political and popular controversy in Scotland, where Tyson's boxing match was due to take place, in Glasgow. Many, including activists at a Glasgow rape crisis centre and many MSPs, felt the decision should have been left to the Scottish Executive or even the parliament. Although the issue died down after Tyson left, it was indicative of precisely the tension at the heart of the devolution process.

A more political issue which in some respects also points up the ambiguity in a unitary state (the UK) engaging in devolution in selected areas and/or on selected issues, has been the rolling row over the so-called 'section 28' legislation. Following a long and at times noisy debate Members of the Scottish Parliament abolished Section 28 on 21 June 2000. They voted by 99 to 17 with two abstentions to abolish the bar on the promotion of homosexuality. However, at Westminster the attempts by the UK government to repeal the legislation have

now twice been blocked by the House of Lords. The expectation is that the government may postpone another attempt until after the general election (expected next year) and the result of that would be the awkward situation of section 28 still being in force in England and Wales, but not in Scotland.

Perhaps the most significant current test of relations between the two authorities, however, will come with the Scottish Executives spending plans, to be announced late in the summer. In July, the UK Chancellor of the Exchequer, Gordon Brown announced an increase in public spending in Scotland from next year of the order of £3.4bn, an increase of 4.4%, over the next three years. The chancellor promised an overall extra £43bn of investment in the UK and said the aim was to instigate a "step change" in government spending on education, science, the police, health and transport. The decision on how to spend the money in Scotland, however, lies with Scottish Executive ministers. Finance Minister, Jack McConnell, immediately stated that "front-line services" would be the priority in his autumn spending announcement. He said: "Our priorities for this new investment - the people's priorities - will encompass further improvements in health and measures to rid our society of the evils of drugs, together with sustained long-term investment in the infrastructure of our education and public transport systems". However, if services in Scotland are seen to be getting a less generous deal than their counterparts south of the border (or, indeed, vice versa) it will surely fuel arguments about the character of the devolutionary settlement.

6. *Relations with EU*

- direct links with the EU
- European issues on which devolved govts/assemblies made representations

One possible extension of the section 28 issue is that attempts might be made to equalize the position through the courts. Since last year Scottish law has incorporated the European Convention on Human Rights (ECHR) and this has led to several high profile cases, most obviously the question mark over the appointment of temporary sheriffs. However, Scottish Justice minister Jim Wallace is pressing ahead with still further action, calling for human rights to be "woven into the fabric of public life" and announcing the publication in autumn 2000 of a consultation paper which could lead to the creation of a Human Rights Commission in Scotland.

He said the introduction of European human rights legislation into Scots law had already had a significant impact and that "such commissions already exist in other countries with legal and political traditions not dissimilar to our own, including New Zealand, Australia and Canada.... Nearer to home, a Human Rights Commission has been established in Northern Ireland and just last week [i.e. in early June] enabling legislation came into force in the Republic of Ireland so that a Commission can be established there." With the ECHR now coming into force in England and Wales, the situation will soon be UK wide, yet if Scotland does get its own Human rights commission, it will take yet another step beyond current the UK position.

- ***Public involvement***

An area which links Scotland's relations with the EU with the involvement of citizens, and also with the ongoing question of the extension of the European rights regime, has emerged out of the Scottish parliament's committee structure. On 3 July 2000, the European committee launched an inquiry into a proposed European Charter of Fundamental Rights. As it notes in its call for public involvement:

"This Charter is currently being discussed across Europe and will be established by the member states. It should address three key questions:

1. What are, or should be, your rights (human, political, social economic etc) as a citizen of the European Union?
2. How can these be exercised and/or enforced?
3. To whom can complaints be made and how does the Charter protect your rights as a result of decisions taken by the European institutions (Commission, Parliament, Council etc)? “

Dennis Canavan MSP, launching the appeal, asked to hear from a wide spectrum of organisations and individuals from across Scotland to pull together a uniquely Scottish perspective on the proposed Charter, what it should consist of and how it can, or should be, enforced. This inquiry aims also at encouraging informed debate on such an important development in the European Union.

7. *Relations with local government*

- formal and informal machinery for liaising with local govt
- main issues and areas of tension

The third quarterly report highlighted the fact that decisions are still expected from the Executive following its consultation exercise on the recommendations of the McIntosh Commission and the publication of the report of the Renewing Local Democracy Working Party. In June, the Executive made a number of key decisions and published a progress report on its consideration of the recommendations of the McIntosh Commission. The most important of these decisions was made in an announcement to Parliament by Wendy Alexander MSP on 8 June to provide a statutory basis for Community Planning and in particular, to provide councils with a power of community initiative (what had been called a power of general competence in the Commission’s report). The Executive’s statement said:

“A power of community initiative will encourage new ideas and innovation and provide a firm basis for the development of community planning. It will add substance to the aspiration to create a parity of esteem between central government, local government and the Scottish Parliament, and will provide a platform from which to develop a community leadership role for modernised local authorities. The power of community initiative will include a statutory underpinning for community planning and will form a key element of a future local government Bill.”

COSLA welcomed the announcement seeing the power of community initiative as giving expression to the community leadership role of councils by giving them more freedom to act in the interests of their communities. COSLA went on, however, to stress the need for this power to be complemented by a statutory duty of community planning. This would affirm the Parliament’s commitment to a central role for local authorities as the democratically elected representative of Scotland’s communities. COSLA also highlighted the clear link between community planning and Best Value [the Executive’s legislative proposals for Best Value were also announced on 8 June]. The power of community initiative will provide a very clear stimulus to councils and their partners to examine their service delivery arrangements and spur councils to look for more innovative solutions to make better use of scarce resources in meeting the needs of their communities.

On the issue of directly elected provosts or council leaders the Executive has concluded that, given the extensive opposition to pursuing this idea within Scotland and the lack of demand for it, there would be little benefit in legislating in its favour in the forthcoming Bill. This decision was a personal embarrassment for Frank McAveety, junior Minister for Local Government and a long-standing advocate for elected provosts. The Executive has also concluded that the salary threshold for politically restricted posts should be abolished, making the nature of each post the sole determinant of political restriction. Finally the Executive

accepts that the current rules relating to council employees standing for election need to be amended. New legislation would allow:

- Council employees (other than those in politically restricted posts) to stand for election to their own council without first having to resign on selection or nomination as a candidate.
- If successful, an individual would be required to resign their employment with the council the day after polling day. Any normal period of notice would be waived without detriment to pension entitlement etc.
- If unsuccessful, an individual would have the right to remain in the council's employment without detriment to their grade, pay, pension and other terms and conditions. (An automatic right to return to the same post should not apply for the reasons given below).
- If unsuccessful, employees would as far as possible retain the same duties unless a panel consisting of the council Chief Executive and 2 other chief officers considered that there was a conflict of interest between the duties of the post and the political views of the individual (which would by then be publicly known). An individual would have the right of appeal against any decision that he/she should not retain the same post for reasons of political incompatibility.
- Council employees standing for election to their council would be required to take special leave prior to and including polling day to allow time to campaign and prevent any potential conflict of interest between their council duties and their political campaigning.

The Renewing Local Democracy Working Group appointed by Scottish Ministers in Summer 1999, chaired by Richard Kerley, published its report on 27 June. The Group was asked by Ministers to consider many of the recommendations from the McIntosh report and suggest ways in which council membership could be made more attractive to a wider cross-section of the community, and how councils could become more representative of the make up of the community they serve. The Group was also asked to advise on the appropriate numbers of members for each council taking account of new management arrangements and the particular characteristics of city and rural authorities and on the most appropriate system of election, taking account of the following criteria:- proportionality; the importance of the ward-councillor link; fair provision for independents; allowance for geographic diversity; and close fit between council wards and natural communities. Finally, the Group was asked to advise on an appropriate system of remuneration for councillors, taking account of available resources.

On widening access the working group recommend that councils "Carry out a review of business procedures to ensure that the majority of councillors can carry out their role effectively on a part time basis; review the impact of its management arrangements on councillors travelling time and should act to minimise its impact and review the time that members are required to spend in meetings and in preparation for meetings and should take action to maximise the time-effectiveness of meetings." Councils are also recommended to encourage greater participation of people with disabilities, women and ethnic minorities on councils. The group also considered that the current age limit for standing as a councillor (21 years) disenfranchises younger people and recommended that "the age for standing for election should be brought into line with the voting age – currently 18."

The report highlighted the positive impact that strong administrative and other support can have on the ability of a councillor to carry out their duties effectively and recommended that "councils should evaluate the current level of administrative support provided to councillors." The working group also consider that information provided to potential councillors requires to be improved and recommends the preparation of educational packages and the development of an integrated communication strategy to explain why local government matters.

On remuneration the working group concluded that the current basic payment to councillors played a part in hindering people from becoming a councillor. The recommendations include producing a clear statement of what is expected from councillors and that, “the remuneration payable to councillors should be £12,000.” The leaders of the biggest administrations should receive similar levels of remuneration to MSPs’ and that future increases in levels of remuneration for councillors should be directly linked to increases in MSP’s remuneration. Finally, in respect of Special Responsibility Allowances the working group stated that it did not believe that they should account for such a significant proportion of the total payment for so many councillors, nor should they be paid to such a significant proportion of councillors. The report recommends that “a small minority of councillors in each council will carry significant additional responsibilities: their remuneration should reflect this.” The report also recommends that “at least one of these will be a councillor who is not a member of the ruling group and who plays a lead role in the scrutiny and challenge of policy.” The civic head of the Council should also receive remuneration that reflects the significant additional responsibilities of that post.

Perhaps the most controversial recommendations, both within local government and the political parties, were those dealing with electoral reform. The Kerley working group’s report concludes that in considering various proportional representation voting systems “STV best meets the requirement of our remit.” In considering the size of wards it is recommended that there should be a flexibility in ward sizes – ranging from 3 to 5 members wards, although “for sparsely populated parts of Scotland exceptionally 2 councillors may be appropriate.”

Finally, in relation to the number of councillors the report considers that the diversity of Scotland requires the application of broad frameworks adapted where necessary to take account of local circumstances. A minimum and maximum number of councillors are considered necessary for the effective administration of a council. It is recommended that “a council should have no fewer than 19 members” and “in general terms no council should have more than 53 members (although a further 10 may be necessary for Highland Council).” Councils have been grouped into families with each family being given a range of numbers of councillors they should have. The suggested range of numbers was arrived at after consideration of a number of factors including, the role a councillor is expected to play, implications for collective discussion and decision making, cost, parity of representation, the diversity of Scotland, the size of a council and the councillor: population ratio. These proposals would mean a reduction for eleven Councils, an increase for five councils while the remaining sixteen councils would stay within the same bands. The two extremes are that one council could potentially lost thirty councillors while another could gain nineteen members.

The Working Group’s 36 recommendations are wide-ranging and some more controversial than others. Scottish Executive Ministers have established a Working Group chaired by the First Minister to consider the report.

8. Finance

- allocation of finance from central government (Project 10)
- distribution of finance between devolved policy areas
- changes in funding priorities
- revenue from sources other than central government

To follow.

9. Devolution disputes and litigation

- dispute resolution: role of political channels, and of political parties
- nature and incidence of litigation

- **Nature And Incidence Of Litigation**

The Scottish Conservatives have threatened to take the Scottish Executive to court unless they are given details of contracts for the new Parliament building at Holyrood. The Scottish Parliament view is that this is a matter of financial confidentiality. A spokesman said, “To ensure value for money and not to jeopardise our contractors in any future contracts, we will not disclose individual contract details. This is common practice.”

South of Scotland MSP Murray Tosh threatened legal action after he was refused a breakdown of the deals already awarded for the controversial building, which is expected to cost £195million. He warned if the information was not forthcoming they would consider legal action in Scotland and, if necessary, take their case to the European courts.

He said, “If the Scottish Executive continues to withhold this information we will be left with little option but to go to court and force them to do so. If the law does not allow it there is the European convention on human rights. And if that fails then we can lay resolutions in parliament and debate it.”

MSPs agreed to set up a progressing group to work with the Scottish Parliament Corporate Body to ensure that the new building is completed on time and on budget. But the Tories refused to put a member on the group, after leader David McLetchie accused the Scottish Executive of trying to dodge their responsibility by refusing to put a Minister in charge. The Scottish Executive say that the Parliament building is the responsibility of the Corporate Body, not the Executive.

Although there have been no direct disputes over any grey areas in the devolution settlement, the behaviour of the Ministry of Agriculture over the contamination of the Scottish crop with GM seeds caused Scottish Rural Affairs Minister Ross Finnie to voice his discontent in late May/early June. He complained that he had not been informed on time by the Ministry of Agriculture that GM-contaminated seeds had been planted in Scotland. He demanded, and received, an apology from Nick Brown, the UK Minister for Agriculture. Ross Finnie said that it was “unacceptable” that the Scottish Executive had not been kept properly informed.

10. Political parties and elections

- changes in strategy and organisation of political parties Autonomy of local parties
- by-election and local election results
- polling data on support for different parties
- **By-elections**

Westminster and the Scottish Parliament

There have been no Westminster or Holyrood by-elections since the last report and none are currently pending.

Local Government

There have been four local government by-elections since the end of May, three of which produced a result considerably at odds with voting when the previous councillor had been elected in May 1999. With the next Westminster election potentially just nine months away, the trends from local council elections are being studied with increasing interest by all the major parties.

The four results are:

Crown ward, Highland Council (8 June 2000) - Labour gain from Liberal Democrat - This was a staggering nine-way contest in a ward which had only been created prior to the 1999 elections when it was won by Liberal Democrat Richard Simpson with 39.8 % of the vote and a majority of 202 over an Independent. Labour came third with 21.0 %. Surprisingly, the Liberal Democrats did not stand in the by-election following the death of Cllr Simpson. There was still a large field with Labour, SNP, Conservatives and no less than six Independent candidates. Labour's James Gray - agent to Westminster MP David Stewart - won with 28.1 % of the vote, up 7.1 % on May 1999.

Highland is an area where personalities still tend to count more than political allegiance and in the 1995 election the area returned 49 Independents compared to just 23 with party ties. This result was a good boost for Labour in a seat where there has traditionally been a tussle between Labour, the Lib Dems (who held the parliamentary seat until 1997) and the SNP.

A small footnote to the Crown result was an Independent candidate, Mike Foss, polling just 3 votes and as such recording the lowest recorded vote in a Scottish Council election.

Polmont ward, Falkirk Council (22 June 2000) - Conservative hold. The Tories had an excellent result in this ward, consolidated their vote when they increased the Conservative majority from 218 over Labour to 405 over the Scottish National Party. Polmont is an essentially suburban ward on Falkirk council, lying to the south of Grangemouth and the M9 and has been one of few Tory strongholds in central Scotland for some years.

In the by-election, the Conservative Candidate was Malcolm Nicol who served for thirteen years on Falkirk District Council for the Park ward, standing down in 1996. The result of the by-election was quite a success for party who increased their vote from 38.0 % to 52.6 % and their majority from 9.4 % to 32.3 %. In Polmont at least, there appears to have been a revival in the Conservatives' fortunes. At parliamentary level, Falkirk has traditionally been a Labour stronghold, but in more recent times has been the locus for a power struggle between veteran Labour MP, now independent MSP, Dennis Canavan and the party.

Musselburgh East, East Lothian Council (22 June 2000) - SNP gain from Labour. This contest proved to be one of the most bitter Labour/SNP contests in east central Scotland for some years. The ward had been Labour held for many years and the party had built up a considerable profile for its candidate Jalal Chaudry. The SNP reselected Roger Knox who had contested Musselburgh East in 1999. A highly experienced candidate, Knox had previously contested the East Lothian parliamentary constituency for the SNP in 1983, and Kirkcaldy in 1974. On polling day Knox obtained a swing of 13.0 % to take Musselburgh East from Labour with a majority of 27, overturning a previous Labour majority of 396.

The defeated Mr Chaudry, a transport engineer, blamed his party's national difficulties over pensions, Section 28 and the cost of living for his defeat which the local press added value to by highlighting the fact that Health Minister Susan Deacon lives in the ward. The SNP now

have two members on East Lothian Council and although this particular result was impressive, it is unlikely to be the start of a SNP resurgence in Labour East Lothian.

Kilmarnock Central, East Ayrshire Council (29 June 2000) - SNP hold. This was a knife-edge ward in a parliamentary seat where the SNP has traditionally aspired to unseat Labour. The Kilmarnock Central East ward was and remains the most marginal on East Ayrshire Council. The SNP held the ward by just 12 votes in May 1999, and held it again in the by-election by only 28 over Labour.

Labour were fighting strongly here hoping to increase their majority on the council, while the SNP were hoping to increase their majority in this marginal ward. In the event, there was no major change in the ward with a swing of only 0.9 % from Labour to the Scottish National Party. The Conservatives increased their vote slightly by 1.8 % while the Scottish Socialist Party, standing for the first time, pushed the Liberal Democrats into fifth place. The result here is further evidence that, in central Scotland at least, that the Scottish Socialist Party is replacing the Liberal Democrats as the fourth party in Scottish politics.

Forthcoming by-elections

Four council by-elections are pending. These are:

Logie ward, Dundee City Council - 31 August 2000. This will be a tough contest for Labour as they will be under pressure to defend a majority of 69 over the SNP. The SNP has gradually improved its position in Dundee politics over the last three years and is expecting to win this seat.

Finderne ward, Moray Council - date to be announced. The SNP were heavily defeated in Moray last May, going from overall control to just two councillors, and will be seeking to rebuild their position. When last contested, an independent won this seat with a 264 majority over the SNP.

Badenoch West ward, Highland Council - date to be announced. The Lib Dems should comfortably hold this ward, which they took last May with 77.8% of the vote over the only other candidate, a Conservative.

Murtle ward, Aberdeen City Council - date to be announced. This is another Lib Dem ward which the party is expecting to hold. The by-election was caused by the recent death of popular Councillor John Stephenson who had a majority of 302 over the Conservatives last May.

- **Party Fortunes**

This has been a quarter of trendless fluctuation for Labour and the SNP, but behind it continues to lie the important pattern that Labour remain a less popular party for Holyrood than for Westminster. Labour's vote share rose on all measures in both May and July but slumped in June. The former was ascribed by The Herald to the public reaction to the birth of Leo Blair, but this trend was not identified by any contemporaneous British poll. In contrast June's worst yet post-devolution reading on the Holyrood second vote and for Westminster was in line with record low readings on a number of British polls - as indeed was the bounce back in July after the announcement of the government's spending plans. In short the quarter has reminded us that despite devolution, Scottish public opinion is not necessarily immune to events at Westminster.

At the same time, voters still draw a clear distinction between Holyrood and Westminster. Labour has as yet been unable to exploit its role as the dominant partner in the Scottish Executive to persuade Scots that it is just as worthy of support for Holyrood as it is for

Westminster. As a result it trailed the SNP by no less than eight points on the vital second vote in June, while still being eight points ahead in the battle for Westminster. The possibility that the SNP will be in a position to form an administration in 2003 - so long as they can secure Liberal Democrat support - remains a live one.

Ironically it was this prospect that was one of the reasons given by Alex Salmond for announcing in mid-July his intention to resign as leader of the SNP. If he did not resign now, he suggested, he would be committed to leading his party in 2003 at which victory would condemn him to remain leader for at least another four years. He has already been leader for ten years. Although July's System Three poll did not suggest that the public immediately recognised his departure as a bad thing for his party - as many thought it was good for his party as thought it was bad - his successor will undoubtedly have difficulty matching his charisma and media skills. Meanwhile the leadership contest between John Swinney (currently Deputy Leader) and Alex Neil has inevitably exposed to public view an internal party debate about its future strategy for securing independence. The winner may have just eight months in which to prepare himself and his party for the relatively stony ground of a Westminster election campaign.

Yet for much of the quarter it was the future of Labour's Scottish leadership rather than that of the SNP that was the subject of speculation, following Donald Dewar's admission to hospital for heart surgery. Despite widespread press speculation about the runners and riders there has surprisingly been no attempt to ascertain the public's view as to who his successor might be. Perhaps even journalists have recognised that most of the potential faces remain relatively obscure. In any event the one poll to ask whether Mr Dewar should remain in office found as many as 71% believing he should. Despite his party's and the Executive's difficulties, Mr Dewar evidently still commands public confidence and respect.

Detailed polling data

System 3/Herald poll

Holyrood Vote Intentions

	Others Vote	Con		Lab		LD		SNP		
		1	2	1	2	1	2	1	2	1
2										
May 13		13	11	40	31	10	13	30	33	8
June 12		12	11	33	27	12	16	36	35	6
July 14		11	11	37	33	10	12	35	30	6

The principal Other votes are for the Scottish Socialist Party and the Greens who stand at 6% and 5% respectively in the July poll.

Poll taken at the end of each month

System 3/Scottish TV June 2000

71% believed that Donald Dewar should return as First Minister after recovering from heart surgery

System 3/Herald July 2000

Resignation of Salmond

Good for SNP	24
Bad for S\NP	26
No difference/DK	50

Westminster Vote Intentions

	Con	Lab	LD	SNP	
Others					
May	14	48	10	24	4
June	17	39	11	31	3
July	15	46	9	26	4

11. Public policies

- new policy priorities. Education; health; economic devpt; environment?
- legislative programme
- impact of new policies
- influence of groups outside govt, their views on priorities and impact of new policies
- innovations in major policies and service delivery

- **Legislative programme**

Legislation passed this quarter:

ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT, 2000

This was passed by the Scottish Parliament on 21st June 2000 and received Royal Assent on 24th July 2000. This is the piece of legislation which caused the most controversy during the Parliament's first year, because of the inclusion of a provision to repeal Section 2A (Section 28 in England) of the Local Government Act 1986, the notorious "Clause 28" concerning the promotion of homosexuality. This measure was eventually passed once it was agreed to insert into the Bill a clause which placed a duty on each local authority to "have regard to the value of stable family life in a child's development; and to the need to ensure that the content of teaching is appropriate to each child's age, understanding and stage of development".

The main purpose of the legislation, however, is to establish a code of conduct for the behaviour of elected local authority representatives, and for certain public bodies in Scotland, and to establish a Standards Commission for Scotland.

STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT, 2000

This piece of legislation was passed by the Scottish Parliament on 7 June, and received the Royal Assent on 14 July, 2000. It was part of the Scottish Executive's legislative programme announced in June 1999. The legislation contains the following provisions:

- A duty on local authorities to raise educational standards by planning for improvement and setting targets in specified areas

- A duty on local authorities to monitor and address under-performance
- Statutory backing for devolved school management
- An annual reporting duty
- New statutory duty on local authorities to secure pre-school provision

Awaiting Royal Assent:

NATIONAL PARKS (SCOTLAND) BILL

This Bill, which lays the framework for the establishment of three national parks in Scotland, one at Loch Lomond, one in the Trossachs, and one in the Cairngorms. It was proposed in the Scottish Executive's legislative programme for this year. The Bill was passed by the Scottish Parliament on 5 July 2000.

BAIL, JUDICIAL APPOINTMENTS AND APPEALS BILL

Also passed on 5 July 2000, this Bill was made necessary because of the ruling last year that the appointment of temporary sheriffs by the Lord Advocate was in breach of the European Convention of Human Rights.

The legislation will remove the power of appointment of part-time sheriffs from the hands of the Scottish Executive (the Lord Advocate sits on the Scottish Cabinet) and puts it into judicial hands. Greater security of tenure has been conferred on part-time sheriffs by stipulating that their reappointment will be automatic unless one of the grounds that are specified in the bill applies. The procedure for removing a justice of the peace has been brought into line with that for the removal of a part-time sheriff.

Currently in Progress:

EDUCATION AND TRAINING (SCOTLAND) BILL

Stage 1 (debate, meeting of the Parliament) 25 May

REGULATION OF INVESTIGATORY POWERS (SCOTLAND) BILL

Stage 3 debate, meeting of the Parliament, 6 September 2000

TRANSPORT (SCOTLAND) BILL

Still in committee, under stage 1 consideration

- **Private Members Bills**

New proposals:

Registration of Scotland's Land Bill

Proposed by Fergus Ewing (SNP, Inverness East, Nairn and Lochaber), on 23 May. Its effect would be "to amend the Land Registration (Scotland) Act 1979 to make the registration of title to land compulsory in the circumstances set out in section 2 of that Act; to make the registration of title to land in other circumstances compulsory according to a timescale or timescales to be specified by order; and to require information regarding beneficial ownership of land to be displayed on the title sheet." The proposal received the necessary number of signatures by 9 June.

DOG FOULING BILL

Proposed by Keith Harding (Conservative, Mid Scotland and Fife) on 14 June, received the necessary number of signatures by 20 June. Its purpose is “to amend the Civic Government (Scotland) Act 1982 to extend the offence of dog fouling so it applies to any person in charge of a dog who allows it to deposit excrement in any public place or fails to dispose appropriately of that excrement; and to give power to impose a fixed on-the-spot penalty for such an offence to specified persons such as traffic wardens, as well as police constables, without the requirement for a corroborating witness.”

SPECIAL ADVISERS’ ETC BILL

Proposed by Bill Aitken (Conservative, Glasgow) on 14 June. Its purpose is “to limit the number and remit of special advisers appointed by the Scottish Ministers; and to require the Scottish Ministers, when announcing spending plans, to make clear whether provision has already been made for the funds in question to be paid out of the Scottish Consolidated Fund and whether the plans have been announced on a previous occasion.” The proposal received the required number of signatures by 20 June.

GAELIC LANGUAGE BILL

Proposed by Michael Russell (SNP, South of Scotland). Purpose is “to establish the principle of equal validity for Gaelic and English in Scotland; to create certain rights and duties in law with regard to the use of Gaelic including a right to Gaelic-medium education; to place a duty on certain specified public bodies to prepare and implement Gaelic policies; to guarantee the right to use Gaelic in courts and tribunals and before other judicial and quasi-judicial bodies and the right to use Gaelic names and descriptions; and to ensure the monitoring and enforcement of these rights and duties.”

The bill was proposed on 6 July, and received the required number of signatures on 11 August.

- **New policy priorities**

TRANSPORT

Transport has consistently been one of the highest profile issues in the Parliament and this trend has continued up to and during the summer recess. This was partly due to the rise in profile of transport issues on a UK wide basis as a result of the announcement of the 10 Year Transport Plan, but also to the more detailed consideration of the Scottish Executive's Transport Bill and rail franchise renegotiation. This is likely to increase in the coming months as all three aspects evolve further.

SCOTTISH ANGLE ON 10 YEAR PLAN FOR TRANSPORT

Whilst the Executive will not be deciding on how it will spend its allocation from the Comprehensive Spending Review until September, the publication of the 10 Year Plan for Transport by John Prescott was nevertheless welcomed by Sarah Boyack..

There will still be an impact on Scotland from this plan with the additional monies available for the whole UK rail network via Railtrack and the SSRA.

In a news release issued immediately following Prescott's announcement, Sarah Boyack took the opportunity to re-state the Scottish Executive's transport priorities.

Boyack said: "Finance Minister Jack McConnell's statement on the Executive's spending intentions indicated the importance that the Executive places on sustained long-term investment in Scotland's public transport system. Delivering high quality public transport for the people of Scotland is a key priority of the Executive.

"By funding projects across Scotland through the Public Transport Fund (PTF) we have ensured real progress on the ground where and when it is needed. That is why we are doubling the Public Transport Fund to £60 million a year by 2003 - 4, this is further evidence of our commitment to a step change in public transport provision in Scotland."

Scottish Transport Bill Published

The Scottish Transport Bill was lodged in the name of the Transport and Environment Minister, Sarah Boyack, on 6 June along with an accompanying Memorandum and Explanatory Notes.

The Bill is essentially the same as the Integrated Transport paper published earlier this year and covers the following:

- improved journey times and reliability
- improvements to bus services
- improved joint planning across local authority boundaries
- powers to help deliver a minimum level of concession for pensioners and people with disabilities.

Boyack used the occasion to announce the allocation of £3.3 million from the £15.9 million for transport in Scotland made available following the Chancellor's budget statement. This is going towards replacing Kirkwall and Stornoway airport terminals and installing an instrument landing system at Kirkwall. An additional £300,000 is going to the Rural Community Transport Fund.

The Bill immediately went in for some harsh criticism. Hugh Currie, Chairman of the Confederation of British Industry Scotland claimed the bill would be "worthless at best and

extremely damaging to business at worst”, without significantly increased investment in the sector. He said the executive had “abdicated its responsibility” towards investment in vital motorway projects, including the completion of the M74 through Glasgow, and indulged in “time-wasting” studies into improvements to the M80 and M8 motorways.

In general, the announcement did not attract much publicity – this is more likely to come once polarised votes start to be taken on individual aspects of the Bill.

Transport and Environment Committee

The Executive’s Transport Bill has been dominating the work of the Transport and Environment Committee as it goes through the Stage 1 scrutiny (that of the general principle of the Bill). This has resulted in a large cross-section of those involved in transport in Scotland becoming involved in the process.

From the evidence taking there appears to be a significant body of people and organisations against the idea of a workplace parking levy although the debate on road user charging appears to have moved on to the finer details of implementation and the subject of exemptions.

Stage 1 is due to be completed by the committee at its meeting of the 29th August.

The committee's inquiry into petrol prices in rural areas has been running since the beginning of the year, in tandem with a similar investigation by the Office of Fair Trading (OFT).

In addition, the committee has also agreed to look at the consultation paper on Caledonian MacBrayne over the coming months with several members expressing fears about the possible fragmentation of the company. Members hope to examine the Executive's position under the European rules when it starts scrutinising the Executive's new transport bill in the coming months.

Rail Franchise Renegotiation Process

The renegotiation of the rail franchises have also been an impetus for debate about the railways. The Scottish Executive can issue guidance and directions to the Shadow Strategic Rail Authority who issue the franchises affecting Scotland – domestic services, east coast main line and west coast main line. MSPs have used this fact to try and exert public pressure on Ministers on specific rail improvements, such as electrification of the line from Edinburgh to Aberdeen.

Non-binding guidance was issued in July regarding the east coast main line franchise with the document now publicly available on the Executive website.

The profile of rail issues will continue to be raised as the franchising process continues with guidance being drawn up for the other two franchises.

Meanwhile, Boyack has also announced various grants for rail projects totalling some £3.4 million. £2.4 million was awarded to provide improved rail services in Fife whilst an extra £1 million has been added to the Freight Facilities Grant programme from extra resources announced in the Chancellor's budget statement.

Borders Rail Link Debate

The debate over a Borders Rail Link continues to maintain a political momentum. The Parliament’s Rural Affairs Committee held a chamber debate on the Borders Rail Link on 1 June. The wording can be found below:

SIM-922 Alex Johnstone on behalf of the Rural Affairs Committee: Borders Rail—That the Parliament recognises and endorses the case for the establishment of a railway linking the Scottish Borders to the national network at Edinburgh and Carlisle and urges the Scottish Executive to consult with the Strategic Rail Authority and others to facilitate its establishment.

This was the second debate to be held on the subject in the chamber. Both the chamber and the public gallery were well attended and every MSP who contributed agreed about the link's potential benefits. The main arguments came around the financing and timetable for the project.

The onus is currently on the rail link campaigners to come forward with a financial plan for the project. The Borders, Midlothian and City of Edinburgh Councils are all involved in the group. There appears to be a sufficient momentum behind the campaign to ensure that the issue will remain alive.

Scott Wilson Group Paper

A good example of external influence on the political debate around transport issues was the publication of a report by transport consultants, the Scott Wilson Group. The group, which had previously produced the Borders Rail Link feasibility study for the Executive, provoked a storm with the production of a “think paper” with some controversial ideas on ways to improve rail services.

The report concluded that reducing stops at low usage stations should be introduced in order to reduce journey times between major cities. Author Keith Wallace said the shake-up was needed to use the £200 million a year subsidy given to the current operator, ScotRail, more effectively. The result was a significant number of MPs and MSPs very publicly and very loudly defending stations and services through the media and Parliamentary questions and motions.

The paper was not commissioned by any group but produced by Scott Wilson with the idea of stimulating debate around the issues. However, many politicians did not appear to make this distinction, seeking to blame the Executive for threatening their services.

Rail Services Cross Party Group

The Strategic Rail Services Cross Party Group met again on 21st June. Although significantly delayed owing to the Ethical Standards in Public Life Bill in the Parliament chamber and not well attended by MSPs, Virgin and GNER gave presentations on the franchising process for the east coast main line.

Concerns were raised by MSPs present regarding a lack of focus on the line north of Edinburgh and whether electrification might figure in the future.

The MSPs within the group are to decide amongst themselves whether to meet during the recess period. The next meeting after the recess has been arranged for 20th September.

It is understood that some of the MSPs (mostly SNP) who tried unsuccessfully to set up an electrification cross party group earlier in the year may attempt to do so again when the Parliament returns after the summer recess in September.

Consultants Appointed to Look at Highlands and Islands Transport Authority

On 5th July, the creation of a new transport authority for the Highlands and Islands came one step closer with the appointment of the consultancy firm Deloitte and Touche to examine the issues and options surrounding the development of such an authority. The study will examine the scope and function, geography, value for money and democratic accountability of such an authority.

The study is being funded on a 50/50 basis by the Executive and local authorities in the Highlands and Islands area - Highland, Comhairle Nan Eilean Siar (Western Isles), Argyll and Bute, Orkney Isles, Shetland Isles and North Ayrshire.

Sarah Boyack said: "We recognise the importance for the Highlands and Islands of securing a more direct say in the management of the lifeline and other transport services owned and funded by central government. This study will enable us to examine fully the complex issues involved and ensure the development of a transport authority which best serves the needs of rural communities."

It is due to report in November 2000 with a decision to establish an Authority being taken at the end of the year. Primary legislation would be required if the Executive decide to go ahead.

Caledonian MacBrayne Respond to Consultation

Ferry operator Caledonian MacBrayne has responded to the Executive's consultation on proposed changes in services resulting from European rules governing state aid.

CalMac has proposed that its vessels are transferred to a new public sector company called New CalMac, which would be separate from the existing company, and be responsible for services specification, vessels, ports, and divorced from any outgoing route operating activities.

Dr Harold Mills, CalMac's chairman said, "A major recommendation is that the network is tendered as a whole grouping if possible, which we feel will minimise disruption to our users and our staff."

Lib Dem MSP George Lyon (Argyll and Bute) commented on the submission, indicating that he was also in favour of CalMac continuing to run the ferry routes.

He wanted the service to be under the ultimate control of a new Highlands and Islands transport authority based in Oban, as proposed by the Liberal Democrats.

"We are arguing that the ferries should be put into a holding company and the management is put out to tender because it's the management that the people want to improve," he said.

HEALTH

This has again been a busy time for the development of health policy in Scotland. The main areas of development have been the establishment of the Modernisation Board and the Modernisation Forum, further clarification of the role of the Health Technology Board for Scotland, and the Health Minister's response to the launch of the National Plan for the NHS in England and Wales. There have been two more Joint Ministerial Committee meetings on health, both held in Scotland.

HEALTH CASH ROW

This was the main news story on the health front in early July. Just as Health Minister Susan Deacon announced the input of some £8.4 million into the NHS in Scotland to provide for more doctors and nurses, Finance Minister Jack McConnell told the Parliament that £34 million of health service money from last year was to be re-allocated because it was not spent. A political furore resulted, amid allegations that the move might have been a deliberate one by McConnell to undermine Susan Deacon. The dispute has prompted claims by the opposition that the health service was being used as a political football by senior ministers jockeying for position to eventually succeed Donald Dewar as First Minister.

Labour insiders say that Jack McConnell was not to blame, and that Susan Deacon should have known about the budget situation. The spat has angered some backbenchers. One said, "It is singularly uninspiring to see cabinet ministers trying to make public what should be kept in private."

At the budget meeting the following week, an agreement was reached that the money would not be spent on the health service as such, but would be earmarked for spending that would have a general health improvement theme, for instance on cutting homelessness.

DEBATE ON MODERNISATION OF THE HEALTH SERVICE

This debate took place on Thursday 6 July, and was the last substantive parliamentary debate of the parliamentary year. And with the previous week's muddle over diversion of health funds, the debate secured a good attendance.

Health Minister Susan Deacon reviewed what the last year had meant for the NHS, highlighting the New Labour had achieved. She referred to the building of eight state of the art hospitals, the linking of GPs and hospitals to the Internet and the £30 million investment in community health. She outlined the three priorities of the government's modernisation programme:

"First is a commitment to modernise the development of policy. The second is to modernise the service delivery, to transform the way services are designed and delivered. The third is to modernise the governance of the NHS in Scotland; to clarify roles and accountability."

Modernisation Board

The programme for modernisation of the NHS also includes the establishment of the NHS Modernisation Board which met for the first time on 5 July 2000. The membership of the Board was announced on 4 July.

The Health Minister said when she announced the membership, that the Board's main job will be to ensure that national policies and priorities for the modernisation of health services reflects the wishes and aspirations of local people across Scotland.

Susan Deacon said, "I am delighted we have assembled such an able group of people who will bring fresh thinking to the design and delivery of health services. I want the Modernisation Board to look at health services from the perspective of patients and staff; to develop fresh thinking and new ideas; and to find real solutions to real problems through a process of real involvement."

Given this focus, however, it was surprising that the membership of the Board did not include anyone to speak from the patients' viewpoint specifically. The membership includes clinicians, service managers, and individuals with particular expertise, but none who could take the patients' viewpoint unencumbered by another perspective.

This is in contrast with what is expected from the Westminster Health Minister, Alan Milburn, who has said that the membership of his Modernisation Board will include those with a patient's perspective.

Health Technology Board for Scotland

The new Director started work on 3 July. The appointment was not formally announced until later on in July of Dr Karen Facey, who is a Chartered Statistician with broad experience of drug development programmes having worked for four years in the Medicines Control Agency (the UK drug regulatory agency) as a senior statistical assessor. She recently worked in the statistical consultancy group at Pfizer and is a Visiting Research Fellow at the University of Reading. The Health Technology Board for Scotland was established on 1 April with a remit to "evaluate and provide advice to the NHS on cost effectiveness of all innovations in health care, including new drugs". It does not have the same requirements placed on it to consider the question of affordability, and the Scottish Board has been at pains to emphasise its independence in reaching its own decisions about what it will appraise.

The Board has found interim accommodation in St Vincent Street in Glasgow. Staff have still to be recruited, yet the Board has already commenced its first appraisal, into beta interferon, the multiple sclerosis drug. This appraisal is being regarded as an "extraordinary process" and the procedure being used for this appraisal will not be used in future.

Present Board activities are directed towards training, establishing reference groups, including an industry reference group, preparing a draft appraisal process, on which there will be consultation. The Board is using the report of the Implementation Group as its blueprint for the appraisal process. There have not been any further announcements about its workplan, and it is understood that the summer period has been spent in induction of the Board members, and the new Director, who has very little experience of the Scottish health scene.

The independence or otherwise of the Health Technology Board for Scotland, will no doubt be an issue for continuing debate. It is certainly not completely clear that the Board will be able to maintain its independence in the face of a determined onslaught by the Health Minister.

320 more doctors and nurses for NHS in Scotland

On 28 June the Scottish Health Minister announced a major expansion of the NHS workforce in Scotland with £8.4 million of investment to recruit over 300 specialist staff.

More than 100 additional doctors and an extra 200 specialist nurses will be recruited this year to the NHS in Scotland as a result. The investment, part of the extra £173 million the Scottish Executive has to spend on health following the UK Budget, is expected to deliver:

- 10 new consultant doctors, mostly for cancer services;
- 100 extra junior doctors, half of whom will be flexible posts to recognise the increasing role of women in the medical workforce;
- 70 additional intensive care nurses for both adults and children;
- 40 more nurse practitioners for our Accident and Emergency departments;
- 100 more community and district nurses.

Susan Deacon announced this at the Conference of the NHS Confederation in Glasgow.

Health Personnel Changes

A subject which has received regular coverage in the media was personnel changes at the Scottish Executive Health Department. Dr Kevin Woods left to join Glasgow University's Department of Public Health, and it was announced that Chief Medical Officer Sir David

Carter had agreed to take up an important position with the Cancer Research Campaign. Although he is due to retire anyway during the summer, it had been hoped that he would stay on a bit longer to oversee the establishment of the Institute for Public Health.

The announcement of Geoff Scaiffe's departure from the top position at the Department of Health in July led to general concerns being expressed about the morale of that Department.

NATIONAL PLAN AND SCOTLAND

Prime Minister Tony Blair promised thousands more nurses, doctors, consultants and beds in his new National Plan which is to make the NHS the "envy of the world."

Health is a devolved issue which means Scots must wait until November for the details of the NHS plan to be on offer in Scotland. However, The Scotsman (29th July) published an article highlighting GP's warnings in relation to the modernisation of the NHS. They fear that public confidence and the NHS could be further undermined by hasty and ill-thought-out plans that did not have the support of patients or health professionals.

Susan Deacon, Health Minister, "welcomed the broad principles" of the National Plan, but also highlighted the opportunity "to develop distinctive solutions for Scottish needs." She also reiterated the shared commitment of the UK Government and the Scottish Executive to deliver a 21st century patient-centred NHS based on need and not on the ability to pay.

However, an article in the Herald on Sunday (30 July) highlighted the mounting fear of senior doctors and managers that if the National Plan is not reflected to the same degree north of the Border, there will be a mass exodus of staff and patients to English hospitals.

The President of the Royal College of Physicians and Surgeons of Glasgow, Colin MacKay, stressed that "It is important to keep the system running together." This is a view emulated by Dr. Charles Swainson, Medical Director of Lothian University Hospitals Trust, who demands that "the standards of medical care have got to be equivalent across the country."

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