

Scotland

The Nationalist Phoenix

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All through Friday 4 May 2007, Labour First Minister Jack McConnell was staring defeat in the face. Labour constituencies such as Central Fife and Cunningham North, thought to be as safe as houses, had fallen to the Scottish National Party (SNP). Labour's last hope lay with the final count of the day — the regional seats in the Highlands and Islands. Labour was allocated three list seats and the SNP two, making the final seat tally Labour 46 and the SNP 47. Labour had lost. The SNP had won. Nationalist activists gleefully recalled a prediction made by George (now Lord) Robertson when he was shadow Secretary of State for Scotland in 1997, that devolution would 'kill nationalism stone dead'. But after the disappointments and reverses of elections in the first eight years of the Scottish Parliament, the SNP was not just arisen from the flames of defeat, it was clutching at the levers of power. The tally of seats won and lost (Figure 2.1) show just how big a change occurred.

Figure 2.1: Seat Gains and Losses by Party 2007

Party	Constituency MSPs		Regional List MSPs		Total seats	Gain/Loss
	2003	2007	2003	2007		
Labour	46	37	4	9	46	- 4
SNP	9	21	18	26	47	+20
Lib. Dem.	13	11	4	5	16	- 1
Cons	3	4	15	13	17	- 1
Green	0	0	7	2	2	- 5
SSP/ Solidarity	0	0	6	0	0	- 6
Other	2	0	2	1	1	- 3

In terms of seats, the SNP was the only winner. All other parties lost seats. Closer inspection reveals that the tide in favour of the Nationalists was not quite so overwhelming as it seems. Of the 20 seat shift, only six came from the three main rivals, and the remaining 14 came from the small parties and independents.

Nonetheless, this was a dramatic and historic election. Dramatic, because the big lead in the opinion polls that the SNP had built up before the campaign started was steadily eroded throughout as Labour fought back. Historic, because 2007 was the first time Labour had failed to win the biggest haul of seats and votes in Scotland since 1955, opening the door for the first Scottish National Party government in British political history. The counting was also remarkable, for, as is hinted above, it was a complete shambles. The ballot paper, designed to make for speedy tallying by electronic scanning machines, caused dreadful confusion among the voters. A total of 146,097 ballots, or 3.47 per cent of all votes cast, were spoiled.¹ All these features mean that the 2007 Holyrood election will probably be the subject of much debate for years to come.

THE SECOND FOUR YEARS

After a turbulent start to devolved government (the loss of two First Ministers in the first two years), Jack McConnell entered the First Minister's office in 2001 promising to 'do less, better'. By the 2003 election, this mantra was abandoned. He began the second four-year term armed with a manifesto which was strong on criminal justice, particularly dealing with anti-social behaviour, and improvement in health and education. McConnell declared this to be an agenda for 'bold new steps'.² Yet by the end of this term, boldness of action from the legislative programme turned out to be the exception rather than the rule. Indeed, McConnell's time in office may be remembered more for the non-legislative initiatives taken.³

The law-making programme was certainly busy. A total of 66 bills were enacted, or just over 15 per year (see Figure 2.2). Legislation was dominated by the Executive; only three members' bills and one committee bill made it into law. Of the nine private bills, seven provided for rail and Edinburgh tram infrastructure building, all backed by the Executive.

¹ S. Herbert and T. Edwards, *Rejected Ballot Papers* Scottish Parliament Information Centre (SPICe) Briefing 07/36, 26 June 2007 (Edinburgh: Scottish Parliament, 2007). Available at www.scottish.parliament.uk/business/research/briefings-07/SB07-36.pdf

² 'Labour manifesto targets yob culture', BBC News online, 7 April 2003.

³ See generally E. Bort, 'Annals of the Parish: The Year at Holyrood, 2005-06', *Scottish Affairs* 57 (2006): 112-34.

The legislative highlight was undoubtedly the bill banning smoking in enclosed public places.⁴ Despite vociferous opposition from publicans and sections of the Labour Party, McConnell became convinced that it was a necessary step to improve public health.⁵ When it came into force on 26 March 2006, the ban proved popular and was rarely flouted. Dr Mac Armstrong, who retired as Scotland's Chief Medical Officer as the bill became law, described it as 'the most significant measure in a generation to help improve our nation's health.'⁶

Figure 2.2: Bills in the Scottish Parliament 2003–7⁷

	Introduced	Enacted	Withdrawn	Fallen
Executive Bills	53	53	–	–
Private Bills	9	9	–	–
Members Bills	18	3	5	10
Committee Bills	1	1	–	–

The big prize for the Liberal Democrats was the abolition of first-past-the-post elections for local government and the introduction of the single transferable vote. This means that Scottish voters have no fewer than four different election systems to grapple with at various elections, but more importantly, it spelled the end of Labour dominance in local government.

A significant element of the four-year legislative programme dealt with crime and the criminal justice system — nearly a quarter of the Executive's programme was devoted to these topics, highlighting reform of all levels of the courts, and tackling anti-social behaviour.⁸ Family law — notably reform of the law relating to cohabiting couples and adoption by same-sex couples — provoked opposition from the Roman Catholic Church.⁹ Otherwise, most legislation delivered incremental change, and was relatively uncontroversial. Overall, it was hard to disagree with the verdict of Nicola Sturgeon:

What is disappointing about the Executive programme is not that any of the proposed bills are particularly objectionable. On the contrary, many of them are eminently supportable ... However, taken together, this legislative programme

⁴ The Smoking, Health, and Social Care (Scotland) Act 2005.

⁵ 'Strong move towards smoking ban' BBC News online, 31 August 2004.

⁶ 'Positive message on Scots' health', BBC News online, 19 May 2005.

⁷ For a full list, see www.scottish.parliament.uk/business/bills/billsnotInProgress-s2/index.htm

⁸ Scottish Executive 'Criminal Proceedings Etc. (Scotland) Reform Bill: Policy Memorandum', p. 2, available at www.scottish.parliament.uk/business/bills/55-criminalProceedings/index.htm

⁹ The Family Law (Scotland) Act 2006.

does not tackle the big challenges that we face ... It lacks vision and a clear sense of purpose and direction for our nation.¹⁰

NON-LEGISLATIVE EXECUTIVE ACTION

The McConnell Executive undertook a number of other initiatives which did not need legislation, and relied on executive powers instead. One was a push to tackle sectarianism in Scottish society generally, building on legislation passed in the previous Parliament. Another was aimed at reversing the long gradual decline of the Scottish population. 'Fresh Talent' was an attempt to boost immigration (a reserved area), but by agreement with the Home Office McConnell announced that overseas students could stay for an additional two years after graduating. The initiative also involved a number of other measures were aimed at enhancing the attractiveness of Scotland to Scots living outside the country and to immigrants generally.¹¹

McConnell sought to establish a programme of development aid and support to Malawi, an African country with historic links to Scotland. This aid included support for teacher training, health service development, and a call for a 'National Fund' to be established to help Malawi.¹² Executive financial support was channelled through non-governmental bodies such as overseas development charities, to get around legal problems. Subsequently, after he stood down as First Minister and Labour leader, it was announced that McConnell would in due course become the UK's High Commissioner to Malawi.

But the Executive's declared first priority was improving the economy of Scotland. Measures to try and do this were scattered throughout the Executive's programme. As well as 'Fresh Talent', this included infrastructure improvement (especially the construction of new roads, a passion of the CBI, and railway lines) and a big increase in spending on transport, along with an emphasis on enhancing skills through such things as expansion of the modern apprenticeship scheme. In September 2005 came a promise to cut business rates to the same level as in England and Wales, following a long business campaign.¹³ Yet neither the Executive nor McConnell received much political credit for this move.

Moreover, successful politics is not just about legislation, spending money or announcing action plans, but also about implementation. The Executive learned this the hard way from some searching criticism of some of its policies, including the generous teachers' pay settlement in the previous Parliament (criticised for lack of outcome measures to assess

¹⁰ Scottish Parliament *Official Report*, 7 September 2004, col 9901.

¹¹ Scottish Executive news release, 'Scotland says welcome to the world' 25 February 2004, available at www.scotland.gov.uk/News/Releases/2004/02/5123. For more detail on the Malawi policy, see *Scotland Devolution Monitoring Reports*, January and September 2006,

¹² www.scotland.gov.uk/News/Releases/2005/11/14081608

¹³ 'McConnell vows business rate cut', BBC News online, 6 September 2005.

improvement by Audit Scotland), and the limited take-up of anti-social behaviour orders (Asbos) by local councils.

Free personal care for the elderly had been one of the Executive's flagship programmes in the previous Parliament. A report in January 2006 published by the Joseph Rowntree Foundation found that in general, the policy had improved the quality of life for older people. This was extracted from a fuller research project by the University of Stirling which also praised the policy for removing many financial uncertainties faced by older people.¹⁴ But the research also pointed out that greater clarity was needed on how to calculate the costs of free personal care and found wide variations between local authorities. Thirteen of 32 councils were found by Age Concern to be wrongly charging people for the costs of food preparation.¹⁵ A report by the Parliament's health committee found there was confusion on who was eligible to receive free personal care, a lack of clear guidance from the Executive, and that half of councils operated a waiting list.¹⁶ A running series of press reports highlighting individual problems and suggesting that care provision was something of a lottery, took the shine off this policy.

A NEW STAGE AND UNSEEMLY NOISES OFF

With a final price tag of £431 million, more than ten times the £40 million cost forecast in the 1997 devolution White Paper, the new home for the Parliament was officially opened by the Queen on 9 October 2004. The ceremony was dignified but not pompous — the Queen was greeted by Aaron Copland's 'Fanfare for the Common Man'. Salmond ruffled some Labour feathers by introducing a hint of politics, reminding the Queen that he led a nationalist party that would seek independence. Her Majesty appeared to be unperturbed.¹⁷

Three weeks earlier, Lord Fraser of Carmyllie had published his report on why the building cost so much. He found 'no single villain of the piece'. He strongly criticised the type of procurement contract and civil servants for not keeping ministers informed of escalating costs. He contended that 'something in excess of £150 million has been wasted in the cost of prolongation flowing from design delays, over-optimistic programming and uncertain authority'. He concluded, however, 'The Scottish Parliament has a building that meets the vision that I believe Donald Dewar and his colleagues set for it. I express the hope that the excellence of the parliamentary activity within

¹⁴ D. Bell and A. Bowes, *Financial Care Models in Scotland and the UK* (York: Joseph Rowntree Foundation, 2006), available at www.jrf.org.uk/knowledge/findings/socialcare/0036.asp

¹⁵ 'Elderly "charged for free food"', BBC News online, 27 February 2006.

¹⁶ Scottish Parliament Health Committee *Care Inquiry* 10th Report, 2006, SP Paper 594. Available at www.scottish.parliament.uk/business/committees/health/reports-06/her06-10-vol01-00.htm

¹⁷ A. Black, 'People and parliament join hands', BBC News online, 30 June 2006.

the building will reflect the quality of the structure, and that the painful lessons of its procurement and not lost on those privileged to serve there as representatives of the Scottish people.’¹⁸

The excellence prayed for by Lord Carmyllie did not manifest itself in MSPs’ behaviour. Only the SNP and the Greens seemed to be free of scandal (though the SNP did suffer one embarrassment — the expulsion of one MSP, Campbell Martin).¹⁹ In November 2004, after drinking heavily at the Scottish Politician of the Year Awards, Lord Mike Watson, a Labour MSP, bizarrely set fire to curtains in the hotel hosting the event. Ten months later, after admitting wilful fire-raising, he was jailed for 16 months.²⁰ Liberal Democrat MSP Keith Raffan resigned in December 2004 on ill-health grounds, but this also seemed to have something to do with his expense claims. Expenses also proved to be the downfall of David McLetchie, the Conservative leader. He resigned in October 2005 (see next section) after a long-running media probe led by the *Sunday Herald* into his claims for taxi expenses, not all of which appeared to relate to his parliamentary duties.²¹

But the most spectacular drama was provided by the Trotskyite Scottish Socialist Party (SSP) and its leader Tommy Sheridan. He resigned as leader in November 2004, saying he wanted time to be a ‘proper father’ to his young child. But rumbling in the background were a series of tabloid newspaper allegations, mainly in the *News of the World*, that Sheridan had a lurid sex life. This developed into a split in the SSP, with one MSP, Rosemary Byrne, backing Sheridan and the remaining four opposing him. In 2006, matters came to a head when Sheridan’s action for defamation against the *News of the World* came to court. Sensational claims of group sex were made and denied. Sheridan dismissed his lawyers and conducted the case himself. To the newspaper’s evident astonishment, the jury believed Sheridan and awarded him £200,000 damages, though Sheridan’s credibility was very seriously wounded. The SSP was terminally divided, and Sheridan’s formation of a new party — Solidarity — fatally wounded the far left cause.²² And subsequently Sheridan and his wife were charged with perjury arising from the evidence they gave during the libel trial.

CHANGES OF LEADER

John Swinney had become the SNP leader in 2001 after the unexpected resignation of Alex Salmond after 10 years as leader. Salmond stood down

¹⁸ Lord Fraser of Carmyllie. Speech at the publication of the Holyrood Inquiry Report, 15 September 2004. Available at www.holyroodinquiry.org/

¹⁹ ‘Nationalists throw out rebel MSP’, BBC News online, 10 July 2004.

²⁰ ‘Fire-raising peer sent to prison’, BBC News online, 22 September 2005.

²¹ ‘McLetchie “reviews” taxi expenses’, BBC News online, 26 October 2005.

²² ‘Sheridan faced biggest challenge’, BBC News online, 4 August 2006.

from his Scottish Parliament seat in 2001 to concentrate on Westminster, vowing emphatically he would not seek to return as leader. Swinney was bright and capable but lacked charisma. Disappointing election results at the 2001 Westminster, 2003 Holyrood, and the 2004 European elections forced him to stand down in June 2004.²³ When it appeared that Salmond's preference, Nicola Sturgeon MSP, might lose the contest to Roseanna Cunningham MSP, Salmond hurriedly entered the fray with Sturgeon as his running mate for deputy leader. The two won convincingly, Salmond gaining 76 per cent and Sturgeon 54 per cent of the votes cast.²⁴ Salmond's return was a turning point for the SNP which had been losing votes steadily in all elections since a high point in the first 1999 Holyrood election. Though opposition parties tried to taunt the SNP for having an absentee London leader, Salmond proved impervious to such insults. As will be shown later, he set about reinvigorating the party, setting the ambitious (and apparently improbable) target of winning the 2007 elections.

Enforced changes of leader affected the other main opposition parties too. Following the resignation of David McLetchie, the Conservatives debated whether to go for a safe pair of hands in the shape of deputy leader Annabel Goldie MSP or live a little dangerously with Murdo Fraser MSP. In the event, they got both; Goldie and Fraser did a deal and were unopposed as leader and deputy.²⁵ In May 2005, Jim Wallace decided to quit as Liberal Democrat leader while the going was good. Nicol Stephen, a long-time favourite son of the party, eventually beat Mike Rumbles, winning 77 per cent of the party vote. Stephen, previously Deputy Minister for Transport, stepped up to take over Mr Wallace's roles as Deputy First Minister and Minister for Enterprise and Lifelong Learning.

MORE POWERS?

A constantly-running background debate in the first few years of devolution has been whether the Parliament should have more powers. It is a theme the SNP has plugged away at, but beyond newspaper and academic commentators, it had never stirred much interest.

In summer 2005 Jack McConnell let it be known he had asked his advisors to review whether the Parliament's powers should be enhanced. Issues to be covered included powers over nuclear power stations, casinos, abortion, firearms, broadcasting, election law, and the size of the Parliament. It rapidly emerged that the greatest opposition to further powers might be from within the Labour Party when press reports suggested Labour MPs were opposed to

²³ 'Under-fire SNP leader resigns', BBC News online, 22 June 2004.

²⁴ 'Salmond named as new SNP leader', BBC News online, 3 September 2004.

²⁵ 'Goldie "ready to wield handbag"', BBC News online, 8 November 2005.

change, and little thereafter emerged about this review.²⁶ In practice, McConnell allowed important aspects of the existing arrangements, such as meetings of the plenary Joint Ministerial Committee, to fall into disuse. Further indications of McConnell's thinking emerged in October 2006, when he gave the annual lecture set up in memory of John P. Mackintosh. While saying that modification of settlement might be needed, he ruled out significant change and said, 'It is my considered opinion based on all the evidence before me that a separation of powers, broadly along the lines of the current division of responsibilities between Holyrood and Westminster, is the most advantageous arrangement, not only to improve the lives of ordinary Scots now, but to prepare Scotland for the enormity of the future challenge. ... to abandon devolution here in Scotland after just seven or eight years, to declare the game a bogey, and to take ourselves off in a huff would be to demonstrate quite shocking irresponsibility.'²⁷ In interviews, there was no mistaking his emphatic dismissal of greater taxation powers, terming calls for them a 'fad'.²⁸ This scepticism was not shared by all in Labour; after resigning as Minister for Enterprise, Wendy Alexander organised a series of lectures by leading economists (eventually published as a book) on how to improve the Scottish economy.²⁹ This included a chapter arguing the case for more devolution of taxation, a view which Alexander seemed happy to make known that she shared.

The most significant contribution to the constitutional debate came from the Liberal Democrats. A party commission chaired by Lord Steel of Aikwood (as Sir David Steel, formerly the Parliament's Presiding Officer) reported in March 2006. The Steel Report recommended that the Parliament should be given almost complete control over taxation, firearms, immigration and asylum policy, drugs and some welfare policy. Though it was billed as working toward a 'federal constitution' for Britain, it said little about how the other components of Britain should be constituted, beyond noting that regionalism in England was a difficult question.³⁰ The media were less interested in the policy proposals than in the apparent implication that it made coalition with the SNP much more likely.³¹

²⁶ K. Nutt and J. Allardyce, 'Labour MPs to reject more devolved power', *Sunday Times* Scotland 31 July 2005.

²⁷ J. McConnell, 'In the Interest of Our Nation'. Annual J.P. Mackintosh Lecture, East Haddington, 24 October 2006. Available at www.scotland.gov.uk/News/News-Extras/FM-on-constitution/Q/ViewArchived/On

²⁸ 'McConnell warning on extra powers', BBC News online, 24 October 2006.

²⁹ D. Coyle, W. Alexander and B. Ashcroft (eds.), *New Wealth for Old Nations* (Princeton, NJ: Princeton University Press, 2005).

³⁰ Scottish Liberal Democrats, *The Steel Commission: Moving to Federalism. A new Settlement for Scotland* (Edinburgh: Scottish Liberal Democrats, 2006). Available at www.scotlibdems.org.uk/pages/publications

³¹ H. MacDonell, 'Lib Dems open door to coalition with SNP', *The Scotsman* 7 March 2006. .

LABOUR'S UNIONIST DRUM BEAT

From the outset, Labour's campaign for the 2007 election was dominated by a defence of the Union and an all-out assault on Nationalism. The main themes were signalled at the party's Scottish conference in Oban in November 2006, which featured vehement attacks on the SNP led by Tony Blair, Gordon Brown, and John Reid. They argued that Scotland and the rest of Britain were interdependent, and viscerally linked economically, culturally, and socially. However, Jack McConnell, while making dutiful swipes at the SNP, concentrated on laying out a detailed policy agenda centring on education.³²

But in contrast to the previous Holyrood elections, when new Labour shone as a bright new force in politics, Labour now looked tired and tarnished. The aftermath of the Iraq invasion and Iraq's descent into civil war exacted a heavy toll on the party's credibility, as did the police investigation into the 'loans for peerages' affair (prompted by a complaint from the SNP Western Isles MP Angus MacNeil), as did Blair's decision to renew Britain's nuclear deterrent with a new fleet of Trident submarines and his evident desire to build a new generation of nuclear power stations. The cash-for-peerages probe revealed serious divisions within the Labour hierarchy. One of those quizzed twice by police was John McTernan, Blair's political secretary, who came north in early 2007 to work on the Holyrood campaign — part of a general tendency for 'London Labour' to take over the campaign.

Labour's campaign appeared to be dogged by a tussle to lead it between three groups — Blair/McTernan doom-mongering about the social and cultural ruptures consequent on independence, Brown/Alexander thundering about the economic disasters the Nationalists would cause, and McConnell and his advisors gamely trying to present a constructive agenda for the next four years. The latter two groups were aware that Blair's value on the campaign front was highly questionable and McConnell's discomfiture about this was evident during televised debates. Blair, however, dismissed these concerns, arguing that he was not a factor since voters knew he was soon to leave office. Neither could he believe that people would risk the gamble of voting SNP just to give him a parting kick.³³

Things were even worse on the organisational front. Campaigners sent from England to assist their Scottish counterparts were aghast to discover that in most of Labour's Scottish seats, there were no records of canvass returns from previous elections. One campaigner was quoted as saying, 'It was a nightmare. No work had been done. Everyone thought these seats were safe and that we didn't need to worry. We basically had to start from scratch finding out who our voters were.'³⁴ Thus a party with its hierarchy divided, its

³² 'McConnell makes school leaver vow', BBC News online, 25 November 2006.

³³ Author's personal briefing with Tony Blair.

³⁴ E. Barnes and M. MacLeod, 'How Jack lost the battle', *Scotland on Sunday* 6 May 2007.

strategy unclear, and its organisation in tatters, staggered to the election starting-line. Though the electorate was clearly disenchanted with Blair, the party determined that he and Brown would lead the assault on the SNP and independence.

Exactly how effective this would be was, however, open to doubt. The SNP had adopted Labour's strategy for defusing Conservative attacks on its plans for devolution in the 1997 election by promising that in government, it would publish a White Paper on independence and then hold a referendum. As with Labour in 1997, it meant that people could vote for the SNP and its manifesto for running a devolved Scotland without worrying whether this meant Scotland becoming independent. Labour strategists took the view that the SNP and independence were so inextricably linked that this was a detail. Labour's 2007 campaign managers were unapologetic. One was quoted in *The Scotsman* as saying, 'In this campaign, after 10 years in government, it is fear, not hope, that will win.'³⁵

Jack McConnell's positive agenda came to the fore at Labour's manifesto launch on 10 April. He spoke with passion about education and unveiled radical proposals to increase spending on education by £1.2 billion over the next three years at the expense of other areas. Unfortunately for Labour, the media was more interested in council tax. McConnell proposed various detailed reduction but when the media demanded details he could give none. Because Labour could not produce figures to back its own policy, the figures that it produced on SNP policies were undermined.³⁶

Labour Manifesto 2007: Key Points.

Economy: Establish Full Employment Agency to work with UK Government to get 100,000 people into work by 2015; increase proportion of working age population with vocational or academic higher/further education qualification to 51 per cent; invest in science research and conversion of discoveries into products; spend £30 million on cutting small business rates.

Education: All 16 and 17 year-olds to be in higher or further education, training work or volunteering; new arithmetic and literacy exams; more emphasis on science and language learning; 250 new refurbished schools; expand number of schools specialising in music and sports; continue reducing class sizes to below OECD average; programme to reduce bullying and violence in schools; real terms increase in finance for further and higher education.

³⁵ P. MacMahon, 'Labour big guns banking on £13bn fear factor in election', *The Scotsman* 4 April 2007.

³⁶ M. Linklater, 'Being a maths teacher doesn't mean you have all the answers', *The Times* 11 April 2007.

Justice: Establish community police teams in every area of Scotland and double number of community wardens; more use of anti-social behaviour orders by local authorities; reform youth justice system; Sentencing Guidelines Council to bring more consistency to sentencing; put Scottish Crime and Drug Enforcement Agency under one roof with other law enforcement agencies; review a ban on airguns

Health: hospital waiting times to be cut to a maximum of 18 weeks from GP referral; walk-in treatment centres in main commuter hubs; more minor procedures to be carried out by nurses; more services to be provided by GP health centres or at community hospitals; wider consultation by NHS boards on changes to services; direct election of majority of NHS board members to be piloted; reduce amounts payable for prescription charges.

Environment: introduce climate change bill including commitment to reduce carbon emissions by 60 per cent by 2050; 50 per cent of electricity generation from renewable sources by 2020; set target to recycle 70 per cent of waste by 2020.

Rural Affairs: extend community right-to-buy to larger communities; help young farmers enter the industry; increase share of Common Agricultural Policy resources allocated to environmental protection to 15 per cent; legislate to protect definition of Scotch Whisky.

Transport: spend £1 billion a year with 70 per cent devoted to public transport; take forward Glasgow cross-rail project; examine fast link rail services between Glasgow and Edinburgh; consider running Scotrail franchise on a not-for-profit basis; complete major road schemes; abolish tolls on Tay road bridge; build replacement Forth road crossing.

Society: end child poverty by 2020 and fuel poverty by 2016; establish national anti-poverty unit.

Local Government: Cut water and sewerage charges by 50 per cent for all pensioner households within two years

TIME FOR CHANGE IN THE SNP

The SNP's campaign can be traced back to June 2005 when Angus Robertson, MP for Moray, gathered a group of senior party people and supporters at the Craiggellachie Hotel on Speyside. It included bright young people such as the party's former communications director Kevin Pringle, then working for Scottish Gas, and business, public affairs and academic supporters. The aim was to work out where the party had been going wrong and how to put it right. Reports say that the meeting agreed that the party had to stop talking to itself at election time, should concentrate less on protest campaigns and more on positive actions, and should present itself as a party ready for government. The most important factors contributing to previous poor

performances were felt to be lack of money and poor communications. Five priorities for action were identified — communications, governance, message, organisation and resource — and teams of staff and politicians were allocated to each. Under governance, the main message was: ‘To be ready for government before 3 May 2007, and in government thereafter.’³⁷

Many of the tactics adopted by the SNP seem to have been adopted from the New Labour 1997 election guide. Indeed, some of it was written by a former New Labour supporter, Gordon Guthrie, who had switched allegiance to the SNP. A computer expert, he had constructed the software for a programme called ‘Activate’, which Labour used to identify and track existing and potential supporters. He now built an enhanced version for the SNP. With one exception, the main thrust of SNP election campaigns had been to convert people to the idea of independence by promising that a host of good things — better pensions, lower tax bills, better hospitals — will become possible if only people vote for independence. But, since independence has never appealed to more than, at best, a third of the electorate, the strategy has failed. The exception was the 2003 Holyrood elections, when the SNP downplayed independence and concentrated on policies for devolution, a strategy that did not work either. Guthrie wrote that that the SNP should aim to maintain its traditional electoral base and add to them by constructing a ‘coalition of interests’. He advocated, ‘The party needs to position itself in the political landscape by understanding and reaching out to segments of the electorate, peeling layers of support from other parties, and binding them into an electoral coalition for independence.’³⁸

The SNP used the same tactic as Labour had in 1997, devoting time and effort to talking to Scottish business and promising to use the powers of devolution to make radical cuts in business rates for small businesses. But it did not attempt to hide independence either. Indeed it tried to use independence to enhance its business-friendly credentials by promising that an independent Scotland would cut corporation tax to 20 per cent.

These efforts paid big dividends. In October 2006, the SNP announced that Sir Tom Farmer, founder of the Kwik-Fit chain of car exhaust and tyre fitters, had donated £100,000 in order to ensure a level spending playing field in the campaign. That was followed by £500,000 from Brian Souter, chairman of Stagecoach. Although Souter was a long-time SNP supporter, Farmer’s previous political leanings were towards Thatcherism. Apart from enabling the SNP to claim some heavyweight business backing, the donations meant the party reached its target of £1.5 million to spend on the election.

³⁷ T. Gordon, ‘Wrestling with Independence’, *Sunday Times* Scotland 6 May 2007.

³⁸ Barnes and MacLeod 2007.

The reaching-out strategy went much wider than that. The potency of bridge tolls to shift votes had emerged during the Dunfermline West by-election in February 2006. The SNP made abolishing tolls on the Forth and Tay road bridges a campaign pledge. In Ayr and Lanarkshire, health board plans to close hospital accident and emergency units caused much local outrage. The SNP promised to stop any such closures. Discovering that there was a significant body of opposition to plans to spend £1.2 billion on trams and an airport rail link in Edinburgh, the SNP promised to scrap the trams and find a cheaper airport rail link. (This had the handy by-product of meeting with approval in the SNP heartlands north and north-east of Scotland where voters have a strong suspicion that they are losing out on the benefits of devolution while central Scotland is cashing in.)

Some of the SNP's policies did not need changing, but re-modelling. The party has long opposed property-based local council taxes and favoured a local income tax. This has always been open to attacks from opponents claiming that the additional income tax would be penalising. In March 2007, the SNP announced that a fixed rate of 3p extra on the basic rate of income tax would be applied across Scotland, dropping the idea of local power to vary the rate. They also said that council tax bills would be frozen for two years until they were able to introduce the new tax.³⁹ The new format of an old policy had the merit of simplicity. It had a definite appeal to pensioners and middle-income earners facing rising mortgage payments as a result of interest rate rises. The middle classes were further wooed with promises to abolish the post-graduation student endowment charge of about £2000 per student and eventually to reintroduce a student grant system.

The 'New Labourisation' of the SNP extended to instructing candidates on how to establish a rapport with voters by mirroring their posture, body language, and speech patterns, and by maintaining eye contact.

The SNP's response to Labour's assaults on their financial plans was subtly different to previous campaigns when they did their best to trade numbers, presenting journalists with a mass of competing balance sheets and jostling estimates and counter estimates. In this campaign, the SNP produced their counter-estimate of the state of Scotland's public finances early with two publications in 2006, which reiterated the SNP's claims that an independent Scotland would be among the wealthiest countries in the world and that when oil was included, Scotland's public finances were in balance.⁴⁰ Having done that exercise, the SNP resisted any temptation to do more number-crunching in the election campaign.

³⁹ P. MacMahon, 'SNP unveil scheme to replace council tax', *The Scotsman* 15 March 2007.

⁴⁰ Scottish National Party, 'The true wealth of the nation' August 2006, and 'Scotland in Surplus — past, present and future' December 2006 (Scottish National Party, Edinburgh). Both available at www.snp.org

SNP Manifesto 2007: Key Points

Government: cut number of Executive departments; reduce cabinet ministers (to be re-labelled cabinet secretaries) from eight to five; review agency structure to reduce bureaucracy; discussions on creation of Scottish civil service on lines of Northern Irish model; early publication of White Paper on independence with aim of a referendum in 2010; produce annual 'health of the nation' report; work constructively with the UK Government, strengthen concordats, restart Joint Ministerial Committee meetings, and seek early negotiation on transfer of responsibility for North Sea oil and gas to Scotland; secure efficiencies of £2.7 billion in 2008–11; introduce not-for-profit Scottish Futures Trust as alternative to private finance for public projects;

Economy: create new Council of Economic Advisors and new National Economic forum; spend £120 million on business rates relief scheme for small businesses; set targets for economic growth to match UK growth rates by 2011 and exceed them by 2017; grow population by 3 per cent over next ten years; proportion of national wealth held by six lowest income deciles to increase; a 10 per cent reduction in wealth disparity of richest and poorest part of Scotland; signal intention to reduce Corporation Tax to 20 per cent when Scottish government has the power;

Transport: 10-year plan to improve road safety; approve second stage Waverley station improvements; cancel Edinburgh trams saving £600 million; cancel Edinburgh Airport Rail Link saving £600 million and substitute cheaper alternative; improve Edinburgh-Glasgow rail journey times, commuter rail routes and Edinburgh-Aberdeen/Inverness rail line; early go-ahead for replacement Forth Crossing; commission study and pilot 'Road Equivalent Tariff' fares for ferries to Western Isles; seek discussions with UK Government on Scotland-London high-speed rail link

Local Government: initially freeze council tax then abolish it and replace with local income tax set at 3p; review community councils; work with lenders to provide loans to first-time buyers and introduce first-time buyers' grant of £2,000; review council housing right-to-buy legislation.

Environment: introduce Climate Change Bill with mandatory 3 per cent annual reduction in carbon output; set target for use of alternative fuels; ban on new nuclear power stations and waste dumps; commitment to renewable energy in every Scottish school; consult on reducing energy footprint in new buildings; seek creation of EU green energy research centre in Aberdeen; support research into carbon capture at power stations and tidal/wave power;

Health and Wellbeing: Patients' Right bill to set 18-week guarantee between GP referral and hospital treatment; more out-of-office hours opening of local health centres; more fast-track diagnostic and treatment NHS treatment centres; presumption against centralisation of core hospital services; direct elections to health boards; seek return of £40 million in attendance allowance payments from UK Government; abolish prescription charges by 2012.

Education: reduce class sizes in P1–3 to 18 or less; pilot free school meals for P1–3 pupils; every pupil to have 2 hours of PE per week; increase nursery provision by 50 per cent; vocational qualifications to have parity of esteem with academic qualifications; abolish graduate endowment fee and replace student loans with means-tested grants; pay off existing Scottish student debt.

Arts and Sport: abolish SportScotland; support Glasgow 2014 Commonwealth Games bid and study feasibility of bidding for 2016 European Football championships; give £2 million to Edinburgh International Festival to promote Scottish art; seek devolution of broadcasting powers and demand creation of Scottish news service.

Justice: raise legal smoking age to 18; stop deep discounting of alcohol in shops and introduce tougher penalties for sales to under-18s; increase funding for drug rehabilitation programmes; recruit 1000 more police; seek devolution of power over firearms and eventually ban air weapons.

Rural Affairs: promote biofuel crops; £10 million fund to support new entrants to farming; introduce ombudsman to police supermarket-supplier relations; merge Scottish Environment Protection Agency and Scottish National Heritage and review farming regulation; work for stronger role in EU affairs including taking the lead at fisheries council meetings; oppose GM crops; work for withdrawal from Common Fisheries Policy.

One tactic from the 1999 campaign survived; direct contact with the electorate, to limit the impact of media hostility. In 2007, direct contact was done much more professionally, using targeted mailings full of individualised messages addressing each voter's concerns, and identified through the 'Activate' programme which was linked to a call centre. This centre was making 25,000 calls a week in the weeks before the campaign and the call rate was upped to 125,000 per week when the campaign began, backed up with leaflet delivery and doorstep contact.⁴¹

But it was planning that emerged as the key feature of the SNP's campaign. The entire campaign was mapped out minutely long before it began with the aim of controlling the agenda. Planning for the final seven days — regarded as critical by political strategists because it is when wavering voters make up their minds — was begun six months previously. One feature was a series of adverts in newspapers, local and national, with a range of people — pensioners, artists, businesspeople — endorsing the SNP. The idea was to convey to waverers that they were not alone in wanting to vote SNP, indeed that it was the fashionable thing to do.⁴² The most striking example of this planning came just before the campaign proper, when in

⁴¹ Scottish National Party press release. 'Labour Campaign in disarray as they admit council tax isn't fair.' 10 April 2007, available at www.snp.org/press-releases/2006/labour-campaign-disarray-as-they-admit-council-tax-isn-t-fair/

⁴² H. MacDonell, 'Cash and control — the SNP's recipe for campaign success', *The Scotsman* 5 May 2007.

mid-March, Tony Blair visited Edinburgh and Aberdeen to attack the SNP's plans as disastrous for the economy. On the morning of the visit, *The Scotsman* had a scoop — a letter from Sir George Mathewson, a former immensely successful chairman of the Royal Bank of Scotland, endorsing the SNP.⁴³

THE CONSERVATIVES COME IN FROM THE COLD

Unlike previous election campaign, the Conservatives chose not to major on the threat to the Union posed by the SNP. Leader Annabel Goldie did make a big 'state of the union' speech a week before polling day in which she criticised the SNP for seeking to close doors for Scots that had been opened by the Union. But she also critiqued Labour and the Lib Dems as an equal danger to the union because their incompetence in running devolved Scotland had made people question the devolution settlement.⁴⁴

More interesting was Goldie's positioning of the Conservative Party. Since no other party was even remotely likely to do a coalition deal with it, it faced the prospect of being permanently out in the cold and serving little purpose other than being a punch-bag for opponents. But at the Scottish Conservative conference in March 2006, Goldie condemned coalition government as a failure and broached the prospect of minority government. She said her aim was to displace the SNP to become the principal opposition party, and added, 'With proportional representation, no one party will have an overall majority, and there is no reason why a minority administration cannot govern, but then that means the biggest opposition presence is tremendously influential.'⁴⁵ The notion was greeted with some horror by many party members, but Goldie quietly reassured them it could have many benefits — keeping the SNP out of power, bringing the Tories in from the cold, and providing an opportunity for the Tories to have a real input into policy-making without soiling their hands with coalition politics. Labour was dismissive, but not overly so. During the summer, Margaret Curran, Minister for Parliamentary Business, had visited New Zealand to learn how its minority government worked and her report seemed to enthuse Jack McConnell, who began privately discussing the prospects for a Labour minority government.⁴⁶

During the campaign, Goldie concentrated on what she termed 'bread-and-butter' issues. The talk of minority government seemed to pay off during the campaign in that the Tories' proposals were listened to more intently than in previous campaigns, and Goldie proved during televised

⁴³ *The Scotsman* 16 March 2007.

⁴⁴ 'Blair and Goldie in Union defence', BBC News online, 26 April 2007.

⁴⁵ 'Goldie sets out Tory way forward' BBC News online, 4 March 2006.

⁴⁶ S. Low, 'Beyond the party conference hall', BBC News online, 15 October 2006.

leaders' debates to be more relaxed and mischievously humorous than her matronly image suggested.

LIBERAL DEMS, GREENS AND REDS STRUGGLE

In common with most Lib Dem campaigns, the party chose high-mindedly to stay out of the mire of negative campaigning, concentrating on a positive presentation of their policies. In an 87-page manifesto, there were a lot of them, the boldest of which was an aim for Scotland to convert entirely to 'clean, green energy — the renewables powerhouse of Europe.'⁴⁷ The manifesto set out a calendar of action for the first seven months of a Lib Dem government. June was to be about new opportunities for youngsters including an hour a day of physical exercise; July would see new seven-year sentences for knife crime and a tougher regime of community sentences; and so on. It was a not unreasonable assumption that Labour and the SNP could be relied upon to knock lumps out of each other, but would lay off the Lib Dems because they were potential coalition partners. So the Lib Dems could hope to pick up votes equally from disenchanted Labour supporters who could not stomach voting SNP, and would-be SNP voters who could not tolerate voting Labour. The SNP certainly laid off assaulting the Lib Dems, but the party did not reap the rewards it hoped for. This was mainly because the Lib Dems were constantly asked whether they would support a referendum on independence. That confirmed that the SNP were the only real challengers to Labour and also put the Lib Dems on the back foot.

The election was always going to be tough for the Greens, who boldly hoped to win 10 seats.⁴⁸ Their big problem was that where their manifesto looked radical and different at previous elections, now the other parties had caught up. Where it was radically different — for example in cancelling major road building schemes or substituting a land value tax for council tax and business rates — it looked out of touch with public opinion.

Things were also going to be tough for the far left, now split into two parties. What was left of the SSP made no predictions about their likely number of MSPs but Tommy Sheridan's Solidarity forecast seven seats.⁴⁹ But the absurdities of the previous year's court case and subsequent vitriolic name-calling between the protagonists meant that neither party had any credibility. The SNP's voter identification efforts targeted people who had previously supported both parties and the Greens. Armed with a manifesto that had elements which appealed to their voters (renewable energy, cutting carbon output, abolishing council tax, free school meals), the SNP had the weaponry to persuade them into the Nationalist camp.

⁴⁷ 'Lib Dems in renewable revolution', BBC News online, 11 April 2007.

⁴⁸ 'Greens seek to increase MSP tally', BBC News online, 3 April 2007.

⁴⁹ 'Sheridan predicts seven new seats', BBC News online, 3 March 2007.

SHAMBLES AT THE COUNT

The remarkable gains being made by the SNP and the closeness of the eventual result were not the only stories to emerge after the polls closed. The two votes under the additional member system had been combined into a single ballot and there was also the local government election with its new single transferable vote system. During the count it rapidly became apparent that there was an abnormally high rejection rate of spoiled papers.

Figure 2.3. Elections 2007, Votes Cast and Rejected⁵⁰

	Votes Cast		Percentage Rejection Rates	
	Total	Rejected	2007 Rate	2003 Rate
SP Regional List Votes	2,102,623	60,455	2.88	0.65
SP Constituency Votes	2,101,638	65,644	4.07	0.66
Local Council Votes	2,099,945	38,352	1.83	0.64

Ron Gould, a Canadian electoral expert, investigated what had happened for the Electoral Commission.⁵¹ His report recommended separating the local and national elections by two years but said that combining the elections was not the main cause of the high spoilage rate. Neither was the electronic count to blame. The main culprit was combining the regional list and constituency votes onto the one paper, particularly in the Glasgow and Lothian regions where the large number of regional candidates caused the voting instructions to be abbreviated.

Political and media attention focused on one line in the report: ‘What is characteristic of 2007 was a notable level of party self-interest evident in Ministerial decision-making (especially in regard to the timing and method of counts and the design of ballot papers).’⁵² The UK Government had retained power over the Scottish Parliament elections (responsibility for local council elections was devolved), so fingers of blame were immediately pointed at Labour ministers, particularly Douglas Alexander, Scottish Secretary at the time, who apologised for ‘any actions or omissions on my part’

⁵⁰ Source: *Electoral Commission Scottish Elections Review 2007*, p. 7.

⁵¹ Electoral Commission *Independent review of the Scottish Parliamentary and local government elections 3 May 2007* (London: Electoral Commission, 2007). Available at: www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0011/13223/Scottish-Election-Report-A-Final-For-Web_27622-20316__E__N__S__W__.pdf

⁵² Electoral Commission 2007, p. 17.

that contributed to the problems.⁵³ However the report also made it clear that all political parties had been involved in the design of the Parliamentary voting papers and referred to ‘months of partisan political discussion.’⁵⁴

The Scottish Parliament debated the Gould report on 10 January 2008, voting by 109 to 15 that the executive and administrative powers for the Parliament and the Executive to run Scottish Parliamentary elections should be devolved.⁵⁵ The Liberal Democrats voted against, arguing that the Parliamentary elections should be held under the single transferable vote.

DOWN TO THE WIRE

In the end, the result was a damned close run thing. The SNP outpolled Labour in the constituency vote by just 0.8 per cent and in the regional list vote by 1.8 per cent. If Labour had retained Cunningham North, lost by just 48 votes, it would have been the largest party by one seat. Considering that the SNP began the campaign with a five to six point lead in the opinion polls, Labour’s campaign can be judged a success. Of course, this turnaround was eclipsed by the triumph of the SNP. This was undoubtedly the best funded, the best organised, the best planned and the most controlled campaign of the SNP’s history, and beat the other parties’ 2007 campaigns hands down for professionalism. It won 21 constituency seats, the most it has ever done. It won Labour heartland seats, such as Central Fife. It ousted two Lib Dem ministers from their constituencies. But is it a big step forward?

The SNP increased its share of the constituency vote by 9.1 percentage points and its regional vote by 10.2 points. But despite all Labour’s disadvantages — a

Labour UK Government and Prime Minister perceived to be unpopular, and disillusionment with Labour’s performance at Holyrood — Labour’s constituency vote fell by only 2.5 points and its regional vote by 0.2 points. The Conservative vote held steady in the constituencies and fell by just 1.6 points in the regional lists. The Lib Dems actually improved marginally. It adds up to a 1.4 percentage point erosion of the major parties’ constituency vote and a 2.2 point erosion of their regional vote. Where Labour managed to rush in last-minute constituency organisational support, as in Cumbernauld and Kilsyth or Glasgow Kelvin, it held seats it was expected to lose.

Most of the SNP gains appear to have come from the collapse of minor party support, in particular following the self-destruction of the Scottish Socialist Party. Its constituency vote fell by 6.2 points and its regional vote by 6.1 points, hardly compensated for by the breakaway Solidarity Party which gained just 1.5 per cent of the regional vote. The Greens also lost 2.8 points from their regional vote. But the SNP also had marked success in

⁵³ ‘Alexander makes election apology’, BBC News online, 24 October 2007.

⁵⁴ Electoral Commission 2007, p. 48.

⁵⁵ Scottish Parliament *Official Report*, 10 January 2008, col. 4957.

Figure 2.4. Winning (2003 and 2007) Parties' Seats, Votes and Share of Votes									
Party	Constituency Seats and Votes			Regional List Seats and Votes			Regional List Seats and Votes		
	Seats	Votes	%	+/-%	Seats	Votes	%	+/-%	
SNP	21	664,227	32.9	+9.1	26	633,611	31.0	+10.2	
Labour	37	648,374	32.1	-2.5	9	595,415	29.1	- 0.2	
Cons	4	334,743	16.6	0.0	13	284,035	13.9	- 1.6	
Lib Dem	11	326,232	16.2	+0.8	5	230,651	11.3	- 0.5	
Green	0	2,971	0.1	+0.1	0	82,577	4.0	- 2.9	
SSP	0	525	0.0	-6.2	0	13,096	0.6	- 6.0	
Solidarity	0	0	0.0	0.0	0	31,096	1.5	+ 1.5	
SSCUP	0	1,702	0.1	n.c.	0	39,038	1.9	+ 0.4	
MM	0	0	0.0	n.c.	1	19,256	0.9	- 0.5	
	73				56				

Note: SSP — Scottish Socialist Party; SSCUP — Scottish Senior Citizens Unity Party; MM — Margo MacDonald; n.c. — no change. Source: BBC News website at http://news.bbc.co.uk/1/shared/vote2007/scottish_parliament/html/scoreboard_99999.stm

mobilising people who had previously not bothered to vote. Analysis by the Scottish Centre for Social Research concluded that a quarter of the SNP's vote came from people who had not voted at the 2003 Holyrood election (and about 15 per cent from 2003 Labour voters).⁵⁶ These factors suggest that if the three main opposition parties could improve their organisation to match that of the SNP's, the Nationalists might struggle to retain many of their gains.

Opinion polling also suggested that independence became less and less popular as the campaign wore on. For example, a Populus poll for *The Times* published on 20 April showed only 22 per cent backing complete independence. Even amongst SNP voters, 47 per cent wanted a devolved Parliament with more powers, more than the 45 per cent who wanted independence.⁵⁷

So why did the SNP win the election? Commentators agree that while the SNP won the election, it failed to win the constitutional argument. 'The SNP's success in May's election did not signify a growing wish amongst Scots to leave the Union' and '... it can safely be suggested that [the SNP's success] was not due to the voters suddenly being converted to the cause of Scottish independence.'⁵⁸ There are two caveats to this conclusion. The first is that while the SNP did not convince the electorate of the merits of independence, it was much more successful at persuading the already converted to vote for it than in 2003. Just over three-quarters (76 per cent) of those who favour independence voted SNP in 2007, but in 2003 only half (51 per cent) of pro-independence voters backed the SNP.⁵⁹

The second caveat is that a more subtle analysis reveals that the independence issue can have other effects on voting behaviour. The Scottish Election Study 2007 used a 'valence politics' model to explain the result.⁶⁰ Unlike position political analysis (where voters are identified as for/against/neutral on a particular issue such as the Iraq War) valence political analysis assumes that voters share the same overall objective (such as reducing crime) but have different views of the parties' ability to deliver that objective. The authors argue:

⁵⁶ See D. McCrone and N. McEwan, 'A Vote for Independence?', presentation at Scottish Centre for Social Research seminar 'The 2007 Election: Earthquake, Misfortune and Revolution?', Edinburgh, 31 October 2007, available at www.scotcen.org.uk

⁵⁷ W. Miller, 'How the SNP could win and lose at the same time', *The Times* 20 April 2007.

⁵⁸ Scottish Centre for Social Research press release, 30 October 2007, 'SNP election victory not based on increased support for independence', available at www.natcen.ac.uk/natcen/pages/news_and_media_docs/snp.pdf; D. Denver, ' "A Historic Moment"? The results of the Scottish Parliament's elections', *Scottish Affairs* 60 (2007), p 78.

⁵⁹ Scottish Centre for Social Research 2007.

⁶⁰ D. Denver, R. Johns, J. Mitchell and C. Pattie, 'The Holyrood Elections 2003: Explaining the results'. Paper presented at EPOP conference, University of Bristol, September 2007. Available at www.scottishelectionstudy.org.uk/paperspubs.htm

... 'standing up for Scotland's interests' is more or less the SNP's *raison d'être*, and so even those opposed to independence are nonetheless inclined to believe that the party could deliver benefits to Scottish voters. Thus, the SNP's stance on independence might win it valence support from voters, regardless of their own personal constitutional preferences.⁶¹

To summarise, the SNP won the election because of five factors: much better organisation and funding, winning the votes of both 'full-strength Nationalists' and 'Nationalist-lites', a perception it would stand up more for Scotland than Labour, having the most popular leader, and a perception it would do a better job on devolved issues.

INTO AN UNCERTAIN FUTURE

Following the pattern of previous Holyrood elections, the immediate focus was on whether the SNP could form a coalition government. Labour hopes of forming an anti-SNP coalition were never really possible.⁶² The SNP had 47 votes in the 129-seat Parliament and was 18 votes short of a majority. With the political gulf between Labour and the SNP being deep and visceral, any arrangement with Labour was out of the question, particularly after Salmond declared that Labour had lost the 'moral authority' to govern.⁶³ The Conservatives stuck to their pre-election position, opposing coalitions and favouring a minority government. That left the Greens (two seats), the Liberal Democrats (16 seats) and perhaps the independent nationalist Margo MacDonald as the only hope for a coalition with a wafer-thin majority.

The Greens refused to entertain coalition, offering instead to support the SNP in votes of confidence and on crucial budget votes — 'confidence and supply', as their position became known. (This approach had, of course, already been explored by Labour before the elections.) By 11 May, a deal was struck; the SNP agreed that the Greens should have some advance consultation on legislative and budgetary issues, to oppose new nuclear power stations, to introduce early legislation to reduce climate change, and to nominate a Green MSP for a Parliamentary committee using SNP nominating rights. (Patrick Harvie duly became convener of the Transport, Infrastructure and Climate Change committee.) While there was media expectation that the Lib Dems would also agree a deal, the Lib Dems continued to insist on their opposition both to independence and an independence

⁶¹ Denver et al 2007, p. 6.

⁶² 'SNP begins coalition discussions', BBC News online, 5 May 2007.

⁶³ 'SNP beats Labour in Scottish poll' BBC News online, 4 May 2007.

referendum, and would only talk to the SNP if the referendum plan was dropped.⁶⁴ This precondition was completely unacceptable.⁶⁵

On 16 May, the Parliament voted in Alex Salmond as First Minister by 49 votes (47 SNP and two Green votes) to 46. Both the Conservatives and Lib Dems abstained. Salmond became Scotland's fourth First Minister, the first SNP member in the party's history to be elected to government.⁶⁶

List of Scottish Government Departments and Ministers, May 2007

Office of the First Minister

First Minister: Alex Salmond

Minister for Europe, External Affairs, and Culture: Linda Fabiani

Minister for Parliamentary Business: Bruce Crawford

Finance and Sustainable Growth

Cabinet Secretary: John Swinney

Minister for Enterprise, Energy and Tourism: Jim Mather

Minister for Transport, Infrastructure and Climate Change: Stewart Stevenson

Education and Lifelong Learning

Cabinet Secretary: Fiona Hyslop

Minister for Children and Early Years: Adam Ingram

Minister for Schools and Skills: Maureen Watt

Health and Wellbeing

Cabinet Secretary and Deputy First Minister: Nicola Sturgeon

Minister for Public Health: Shona Robison

Minister for Communities and Sport: Stewart Maxwell

Justice

Cabinet Secretary: Kenny MacAskill

Minister for Community Safety: Fergus Ewing

Rural Affairs and the Environment

Cabinet Secretary: Richard Lochhead

Minister for Environment: Michael Russell

Law Officers⁶⁷

Lord Advocate: Elish Angiolini

Solicitor General: Frank Mulholland

⁶⁴ 'Lib Dems rule out SNP coalition', BBC News online, 7 May 2007.

⁶⁵ I. MacWhirter, 'Referendum? Salmond's too busy making history', *The Herald* (Glasgow) 7 May 2007.

⁶⁶ 'Salmond elected as first minister', BBC News online, 16 May 2007.

⁶⁷ Elish Angiolini had been appointed as Lord Advocate by the Labour/Lib Dem coalition in 2001, and re-appointed by the new government. Frank Mulholland is a professional lawyer with no known party-political affiliations. Neither is an MSP.

SNP IN OFFICE, BUT IN POWER?

The biggest risk for the SNP as its leaders moved into government for the first time was that the parliamentary arithmetic meant it was seen as weak and powerless. The Parliamentary arithmetic meant that, if Labour opposed a measure, the SNP had to gain Green and either Conservative or Liberal Democrat support. That meant that, unlike the previous two administrations, Salmond was not able to announce a legislative programme shortly after taking office, and even by January 2008 only five bills had been presented to the Parliament.⁶⁸ One, a bill to abolish tolls on the Forth and Tay road bridges, met no significant opposition and was speedily passed. However, for the government to be weak, the opposition has to be seen as strong. The SNP's ace card is that the three main opposition parties have to unite to defeat the government, whereas the SNP, with Green support, only needs the support of one other party.

An early Parliamentary dogfight exposed these positions. The SNP manifesto pledged that it would cancel two major transport projects — a tram system for Edinburgh costing about £600 million and a complex tunnelled main line rail link to Edinburgh airport costing another £600 million. Both were projects of the previous administration, so Labour and the Lib Dems were determined to preserve them. The Conservatives were also supporters, but with provisos that the projects should provide value for money and avoid expensive cost over-runs. After several unsuccessful earlier attempts, on 27 June 2007 a third opposition attack succeeded in forcing the government to accept the trams scheme, but could only delay a decision on the airport rail link until September which the Government used to develop plans for a cheaper alternative, said to cost about £210 million.⁶⁹ With Conservative support, this enabled the SNP to cancel the original project, in a Parliamentary vote on 27 September.⁷⁰ The result could be described as a score draw; the SNP ended up saving only about £400 million (rather than £1.2 billion), but the opposition could save only one of the two schemes.

The SNP's ability to take executive action which does not require Parliamentary approval has turned out to be its strongest card. It established momentum by cutting the number of Executive departments, and cabinet ministers, from nine to six (see list of departments and ministers). Its immediate headline-grabbing announcements included:

⁶⁸ These were the Budget (Scotland) Bill (Budget); Glasgow Commonwealth Games Bill; Graduate Endowment Abolition (Scotland) Bill; Public Health etc. (Scotland) Bill; and Abolition of Bridge Tolls (Scotland) Bill.

⁶⁹ Scottish Parliament *Official Report*, 27 June, 2007, col 1192.

⁷⁰ Scottish Parliament *Official Report*, 27 September 2007, col 2308.

- reversing of the previous Executive's plans to close accident and emergency units at Ayr and Monklands hospitals,
- abolishing the Forth and Tay road bridge tolls
- abolishing the £2000 graduate endowment fee, and
- acting to raise the legal age for buying cigarettes from 16 to 18 years.

Salmond also re-branded government north of the border by changing the public name from 'Scottish Executive' to 'The Scottish Government' (although the legal name, enshrined in the Scotland Act 1998, remains unchanged).⁷¹

As the SNP settled into office, Jack McConnell decided to withdraw from the political stage. On 15 August, he resigned as leader of the Scottish Labour MSPs and by 14 September, Wendy Alexander, the sole nominee for the post, was confirmed as his successor.⁷² Alexander was widely regarded as the brightest of the Scottish group and was close to Gordon Brown, the new UK Prime Minister. Yet scarcely had Alexander taken up the leadership than she was engulfed in a scandal about improper cash donations (albeit of small amounts) raised for her leadership campaign. While she was eventually cleared of wrongdoing by the Electoral Commission, the controversy continued to undermine her leadership.

FINANCIAL SETTLEMENTS

Budgets and the hard realities of finding the money to pay for manifesto promises brought everything back to earth. The UK Government had long made it known that the Comprehensive Spending Review (CSR) covering 2008–11 would produce much smaller spending increases than the previous spending reviews. But the SNP government was outraged when the CSR was announced on 9 October 2007 (see also chapter 6). Salmond fumed that Scotland had been 'squeezed and short-changed by the Treasury.' The real increase over the three years, he argued, was not the 1.8 per cent claimed by the Treasury but, because of a redrawing of the baseline for English health spending, only 1.4 per cent. Worse still, he raged, the annual increases were 0.5 per cent in 2008–9, 1.6 per cent the next year, and 2.3 per cent in the final year, making things exceptionally difficult in the looming year.⁷³ Independent analysis, however, suggested that the 1.8 per cent increase was the correct figure and that Scotland had got a worse deal than Wales, but a better

⁷¹ Scottish Government press release, 3 September 2007, 'The Scottish Government — It's official.' Available at www.scotland.gov.uk/News/Releases/2007/09/31160110

⁷² 'Alexander leads Scottish Labour', BBC News online, 14 September 2007.

⁷³ Scottish Government press release, 9 October 2007. 'FM comments on UK spending review', available at www.scotland.gov.uk/News/Releases/2007/10/10084746. See also *Scotland Devolution Monitoring Report*, January 2008, section 8.

deal than Northern Ireland (see Figure 2.5). Nevertheless, the outcome gave Salmond much less room for manoeuvre than his predecessors.

Figure 2.5. Departmental Expenditure Limits (£ million), Devolved Administrations, 2006–11⁷⁴

	2006–7 Estimated Outturn	2007–8 Plans	2008–9 Plans	2009–10 Plans	2010–11 Plans
<i>Current prices</i>					
Scotland	24,806	26,059	27,244	28,399	29,784
Wales	12,949	13,588	14,272	14,964	15,772
Northern Ireland	9,264	9,596	10,025	10,359	10,796
Total UK DEL	321,539	344,600	361,100	377,500	396,900
<i>2007–8 prices</i>					
Scotland	24,207	26,059	26,528	26,925	27,496
Wales	13,299	13,588	13,897	14,188	14,560
Northern Ireland	9,515	9,596	9,761	9,821	9,967
Total UK DEL	330,273	344,100	351,607	357,912	366,412
<i>Per centage real growth per annum</i>					
Scotland	6.5	7.7	1.8	1.5	2.1
Wales	5.3	2.2	2.3	2.1	2.6
Northern Ireland	4.1	0.9	1.7	0.6	1.5
Total UK DEL	3.5	4.2	2.2	1.8	2.4
Notes: For 2007–8 actual prices figures, the original baseline before CSR 2007 for Scotland was £26,271 million, for Wales was £13,790 million, for Northern Ireland was £9,700 million, and for total UK DEL was £344,100 million. Inflation is assumed at 2.7 per cent per annum 2008–11.					

⁷⁴ Source: Adapted from Centre for Public Policy for Regions, Updated analysis of the 2007 Comprehensive Spending Review (CSR) with particular emphasis on Scotland, October 2007, available at: www.cprr.ac.uk/centres/cprr/newsandevents/

Though the settlement was not as stringent as the SNP claimed it was, the Government had to make some hard choices. The manifesto pledge to increase police numbers by 1000 officers was trimmed back to 500 new officers.⁷⁵ The promised £2000 grant to first-time home buyers was dropped, the pledge to write off all existing student debt disappeared and the commitment to reduce class sizes in primaries 1–3 was watered down. Nevertheless, by the time John Swinney, Cabinet Secretary for Finance and Sustainable Growth, announced the budget for 2008–11 on 14 November, it contained plenty of additional spending allocations. But the big headline items which eclipsed the dropped spending promises were a freeze on council tax bills and reductions for business rates, the latter phased over three years rather than introduced in one go as promised.⁷⁶

The keystone of the budget was an agreement, billed as a ‘concordat’, between the Government and the Convention of Scottish Local Authorities (COSLA) aimed at giving councils enough money to freeze council taxes. The big carrot on offer was to reduce the amount of ring-fenced funding (central government grant which can only be spent on specifically ear-marked functions) from £2.7 billion (about 25 per cent of grant-aided expenditure) in 2007–8 to £300 million in 2010–11.⁷⁷ This was warmly welcomed by many council leaders who have long resented not having control over large parts of their budget and it also divided Labour council leaders from Labour MSPs who argued ring-fencing was necessary.⁷⁸

Not everyone was happy however. The universities complained bitterly that having asked for £168 million over the three years, which they said was essential to maintain research and teaching levels, they had only been given £30 million.⁷⁹ The Government managed to find small sums of unallocated money within the budget to give universities an extra £10 million for 2008–9.⁸⁰ A pattern gradually emerged that the SNP was interested only in making concessions only to the Conservatives and Greens. The Conservatives limited their ambition to achievable goals which were consistent with their manifesto, and succeeded: 1000 additional new police officers, a shift in drugs policy to abstinence and recovery treatments, and faster cuts in

⁷⁵ ‘Funds to recruit 500 new officers’, BBC News online, 12 November 2007.

⁷⁶ For full budget statement and debate, see Scottish Parliament *Official Report*, 14 November 2007, cols. 3324–3383. For the budget document, see Scottish Government, *Scottish Budget: Spending Review 2007* (Edinburgh: Scottish Government, 2007), available at www.scotland.gov.uk/Publications/2007/11/13092240/0. See also *Scotland Devolution Monitoring Report*, January 2008, section 9.

⁷⁷ Scottish Government/COSLA ‘Concordat’, November 2007, available at: www.cosla.gov.uk/attachments/aboutcosla/concordatnov07.pdf

⁷⁸ ‘Labour hits out at funding change’, BBC News online, 13 January 2008.

⁷⁹ F. MacLeod and H. MacDonell, ‘Crisis for Scottish Universities after SNP budget blow’, *The Scotsman* 16 November 2007.

⁸⁰ See Scottish Government news release, ‘Funding boost for higher education’ 28 January 2008, available at www.scotland.gov.uk/News/Releases/2008/01/28103341

business rates for small businesses. The Greens sought more money for climate change policies and cuts in road building plans. They got the former, didn't get the latter, and abstained in the final vote.⁸¹

Figure 2.6. Scottish Government Departmental Expenditure Limits 2007–11. £ Million, 2007–8 Prices⁸²

	2007–8	2008–9	2009–10	2010–10	% p.a real increase
Health and Wellbeing	10,776	10,925	11,125	11,264	1.5
Local Government	8,784	8,925	9,076	9,205	1.6
Finance and Sustainable Growth	2,682	2,279	2,812	2,801	1.5
Education and Lifelong Learning	2,358	2,344	2,355	2,377	0.5
Justice	979	1,014	1,029	1,025	1.5
Rural Affairs and Environment	530	600	604	600	4.3
Office of First Minister	266	273	278	282	1.9
Administration	241	239	237	236	-0.7
Crown Office etc	101	107	112	111	3.3
Scot. Parl't. and Audit Scotland	107	107	107	108	0.2
Total DEL	26,824	27,265	27,738	28,009	1.5

Note: These figures include allowances for depreciation and thus the Total DEL figure is different to that in Figure 2.5.

In the end, the price of meeting these demands seemed remarkably small. John Swinney announced an increase of £8 million for the Justice portfolio (mainly for extra police officers) and £4.3 million for the environment portfolio (to finance more community renewable energy projects), paid for by

⁸¹ See *Scotland Devolution Monitoring Reports*, May 2008, section 8, for a fuller account.

⁸² Source: J. Armstrong and R. Harris *The Scottish Government's Budget 2007: How it Has Been Funded*, CPPR Briefing No. 3 (2007), available at www.cppr.ac.uk/media/media_54616_en.pdf

reductions elsewhere.⁸³ Providing a ‘capital city allowance’ for Edinburgh secured Margo MacDonald’s vote, and with Conservative votes and a tactical error by Labour, the SNP won by 64 votes to one (a sole Labour MSP voting in error) with 60 abstentions.⁸⁴

THE CONSTITUTIONAL DEBATE:
A CONVERSATION AND A COMMISSION

Could Alex Salmond, up against a unionist majority, make any serious moves towards independence? He certainly intended to try. The ‘National Conversation’ was opened on 14 August 2007 when Salmond published a White Paper which did not simply set out the case for independence, but also set out how the existing devolutionary settlement could be taken further.⁸⁵ This was, he said, because ‘there are a range of options which carry support — from greater devolution to fiscal autonomy to full independence’ and ‘as a democrat ... I believe in the sovereignty of the Scottish people and their right to choose the status of the country in which they live.’⁸⁶ In other words, if the Scottish people said that they wanted more devolution and not independence, he seemed prepared to settle for that.

Much of the White Paper appeared to be little more than a long shopping list of extra powers that Scotland might wish to see transferred from Westminster. A first list set out the powers needed to take Scotland up to the limits of devolutionary power. The second list added the powers needed to move from ‘maxi-devolution’ to independence: control over foreign affairs, defence, and macro-economic matters.⁸⁷ This section seemed a little vaguer than the previous section. The White Paper stated that there would be negotiations between the Scottish and UK Governments over ‘apportionment of the national debt, allocation of reserved assets such as the UK official reserves, the BBC, and overseas missions of the Foreign Office; future liabilities on public sector pensions, and social security benefits; the split of the defence estate and the equipment of the armed forces.’⁸⁸ However, there was no discussion of a Scottish central bank or currency beyond stating that these were matters presently reserved to the UK Government. The discussion on foreign affairs maintained the SNP’s certainty that an independent Scotland

⁸³ J. Swinney, ‘Letter to Andrew Welsh MSP, Convener, Scottish Parliament finance committee’, January 2008. Available at www.scottish.parliament.uk/s3/bills/05-Budget/index.htm

⁸⁴ Scottish Parliament *Official Report*, 6 February 2008, col. 5906.

⁸⁵ Scottish Executive, *Choosing Scotland’s Future: A National Conversation. Independence and responsibility in the modern world* (Edinburgh: Scottish Executive, 2007). Available at www.scotland.gov.uk/Topics/a-national-conversation

⁸⁶ A. Salmond, ‘The Launch of a Public Debate on Scotland’s Constitutional Future’, Speech at Napier University, Edinburgh, 14 August 2007. Available at www.scotland.gov.uk/News/This-Week/Speeches/a-national-conversation/

⁸⁷ Scottish Executive 2007, chapter 3.

⁸⁸ Scottish Executive 2007, p. 21.

would ‘continue in the European Union and bear the burdens and fulfil the responsibilities of membership.’ But it also said that there would be ‘negotiations on the detailed terms of membership’, implying that EU membership was not entirely certain.⁸⁹

Salmond reiterated that ‘independence or arguably a substantial shift in power will require a referendum.’⁹⁰ The White Paper was imprecise on when a referendum would be held or what question would be asked, canvassing the possibility that it might be a multi-option referendum on a choice between independence, the status quo, or substantial more devolution. An annex set out a draft referendum bill proposing that the only question to be asked was about negotiations for independence.⁹¹

If Salmond’s aim had been to draw the other parties into a devolution-enhancing discussion, the first signs were disappointing. A statement on 13 August from the three unionist party leaders — Jack McConnell, Annabel Goldie and Nicol Stephen — rejected the White Paper as a ‘nationalist crusade’ that could only damage Scotland, but also signalled the formation of a loose unionist coalition seeking a new devolution settlement: ‘We are willing to enter into debate jointly about the way in which devolution within the UK can best develop in the years to come and we believe that colleagues in Westminster have a role to play in that debate.’⁹² In a lecture at Edinburgh University on 30 November, Wendy Alexander took this a step forward when she announced a proposal for a ‘Scottish Constitutional Commission’ to produce plans for enhancing the devolutionary settlement. The Commission would be very different from the National Conversation: an ‘expert-led’, largely independent, group of people, but with independence excluded as an option for consideration. It would also have a ‘Westminster dimension’ and be about the rest of the UK, not just Scotland. That includes the possibility that some powers might flow back from Scotland to Westminster.⁹³ This proposal was supported by the other unionist parties at Holyrood (there had been several meetings between the party leaders to shape the strategy in the weeks between the joint opposition statement and the speech), and unsurprisingly, the Scottish Parliament endorsed it in a vote on 6 November, by 76 votes to 46 with three abstentions.⁹⁴ For the SNP, Nicola Sturgeon, claimed as a victory that the Labour Party, which had stoutly defended the status quo at the election, was now in favour of more powers. The SNP was leading the constitutional debate, she said and all

⁸⁹ Scottish Executive 2007, p.23.

⁹⁰ Salmond 2007.

⁹¹ Scottish Executive 2007, pp. 44–48.

⁹² The statement in full can be viewed at <http://news.bbc.co.uk/1/hi/scotland/6944185.stm>

⁹³ W. Alexander, ‘A New Agenda for Scotland.’ Speech at University of Edinburgh, 30 November 2007. Available at: <http://wendy.intraspin.com/2007/11/30/a-new-agenda-for-scotland/?cat=20>

⁹⁴ Scottish Parliament *Official Report*, 6 December 2007, col. 4289.

other parties were trailing in its wake.⁹⁵ However, the Alexander plan clearly sparked considerable disquiet within the Labour Party (and particularly Scottish Labour MPs at Westminster), and led to wider questioning of her leadership — questioning fuelled by the allegations of improper acceptance of campaign donations and poor performances at First Ministers' Question. For the rest of 2007, and the first months of 2008, there was considerable debate within the Labour Party about whether and how the constitutional debate should be taken forward. That debate largely ended when Gordon Brown gave an interview to BBC Scotland on 17 February 2008, in which he announced his support for what was now dubbed a 'review', and implied that leadership of it would be taken over by the UK Government.⁹⁶

CONCLUSION

So far, the SNP has proved an effective government: canny in its management of a difficult parliamentary situation, but with a shrewd eye for popular measures and so far successful in establishing for itself a reputation for competence. It has failed to cause the sort of intergovernmental chaos some had predicted, and indeed sought to minimise disputes and chosen issues where the UK Government would be weak. The response from London has been often graceless and carping — with Tony Blair failing to contact Alex Salmond to congratulate him on his election, Gordon Brown failing to respond for many months to Salmond's attempts to revive the Joint Ministerial Committee, and UK Ministers insisting on referring to the 'Scottish Executive' rather than 'the Scottish Government' since its renaming.

The constitutional battlelines for the third session of the Scottish Parliament are set. On one side the SNP minority government has its National Conversation aimed at independence or a major gain in devolved power, versus the other parties and their Constitutional Commission aimed at a re-ordering of the devolution settlement which may or may not produce more devolved powers. Both positions have their weaknesses. The National Conversation is ill-shaped, there is no obvious point at which it might be declared to have come to a conclusion, it is lacking in activity (it largely consists of a blog) and postings on its website hardly speak of a coherent, informed discussion. However, having built up expectations on a wide front — from promising free higher education to faster economic growth — Alex Salmond and the SNP Government now have to deliver. As the first Labour/Lib Dem Executive found out, expectations can be very hard to fulfil.

⁹⁵ Scottish Parliament *Official Record*, 6 November 2007, col 4138.

⁹⁶ See 'PM backs Scottish powers review', BBC News online, 17 February 2008, and also J. McIvor 'What Westminster gives... it could take' BBC News website available at http://news.bbc.co.uk/1/hi/programmes/politics_show/7242422.stm

On the unionist side there are perhaps more problems. The Constitutional Commission must win early respect and authority. Securing that depends on the three supporting parties being seen as determined to push through such changes as the Commission may recommend. At the outset, the biggest question marks hung over the Labour Party. Will it allow the Commission free rein to extend devolution, and is the party leadership of one mind about this?

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