



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 2 March 2010

Session 3

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PUBLIC PETITIONS COMMITTEE

4th Meeting 2010, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

John Farquhar Munro (Ross, Skye and Inverness West) (LD)

COMMITTEE MEMBERS

*Rhona Brankin (Midlothian) (Lab)

*Bill Butler (Glasgow Anniesland) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Robin Harper (Lothians) (Green)

*Anne McLaughlin (Glasgow) (SNP)

*Nanette Milne (North East Scotland) (Con)

*John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)

Jamie McGrigor (Highlands and Islands) (Con)

Nicol Stephen (Aberdeen South) (LD)

Bill Wilson (West of Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Hamish Battye (NHS Greater Glasgow and Clyde)

Councillor Philip Braat (Glasgow City Council)

Bob Doris (Glasgow) (SNP)

Trish Godman (West Renfrewshire) (Lab)

Anne Lear (Govanhill Housing Association)

Alex Neil (Minister for Housing and Communities)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Stewart Stevenson (Minister for Transport, Infrastructure and Climate Change)

Tom Warren (Govanhill Residents Group)

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 2 March 2010

[The Convener *opened the meeting at 14:12*]

Current Petitions

The Convener (Mr Frank McAveety): I thank everyone for their patience, as we had to have a private discussion before we started in public. We have apologies from John Farquhar Munro. I remind the public that any electronic devices and mobile phones should be switched off because they can interfere with our recording and broadcasting system.

Social Rented Housing (Standards) (PE1189)

The Convener: The first petition for our consideration is PE1189, by Anne Lear, whom I welcome to the meeting, on behalf of Govanhill Housing Association, calling on the Scottish Parliament to urge the Government to conduct an inquiry into the responsibilities of private landlords, the levels of social housing that are below tolerable standard, the impact that slum living conditions have on the health and wellbeing of residents and the wider community, and whether such conditions should merit housing renewal area status and additional Scottish Government funding.

I welcome to the meeting Alex Neil, the Minister for Housing and Communities. From Glasgow City Council, as a substitute for council leader Steven Purcell, we have Phil Braat. I thank him for filling in at late notice. We also have Tom Warren from the Govanhill residents group and Hamish Battye, head of planning and health improvement in NHS Greater Glasgow and Clyde. I thank you all for giving your time this afternoon. I know that one or two of you have been in front of the committee before. I should put it on record that I have an interest in that I represent Govanhill in the Scottish Parliament. There are also regional list members with responsibility for Glasgow who have expressed interest in the petition in the past.

As you will know, we want to pull together key individuals in the community and in the Government's and the council's decision-making process on the issue of the continuing challenges in Govanhill. I will invite comments or suggestions from committee members, which people can then take up. To get a sense of the reality on the ground, I will invite Anne Lear to express the views that she and Tom Warren receive daily in

Govanhill. First, though, we will have comments from committee members.

14:15

Anne McLaughlin (Glasgow) (SNP): I will come in again later, but I want to start by welcoming everybody. All committee members have been in Govanhill before, but the recent visit by three of us was very useful, and a very interesting discussion arose from it. I also welcome to the gallery members of Croftfoot housing action group, who have problems in their area that are similar to those in Govanhill.

We are all genuinely concerned about unravelling where the problems come from and what we can do at local authority and Scottish Government levels to resolve them. What is needed and what is not happening that could happen? It will be useful to hear what everyone has to say, but I will start with a question to Councillor Braat on the enforcement of existing legislation. There are areas of legislation that need to be tightened up and which will be tightened up. However, my concern is that existing legislation is perhaps not being used as properly as it could be with, for example, private landlords—oh, I should declare an interest at this point, because I am a private landlord. I am not an entrepreneurial one, but I rent out a flat of mine. I think that I was supposed to mention that at the beginning. The flat is in very good condition and has a jolly good, expensive new boiler.

The Minister for Housing and Communities (Alex Neil): I hope that you have registered the flat.

The Convener: We will need to toughen up that register, minister.

Anne McLaughlin: Well, I can tell you how easy it is to register as a private landlord.

Anyway, on private landlords, the issues of communal repairs and the power to issue work notices to carry those out are huge issues for people in Govanhill and Croftfoot. Home owners look after their own homes, but their buildings fall into disrepair because private landlords refuse to get involved in communal repairs. What issues do you face that prevent you from issuing a work notice whereby, as I understand it, the council can carry out work and reclaim costs from private landlords? Does the legislation need to be tightened up? Do you need to put in more resources at your end to ensure that private landlords comply with the legislation? What are the main issues around that?

Councillor Philip Braat (Glasgow City Council): Thank you very much for your questions, which raised a few key elements. The

council has put a significant amount of resources into Govanhill. Through the private sector housing grant, we will have put in approximately £7 million over this and the next financial year. That is a combination of council money and money from private owners who contribute voluntarily. The resources for Govanhill equate to between a quarter and a third of the budget for Glasgow. As everyone around the table will know, resources are very limited at the moment. We are working to the best of our ability within the restricted budget that we have. From the council's point of view, I do not think that we can contribute anything further at the moment. However, we are considering extending the proposed surveys and works, specifically in the Calder Street area, which could take the resources up to £10 million. It would be fantastic if the minister and the Government could contribute further finances, although I obviously understand the constraints on both the Government and the council.

The point about landlord registration is a good one. It is crucial to make it clear that we are not just talking about bricks and mortar—the buildings—as there is also a whole social aspect to the matter. From the various physical and social surveys that have been carried out, we have noticed that more than 60 per cent of properties in Govanhill are in the private sector. There is a distinction between registered landlords, such as Anne McLaughlin, and unregistered landlords, and we need to tackle the situation with unregistered landlords. Anne McLaughlin referred to legislation. In response to the consultation on the draft housing bill, we proposed an increase in the penalty for unregistered landlords to £20,000, which would be very welcome.

There are other things that we could do. About a quarter of the approximately 2,000 private sector landlords are unregistered, but the problems stem not only from the unregistered landlords but from the registered ones. We need to tighten up the legislation. We have had some commitment from the Government on certain points in the Housing (Scotland) Bill—the proposed increase in the penalty for unregistered landlords is an example—but our proposal with regard to the private rented housing panel has been rejected at this stage, although we hope that that can be reconsidered.

The council has two serious concerns. We are aware that the population in Govanhill is very diverse, with a high level of ethnic diversity. There are people from perhaps 51 different ethnicities there. Many people will not be au fait with English as a first language, and some of them will not be able to cross the language barrier at first. It is more difficult for those individuals to make a complaint against a landlord. We feel that no public agency can take that on, currently. We want the panel to be able to pursue the landlord should

the landlord wish to take a matter to court on appeal. We find it completely unacceptable that no public agency can pursue matters on behalf of the tenant.

In the first instance, the tenant will be reticent about making a complaint, given language barriers, for instance. Some will have fled from an authoritarian state, and they might automatically have a fear of authority and authority figures. For people in that situation, there is a gap that the panel, the local authority or any other interested public body should step in to fill by taking on issues on behalf of the tenants.

As things stand, we still foresee problems in cases where a tenant is prepared to make a complaint about a landlord. Because of the nature of the private rented housing panel, it cannot defend the appeal in court. The onus would rest on the tenant who did not wish to complain about the state of their living conditions in the first place. We therefore want an overhaul of the panel regulations so that the local authority or the panel could step in and defend the appeal by the landlord.

It is not an issue of poverty, specifically, but many people will not have the financial acumen to take on a landlord. That is another barrier that prevents people from taking such matters on.

Anne McLaughlin: All that information is useful. I am not easily shocked and I have seen some terrible things but, when we visited Govanhill, I was horrified by the living conditions that some people must put up with. We all felt the same—it was a disgrace.

I return to the issue that I want to get to the root of. If a close that is falling apart has four home owners and two private landlords and the home owners are prepared to pay for the communal repairs but the private landlords are not, legislation gives you the power to issue a work notice, under which the work is done and the council takes money from the parties that are involved. What is the issue with that? Why are such notices not being served as much as they should be? I understand that everybody is constrained, but are you prevented from issuing notices by any issue that could be addressed in legislation? I am not sure whether you have answered that question.

Councillor Braat: We are doing the best that we can in the current circumstances and with the resources that we have, but there is always room for improvement—absolutely. We issue repair notices and environmental health notices. You are right about the area, which the minister and I have visited. The conditions there are substandard—that is the least that we can describe them as.

Within the confines of the legislation, we are doing our best with repair notices. We are creating

a database of properties that will state their condition and ownership and the registration and nature of landlords. When that information is fully compiled, we will establish in conjunction with it a maintenance strategy and plan whereby notices will be issued. We will look to recover moneys from landlords—specifically those who treat renting as a business and who use it seriously as a cash cow, and not individual home owners. We do not intend to give such landlords grant assistance. Repair notices will be pursued and will be flagged up on a property title—at least, that should happen.

Once we have collated the information through the database, we intend to ensure that the maintenance programme is followed up. Perhaps that has not happened as much as it could have in the past. We will address that, but we must have the correct data in place. Any further information about unregistered landlords or even serial offenders who are registered landlords will be reported to the landlord registration unit.

We are not dealing simply with Govanhill; the council still has responsibility for the rest of the city. We have in place a competent and dedicated unit to deal with matters such as houses in multiple occupation, landlord registration and pest control—you name it. I repeat that, unfortunately, we do not have the financial and manpower resources to invest solely in Govanhill at present. We are doing the best that we can with current resources.

Anne McLaughlin: I think—

The Convener: We will return to this, but I invite Tom Warren to speak as a local—

Anne McLaughlin: I was going to say that I would ask questions later and let everybody else have an opportunity to speak now.

The Convener: I am sorry for interrupting.

Tom Warren is a local resident who has faced particular challenges, because his tenement was a perfect example of neglect and its consequences, particularly for young people such as him in properties. I ask him to give the committee a sense of that. What is his view on how people can pull together? I know that efforts have been made, which have been like a person pushing a boulder uphill when their ankles are shackled to weights. How can we move the issue forward to help the council, the Government and other interested bodies?

14:30

Tom Warren (Govanhill Residents Group): I guess that I fall into the category that Anne McLaughlin mentioned. I am an owner-occupier in a close of eight flats. We are fortunate in that the

majority of flats in the close are owner-occupied, but there is a flat that is privately let and we have never had any communication from the landlord. When problems were discovered in the property, we contacted the landlord registration unit in Glasgow at an early stage but, because the landlord was unregistered, it seemed that little could be done to take forward repair notices.

There is a question about the resourcing of the landlord registration scheme in Glasgow. Residents in the area have become active in campaigning and there is a big groundswell of people, particularly owner-occupiers, who are keen to work with the council and the housing association to improve the area but, as Frank McAveety said, it is often impossible to make progress. Even with a simple thing such as trying to get gutters cleaned to catch a problem before it is exacerbated and a whole new roof is needed, it seems that the only route is to go through the court. In an area of deprivation and poverty such as Govanhill, that is not going to happen.

The Convener: You have had discussions with other concerned local residents who want a better quality of life. Will you give us a sense of the scale of the challenge that you face? In your discussions with professionals in the housing association, the landlord registration unit and so on, what are you looking for? It would help us to get a sense of that so that we can raise the matter with the Government and the council.

Tom Warren: We are looking for some joined-up thinking about how the issues are approached. As well as making physical improvements to the properties, many of which are in a terrible state, it is important to support vulnerable tenants and owner-occupiers through that process, particularly when private tenants have to decamp and move out during the work. We need an action plan for the area so that, when funding is available from the council's development and regeneration services department or elsewhere, the work is done in a co-ordinated way and the community understands the processes that are being implemented. Much of the frustration arises from the perception that there is no plan and that there is not a single body that is working with the community to make a difference.

The Convener: Anne Lear represents Govanhill Housing Association, which has some 40 years' experience in the neighbourhood. Will you give us a sense of the practical issues and the possible solutions?

Anne Lear (Govanhill Housing Association): Thank you for inviting me along today, and thank you from Govanhill Housing Association's management committee, which is watching today's meeting. We submitted further written evidence to you in February, at which time we put

some practical suggestions down on paper. I should say that we have seen a lot of difference in the area in the past 18 months. Thanks must go to the council for directing resources into Govanhill, particularly to the closes. We spend quite a lot of time taking people on walks to look at the green slime down the walls and so on. Those worst examples of housing that is below tolerable standards have now been addressed through the use of repairs notices, and the council is making a concerted effort to deal with that.

I agree with Tom Warren that there are some practical issues to be resolved, but we have good ideas about how we should do that. The partners with whom we are working locally are coming together—without any additional financial support, but with the support of Govanhill Community Development Trust, which is a subsidiary of the association—to work together to resolve some of the worst issues. What we need from the local authority and the Government is the political support to make that new example of how to deal with these complex issues work on the ground.

It is not as difficult as might be thought, because we are not asking for new resources. Councillor Braat is right to say that the council dedicates approximately £3 million a year; it must take that out of the budget and recover part of it from other owners. A steady budget of that sort would make quite an impact in Govanhill, but there is no commitment to that. The council has made clear that it is concerned that, with a lack of ring fencing for such funding, there will be a problem in getting the resources on the ground to deal with Govanhill.

The management committee and local folk in Govanhill accept that Govanhill should not receive all the resources, but we think that it should receive a special status. We would like to discuss that further with the Government and the local authority after today's meeting. We propose such a status for Govanhill because nowhere else in Scotland has 1,200 unimproved properties, at least 75 per cent of which are owned by the private sector and not regulated, either because legislation does not allow for that or because landlords are not willing to participate in the process. It is a complex problem, but it can be resolved by working in partnership in the local area. We need support from both the Government and the local authority to do that. We have all the partners on the ground with the expertise to do it, but council resources seem to be limiting our ability to deliver a continuous response. We need to discuss the matter further.

The Convener: Before hearing from members, I invite Hamish Battye to give us a sense of the issue. I know that the minister is listening. Can you illustrate for us the pressures that are exhibiting

themselves in respect of the health board, support services and care services, given the major change in the demographics of part of the community? New communities have emerged in the area, bringing particular sets of problems that are causing significant difficulties in the neighbourhood.

Hamish Battye (NHS Greater Glasgow and Clyde): Thank you for giving me the opportunity to address the committee today. The south-east Glasgow community health and care partnership is responsible for managing health and social work services in this part of the city. Govanhill is one of the largest neighbourhoods on our patch. In the three and a half years of the CHCP's existence, we have been aware of the issues relating to access to services in Govanhill. A couple of Roma community development workers have been appointed, and we have other bilingual staff to assist people to access mainstream services.

We are aware of the knock-on effects of issues relating to housing such as addiction, antisocial behaviour and community safety. My former director, who left the CHCP last month, was leading a neighbourhood management approach that the council launched in 2008, to bring together all community partners to address wider health and wellbeing issues in the community. An action plan is in place to address issues relating to security, children attending school, close doors and addiction in the area. Those are some of the wider health and wellbeing issues that we are examining in Govanhill.

The committee will be aware that the neighbourhood management approach is part of equally well, the Government's strategy for tackling inequalities in health and wellbeing. We are a test site for the strategy, which has assisted us in evaluating the neighbourhood management approach. We are engaged in that exercise at the moment, to see what effect the approach might have and whether it could be rolled out to other communities and neighbourhoods in Glasgow and Scotland.

Govanhill is one of the five priority areas for health and social care in the south-east of Glasgow. We are keen to work with all agencies in the neighbourhood to address the issues that I have highlighted.

The Convener: I know that members are keen to ask questions.

Rhona Brankin (Midlothian) (Lab): Anne Lear mentioned the current regulatory framework and talked about the legislation not allowing for regulation. Will you expand on that? Clearly, there is the issue of implementing the regulations and the constraints on Glasgow City Council in that regard, such as how it can recover funding for

doing so. Are there issues to do with regulation? Are there opportunities for change?

Anne Lear: There are two separate issues: the regulatory framework—the legal framework—and the financial framework. The financial framework is not quite in place yet because the council is not using housing renewal areas and the grant levels are not clear to owners in the area. It is not clear how that will operate in the future.

The legal framework that you ask about is under scrutiny by the Parliament. The Housing (Scotland) Bill is going through the first stage of consideration. Under the Housing (Scotland) Act 2006, Glasgow City Council has a responsibility to regulate the private sector. Some of the proposals that the council has made have been accepted in the bill, but there are other proposals that will, I think, be included in a consultation document that is coming out in the near future. Those proposals are about registration, access to property and the panel that was discussed earlier. Within that legal framework, there is a series of regulatory measures that would give the council a bigger stick.

As far as I am aware, the issue for the council, as it has suggested in its submission to the committee, is that it cannot achieve its priorities with the resources that are available to it. An issue is the number of staff it has who can look at such matters.

A big problem in Govanhill that is extremely difficult to deal with is an environmental health issue that we have brought to your attention—pest control. There is a problem with bedbugs, cockroaches and so on. It seems that the community feels that there are not enough resources at local level to deal with the issue. The reason that has been given for that is that it is a problem throughout the city, so Govanhill cannot receive special resources. However, the problem is widespread and is made more complex because of the involvement of landlords. We have problems getting access to people's houses. All those environmental issues affect people throughout the community equally. They are definitely spreading and they need to be dealt with.

We are talking about a combination of resource and legal framework issues. A housing policy and the legal framework for it must be backed up at local level with the resources to implement it. It is not my place to become involved in the debate about where the resources are. We are merely reporting the facts on the ground. At the moment, some basic issues are not being dealt with.

John Wilson (Central Scotland) (SNP): I thank Anne Lear and her colleagues for the visit for committee members that they hosted, which enabled us to see some of the issues at first hand.

I am glad to hear that some of them are being addressed.

However, as Anne Lear has just pointed out, there are still fundamental issues, such as cockroach and bedbug infestation, that need to be tackled. As Councillor Braat mentioned, tenants find it difficult to take action against their landlord. A resident whom we visited was facing eviction because she had complained about her landlord. The nature of the tenancy agreement meant that the obvious response was for the landlord to take action to evict the tenant. Such situations bring home the issues that we need to deal with.

At this point, I want to bring in the minister. People have mentioned the Housing (Scotland) Bill, which is going through Parliament. In addition, as I understand it, a private sector housing bill will be introduced later this year.

What would be the problem in bringing those two bills together to create one comprehensive piece of housing legislation that tackled the private sector issues, so that we would not have to work with two pieces of legislation? Areas of the Housing (Scotland) Bill will deal with some aspects of the private sector, but we will also have a separate bill that deals with other aspects of the private sector. That might lead to confusion. There is currently confusion about the distinctions between the Housing (Scotland) Act 2006, the Antisocial Behaviour etc (Scotland) Act 2004 and the Housing (Scotland) Act 1987. There is confusion about who is responsible for delivering what and what responsibilities landlords have.

The other issue that I want to put to the panel is the number of letting agents that exist in Govanhill, which surprised me when I visited the area. Some members of the committee and the panel are aware of my particular interest in Govanhill—not as a private landlord, I hasten to add; I have family interests in the area. What is the role of the letting agents? My understanding is that, in some cases, the letting agent is a barrier between the landlord and the agencies that want to take action against the landlord. I would be grateful if the panel would address those issues.

14:45

The Convener: Will you respond specifically to John Wilson's questions, first, minister? I have a couple of questions, too, but let us see how the discussion goes.

Alex Neil: I will first respond specifically to John Wilson's points and then widen out the discussion after your questions, convener, if that is okay.

The reason why we have two housing bills is that each bill is designed to do specific things. We are keen to get the current bill through fairly

quickly, because it covers the reform of regulation and of the right to buy. We want to get new council house building going as quickly as possible on as substantial a scale as possible throughout Scotland, and any delay would probably result in a delay in council house building. As long as councils are forced to sell off new stock, they will not build new stock.

We need to take our time to ensure that we get the measures relating to private housing correct. Later this month, we are going out to consultation on a range of issues concerning the private housing sector.

My view is that once the two bills reach the statute book—as I hope they will—there should be no confusion as to who does what or who is responsible for what. We will issue guidance to ensure that everybody—local authorities, housing associations and tenants—know where their rights and responsibilities lie.

I turn to the private sector housing bill. Convener, as you know, the 2006 act introduced significant new powers for local authorities to enforce repairs in a building, especially where there is mixed ownership. To its credit, Glasgow City Council has been using those powers in Govanhill—my understanding from the council is that it has been using them effectively in Govanhill and elsewhere, as local authorities have been doing the length and breadth of Scotland. I have studied carefully the points that Glasgow City Council has made about the powers in the 2006 act not being sufficiently robust to deal with the very difficult situation that we have in Govanhill. I am looking seriously at the council's recommendations. When we go out to consultation later this month, we will engage in a wider consultation on taking additional powers to deal with rogue landlords.

The 2006 act conveyed on local authorities new powers, which Anne McLaughlin mentioned, to ensure that much-needed repairs are done. The council has the power to issue a work notice, carry out the repairs and bill all the owners in the building. However, those powers extend only to repairs and not to improvements, so we want to consult on whether they should be extended to cover improvements. We will also consult on some of the points that Councillor Braat raised.

The council and the Government are as one on the need to tackle the problems in Govanhill effectively. I have already given an undertaking that we are prepared to consider the introduction of new legislation with new powers, if that is required, in the private sector housing bill that will go out for consultation later this month.

The Convener: I want to follow up on a couple of things. I welcome the Government's

commitment to work in partnership with the council and others; that message needs to be heard at local community level. The outcomes depend on that change of approach.

I heard what you said on John Wilson's point about the role of letting agents. One concern that has been put forward strongly to the committee is the inspection regime and whether houses are fit to be made available for let. That relates also to the regulatory regime for repairs, which hopefully will also deal with improvements, and recovery of the money, because it is a big risk for any local authority to pay out taxpayers' money when they cannot guarantee that they will get that money back. I do not wish to pre-empt the negotiations and discussion around the housing bill, but it seems that there is a strong sense of the need for inspection.

I heard your welcome contribution today on "Good Morning Scotland", and I appreciated your comments about the council leader. You touched on the need to be more imaginative and consider other ways to lever in resources—through the European Investment Bank, for example. It would be helpful if you could expand on some of that thinking, even if it is at an initial stage, because we are trying to help the petitioners to move the issue forward in a constructive way that makes them feel confident that the conditions can be materially changed.

Alex Neil: As part of the consultation on the forthcoming housing bill, we will consider seriously any recommendations that the committee makes on issues such as letting agents, because the committee is now familiar with the problems in Govanhill. If the committee wants to highlight any particular areas for action, the Government—and, I am sure, Glasgow City Council—will take any suggestions very seriously, because we are determined to tackle the problem.

The issue of resources has been mentioned, to which there are two aspects. First, there is the issue of capital resource for new-build housing. It is clear that one reason why there is such a predominance of private sector housing is that, by definition, there is not enough social rented housing. We are working with Glasgow Housing Association and the city council not only in Govanhill but elsewhere in Glasgow to consider how we can further increase the build programme in Glasgow, which will include Govanhill. That is where the European Investment Bank could come in with regard to provision; already, just before Christmas, the EIB announced £70 million of loan funding at a very good rate for eight housing associations throughout Scotland. The EIB is also involved with GHA and provides substantial loan funding for it—that is what I was referring to this morning on "Good Morning Scotland".

The second aspect is funding for services, for example to deal with environmental issues such as cockroaches or to ensure the robust implementation of the current legislation on landlord registration and associated activity. It is fair to say that there is probably a resource issue in relation to that, and I am keen to talk to the council to find out what we can do imaginatively to address the situation.

I will give you an example, which I have not had the opportunity to discuss with the council—I am thinking aloud.

The Convener: That is very positive.

Alex Neil: Absolutely.

The unique thing about Govanhill is the combination of factors in a confined area. There is a unique concentration of inward migration populations, of diverse ethnic communities—the figure of 51 communities was mentioned—and of private sector and, in particular, slum landlords. That set of circumstances is unique in Scotland.

The imaginative initiatives that I would like us to look at include possibly establishing a special hit squad to work, perhaps over a period of two or three years, to implement the current legislation on landlord registration. It would not need to be a large organisation, and it could break the back of the slum landlord problem in Govanhill.

Those landlords are the source of a lot of the problems, and the danger is that, even if we invest heavily in the services that we are talking about, in four or five years' time we will be back to square 1 if we do not put them out of business. We need to clear them out and sort them out, and we need a special hit squad, which could perhaps then move on to other parts of the city.

We should look at whether we can obtain funding, perhaps under the auspices of the community development trust or from sources that we have not tapped into so far. We could perhaps re-employ retired housing inspectors with the expertise to do the job. That may not be possible, but it is the kind of imaginative proposal that we need. Unless we take some innovative measures, we will not break the back of the problem. Both we and the council have shown ourselves willing to work together with the community, which is critical, and to take the innovative measures necessary to try to rid Govanhill of the central problem of slum landlords.

The Convener: Thank you, minister. Are there any other questions? I am conscious that we have a heavy schedule, so I want to pull everything together in the remaining minutes.

Anne McLaughlin: I will speak briefly, and I am not even sure who I am addressing this to.

My understanding is that, unless a landlord is letting a property as an HMO, it cannot be inspected. Could changes be made to the legislation to allow for that? The properties that we saw would not pass any inspection and should not be rented out. Councillor Braat may say that there are not the resources to inspect every single property, and I understand that, but the minister mentioned the idea of a hit squad—could the legislation provide the opportunity for something such as a hit squad to carry out spot checks on properties? Even if we did not have the resource to inspect every single property, any landlord who registered would know that their property might be inspected and that they could be prevented from renting out a property that was below a reasonable standard.

Alex Neil: There are two issues in that. The first is that there is nothing to prevent a hit squad, or any council officer so authorised, from knocking on the door and checking whether the landlord is properly registered. They can do that under the current legislation. The problem that Councillor Braat highlighted is that such people do not have a right of entry into the property, and Glasgow City Council has suggested that we might want to include in the proposed private sector housing bill a power to give them the right of entry.

Anne McLaughlin: That right would be to enter the property to check whether the landlord is registered; I was talking about a right to enter to check whether the property is below tolerable standard and therefore cannot be rented out.

The Convener: We must deal with the issue that we have been presented with by the petitioner. I know that Anne Lear is here, and we might want her to conclude on these points.

A series of initiatives needs to be undertaken—practical, everyday activities. Only yesterday evening, there were phone calls from residents who had 14 rats in their back court. The rubbish and detritus had been allowed to pile up out of control because of conduct in the area. More rigorous enforcement is needed around the clock. Whether there is a hit squad or an action plan—whatever we do to pull everything together—ultimately it is a matter of investing the right level of resource. I know that that is a challenge for us all in public service at the moment, but we need to deal with it.

I ask Anne Lear to conclude. Anne, you have more than 30 years' experience. You have not asked me to say this, but it is important: you have a track record that could deliver if we could get people around the table who would do something different. What we are doing at the moment is not sufficient, and that is the real challenge.

15:00

Anne Lear: I will quickly answer your point about rubbish, which is a big issue in Govanhill. We have a proposal for a positive scheme that involves Oxfam working with the Roma community. Those people are unemployed people who were brought here by the promise of work but did not receive it when they got here; the scheme would also be for unemployed local people. We seek support to set up with the council a practical scheme to clear up the mess because that is not being done at the moment, and it is a considerable problem that causes many of the environmental issues that I have been talking about.

During my 30 years of experience, I was involved in the original rehab schemes in Glasgow. It does not seem to me to be rocket science, and we can do it again. We have dealt with private landlords before. The critical point is that 75 per cent of the property in the area is now privately owned, so I agree with the minister that we cannot wait for new legislation. We have to use Govan Law Centre, which is doing a great job in the area. Govanhill Law Centre has also been set up and we are working in partnership with it. We hope to get support through the council to start using compulsory purchase orders when they are required. However, we need Government support to look at the possibility of valuing property minus the repairs that have to be done. It would be wrong to pay the valuation on a property without deducting the cost of fixing its problems.

I am quite positive that we can work with all our partners in the area, all the council departments, the police and fire brigade and everyone else who is involved. We need the support of everyone involved.

The Convener: I was going to end on a positive note, but I will let John Wilson in.

John Wilson: I am sorry convener; some of us have that role in life.

I want to get the issue clearly on the record. It is not just about the flats, but about the condition of the communal areas. When we went on the visit, we saw the problems with the staircases leading up to some of the properties. Many of them would have been condemned by health and safety years ago because of their condition. Some of those communal areas need major improvements.

I have tried to encourage members of other committees to visit Govanhill to see for themselves the conditions that people are being expected to live in. Unfortunately, vulnerable families are moving into the area and are being offered such accommodation—at very high rents, I hasten to add. We need to ensure that we are talking about improving not just living conditions in the flats, but

the communal areas such as the staircases and back courts.

I am concerned about a new building programme taking place in Govanhill. If some of those existing properties could be relocated to other parts of the city, they would command high prices, especially if they were improved. At present, Anne Lear is right to say that private or rogue landlords should not be allowed to profit in any way from the investment that is put into those properties to bring them up to standard.

The Convener: I want to conclude on that, and I hope that it will inspire further contributions from the council and the minister. I invite Phil Braat and the minister to give us their final comments.

Councillor Braat: I completely agree with what I have just heard from Anne Lear and the minister, and I welcome the minister's comments. As he said, the issues that have arisen in Govanhill are not unique by nature; they happen elsewhere in Glasgow as well. The uniqueness of Govanhill is to do with the concentration of specific problems, which is what we need to tackle. We have already heard about the specific problems that are concentrated in Govanhill, and I do not need to rehearse them.

On environmental health issues, we are talking not just about rat and cockroach infestation but about general littering and refuse. We need to tackle people's behaviour, and the role of everyone around this table, including the CHCP, is to engage with the local community and to try to change the behaviour of certain people.

John Wilson mentioned another crucial point, which is not just living standards in the internal parts of the flats, but the common areas, including outside the blocks. The amenity of the area needs to be tackled. That is why I welcome the minister's comments about a hit squad—let us call it that—which should look at not only the fabric of the buildings but the overall social fabric of the community. I welcome the minister's comments, and I hope to speak to him in more detail about that so that we can continue the concerted efforts that have already been made in our positive dialogues to date, including those with the housing association, the CHCP and other relevant parties. We need to include the local community and ensure that people are fully aware of what we are trying to do.

The Convener: Thank you. Minister, I am conscious that you have other commitments, but if you would like to make any further comments, please do.

Alex Neil: I have two points to make. The first has not yet been mentioned but it is important and is one of the reasons why time is of the essence. Some slum landlords are buying up property as it

goes up for sale in Govanhill. Obviously, that will further erode community solidarity in Govanhill. We must arrest the decline and see what we can do as quickly as possible.

Secondly, I repeat what I said on “Good Morning Scotland” this morning. Steven Purcell has been very committed to Govanhill. He has worked closely with the Scottish Government on the area and many of the improvements that have been made during the past 18 months are due to his work. I pay tribute to that and, as the minister, I am seeking an urgent meeting with Mr Purcell’s successor and Councillor Braat so that we can proceed with an active agenda to address the issues. No one, no matter where or who they are, should be living in such conditions in the 21st century.

The Convener: Hamish, I know that the discussion has centred on housing, but you got a flavour there of the experience on the people side.

I thank everyone for their patience on this issue. Petitions go into the system and take a long time to come through, but the fact that senior figures from the Government and the council have come to the meeting with the petitioners means that, although it does not feel like we are at the sharp end, we are moving things forward where we can. There are issues around resources and about the right direction in tackling issues and asking people to change their behaviour and sorting them out if they do not change. We need to work on the issue and make progress. I thank everyone for their time.

We will take a brief comfort break before we discuss the next petition.

15:08

Meeting suspended.

15:13

On resuming—

A90/A937 (Safety Improvements) (PE1236)

The Convener: Thank you very much for your patience, everyone. The next petition PE1236, by Jill Campbell, calls on the Parliament to urge the Government to improve safety measures on the A90 by constructing a grade-separated junction where the A937 crosses the A90 at Laurencekirk. I welcome Stewart Stevenson MSP, the Minister for Transport, Infrastructure and Climate Change. Alongside him are Laurence Kenney, who is the strategic transport projects review project manager at Transport Scotland, and Hugh Gillies, who is the development management and strategic road safety manager at Transport Scotland. Mike Rumbles, the local constituency MSP, has expressed support for the petition over a

considerable period. I welcome him to the meeting.

I invite the minister to make some opening remarks to the committee, after which I will invite committee members and Mr Rumbles to ask questions.

15:15

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):

Thank you for inviting me to address the petition today. The petitioner, Jill Campbell, is in the gallery. I commend her for her efforts on behalf of her community on a matter that is of interest to them.

Safety on the trunk road network is of paramount importance to the Government, which is why it was one of the top items in the outputs from our strategic transport projects review. Safety was project number 1. The STPR was a robust look across Scotland’s road network at its requirements for the years to come. The STPR appraisal process gave specific consideration to the case for grade separation of the southern Laurencekirk-Marykirk junction. Road safety measures were introduced there in 2005, with further measures following in 2007 and 2008, which have resulted in improved accident statistics at the location. Therefore, the STPR did not consider that grade separation was necessary at that time. Our strategic priorities in relation to the A90 south of Aberdeen focus instead on reducing accident rates and achieving national targets for casualty reductions by delivering the strategic road safety plan and proposed safety measures—the first of the STPR interventions.

Although the number of accidents at the southern junction fell between 2005 and 2008, the number of accidents at the middle and north junctions increased. After meeting local campaigners at two meetings in February 2009, I instructed a further accident investigation and prevention study to cover all three junctions. All the recommendations that were made after that investigation were accepted and are being programmed for implementation during the course of this year.

Following the fatal accident in September 2009 at the A90-A937 north junction with Laurencekirk, officials from Transport Scotland and Grampian Police met to discuss the circumstances of that accident, and our trunk road operating company has conducted a safety review. I believe that the actions that have been taken and the improvements that have been made in respect of Laurencekirk clearly illustrate that its safety record continues to be monitored to determine what

further mitigation measures may be required. That is a key part of the STPR.

We have had a substantial exchange of correspondence with Jill Campbell over recent times, which has led me to the conclusion that it would be appropriate for us to offer her the opportunity to meet officials to discuss all the detail that has underpinned recent work so that we can more rapidly reach a shared understanding of what has been done. We may or may not share the conclusions that follow, but that would nonetheless be a useful thing to do, so I hope that she will feel able to take up that offer.

Mention has been made of Aberdeenshire Council's plans for development at Laurencekirk. Clearly, those plans necessarily involve reconsideration of road capacity and the associated network layout at Laurencekirk. Through Transport Scotland, we are already engaging with Aberdeenshire Council to discuss the implications of its plans, and that engagement with the council will continue as part of the planning process. Indeed, this week we have provided input to the council on its plans that suggests strongly that, if the plans are brought to fruition, the volume of traffic in the Laurencekirk area will require the introduction of grade-separated junctions.

I am happy to answer any questions that the committee and its visitors may have.

The Convener: Thank you, minister. I invite questions from committee members initially, although I know that Mr Rumbles will want to ask some questions as well.

Nanette Milne (North East Scotland) (Con): My colleague, Alex Johnstone, sends his apologies because he is unable to be here today. He was keen to attend the meeting.

The local community still feels that a grade-separated junction is necessary, whatever the minister has just said. I know that you have received correspondence from Alex Johnstone, suggesting the possibility of including an upgraded junction at Laurencekirk in the contract and funding arrangements for the Aberdeen western peripheral route. Would you like to comment on that, minister?

Stewart Stevenson: As I said in my opening remarks, we envisage that the approximately 1,000 houses that are in prospect for Laurencekirk will mean an increase in local traffic that is very likely to require at least one grade-separated junction. As the situation is examined more closely, it might be that there is a need for more than one. The normal process for funding such changes to the road network that derive from such increased traffic would involve the developers in providing finance. That is the proper way in which

to go about securing funding for a grade-separated junction in such circumstances.

The Convener: I invite Mike Rumbles to say a few words.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Thank you for allowing me to speak to the committee today. I also thank the minister for coming to speak at the committee's request.

There are a number of issues that must be raised. First, contrary to what the minister has said, Transport Scotland's published figures show that, in the three years prior to the short-term safety measures that were implemented in 2005, there were only two fatal and serious accidents. However, from 2006 and 2008—the following three years—there were five. Last year, there was another fatal accident.

The most important point relating to this matter has not yet been touched on. Let me put to one side for a moment the terrible human cost of the accidents and talk instead about money. All along, the minister has said that there is not enough money in the budget and that it would cost too much to install a grade-separated junction at Laurencekirk. However, the facts should speak for themselves. The figures from Grampian Police and updated figures from the Scottish Government show that it costs all sorts of agencies—the police, the fire service, the ambulance service, the local authorities and so on—a combined sum of more than £2 million to deal with the aftermath of a fatality, and £250,000 to deal with a serious injury. Using those figures, we can see that it has cost the taxpayer £4.3 million to deal with the aftermath of the disasters around Laurencekirk in the past three or four years.

The letter that Transport Scotland wrote to the clerk of the Public Petitions Committee on behalf of the Scottish Government in advance of this meeting includes an answer that was given by Stewart Stevenson in response to one of my parliamentary questions. In it, the minister said:

"a grade-separated junction with a dual carriageway such as the A90 is typically in the range of £4.3 million to £22 million"—[*Official Report, Written Answers*, 8 October 2009; S3W-8082.]

That gives the impression that installing such a junction could cost up to £22 million. However, page 24 of the "A90 Laurencekirk Road Safety Review" by BEAR Scotland, on behalf of Transport Scotland, on behalf of the Scottish Government, says quite clearly that

"a grade separated junction would cost in the region of £4m to construct"

at Laurencekirk. It also says that it would cost a further £600,000 to close the two central

reservations. That means that we are talking about a sum of £4.6 million. That document is dated October 2009.

In terms of joined-up government and best value for taxpayers' money—again, leaving aside the issue of the human cost, which is the most important point—I find it inconceivable that we could have built a junction at Laurencekirk for £4.6 million, which would have recouped its cost in the past three years, but have not done so. That is the nub of my question to the minister. I hope that he will not say that there is not enough money in his departmental budget, because we should, as guardians of the public purse, consider the whole expenditure of all departments of the Scottish Government and recognise that this is a win-win situation. It would be a win for local people, as they would not be threatened with death and destruction as they cross this terrible junction, and it would be a win for drivers passing through the area on the road, as it would be safer to do so. It would also be a win for the taxpayer, because it will save money in the long run. However, a grade-separated junction at Laurencekirk is not even in the projections for the future.

Never mind the human cost—the Government's position represents a massive waste of taxpayers' money, and I would like the minister to address that point.

The Convener: Minister, you may respond to the points that have been raised.

Stewart Stevenson: I will start by speaking about costs. It is nearly 10 years since we have successfully completed a project to build a grade-separated junction for £4 million or less. In any event, the figure of £4 million is a 2002 price.

It is useful to make a comparison with the Forth replacement crossing project, in which the bridge accounts for only £1 billion of the £2.3 billion total cost. Similarly, the cost of a project to construct a grade-separated junction on any road is substantially more than the cost of the bridge over the road as land acquisition must also be paid for, as must planning costs, changes to the road network in the vicinity and so on. The cost of between £4 million and £22 million, which is based on the cost of grade-separated junctions that were built over a 10-year period, is factually correct. The £4 million that was referred to in a document that was produced by a road-operating company is based on 2002 figures, and concerns the bridge alone.

I will make a more general point. The most recent annual fatalities figure for Scotland's road network is 271. Every life that we lose on our roads is an unnecessary loss of life. We will seek to eliminate every cause of accident on our roads that derives from old architecture. Slightly less

than one third of fatalities result from accidents in which road design is a contributing factor. We take such issues seriously, which is why the STPR's top priority for our road network are investments that will improve the safety of roads where there is an identified problem.

Mr Rumbles also mentioned figures that he has before him. I think that we are drawing the numbers from the same database—we use the police database—but I have to say that the answers that one gets depend on the questions that one asks. I recall that the first question that Mr Rumbles asked me was about how many accidents there had been at the southern junction, and he was given the answer that is in the database. Subsequently, the petitioner made a request under the Freedom of Information (Scotland) Act 2002 seeking information about the stretch of road at Laurencekirk, which produced a different and higher figure.

With regard to fatalities at the three junctions in the vicinity of Laurencekirk, my figures say that there was one fatality in 2009, one in 2003 and two in 2001. Going back to 1999, that is it. In the period from 2006-08, there were nine accidents at the junctions and four accidents on the link sections.

I absolutely accept that we must address road architecture, where it is a contributing cause of accidents. In very short order, as a result of the work that we did earlier this year, we are putting in place the sort of measures that led to a five-year period in which there were no fatalities after they had been installed at the southern junction. That is the sort of intervention that makes a real difference in terms of road safety, can be done relatively quickly and delivers real value.

Mike Rumbles: Can I follow up—

The Convener: I want to let members of the committee speak, then you can come back in.

Mike Rumbles: I want to make one point, because some of the information that you have heard is wrong.

The Convener: I will allow you to speak after we have heard from committee members.

Bill Butler (Glasgow Anniesland) (Lab): These are serious matters, and the evidence base is obviously key.

Mr Rumbles said that fatal accidents have more than doubled at the location. Have they or have they not?

15:30

Stewart Stevenson: To answer that question immediately, at the three junctions—it is proper to look at the three junctions—there has been one

fatal injury in recent times, in 2009. The previous one was in 2003 and there were two in 2001. My table goes back to 1999, so in the period from 1999 to the end of October 2009, there were a total of four fatalities at the three junctions at Laurencekirk. If you want to look at the southern junction alone, all were at that junction, with the exception of the most recent fatality, so there have been three at the southern junction.

Bill Butler: What is the total figure?

Stewart Stevenson: The total is four from 1999 to 10/12ths of the way through 2009. There have not been any others since, but I want to be strictly accurate because there are other parts of the table.

Bill Butler: Okay. What you are saying is clear.

Secondly, Mr Rumbles said that the cost of an improvement such as the one that the petition is asking for at Laurencekirk would be £4.6 million, £600,000 of which would be to close the central reservations. In reply, you said that he was using 2002 figures and that the cost of a grade-separated junction would be in a range from £4 million to £22 million. If what you are saying is correct, where in that range would such a grade-separated junction at Laurencekirk fall? Can you give us your approximation and that of your officials?

Stewart Stevenson: Forgive me, convener, if I do not give an exact figure. I will say, following the discussions that we have had with Aberdeenshire Council on the development of Laurencekirk, that approximately 885 additional houses are proposed and there are 200 in the existing plan, so somewhat over a thousand houses are in prospect.

Bill Butler: I just want your best estimation, giving the range from 880 houses to a thousand houses, because that would obviously have an impact.

Stewart Stevenson: I understand why you are pushing me on the issue. This is at a very early stage and, to some extent, the answer will depend on where in the town the council concludes that the extra housing should be built—whether it is to the north or the south. I was developing my point to say that what we are saying to the council is that at the moment our view is that it is likely that two grade-separated junctions would be required against that sort of development. We have not designed these junctions, because they can be designed only when the capacities that each will be required to meet are known. There are, of course, other roads. Given that there are three junctions at Laurencekirk, should the third junction be closed, thereby diverting traffic? If there were to be two grade-separated junctions, that would probably be the case. It is clear that the kind of

junctions that would have to put in are likely to be at the mid-point of the range that we have outlined, but I want to make it clear that that is the minister speaking; it is not the officials telling me that that is the figure that they have worked out. However, looking at the complexity of the junctions that we have built that are in the £4 million to £22 million range, that would be my judgment.

Bill Butler: So your judgment, speaking for the Government, is that the cost would be £11 million.

Stewart Stevenson: Yes, but times two, because we are talking about two grade-separated junctions. If you were building only a single grade-separated junction, the design would clearly be different from what it would be if there were two.

Bill Butler: With the convener's indulgence, has this been—what is the right phrase?—modelled—

Stewart Stevenson: Do you mean are these officials' figures? No, they are not.

Bill Butler: Have the figures been in any way modelled by officials? Have they been modelled in the sense that it has been calculated that, if the housing finished at a certain point, you would need one grade-separated junction, and if it finished at another point, you would need two, or are you simply making an approximation?

Stewart Stevenson: Let me be clear, because if I have misled the committee—

Bill Butler: I am not saying that there has been any misleading. Minister, remember that I am a words teacher, not a sums teacher, so I need greater clarity and more narrative.

Stewart Stevenson: We believe that the 200 or so houses that are in the existing plan are within the capability of the existing road network, so the issue is really to do with the proposed additional 885 houses. However, there would clearly be an interaction between those 885 houses and the 200 that are in the existing plan. Exactly where the houses are built, whether to the north or to the south, will determine the nature of that interaction. There will be a trigger point—beyond the 200 new houses, we think, but well within the 885—at which grade-separated junctions will be required, given our understanding of the traffic flows in the Laurencekirk area. However, the solutions will depend on a variety of decisions that are as yet unmade. Our clear advice to the council is that, if it authorises the additional development that is envisaged in the draft plan, grade-separated junctions will be required. Our preliminary view is that two grade-separated junctions would be required.

Rhona Brankin: Minister, you said that there have been four fatalities. How many accidents have there been?

Stewart Stevenson: I am entirely happy to share these numbers with the committee and to pass them to the clerk for distribution. I think that they are probably already in the public domain.

At the three junctions—I will continue, unless requested to do otherwise, to talk about the three junctions as that seems the relevant thing to do—there were 15 serious accidents over the period 1999 to the end of October 2009. Over that period, there were also 22 slight accidents. Therefore, a total of 41 accidents took place at the three junctions over those 11 calendar years, one of which is slightly truncated.

Rhona Brankin: On the criteria that are required in order to consider grade separation, mention has been made of housing volume—which affects the number of people using the roads—and future increases in housing. How does the number of accidents fit into the criteria for grade separation? Are only fatalities taken into consideration, or are serious accidents also considered?

Stewart Stevenson: Everything is taken into consideration. Our consideration of grade-separated junctions is based not simply on housing numbers but on a range of factors—

Rhona Brankin: Housing is just one factor.

Stewart Stevenson: Correct. That is exactly the point that I wished to make.

We automatically consider grade separation in areas where there have been three fatal or serious accidents in three years, but that does not mean that we do not consider other circumstances as well. Part of the road operating companies' duties is to draw to our attention risks that have not yet crystallised into accidents. In the part of the road network that we are discussing, we have just completed a special survey on the behaviour of drivers and the potential risks that are created by the design of the road network at those three junctions where people join the A90 from Laurencekirk or from the eastern side. On the back of that, during the course of this calendar year we will bring forward interventions to supplement those that the previous transport minister successfully implemented in 2005, which led to there being no fatalities until the one that occurred in the second half of last year. We have carried out those studies without regard to the necessity for a triggering number of accidents.

Rhona Brankin: It occurs to me that 15 serious accidents and 22 slight accidents is quite a high number. How does that compare?

Stewart Stevenson: I accept that one accident is one too many. However, I would not say that these numbers are particularly high. Slight

accidents are precisely that: slight. We have to be very careful about trade-offs—

Rhona Brankin: I was thinking more about the 15 serious accidents. That seems to be a lot.

Stewart Stevenson: That is a significant number across the three junctions. However, on the southern junction, to which improvements have been made, there have been only three such accidents over the period. Given, as I said in my opening remarks, the number of accidents at the two junctions that were not improved in 2005 by the previous minister—and, by the way, I should say that what the previous minister did then appears to have been perfectly proper—I have felt it only proper to look at the whole interaction between the three junctions at Laurencekirk and the A90. We also put in place cameras to observe driver behaviours and to find out whether there are any observational difficulties to which we might have to respond. We are responding to these matters—and rightly so.

As an aside, the Swedes have begun to introduce roundabouts, which historically they had not used, after a lot of very serious accidents at the many traffic lights in Sweden. Although the number of accidents has risen dramatically, the number of serious and fatal accidents has dropped like a stone. Now they are introducing slow speed bumps. Sometimes there is a trade-off with the kind of accidents that happen, although I expect that, in Sweden, there will be fewer accidents as people get used to roundabouts and things begin to happen differently. The interaction between road design and driver behaviour is sometimes quite subtle.

Nigel Don (North East Scotland) (SNP): Speaking as a local representative among the others sitting around the table, I want to make it clear that I will never be happy with a junction that causes fatalities. However, I was interested in the way that the minister put the issue in perspective when he said that in the most recent year there were 272 fatalities in Scotland. That goes some way to explaining why the Government's priority might have been to put money in other places. I suppose that we should respect that decision, but the trouble is that, as local representatives and with local residents behind us, we are never going to be happy with it.

With regard to the minister's comment about roundabouts and things, I cannot help observing that we have got used to the idea of grade-separated junctions on high-speed roads, which might mean that some of us are not as good as we used to be at changing lanes, sitting in the centre and waiting for the right moment. Perhaps because such junctions are now relatively rare they appear to us to be more dangerous.

Can the minister estimate when the timetable for introducing grade-separated junctions in the Laurencekirk area might be produced? I just do not think that local residents will feel that the road is as safe as it should be until they are introduced.

Stewart Stevenson: We need to be careful with regard to Mr Don's opening comment that junctions cause fatalities. Fatalities happen at junctions, but they may or may not be caused by the junction. I am not referring to any specific accident or junction, but the fact is that road design contributes to only about one third—or at least well under a half—of accidents in Scotland. In other words, a shrinking proportion of accidents are caused by road design.

It is worth pointing out that over the past 20 years, traffic levels in the Laurencekirk area have risen by 19 per cent while the accident level has diminished to some extent. *[Interruption.]* I beg your pardon—I have just been corrected, which is why I looked to my official. Traffic levels have risen by 19 per cent over the past 10 years. I should also point out that there have been 271, not 272, fatal accidents.

As for when we might see grade-separated junctions at Laurencekirk driven by housing developments, that will depend to some extent on the housing developments. We normally expect developers to pay for changes to the road network that are driven by housing developments. That is certainly the case near Ayr, where housing developments will contribute more than £70 million to the road network. Laurencekirk is an attractive place in which to live and work, and from which to commute. As the economy recovers, and with the opening of Laurencekirk railway station, traffic will continue to grow in the area. That will form part of the process by which we continue to examine what is required there.

15:45

Nigel Don: I would like to extend the minister's point, as I wonder about the timetabling of such developments. I suspect that once a developer had planning permission to build a number of houses around Laurencekirk, it could probably get them up and occupiable within a year. Getting planning permission is always an issue, but once it has been secured the engineering can be done within that timescale. However, I am pretty sure that a substantial alteration to the road network could not be made within that timescale; that is certainly true of a grade-separated junction. At what point do the appropriate authorities build the road network ahead of the houses, once they know that they are coming?

Stewart Stevenson: It is worth making the point that, in the present legal environment, the finance

from the developer would be tied to planning permission through a section 75 agreement. That is what happens around Scotland. The important point is to get the finance in place so that the road network is adapted to meet need. As the minister responsible for planning, I am not quite as confident as Nigel Don is that the completion of a certain number of houses is likely within one year. In any event, we are talking about the next iteration of Aberdeenshire's plan—it is not yet the case that someone has come forward with an application for planning permission to build houses.

The Convener: I am conscious of the time and know that Mr Rumbles would like to respond to one or two comments.

Mike Rumbles: I am rather frustrated by this process, but I thank the convener for bringing me back in. I am disappointed by the generalisations that we have heard. I would have been much happier if the minister had used his own material—the Government publication that appeared in October 2009. Never mind the generalisations; let us get to the specifics. I challenge the minister on the issue and repeat what I said earlier: his report says that it would cost £4 million to construct a grade-separated junction at Laurencekirk. The minister made a generalisation to obscure that point. He said that because the figure is from 2002 and is out of date, the cost could be up to £20 million and two junctions could be needed. That has clouded the issue.

I want to make clear what the petitioners are seeking. The Government's report says that it would cost £4 million to construct the grade-separated junction. Later in the report, there is discussion of a roundabout; I make that point to ensure that everyone is clear and that there is no clouding of the picture. It would cost only £1 million to acquire the land for and to build a roundabout. The whole grade-separated junction would cost £4 million. That is the latest figure, produced by the Government, and includes the £600,000 to close the central reservations.

Stewart Stevenson: No.

Mike Rumbles: I am also frustrated by the Government's use of its figures for accident rates. Several times the minister said—I wrote it down—that accident rates have improved, but they have not. According to the Government's figures, in the three years before the introduction of the 2005 safety measures, there were two fatal and serious accidents; Bill Butler asked about that. In the three years after the measures were introduced, there were five serious accidents. In the past year, there has been another fatal accident. Accident rates are increasing, not decreasing.

The minister implied that, for any change to happen at Laurencekirk, we must wait for the structure plan to be accepted and for private developers to develop houses in the many years ahead. The Government has no plan to make the money available.

The point that I am trying to make to the committee and to the minister is that, using today's costs, all the accidents will have cost the taxpayer £12 million. To me, this is a no-brainer. Everybody would win if the minister would only turn round and say, "We'll spend £4.6 million to save lives and to save the public purse." If he did, we would not have the accidents three years from now that we currently have at the Laurencekirk junction, and the Government and the taxpayer would save money. That is the key point.

I have come to this committee before on behalf of Jill Campbell and the other campaigners. Eight thousand people from Laurencekirk and the Mearns have signed the petition—it is a really big issue in the area. Construction of a grade-separated junction is a no-brainer for everybody I speak to. It would be a win-win situation for everybody involved, but all we have had from the Government is generalisations. I am really frustrated that the minister has not used his own report, which was published in October 2009. He has made generalisations from the report's elements, but let us get to the specifics: please can we have an answer as to why the Government will not spend £4.6 million of Government money on a spend-to-save initiative that will save millions of pounds for the taxpayer and, incidentally, save lives and prevent more of the carnage that has already happened?

The Convener: Right. Minister, I know that you want to respond, so I will give you the chance to do so.

Stewart Stevenson: It is unhelpful if Mr Rumbles appears to mislead the committee. The numbers that I have quoted are from Grampian Police's letter to the committee. The report to which Mr Rumbles referred is not a Government report; it was produced by a road operating company, without its having done any research into costs.

Mike Rumbles: I hold up Mr Stevenson's report so that the committee can see it.

Stewart Stevenson: It is not the Government's report, and nothing that Mr Rumbles says on the matter can convert a report by a road operating company, with a speculative number in it, into a Government report—it is not a Government report.

Mike Rumbles: The report is from Transport Scotland.

Stewart Stevenson: Ah! The report was produced for Transport Scotland.

Mike Rumbles: Which is your agency.

The Convener: Sorry, Mike, but we would like to hear from the minister. On you go, minister.

Stewart Stevenson: I accept that the report was produced for Transport Scotland, but it is not Transport Scotland's report, the minister's report or the Government's report. Mr Rumbles simply cannot wish away what the real costs would be for what he wants. I think that I can say without a shadow of doubt that it cannot be done for £4.6 million. All the history and the recent figures on what grade-separated junctions cost indicate that it would cost substantially more than that. Further, if Mr Rumbles has accident figures that are different from those that the police have provided—

Mike Rumbles: They are your figures.

Stewart Stevenson: The figures that I am quoting are the same as the police's figures.

Mike Rumbles: They are from Transport Scotland, which is your agency.

Stewart Stevenson: I am sorry, convener, but—

The Convener: The minister has indicated his position on the contested figures. If he puts them to us, as he said he would, we will be happy with that.

Stewart Stevenson: I will do. Can I just close the issue by saying this, convener? If I am wrong, I will come back and accept that I am wrong. I just do not know where the error is coming from, because I am quoting the figures that the police supplied to the committee in the letter of 29 March 2009. I am looking at the numbers: they are the same.

The Convener: Okay.

Bill Butler: I am starting to have difficulty here as a simple words teacher, because you are using numbers again, minister. I want to ask you what seems to me to be a straightforward question. Accepting the fact that the report to which Mr Rumbles referred was produced by a road operator for Transport Scotland, do you dispute the report's conclusions? If you do, do you disavow them?

Stewart Stevenson: The project to deliver a grade-separated junction at Laurencekirk cannot be done for £4 million. I say that because we are certain that that costing does not take account of, for example, land acquisition or planning costs. A range of costs are not included in that figure, forby we do not think that the figure is deliverable.

Bill Butler: So are you saying that the report's conclusions are not resilient and do not bear scrutiny?

Stewart Stevenson: To be fair to BEAR, it added a figure that it did not research itself—it considered some figures that had been produced elsewhere. No design and no conclusions have been reached. Furthermore, the figure refers only to a single grade-separated junction, and we are considering the necessity for two.

Bill Butler: What standing, if any, does the report that was produced by BEAR for Transport Scotland have, in the Government's view? Does it have no standing whatever? Is that what you are saying?

Stewart Stevenson: It is a report to inform the work of Transport Scotland, and as such it reflects the operating experience of the road operating company. The £4 million figure that is quoted for a grade-separated junction was not put forward by BEAR as a robust figure.

Bill Butler: Why did BEAR put it forward, then?

Stewart Stevenson: Let me quote what BEAR Scotland said yesterday:

"With hindsight, although this was understood by those drafting the report and the main readership (i.e. TS) further caveating of the figures would have ensured that this was obvious to external parties who take access to the report ... It was recognised ... that a feasibility study into these options was not to be carried out and that broad brush cost estimates were to be used for comparison purposes."

Bill Butler: Sure, but if BEAR gave such "broad brush" estimates, what validity do they have, even in making a broad comparison? Surely they are useless.

Stewart Stevenson: BEAR is saying that, for the purposes of taking consideration forward, the necessary work must be carried out to understand what design of junction is required and what the costs would be. The experience over the past 10 years shows that such junctions cost as little as £4 million—although we have not successfully done one of those for nearly 10 years—and as much as £22 million.

Bill Butler: Should Transport Scotland have sought a report from BEAR—which obviously costs money—knowing that it would basically be useless? That is what you are saying, minister.

Stewart Stevenson: No. That is a very small part of an overall report. The report is about what is happening at the junction. The important thing is to examine the behaviours of drivers and the incidents, accidents, serious accidents and fatalities at the three junctions in the area of Laurencekirk, and to develop from that the appropriate response to improve the performance of the junction—as we have now done. The work

will be done over the course of this year. It builds on the work that successfully addressed the accident figures at the southern junction, which was previously the focus of attention. The last fatality there was in 2004. We are now considering the three junctions together, and we seek to deliver similar improvements in the operation of all the junctions to Laurencekirk.

Bill Butler: What is the timescale for delivery?

Stewart Stevenson: We will complete the work before summer is out.

Bill Butler: Thank you, minister—I think.

The Convener: Are there any other questions or comments from members? The committee has spent a fair amount of time on the issue.

Stewart Stevenson: May I make some brief concluding remarks? They will be brief. We see the need to have absolute clarity on the factual basis of the matter. It will be useful if Jill Campbell can sit down with Transport Scotland and go through the detail of why we have got to where we are. It is entirely for the committee to come to its own conclusions, but I suggest that she would be unlikely to be comfortable with your closing the petition today—were you even to think of doing so—until the process is complete. I think that that is the right way forward as the next, but not necessarily the final, step.

16:00

The Convener: Two or three issues arise from what we have heard. We would like written submissions to provide clarity on the statistics that have been bounced about. If committee members contest those statistics, I am happy to receive those submissions so that we can deal with the issues.

The minister has extended an invitation to Jill Campbell. If she takes up that invitation, the committee would, obviously, appreciate an update on the discussion that takes place and the points that are identified in it.

On Bill Butler's points, it would be useful to clarify the confidence that there is in achieving the delivery timescale that has been discussed.

We want to keep the petition open until those things are concluded. Have I missed out any points in that summary?

Rhona Brankin: Like many people, I have driven on the road in question over a number of years, and I find the junction difficult and challenging. I always approach it with great care, because I am aware of the accidents and fatalities that have occurred around it. I support keeping the petition open until we get clarity on the statistics.

Bill Butler: I, too, support keeping the petition open. The minister's offer of a meeting involving him, his officials and the petitioner could be productive, and that option should be explored. Perhaps it is just in my mind—or what passes for my mind—that the different statistics that the minister and Mr Rumbles have advanced could be clarified. That may be possible.

Mike Rumbles: On that point, the statistics are the minister's statistics. There is no dispute about them, but the minister is interpreting them slightly differently from how I am interpreting them. The statistics exist, and the committee already has them.

The Convener: The minister and Mike Rumbles have expressed opinions. If the figures are contested, they should be furnished to members of the committee. We will then arrive at a judgment.

Mike Rumbles: I hope that the committee has a copy of the report that we are discussing. I am not quoting my own statistics; the facts are in a report for the Government.

John Wilson: I want to make a suggestion to the minister that I hope will be helpful. Transport Scotland should be more careful in future about the reports that it receives from operators, and it should ensure that they contain factual information. Our difficulty is that we have not only different interpretations of the statistics that are before us but different interpretations of the report that BEAR Scotland produced. In future, it would be useful if the Government ensured that reports that are commissioned or produced for Government departments accurately reflect the costs and implications of proposed changes.

The Convener: I am conscious that the discussion on the petition has been lengthy, and I appreciate the forbearance of Jill Campbell and her family, for whom the matter is obviously sensitive. I hope that we can continue to keep the matter open and explore issues that the constituency member and committee members have raised.

I thank the minister and his officials for their attendance.

New Petitions

Mental Health (Care and Treatment) (Scotland) Act 2003 (PE1310)

16:04

The Convener: I am conscious of the time. The first new petition is PE1310, by Jean Gerrard. It calls on the Parliament to urge the Government to amend the Mental Health (Care and Treatment) (Scotland) Act 2003 to abolish the overuse of compulsory treatment orders for non-violent mentally ill patients, and to provide a process that allows patients and their representatives to challenge any perceived errors in CTO reports that can lead to misdiagnoses, faulty speculation and the administration of unwarranted forms of treatment. Is this the petition that Bob Doris is here to discuss?

Bob Doris (Glasgow) (SNP): No.

The Convener: I got confused. I thought that I might need a CTO. I invite comments from committee members on the petition.

Bill Butler: It is a serious subject, convener, and I believe that we need to continue the petition. For a start, we should ask the Scottish Government whether it will amend the Mental Health (Care and Treatment) (Scotland) Act 2003 to abolish the overuse of CTOs for non-violent, mentally ill patients and provide a process that allows patients and their representatives to challenge any perceived errors in CTO reports, which can lead to misdiagnoses and faulty speculation. We should continue the petition.

The Convener: Absolutely.

Anne McLaughlin: I want to clarify something. The petition calls on the Government to abolish the overuse of compulsory treatment orders. Can you abolish overuse? I am being a bit pedantic, but the wording is a bit unusual.

I broadly support the petition, because I know people whose mental health problems are exacerbated by the frustration that they feel about not being able to challenge any perceived errors in the compulsory treatment orders or to speak out about that. There is a feeling that often the people who make the orders or the diagnoses look at the illness, not the person. I would certainly support anything that gives a voice to people who suffer from mental health problems.

I suggest that we write to the Mental Welfare Commission for Scotland, the Scottish Association for Mental Health and an organisation called Voices of Experience, which is made up of people with mental health problems who advocate on behalf of others. We should ask what they think of

the petition and how they would advise us to take it forward.

Robin Harper (Lothians) (Green): I agree with Anne McLaughlin. We should write to those three organisations.

John Wilson: I understand that local health boards are responsible for delivering CTOs, so I suggest that we write to a number of them to ask about their views on and experience of compulsory treatment orders. I suggest that we write to NHS Lanarkshire. The petitioner mentioned NHS Dumfries and Galloway. We should ask a couple of health boards how they operate and monitor the process.

Rhona Brankin: Do we have information about the number of orders that have been issued per health board? If not, we should get it.

The Convener: We should write to a range of agencies to try to get some clarity. Anne McLaughlin asked whether you can legislate on overuse. We need to pursue other issues with the agencies. We will get the statistics that Rhona Brankin mentioned.

Nanette Milne: I see that the report of the Mental Health (Care and Treatment) (Scotland) Act 2003 review group has not yet been published. Is the review group still active? If so, would it be possible to send the information that we have gleaned from the petition to the review group as part of its considerations?

The Convener: We will look into that. If possible, we will do that. We wish to keep the petition open and explore the options that members have identified. Is that okay?

Members indicated agreement.

Amateur Coaches (PE1311)

The Convener: PE1311, by Stephen Koeplinger, calls on the Parliament to urge the Government to review arrangements so that individuals who have undergone satisfactory police checks but do not have a national governing body level 2 coaching certificate are allowed to access community resources, funding, sports facilities and equipment in the same way as those who have such a qualification, in order to increase the breadth and number of coaches available to work with young people across the range of sports activities. Bob Doris has expressed an interest in and support for the petition. I invite him to comment, then we will try to work our way through the petition.

Bob Doris: I am relieved that I am speaking on this petition and not the previous one. Serious as it was, I could not have provided much input on it.

Stephen Koeplinger's organisation, After School Activities Programme, is a charity that is based in Glasgow and works in Glasgow, Renfrewshire and East Renfrewshire, as far as I am aware. I will give a bit of context and set out the reasons behind the petition, which might help you decide the best way forward.

After School Activities Programme runs a variety of activities including tennis, dodgeball, football and athletics for young people in communities across the three areas that I mentioned. It often works with young people who would not otherwise be involved in physical or sporting activity and have not opted in to or shown an interest in the formal coaching routes through local primary and secondary schools.

Mr Koeplinger wants to ensure that those who have appropriate police and Disclosure Scotland checks, have a keen interest in working with young people, and have a charity such as his would not find any artificial barriers—created unintentionally by local authorities or other stakeholders—to engaging with young people. I refer particularly to Glasgow City Council, which has tried to work constructively with Mr Koeplinger, but rightly wants to ensure that those who coach youngsters have the relevant coaching qualifications. Mr Koeplinger has pointed out to me that a responsible adult supervising at a tennis court does not have to have the relevant national body qualification. Someone supervising football, dodgeball or athletics through his organisation and others like it would be only too keen to signpost young people who show flair, promise and interest to the relevant coaching experts in schools and the wider sporting community.

There might be unintentional barriers within local authorities and other organisations, and the petition asks the Scottish Government, or whoever, to investigate how charities such as Mr Koeplinger's can participate constructively with young people and get them to be physically active and productive. The young people that ASAP is working with can be more challenging people who might not be able to sustain a formal coaching relationship. I have also given note to a number of local authorities that the organisation often works with a model in which, for lack of a better expression, middle class children from one local authority are involved in a dodgeball tournament with working class children from another. That is an example of Mr Koeplinger's charity being involved in social inclusion.

I will finish by saying that the petition is not just about ASAP; that is only one example. I do not know whether Mr Koeplinger's is an isolated experience in my constituency or the tip of an iceberg. The committee could consider ways of using the petitioner's experience to find out

whether it is a wider experience, and it could consider how to ensure that organisations such as ASAP can provide additionality to the good coaching that takes place in Scotland.

Bill Butler: The petition is worth while, and we should continue it and explore some of the issues raised by the petitioner. Perhaps we could ask the Scottish Government whether it would review the arrangements that allow individuals who have undergone satisfactory police checks but do not have the necessary level 2 coaching certificate to play their part and to access community resources in the same way as those who have such qualifications. We could also ask sportscotland how its proposed scoping work to analyse accreditation schemes as well as best practice from abroad could assist in achieving the petitioner's aims.

We should also ask the Scottish Government, sportscotland and local authorities whether there is any evidence that using amateur coaches who do not have level 2 certification increases risks to an unacceptable level. If it does not, that might be a way of moving the petition forward. Those are just some suggestions, convener.

Rhona Brankin: I am interested in the thinking that there could be an issue around social inclusion or areas of deprivation not having access to qualified coaches. If that is the case, it would be of concern. How do we find out whether that is happening in practice? I wonder whether we could ask the various sporting governing bodies about where their coaches work. I am not sure how we could find out where accredited coaches are operating, but it might be interesting to do that.

16:15

Anne McLaughlin: We could ask the governing bodies whether it is generally accepted that sport has different purposes. Qualified coaches are needed for competitive sport, but I understand that ASAP's work is not necessarily about competitive sport. As Bob Doris said, ASAP would show people where they should go if they want to become great tennis players, for example, but the programme is about more than that—it is about social inclusion, general fitness, keeping young people off the streets and giving them something productive to do with their time, which does not necessarily mean that they must become great sportspeople. Given that, qualified coaches are not necessarily required. Do the governing bodies accept that sport can be used for different purposes?

John Wilson: We could write to ask several local authorities about the use of facilities and the criteria that they apply in letting facilities to people who wish to coach, whether or not they are

accredited. The petitioner's organisation feels excluded from running sessions because the local authority does not recognise the services that it delivers or makes the cost of using facilities prohibitive. In Glasgow and other areas, preferential rates are often given to people who organise coaching classes for youngsters. It might be useful to write to several local authorities to ask what criteria they use and whether they insist that anybody who provides coaching sessions must have level 2 accreditation before they will consider offering them premises or funding to assist in the delivery of such sessions.

The Convener: Members are broadly agreed about the petition. Bob Doris wants to speak; I ask him to be brief, because I want to pull together the discussion.

Bob Doris: I know that the committee has had a long meeting. I stress again that Mr Koeplinger wants not to compete with but to complement professional coaches. He does not feel that local authorities are intentionally excluding him from or charging higher rates for facilities. However, as Mr Wilson said—I have heard the point made before—just because councils do not intend to do that, that does not mean that that does not happen in practice. Anything that the committee can do to make progress would be most worth while.

The Convener: We want to keep the petition open and to continue consideration of it. We will explore the points that it raises and obtain views from sportscotland, other agencies and local authorities about operations, access and participation. Thank you for your time in considering the petition.

Medal Awards (PE1312)

The Convener: PE1312, by William Leitch, calls on the Scottish Parliament to urge the Scottish Government to make representations to the United Kingdom Government to ask it to investigate the circumstances of the process for awarding medals to those who were involved in the 1949 Yangtze campaign and, in particular, whether that process was corrupted by the exclusion of relevant and important documents that relate to the role of HMS Concord in the Yangtze campaign on 30 and 31 July 1949. The petitioner is in the public gallery and I thank him for his patience during a long committee meeting.

I invite members' comments on how to deal with the petition.

Robin Harper: I have a connection with the issue. When Concord and Amethyst tied up at the end of their trip, they did so next door to the training ship HMS Tamar, on which my father did his training as a midshipman before the war—he

served on the China station before and after the war.

I am familiar with the story of the Amethyst. It is clear from the details with the petition that the story that we were fed in the film after the war was far from being the whole story. There is no doubt that all the ships, including Concord, were engaged in an extremely dangerous operation and that everybody behaved extremely creditably and bravely. However, one ship and her complement were left entirely out of the honours. The petition is not asking for the clasp to be given now, because it is so long after the war and successive ministers have made it clear that they will not do that, but it is time that the truth came out.

I would like us to make representations to the UK Government asking it to investigate the circumstances of the process of awarding medals to those who were involved in the 1949 Yangtze campaign and, in particular, whether the process was corrupted as a result of the exclusion of relevant and important documents relating to the role of HMS Concord in the campaign on 30 and 31 July 1949. We could ask the UK Government whether it knows of any documents that we have not as yet seen, but which could now be released under the 30-year rule. Although the log of HMS Concord disappeared, a fairly accurate description of her journey has been reconstructed, possibly through evidence that was given by Sir David Scott well after the incident, in documents that he left.

Nigel Don: The story is extraordinary. I knew about it before we received the petition, but I now realise that I knew only part of the story. I commend the petitioner for bringing his petition to the Parliament. He is asking us to ensure that history is rewritten. We should rewrite history if it is written wrongly the first time round. The petition is commendable in its own right, but it also reminds us that a lot of the history that we have is corrupted. It will do us no harm at all to correct history for the sake of those who were there. I, too, tend to doubt whether there is any prospect of anybody sorting out the medals issue and maybe that is not really the point. However, I rather like the idea of getting our history books correct and reinforcing the idea that we should not automatically assume that everything that we are told is correct.

Bill Butler: I agree with Robin Harper and Nigel Don. We should continue the petition. We should also ask the Royal British Legion for its view on the petition. Similarly, we should ask the Ministry of Defence for its view.

John Wilson: We should write to the Ministry of Defence to ask whether any of the documentation from the conflict has been withheld by successive UK Governments under official secrets legislation,

whether the rule is 30 years, 50 years or whatever. Clearly, there were political implications at the time of the incident. We could try to find out whether the correct and accurate history of the incident has been withheld from the general public.

The Convener: We will follow up those comments from members and continue the petition. I hope that we get responses in due course. I thank the petitioner for his patience. We will continue to explore the issue on his behalf.

Knife Crime (Mandatory Custodial Sentences) (PE1313)

The Convener: PE1313, by Kelly Anne McGee, calls on the Parliament to urge the Government to introduce mandatory minimum custodial sentencing for those caught carrying knives or other dangerous weapons in public, except where there are exceptional circumstances relating to the carrying of a knife or other sharp implement. The petition has already received support on our e-petitions system and has received a substantial number of signatures in hard copy. The petition relates to a difficult set of circumstances, as is the case with a similar petition that we have been dealing with for a longer period.

Trish Godman is here in her capacity as a constituency member, rather than as a Deputy Presiding Officer, to express support for the petition. I invite her to comment.

Trish Godman (West Renfrewshire) (Lab): I will say a few words. Paul McGee was a constituent of mine who had just returned from Afghanistan—he had been there and in Iraq—when he was killed outside his house as a result of knife crime. His sister Kelly is trying to link in with the other petitions that the committee has received on the subject. That shows the Public Petitions Committee working properly and the public continuing to keep the matter on the agenda because it is a very important issue. I am here as a constituency MSP and I am sure that every one of the committee members could be here in the same position. I want to get support for the petition, which links in with other petitions, such as that from John Muir. The public are making a clear statement to the committee that something must be done.

The Convener: I request that we combine the petition with PE1171, which was submitted by John Muir. I am conscious that we are at quite an advanced stage with that petition and that the debate about how we legislate to tackle knife crime is advancing in the Parliament.

I invite members' comments on PE1313 and how it links in with our earlier discussions.

Nigel Don: One cannot come to such petitions without recognising the human tragedy behind the bit of paper. Every one is one too many. We will keep saying that, because the problem will never go away completely but we are entirely clear that we must tackle it.

Perhaps we can short circuit consideration of this petition and that from John Muir. This morning, the Justice Committee decided that the amendments on knife crime to the Criminal Justice and Licensing (Scotland) Bill will be subject to a call for further evidence. The Justice Committee will issue that call—probably as we speak—and have an evidence-taking session in perhaps a couple of weeks' time, although that must be subject to a committee decision.

We have active amendments to the bill before us in the Justice Committee; we have a call for evidence and the intention of taking that evidence within weeks. Therefore, I suggest that this committee suspends consideration of the petition and of PE1171 to allow us to get through the process in the Justice Committee, which will inform further discussion of the matter.

Rhona Brankin: That information should be conveyed to the petitioner. It is important that, as well as lodging the petition, she is able to feed into any consultation on the possible practical outcomes of changes in legislation.

The Convener: The suggestion is that, because of the framework of the debate in the Justice Committee, it would be sensible to take the course of action that Nigel Don and Rhona Brankin propose, and that we will come back to the petition in due course. We will wish to convey that to the petitioner. Do we accept those suggestions?

Members *indicated agreement.*

The Convener: I thank Trish Godman for her time on the petition.

Hot Branding (Equines) (PE1314)

The Convener: This is our final new petition today. PE1314, by Rebecca Stafford, calls on the Scottish Parliament to urge the Scottish Government to amend immediately the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 and ban the hot branding of all equine animals. Members' views on the petition would be useful.

Rhona Brankin: We should get an update on the Government's thinking and information from the organisations that are suggested in the paper—the British Veterinary Association and the British Horse Society among others.

Nanette Milne: We should contact the Exmoor Pony Society in particular because that breed is clearly still affected by hot branding.

The Convener: Okay, we will contact a range of organisations related to animal welfare and ask for the Scottish Government's observations or position on the proposal.

Robin Harper: Perhaps we should ask for opinions not only from the Exmoor Pony Society but from other pony societies and breeders.

The Convener: We will explore that option and continue the petition until we have the information back.

Current Petitions

Cancer Treatment (Cetuximab) (PE1108)

16:30

The Convener: Item 4 on our agenda is consideration of current petitions. I welcome back to the committee Tina McGeever, who is in the public gallery. Her petition PE1108, on behalf of Mike Gray, calls on the Scottish Parliament to urge the Scottish Government to consider the provision of cancer treatment drugs—in particular cetuximab—on the national health service to ensure equity across NHS boards in relation to the appropriateness, effectiveness and availability of such treatments. Tina has been pursuing the matter with incredible vigour and energy, and she has supported the committee in our process.

I seek members' views on how we should continue to deal with the petition.

Bill Butler: What we have here is the result of a petitioner working with the committee, and the committee, in turn, working with the minister and the Scottish Government. A lot of progress has been made in respect of the terms of the petition, which should continue to be recognised.

We have before us a draft letter from the convener, which—if we send it—sets out a range of questions for the cabinet secretary on the draft chief executive letter guidance. The letter raises a number of important additional points on which we would like a bit more clarity and encapsulates many of the comments that have been made by the petitioner, Tina McGeever. On that basis, I think that we should send that letter to the cabinet secretary.

I raise a couple of points on which the convener's draft letter touches, the first of which relates to exceptional prescribing requests. I know that that issue is largely covered in annexes C and D of the draft CEL, which is to be welcomed in broad terms. However, the convener's draft letter makes points about the language that is used, which could lead to the guidance being less than binding on NHS boards. We would not wish that to happen, as it could lead—inadvertently, I am sure—to the postcode prescribing that we seek to avoid. In other words, it could risk regional variations. We must make the guidance as prescriptive as is necessary, so that boards are under an instruction to do what the guidance says; we must not just assume that that will happen.

The convener's draft letter also refers to the lack of reference in the guidance to the appointment of local liaison officers, which is something that the committee suggested in paragraph 85 of its report, "Availability on the NHS of cancer treatment

drugs". I hope that the cabinet secretary will agree that that omission needs to be rectified.

All in all, many of the issues that were raised in the petition have been addressed thoroughly. I hope that, if we agree to send the convener's draft letter, the cabinet secretary's response will bridge any gaps that there may be in the guidance that has been worked out. We therefore find ourselves in a very positive place.

Nanette Milne: I absolutely agree with what Bill Butler has just said. I have had some contact from the pharmaceutical industry via its representative body, the Association of the British Pharmaceutical Industry. It says that things have moved on significantly but that one or two issues remain to be addressed, which we could add to the convener's draft letter. The association states in an e-mail:

"Medicines that are accepted by SMC, or their equivalents, are expected to be available within NHSScotland".

The question is asked:

"How do ADTCs appraise which medicines are deemed equivalent? There should at least be transparency around this decision and the equivalent medicines named, so that patients and clinicians are aware of which equivalent medicines should be used in place of an SMC accepted medicine."

A related point is:

"Patient access to SMC accepted medicines that are not put on the NHS Board formulary needs to be quick and easy."

To access those approved drugs, patients

"should not have to resort to individual treatment ... requests."

That is perhaps another point to highlight.

Regarding patient and public involvement, the association states:

"NHS Boards should be required to do more than just make information available. There should be opportunity to input into ADTC processes."

Finally, the association suggests that

"The SMC has a very good model for patient and public involvement."

The Scottish Government could ask health boards to mirror that. I will pass on the e-mail to the clerks.

The Convener: That would be helpful.

We want to pursue the matter. My letter will be framed in line with the structure of our inquiry and report. We will follow through on the areas in which we want to get consistency from the Government, to try to progress some of the issues on which the Government has been responsive. We will take forward those points. The clerk

suggests that we may want to get a response from the Government before the CEL goes out; we will explore whether that is possible.

Bill Butler: That would be appropriate. We do not want the Government to send out something that must be corrected or revised almost immediately.

The Convener: I thank members for their time and the petitioner for her patience.

Knife Crime (Mandatory Sentencing) (PE1171)

The Convener: We dealt with the petition in our earlier discussion of knife crime in relation to PE1313, when we agreed formally to suspend consideration of both petitions.

Permitted Development Rights (Port Authorities) (PE1202)

The Convener: PE1202, from Joyce MacDonald, calls on the Parliament to urge the Government to remove the general permitted development rights of port authorities. We have considered the petition on a number of occasions. How do members wish to deal with it? We are still waiting for the household permitted development order to be laid before Parliament. I suggest that we suspend consideration of the petition until that happens. We can write to the Scottish Government to draw to its attention the letter that we have received from the petitioner about a recent incident in the fish-meal shed.

Members *indicated agreement.*

Same-sex Marriage and Mixed-sex Civil Partnership (PE1239 and PE1269)

The Convener: The next two petitions are grouped together. PE1239, from Nick Henderson, on behalf of the LGBT Network, calls on the Parliament to urge the Government to amend the Marriage (Scotland) Act 1977 to allow two persons of the same sex to register a civil marriage and a religious marriage if the relevant religious body consents. PE1269, from Stiofán McFadden, on behalf of the Equal Marriage Campaign, calls on the Parliament to urge the Government to amend legislation to allow same-sex marriage and mixed-sex civil partnership. We have considered both petitions previously. I draw members' attention to a letter that has been submitted by Shirley-Anne Somerville, who has expressed support for the petitions at previous meetings.

Anne McLaughlin: Fergus Ewing, the Minister for Community Safety, said that the European Court of Human Rights case had been postponed until 25 February this year. Shirley-Anne Somerville is asking us to continue the petitions at

least until we get the outcome of that case. Did we get that on 25 February, or is the court still deliberating?

Fergus Cochrane (Clerk): The last time that I checked, no information had come out about the outcome of the court case. It has been postponed again.

Anne McLaughlin: So the case has been postponed—it is not just that the court is still deliberating.

Fergus Cochrane: I could find no information that would indicate when a decision might be made.

Anne McLaughlin: In my opinion, we should await the outcome of the case, although I know that we do not know when we will get it. There does not seem to be a huge appetite in the Government to look at the issue, but it may change its mind, depending on the outcome of the case. I would rather keep the petitions open.

John Wilson: I support suspension of the petitions until we have the outcome of the Schalk and Kopf v Austria case, which may not just influence the Scottish Government but require it to take action. It is incumbent on us to suspend consideration of the petitions until such time as we have a European Court of Human Rights ruling on the case, because it may have an impact not just in Scotland but throughout Europe on how Governments legislate on the issue of same-sex marriage.

Robin Harper: I agree with John Wilson and Anne McLaughlin, but perhaps we could ask the Government whether it is at least prepared to set up an advisory committee to meet immediately after the European decision has been made public.

Bill Butler: We should not close the petitions but suspend them. Despite the fact that the Scottish Government has said on four separate occasions that it has no plans to change the law—the UK Government has the same position—there might be an impact when the Schalk and Kopf case is heard in Europe, so it would be wise for us not to close the petitions but to suspend them. That will give us and the Government a chance to react in due course when that case has been heard.

I do not know whether my colleague Robin Harper's suggestion that the Government should have an advisory committee ready to go is practical, but we can ask the question.

Nanette Milne: I agree that we should suspend the petitions. I am looking to the gallery for confirmation, but I gather that a House of Lords ruling is imminent as well. That might be

something else to look at in connection with the petitions.

The Convener: There is a consensus that we should suspend the petitions. There is an administrative issue, given that the petitioner for PE1269 has not responded; PE1239 is the central petition because it raises the core issue. In the interest of controlling the number of petitions that we have, we could close PE1269 and suspend PE1239 until the outcome of the European case is known, at which time we can have further deliberations. Given the number of petitions, we really need to tidy up outstanding petitions to give the clerks some oxygen and help them to survive. If it is okay with members, we will suspend the core petition, which is PE1239, and close PE1269.

Members *indicated agreement.*

Robin Harper: I could modify my suggestion and propose that the Government keeps open the possibility of setting up an advisory committee if advantageous circumstances arise.

The Convener: We could put some gentle words to Fergus Ewing on that matter.

Thank you for that. We hope that, even though one petitioner has not responded, the remaining petition addresses the concerns that he raised.

School Buildings (Asbestos Management Plan) (PE1268)

The Convener: PE1268, by Catherine Mitchell on behalf of St Gilbert's primary school and all schools in the west of Scotland, is on asbestos management in schools. Given that we have had a fair discussion about it and have explored the options, I do not know that we have anything further to add. I recommend that we close the petition on the basis that we can take it no further. I invite comments from members.

Bill Butler: I do not think that we can take the petition further. Colleagues might have a different point of view, but it seems to me that the detailed points that the petitioner made in their previous response have been addressed by Glasgow City Council. It states unequivocally that it would not approve works on any occupied site if it believed that there would be unacceptable risks as a consequence. On that basis, and given that the Health and Safety Executive has written to each local authority to draw attention to their statutory responsibility, there is not much more that we can do as a committee. We should close the petition.

John Wilson: I agree that we should close the petition, but in doing so we should confirm to the petitioner that, if she becomes aware of incidents that raise concerns, she will be able to petition the committee again to deal with those. I know that the issue has arisen not only in the petition and in

Scotland. There is a UK-wide debate on the issue, and a thorough debate is taking place south of the border on the possible impact on those who are teaching, working or studying in school buildings that may be affected by asbestos.

Anne McLaughlin: I was going to make a similar point.

The Convener: John Wilson makes a helpful suggestion; I am conscious that the issue will return if we are not vigilant, careful and rigorous.

Changing Places Toilets (PE1270)

16:45

The Convener: PE1270, by Linda Burke, on behalf of the Profound and Multiple Impairment Service and the Learning Disability Alliance Scotland, calls on the Parliament to urge the Government to request that local authorities use British standard 8300:2009 to ensure that at least one public toilet built to the changing places standard is provided in the centre of each town that has a population of more than 15,000, and in each new larger and publicly accessible building and complex.

We have had the opportunity to discuss the petition in the past, so any comments from members would be helpful.

John Wilson: I propose that we close the petition, but submit the petitioner's final submission to the Scottish Government for consideration.

The Convener: Do members accept that recommendation?

Rhona Brankin: Having looked at the petitioner's request, I was quite surprised that there was no way of making it happen. It is an important issue that we must not take lightly. We perhaps need to reflect on why it cannot happen, and on the issues surrounding that.

I know that I have come to the petition only lately, but I wonder whether it is a matter for equality legislation. I am not sure whether the Equality and Human Rights Commission would have any comment on the situation. I do not want to keep pursuing the issue unnecessarily, but I wonder why there is nowhere for it to go.

The Convener: I will let John Wilson in, but we will come back to that point, as it raises a legitimate issue.

John Wilson: One of the reasons that I proposed that we close the petition is because the petitioner has asked us to close it.

Rhona Brankin: I understand that.

John Wilson: The committee has taken the petition as far as it can. The petitioner's objective was to raise awareness of the issue, and we have taken that task on board. We have raised the issue with a number of public bodies to try to take the debate forward, but there is a difficulty with regard to what the committee can do and what the petitioner has requested that we do. The petitioner has asked us to close the petition because they feel that, in many respects, awareness of the issue has been raised. The relevant authorities will, we hope, take the issue forward.

The Convener: I suggest that we discuss the concerns that Rhona Brankin raised, which I think we all share. In closing the petition, we may want to draw it to the attention of the relevant minister with responsibility for planning in relation to any developments. It strikes me that we need to address the concern about clarity in policy guidance and in the implementation of that guidance at a local level, so that we are not left in the ridiculous situation, as Rhona Brankin mentioned, in which something that seems reasonable is not being provided.

Rhona Brankin: It may be a UK Government issue too, in relation to equalities legislation or human rights.

The Convener: We may want to write to the appropriate minister in Scotland with responsibility for the planning framework, and we can perhaps consider the UK position in relation to the broader disability issues.

Nigel Don: This may be slightly controversial, but here goes. In closing the petition, we could write to the First Minister, because I can think of nowhere else to write, to say, "Here's a good idea. It costs money, but it doesn't cost a fortune."

The official response has—correctly—been to say, "We cannot tell people what to do". However, in a country the size of Scotland, there should be a mechanism—although the Government cannot tell local authorities what to do—for influencing people to understand that the idea is sensible and does not cost a fortune, and to ask them, "Hey guys, why aren't you doing this in your area?"

The Convener: Okay. We should put the issue in the manifestos of all the parties. We need to pursue information from appropriate ministers. I thank members for their comments.

Education (Scotland) Act 1980 (Parental Choice) (PE1284)

The Convener: PE1284, by Graham Simpson, calls on the Parliament to urge the Government to note the successful outcome of a number of legal cases brought by parents against local authorities in relation to placing requests. The petition

highlights the statutory right of parents under the Education (Scotland) Act 1980 to choose the school that they wish their children to attend. There has recently been public debate on the issue in one local authority area. Do members have any comments on how to deal with the petition?

Nanette Milne: I think that we should keep it open. The Government stated its intention to introduce regulations to set a maximum of 25 pupils in a class by, I think, August of this year. We should ask whether it is still on target to do that.

Bill Butler: It could be politically controversial, but I think that the question that Nanette Milne has suggested deals with a matter of fact—we are trying to explore what the fact of the matter is. In the same vein, we could ask the Government when it will introduce regulations to reduce the size of classes in primary 1 to primary 3 to a maximum of 18 pupils. Asking those two questions would be a reasonable way to begin exploring the petition.

The Convener: We wish to keep the petition open and we will explore the points that members have raised.

NHS Translation and Interpretation Services (PE1288)

The Convener: We have considered PE1288, by Dr Godfrey Joseph, on behalf of Multi Ethnic Aberdeen Ltd, on previous occasions. It calls on the Scottish Parliament to urge the Government to ensure that NHS boards have the structure, funding and capability to provide speedy, accurate and appropriate translation and interpretation services for patients and their families, and that such services are consistent across NHS boards.

Do members have comments?

Nigel Don: I hope that we will feel able to continue the petition. We have had the classic response from everyone that they are all doing the right things. We would expect that, and we do not necessarily have to disagree. However, alongside that are the petitioner's comments, which are along the lines that things are not like that for some people. The petitioner's response contains some quite harrowing experiences.

We should write to the Scottish Government to ask whether what it is doing is enough. It has been suggested to us in responses that some people in the NHS feel that they should not use the services in question because they cost too much. That reluctance is understandable but probably inappropriate.

We could also write to the Equality and Human Rights Commission to ask what its take is on the

matter. There is a real case for saying that such services should be provided in principle. I would like us to dig a bit further and see whether the Government is willing to consider translation—I am sorry; that is not the right word.

Anne McLaughlin: Interpretation.

Nigel Don: Yes, that is what we are really talking about. I think that interpretation rather than translation is the issue.

The Convener: You have an interpreter beside you.

Nigel Don: Yes, I have an interpreter beside me—Anne McLaughlin's brain is slightly less addled than mine, principally because she was not at this morning's meeting of the Justice Committee.

The issue is whether we can get the Government to get its mind around interpretation as a whole, across not just the NHS but the rest of the public service.

Robin Harper: I agree with that last point. Surely there is a case for the provision of a comprehensive public translation and interpretation service that could be accessed not just by the NHS but by all branches of local government, including education and social services.

Nigel Don: It was encouraging to see comments in our paperwork about British Sign Language. We should recognise that BSL is a language, just as much as Romanian and Spanish are.

The Convener: We will take on board the comments of Nigel Don and Robin Harper. We wish to keep the petition open and to clarify some of the points that have been raised.

Safe Guardian Law (PE1294)

The Convener: Our second-last petition today is PE1294, by Allan Petrie, which calls on the Scottish Parliament to urge the Scottish Government to implement a safe guardian law to allow family members to care for children who might be at risk. Do we wish to continue the petition or have we taken it as far as we can?

Bill Butler: Perhaps we could continue the petition to ask the Scottish Government one question. What is the Scottish Government's response to the petitioner's point that, in his experience, the current legislation is not applied at an early enough stage, and that he would like local authorities to take steps to act as soon as concern about a child's welfare has been identified? At the very least, it would be interesting to get the Scottish Government's response to the petitioner's opinion and its view on whether that opinion is

based on fact or is not backed up by evidence. We should ask that at least.

The Convener: Do we wish to continue the petition on those grounds?

Rhona Brankin: Yes. There is also the issue about the length of time involved.

The Convener: Okay. Thank you.

Low-dose Naltrexone (PE1296)

The Convener: Our final petition this afternoon is PE1296. I thank the petitioner, who is in the public gallery and who has been very committed to the petition. The petition, which is on behalf of LDN Now, calls on the Parliament to urge the Government to make low-dose naltrexone readily available on the NHS to auto-immune disease sufferers, as well as to those who suffer from other conditions that are not classified as auto-immune, such as HIV/AIDS, cancer and infertility, thereby reducing the danger of sufferers having to incur higher costs by purchasing the drug through private medical providers. The petition also asks for guidance on LDN protocol to be provided to all general practitioners and for GPs to be required to collect clinical data on LDN.

We explored the petition at a previous meeting, and have received extensive submissions from the petitioners. I know that Robert Thomson has been keeping all committee members up to date on progress as well as seeking support from all layers of decision making in Scotland and the UK. How should we deal with the petition?

Nanette Milne: We should continue the petition. We are almost in a catch-22 situation because LDN is not licensed for the dosages that are being recommended, so official bodies are reluctant to take it on, but we should push a bit harder. For example, the Department of Health could make representations to the Medicines and Healthcare products Regulatory Agency and ask it to assess the safety and efficacy of LDN. We really need to pursue the issue a bit further. Clearly there is a body of opinion that thinks that the drug is very effective for many conditions in small dosages, but it cannot be used at the moment because it is not licensed for that.

Rhona Brankin: I accept that; we still need to ask some questions.

The Convener: We wish to continue the petition. That might have sounded like quite a brief summary to Robert Thomson, who has sat all the way through a long afternoon, but given our previous discussion of the petition, I can say that we want to see whether we can help, because we think that the petition contains points of significant value. We will raise those issues with the Scottish Government and the Department of Health.

New Petitions (Notification)

16:59

The Convener: Item 5 is notification of new petitions. A paper has been given to members.

The next meeting will be on Monday, 15 March, in Anstruther. I know—it seemed like a great idea months ago, but we now have to make ourselves available for the meeting.

Meeting closed at 16:59.

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