



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 8 February 2011

Session 3

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PUBLIC PETITIONS COMMITTEE

3rd Meeting 2011, Session 3

CONVENER

*Rhona Brankin (Midlothian) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)
*Cathie Craigie (Cumbernauld and Kilsyth) (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

Jamie Hepburn (Central Scotland) (SNP)
Jamie McGrigor (Highlands and Islands) (Con)
Dr Richard Simpson (Mid Scotland and Fife) (Lab)
Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Rhoda Grant (Highlands and Islands) (Lab)
Jamie McGrigor (Highlands and Islands) (Con)

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 8 February 2011

[The Convener *opened the meeting at 14:07*]

Current Petitions

The Convener (Rhona Brankin): Good afternoon. Welcome to the third meeting in 2011 of the Public Petitions Committee. We have received no apologies for today's meeting. I ask everyone to ensure that their mobile phones and any other electronic devices are switched off; I must switch off mine.

I remind everyone that our meeting today and subsequent meetings prior to dissolution of the Parliament will focus on current petitions only. We have 21 current petitions under consideration today.

Transport Strategies (PE1115)

The Convener: PE1115, from Caroline Moore, on behalf of the Campaign to Open Blackford Railway-station Again, concerns national and regional transport strategies. I have received a note from Elizabeth Smith, which states:

"Although the Scottish Government has made it clear that re-opening Blackford Station is not and will not form part of its strategic transport project list for the foreseeable future, I hope that the Petitions Committee will allow for the petitioners to continue to seek further information into the potential re-opening of Blackford Station.

Specifically I would be interested in what future feasibility study update will be carried out in conjunction with Tayside and Central Scotland Transport Partnership (tactran) to help take forward the project under future strategic transport project reviews.

There is wide spread local public and business support for the re-opening of Blackford Station. The campaign has to date also attracted cross-party support and I have been greatly impressed by the organisation and professionalism of the petitioners."

What are members' views on how we should take forward the petition?

Nanette Milne (North East Scotland) (Con): This has been a well-run petition. Do we have any knowledge of when the next high-level output specifications are likely to appear? Is it sensible for us to keep the petition open until that time? Are we talking months or years?

Fergus Cochrane (Clerk): We have no information on a timetable.

The Convener: The additional papers provide some additional information, but not on a timetable. They state:

"Following consultation with the local community, including a workshop, which identified a number of possible options, Transport Scotland has worked with BEAR Scotland Ltd on a transport appraisal which assesses the merits of the different options and makes recommendations. This report is currently being considered by officials and once finalised, the report will be provided to the PPC and made available on the Transport Scotland website."

Do we have any information on the timescale for the report?

Fergus Cochrane: All that we have is a reference to 2014 to 2019, which is a considerable period of time.

The Convener: There is no information on how soon the report will appear.

Nanette Milne: I suggest that we hold over the petition until such time as we get a definite date on which we will receive more information.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Did Elizabeth Smith mention a feasibility study?

The Convener: Yes. She asked

"what future feasibility study update will be carried out".

We could ask that question. I would be interested to find out about the report that is

"currently being considered by officials and ... will be provided to the PPC and made available on the Transport Scotland website."

What is that report, and when will it be made available? Will it be made available for our next meeting? If not, there is not an awful lot more that we can do. If we bring back the petition on 8 March, hopefully we will get a bit more information on that.

Nanette Milne: It would certainly be tidier, if we have to close or to hand over the petition.

The Convener: Does the committee agree to bring back the petition on 8 March?

Members indicated agreement.

Nature Conservation (Scotland) Act 2004 (Snares) (PE1124)

The Convener: The next petition is from Louise Robertson on behalf of the League Against Cruel Sports, Advocates for Animals, the International Otter Survival Fund and Hesselhead Wildlife Rescue Trust, on a ban on snares. I seek the committee's views on how we should proceed.

Bill Butler (Glasgow Anniesland) (Lab): It would be productive for us to write again to the Secretary of State for Environment, Food and Rural Affairs to seek an update on when the research will be published. We can bring the petition back on 8 March, which is the committee's

final meeting, when we have received that update from the Department for Environment, Food and Rural Affairs. Hopefully, we will then be able to come to a reasonable conclusion of the petition.

The Convener: Yes. We understand that the report has been completed but must still be peer reviewed. A date for its publication has not been set. Do members agree that it would be sensible for us to get back to DEFRA on the matter? The process has been under way for a long time, so it may be useful for us to express some frustration about that.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): We have been waiting for the report for a long time.

The Convener: Absolutely. Do we agree to continue the petition?

Members *indicated agreement.*

A92 Upgrade (PE1175)

The Convener: PE1175, from Dr Robert Grant, is on the A92 upgrade. I seek members' views on how we should deal with the petition.

Nanette Milne: This is another petition on which we are awaiting information. Officials are considering the Scottish transport appraisal guidance report at this time. It would be sensible to hear what they have to say about it. Perhaps a letter would chivvy them up to produce their conclusions.

The Convener: For which report are we still waiting?

Fergus Cochrane: It is a feasibility study.

The Convener: Ah yes, we have spoken about that. Let us find out what is going to happen. Do we have any information on when the report will be forthcoming?

Fergus Cochrane: No, but we can ask for some.

Anne McLaughlin (Glasgow) (SNP): I am not sure what difference our seeing the report will make. Transport Scotland has carried out short-term improvement works and says that any recommendations in the report will have to compete for funding alongside other priorities, even if the report recommends what the petitioner seeks. I am not entirely sure what we can do other than tell the petitioner to look at the report and that they will have to compete with everyone else. I am not sure that there is any point in our keeping the petition open.

14:15

Bill Butler: There may or may not be a point. Some colleagues are saying that if we have the

fullest information, we can come to a conclusion. The conclusion may very well be that we will have to close the petition, as Anne McLaughlin has just said. However, I do not see any harm in getting the fullest amount of information possible: that is the way in which the committee has always worked. I suspect that if we do not have that information or it is inconclusive, Anne McLaughlin may very well be right and we will have to close the petition at that point.

Nanette Milne: We could stress that because our next meeting is the last for this committee, a report or even some interim feedback would be helpful. That might enable us to make a decision on whether to close the petition.

Anne McLaughlin: I am not going to cause a big stushie over it; I am just not entirely sure what we as a committee will do if the report says, "Yes, they should" or "No, they shouldn't". I am happy to go along with everyone else if they want to keep the petition open.

The Convener: Okay. We will get the report to the committee by the next meeting if it is available, and we will take it from there.

Succession Law (PE1210)

The Convener: PE1210, from I Chambers, is on beneficiaries under succession law. I seek members' views on how we should deal with it.

Bill Butler: I do not know what else the committee can do in a practical fashion on this one, so we are left with no option but to close it.

The Government has provided clear explanations of why it has no immediate plans to change legislation to impose conditions for disclosure of trusts. It has also promised to bring the petition and associated correspondence to the attention of the Scottish Law Commission as part of its wide-ranging review of the trust law. I do not see what more we can do given that the Government has made that commitment, so I suggest that we close the petition.

The Convener: Do members agree that the petition should be closed?

Members *indicated agreement.*

Fire (Scotland) Act 2005 (PE1254)

The Convener: PE1254, by Mark Laidlaw, seeks to amend section 51 of the Fire (Scotland) Act 2005. I seek members' views on how we should deal with the petition.

Anne McLaughlin: I noticed that the Government said that it was willing to consider the legislation as part of its overall review. It might be worth writing to the Government to ask it to state

that rather than just being willing to consider the legislation, it will actually amend it.

I do not know whether we have written to the Government to ask it to seek the petitioner's views: we could do that if we have not already done so. We can also forward to the Government all the information that we have gathered on the petition. An assurance from the Government that it will include the legislation in its review would be useful.

The Convener: Yes. There is also the possibility of adding the petition to our legacy paper. The option is that we continue the petition. Is that agreed by the committee?

Members *indicated agreement.*

Dairy Farmers (Human Rights) (PE1263)

The Convener: PE1263, by Evelyn Mundell, on behalf of Ben Mundell, is on human rights for dairy farmers. Jamie McGrigor MSP is here.

Jamie McGrigor (Highlands and Islands) (Con): I am grateful for the opportunity to make a short statement in support of my constituents Mr and Mrs Mundell. I share their concerns and disappointment that the Scottish Government has failed to answer adequately the questions that the committee has put to it.

The Scottish Government at least appears to have moved its position, as it now recognises that human rights issues were involved in the original decision to continue the ring fence in the southern isles. If that is the case, my constituents deserve to see the detail of that consideration.

The Scottish Government has also recognised, most notably in the example of the removal of the ring fence for Islay, which is just up the road—or over the sea, so to speak—that the ability to sell quota on the open market realises income that can be used to support existing businesses or diversification into other areas.

Why was it considered appropriate to deny the rights that the people in Islay received to Mr and Mrs Mundell and other dairy farmers in the southern isles ring fence? That question has never been answered.

My view remains that retaining the southern isles ring fence negatively and disproportionately affects the individuals concerned. It is disproportionate to the extent that it seems to have been considered acceptable for my constituents to bankrupt themselves to support the wider community. I struggle to find other examples of the Government, through its direct actions, forcing individuals or businesses to make serious financial sacrifices for the greater good of an area or sector—at least not in peacetime.

I note that the committee has not asked the Cabinet Secretary for Rural Affairs and the Environment to give oral evidence. Will it consider that option? I hope that the committee will at least keep the petition open as a way of continuing to seek substantive answers from the Government. The saga has caused genuine worry and potential financial ruin for my constituents. In the interests of justice and fairness, the committee should continue to pursue the matter on behalf of my constituents, whom I quote:

“As the PPC previously quoted from the Human Rights Commission in one of its previous questions to Government:—

‘a fair balance will not have been struck where the individual property owner is made to bear “an individual and excessive burden”.’”

Nanette Milne: Jamie McGrigor makes fair points. I am trying to think where we can go from here, given that we have just one meeting left. Could we recommend in our legacy paper that the future committee should invite the cabinet secretary along? I am not sure where we stand on that—perhaps the clerk can help.

Fergus Cochrane: If the committee decides to make that suggestion, it can be part of the legacy arrangements for the session 4 committee, which might want to consider inviting the cabinet secretary to give evidence. It would be up to that committee to decide what action—if any—it took on the petition. Procedurally, the committee could leave the petition under the legacy arrangements.

Nanette Milne: If we kept the petition open and wanted to invite the cabinet secretary along, the only alternative would be to invite him to our next meeting. Given diary commitments, his attendance might not be feasible.

Fergus Cochrane: After today, the committee has three meetings—on 22 February and on 1 and 8 March. If the committee wanted to invite the cabinet secretary to give evidence, we could check his availability and timetable in his evidence.

The Convener: We have not clarified the human rights issue and whether the Government had advice on that.

Cathie Craigie: I was going to make that point. The additional correspondence that we received today—the communication between Peter Peacock and Mr and Mrs Mundell—asks whether ministers ever received legal advice on the human rights issue. I am sure that I read in the papers that qualified officials were conversant with the matter. I suggest that we clarify whether ministers received such advice and, if so, that we ask them to share it with us. They would be unlikely to share all the information with us, but whether they

sought advice would be useful to know before we decide what to do with the petition.

The Convener: A question of timing might be involved. Do you suggest that we should obtain a further response before deciding whether to invite the minister, or do you think that the actions are not mutually exclusive?

Cathie Craigie: If we invited the minister to give evidence, he would know that we wanted to ask him the legal advice question, so he should be conversant with the issue and have an answer.

Bill Butler: I agree with both my colleagues. We can continue the petition by making a suggestion to our successor committee, but we should also have the minister in front of the committee to ask him one or two pertinent questions, if the timetable allows for that. That is only fair.

Anne McLaughlin: I notice that we are putting off many things until 8 March. Is it being suggested that we should leave the matter for a legacy paper and also bring in the minister for an evidence session during one of our final two meetings?

The Convener: I think that it has been suggested that we should ask the minister to come along to the committee and attempt to clarify some matters. There may or may not be a resolution that the committee can progress; we do not know whether there is.

I think that the suggestion is that we should try to clarify whether there is any other information that we can elicit that would help to make the position clear for the petitioners. If we thought that there was nothing further that the committee could do at that stage, I presume that we would have to decide whether to close the petition. The issue might be for the courts rather than the committee—I do not know—but we would have to decide at that juncture whether to close the petition or whether we thought that a future committee would be able to do something further.

Anne McLaughlin: Okay, but given that we do not have much time, could we not just write to the minister and get clarification rather than bring him in? With the best will in the world, when we bring people in—particularly politicians—the consideration tends to last much longer than it needs to, as everybody wants to ask them questions and people like to repeat themselves. Would not it be better just to write to the minister and ask for a response before our final meeting?

The Convener: I am in the hands of the committee.

Bill Butler: Heaven forbid that a politician should be accused of being verbose.

We could write to the minister, but we could also have him live in front of us, if we can fit that in. The one good thing about a live questioning session is that other questions suggest themselves as it proceeds. That facility exists in such a session, but not with a letter. If the minister cannot make it along and the timetable does not allow for that, that is the way it goes, but if he can make it along and the timetable allows for it, we can take both approaches.

John Wilson (Central Scotland) (SNP): I agree with most members that we need to pursue the matter further, but I respectfully suggest that, if the petition is to be included in our legacy paper for the committee in the fourth session, rather than asking the minister to give evidence to this committee prior to dissolution, it may be better for the new committee to interrogate the minister on the issues that this committee has identified. We would get one opportunity to interrogate the minister before the Parliament dissolves. A new committee will be formed after 5 May, and I would prefer it to pick up on the work that has been done on the petition and to have the opportunity to interrogate whoever the minister is on the advice that was given to the Government when decisions were made on the issue. If we interrogate the minister, we will get some responses, but the question is how we can then fit things into a legacy paper and allow the new committee to take the petition forward.

The Convener: I think that the intention was that bringing the minister to the committee might mean that we would not have to include the petition in a legacy paper. It seems to me that the petition is one of those in respect of which there may or may not be a resolution. At the moment, we are trying to get the clarification that we have not yet been able to get, specifically on human rights issues. However, as I have said, I am in the hands of the committee.

Nigel Don (North East Scotland) (SNP): I will make two points.

First, I am not quite sure how we can bottom out the human rights issues. I am not at all convinced that a minister will be able to come along to a meeting of the committee and say something that decisively answers the question. Obviously, the minister will have had advice, but I do not know whether they would be able to say how good that advice was and whether it was correct; I do not know whether they could say anything other than simply, "Well, that's the advice we've had."

Secondly, I am not sure that I even have some of the basic facts, such as the number of farmers affected. Forgive me if that is a memory lapse. Jamie McGrigor rightly made the point that, in a sense, it depends on how many people have been

messed around and whether the approach has been proportionate or appropriate.

I am not sure that I have got those numbers in my head; I am not sure that I have even seen them. Whatever policy answer we might get on human rights, it must be underpinned by the numbers. That all has to be put together if we are going to get anywhere near a definitive answer. I just do not think that that will happen within our timescale. I am with those who feel that it might be better to leave the petition in a legacy paper, recognise that it is a real issue and ask our successors to pick it up.

12:30

The Convener: We have had two specific proposals. One is that we should ask the minister for some answers and the other is that the petition should become part of our legacy paper.

Nanette Milne: The problem is the timescale. If we could get appropriate answers during the current committee's existence, that would be fine. However, we might get a more thorough response if we put the petition in the legacy paper. I am open to suggestions.

The Convener: My concern is that if the committee in the next parliamentary session asks the questions, that does not mean that it will necessarily get different answers. I do not know whether there are any other answers to be had. I do not know how many letters have gone back and forth on the petition, but there is a considerable number of them.

Bill Butler: I believe that we have three options before us. The first is to leave the petition to our successor committee and make a recommendation in the legacy paper. The second is to write to the minister with questions. The third is to invite the minister to come to the committee for an oral evidence session.

We could probably do all three of those things, or we could carry on and see how practicable each one is. If we write to the minister, I think that we will get some answers, so I think that we should do that. I hope that those answers will be informative for our successor committee. However, even if they are informative, I do not think that they will be definitive.

We should also stick with the idea of inviting the minister to the committee, if he can fit it into his schedule and if we can fit it into the committee's timetable. Those suggestions are not mutually exclusive.

The Convener: One point to keep in mind is that we do not know who will be the minister during the next parliamentary session.

Bill Butler: Yes, but we know who will be the minister at our next meeting. You are quite right to say that we do not know what the electorate is going to decide on the first Thursday in May, but whatever information we can get from the current minister, whether in written form or from an oral evidence session—or both—that will inform the deliberations of our successor committee. That would be useful and helpful to that committee.

John Wilson: We seem to be presupposing that we will not close the petition before the next parliamentary session if we follow all three of Mr Butler's suggestions. If we get a written response from the minister, he agrees to come before the committee and we get conclusive answers from him, the petition might not form part of the legacy paper and we could close it on 1 or 8 March. Even if we get a written response, we may have the opportunity to discuss the petition fully if the minister is available to come to the committee. My concern is whether we will have an opportunity to examine the petition fully if we have a ministerial evidence session on 1 or 8 March.

The Convener: That is up to the committee. If we think that such an evidence session is sufficiently important, we will make time for it.

Where does that leave us? We can contact the minister and ask the questions that we think are outstanding on some of the human rights issues that have been raised and the issues that Jamie McGrigor has raised. We can also say that we would like to have the minister come along to give oral evidence, if possible. We can then take it from there and decide whether the petition should come back to our successor committee.

John Wilson: There is a fourth issue for the committee to take into account: our timetable and the number of petitions that we are trying to cover on 1 and 8 March. We have set ourselves a timetable to try to clear up as much of the backlog of petitions as possible. Today, we have continued two petitions that had been recommended for closure. We have to consider whether or not we have an opportunity to fully examine—I repeat fully examine—the minister on this matter within the committee's remaining meetings this session.

The Convener: When suggestions are being made about what happens with petitions, it is incumbent on us all to consider seriously whether we will be able to give them adequate time. However, if we take a decision to bring petitions back, the committee has a responsibility to make adequate time to discuss them.

Fergus Cochrane: I am having a look at the forward planner that clerks use. The way I saw things happening, petitions coming out of today's meeting would roll forward to 1 March, and petitions coming out of the next meeting, on 22

February, would roll forward to 8 March if possible. However, that is an extremely tight timetable for getting responses from organisations to any questions that you have.

As far as the remaining three meetings are concerned, the one on 22 February is probably coming around too quickly. The one on 1 March would be the easiest meeting in which to timetable a slot with the minister, if that is what members are looking for. That is the lightest in terms of current petitions. There is already an oral evidence session timetabled for that day—with the commissioners, regarding the time for all to be heard petition. I have tried to leave the 8 March meeting as a safety net, although it already has a number of petitions down for it. There are also the annual report and the legacy paper to consider. I was trying to leave 8 March as the day for the committee's final meeting, with a bit of a safety net.

Choosing 1 March gives the minister three weeks' notice, to get the matter into the diary. If that is the committee's decision, my suggestion is to aim for the meeting on 1 March. I should clarify that, if you wish the minister to provide written responses to questions, we need to be quite clear about what the questions are.

Anne McLaughlin: There is another petition in relation to which it would be good to hear from the minister. I had decided not to suggest it because of the committee's timetable and other members might have been thinking the same thing. I now feel a bit more strongly about this other matter, so I possibly will make the suggestion. We need to be aware of how much time we have and of doing justice to particular petitions. John Wilson was asking whether we can do the matter justice. Would the next Public Petitions Committee not be best placed to give it the full attention that it deserves? That is what I had been thinking about the other petition to which I have alluded.

The Convener: The committee has to do justice to every single petition that comes before us. We have to treat all of them equally.

Fergus Cochrane has suggested that there could be time to ask the minister along to our meeting on 1 March. Is that agreed?

Members indicated agreement.

The Convener: The questions will be on whether human rights issues have been considered—what about other issues that should be asked of the Government?

John Farquhar Munro: Mr McGrigor was making the point about the ring fencing of the quota, and why it applies only in the area concerned.

The Convener: Yes—there is the issue of the geographical anomaly.

Jamie McGrigor: The point is that many people in this particular area were disadvantaged unfairly. It is a human rights issue. In response to Mr Don, I know that other dairy farmers have contacted the Public Petitions Committee, but at this point in time only 20 per cent of those farmers are supplying milk. I venture to suggest that the idea was not very good in the first place and that, as a result, a lot of people have gone down the tubes.

The Convener: So we should write to the Government, asking, first, whether human rights have been breached and what advice it received on the matter and, secondly, about the unfairness of ring fencing.

Jamie McGrigor: Yes.

The Convener: Thank you very much.

Safe Guardian Law (PE1294)

The Convener: PE1294, by Allan Petrie, is on safe guardian law. I seek members' views on how to deal with this petition.

Robin Harper (Lothians) (Green): Given that the Scottish Government has confirmed that the current law provides for family members to take care of children who might be at risk; given that new guidance on looked-after children has been issued; given that, despite a "favourable" report on the protection of children published in 2009 by Her Majesty's Inspectorate of Education, the Government has stated that there is no room for complacency; and given that, under the Looked After Children (Scotland) Regulations 2009, kinship carers are recognised as a separate category, I think that we can safely close the petition.

The Convener: Are members agreed?

Members indicated agreement.

Low-dose Naltrexone (PE1296)

The Convener: PE1296, by Robert Thomson, on behalf of LDN Now is on national health service availability of low-dose naltrexone.

Anne McLaughlin: This is the petition that I mentioned earlier. I know that the committee has facilitated a meeting involving the petitioners, the chief pharmaceutical officer and the deputy chief medical officer, which, from the note we have received, seems to have been fairly positive. However, we asked the Scottish Government whether it could put the petitioners in touch with researchers who might be interested in LDN research, but all it seems to have said is that that should happen without giving any advice, guidance, support or contacts to go on. As the

petitioners have pointed out, most of the people involved are quite sick and all that they are looking for is a change in the approach to such matters.

As for the issue of applications for research projects on the use of LDN for bladder dysfunction and multiple sclerosis, the Government has said that, having submitted an initial application, Dr Gilhooly was asked to submit a full application but no such application has been received. However, he needed the support of a neurologist or academic and thought that that person had to be someone in his own region. As a result of the meeting that I just mentioned, however, he thinks that someone in Tayside will support his full application.

Nevertheless, in their letter, the petitioners have—quite rightly—pointed out that

“if patients and their doctors show sufficient interest in a treatment not generally offered and there is sufficient evidence in the clinical setting that the treatment is worthwhile”

and if industry, which tends to be profit driven, is not making these treatments available, the Government must find a way of stepping in and making it happen. They say:

“We propose that what is needed is a mechanism whereby GPs and interested patients and patient groups can nominate treatments where research is not being taken up by private industry.”

They make the good point that if they are right—the anecdotal and clinical evidence is that they are right, but they will not know until research is done—this is one example of a process that would save the health service a lot of money. However, it is not necessarily in the interests of the companies that provide the medicines and, therefore, is not necessarily in the interests of the companies that do the research.

14:45

At present there are barriers. This is the petition on which I was going to suggest that we invite a minister, so that we can ask whether another approach is possible and whether the Government is willing to facilitate that. I am sure that we all remember the evidence session that we had on the petition. It was compelling listening to medical professionals and to individuals who have benefited from the treatment, which is not available everywhere because it depends on the general practitioner because research has not been done. As I say, the argument is that the research has not been done because it is not profitable.

I acknowledge that asking about such an approach is not specifically what the petitioners called for, but we should consider the issue. We are living in difficult times of financial cuts, so we

should consider anything that we can do that would reduce the financial burden on the national health service in the long term.

The Convener: I note that the Scottish Government’s health services research committee has received an outline application for a research project into the use of LDN, but no full application has yet been submitted. The Government has contacted the individual concerned to ask where matters stand. In a sense, the door is not closed to possible Government support for a research project on LDN. However, we need to know what stage the process is at. Time might be against us.

Anne McLaughlin: That is what I was referring to. The Government spoke to the doctor who sent in the outline application and assured him that he could use a partner from anywhere in Scotland, and he now thinks that he might have one. However, the point that the petitioners are making is about more than just LDN; it is about medical research as a whole, the motivation for carrying out such research and the barriers to it. One barrier was that the doctor had to get an academic partner. The petitioners are saying that if GPs, patients and patient groups believe that there is clinical evidence, there must be a way of enabling research to be carried out without having to depend on the big pharmaceutical companies, which might have no interest in doing such research.

The Convener: I assume that that is where the Government’s health services research committee comes in, but it would be interesting to clarify that. I ask the clerk to clarify how wide the terms of the petition are.

Fergus Cochrane: The petition is specific to LDN, although I hear what Anne McLaughlin says. It talks about making LDN

“readily available on the NHS”.

However, there is probably a bit of scope to look at the research process. I do not think that Anne McLaughlin’s suggestion would take us outwith the scope of the petition, although to start looking at the whole research procedure would likely take us down a different route.

Cathie Craigie: The new evidence that Anne McLaughlin has mentioned should allow us to continue the petition so that we get updated information. I accept Fergus Cochrane’s point about straying into a wider remit than the petition allows. However, new information has arisen so, before we close the petition, we should look at all aspects that are worthy of consideration.

The Convener: I ask Anne McLaughlin to clarify her suggestion. Is it that we should ask the minister about the matter in person?

Anne McLaughlin: This is the petition that I was referring to earlier, when I said that I would like to invite a minister to appear before the committee to answer some questions on certain issues. I would like to know what would stop research being done. I do not think that this Government or the previous Executive would have any difficulty with the principle of enabling research regardless of whether it is profitable for pharmaceutical companies.

I hope that someone lodges a new petition on the subject at some stage. It would be useful for us to get a bit more information on the barriers and why we are not enabling groups to get research carried out when pharmaceutical companies are not interested. Regardless of what I said earlier about our not having time to call a minister to appear before us in relation to PE1263, my ideal would be to ask the cabinet secretary to come to speak to us on this petition. However, I know that we are running short of time, so I would be happy for us to write to the Government to find out what its stance is on the issue. At that point, either the petitioners or another group of people—I might even do it myself, if I am not an MSP after the election—should lodge a new petition on the subject.

It would be good to understand what the barriers are and why nothing is being done to enable the petitioners to do what they suggest.

The Convener: It certainly raises huge issues, which other people have come up against in respect of drug therapies that they have found helpful.

We will write to the minister. We could ask either the minister or the cabinet secretary to come to our meeting on 1 March to discuss the issue.

Anne McLaughlin: That would be ideal, but I am aware that we do not have a lot of time and that there are many other petitions to deal with.

The Convener: It depends on the priority that the committee wants to give the issue.

Anne McLaughlin: I think that it would be helpful to talk to the cabinet secretary about the issue as it would enable us to include some useful evidence in our legacy paper. The petition has raised wider issues that will become more important in the coming years, as the financial cuts dig in.

Bill Butler: Anne McLaughlin is right. We should try to fit in a brief oral evidence session that we can use to inform the deliberations of our successor committee.

Fergus Cochrane: Currently, seven petitions are scheduled to be discussed on 1 March. As I said, our intention was to include anything that comes out of today's meeting in that meeting. You

have an oral evidence-taking session with the commissioners on PE1351 and, possibly, two sessions with the Cabinet Secretary for Health and Wellbeing. It is entirely a decision for the committee if it wants to have three evidence sessions. In the past, you have allocated time slots in which each petition can be dealt with.

The availability of ministers is stretched at the moment. Would you need to speak to a minister? Previously, you have invited officials to appear before the committee. Might it be useful to invite the chief scientific officer or the chief pharmaceutical officer—or both—to give evidence on the issue as an alternative, if the minister is not available? If you are interested in the process, they would also be helpful.

Nigel Don: That is a sensible suggestion. Indeed, it might well be better to speak to them than to a minister, but I would not presume to know whether that is the case.

The Convener: Do we agree to follow the suggested course of action?

Members indicated agreement.

Myoclonic Dystonia (Care Standards) (PE1299)

The Convener: The next petition, by Geraldine MacDonald, concerns services for myoclonic dystonia sufferers.

Nigel Don: The situation with regard to this petition is in contrast to the situation with the previous petition. We have done what the petitioner asked for and the petitioner has written to us to say that she recognises the launch of the neurological implementation and improvement support plan, notes that the national advisory group is in place and welcomes the provision of funding.

At the end of her e-mail, Ms MacDonald asked us to

“revisit this petition when the final report is due ... and to ensure that the standards have been met in each of the NHS Boards.”

At that point, I want to say no, because that is not our job. Other people do that job. We are not here to see through everything that we might start in the NHS; our job is to nudge people out there, ensure that things are happening and that the Government has done the right things, and then step back and say, “It is their job to do it, not ours.” If we did not do that we would never close a petition. It seems to me that we can close the petition, in the recognition that the petitioner is happy that everything in the petition that is, in essence, in our gift, has been done.

The Convener: The issue will be monitored by NHS Quality Improvement Scotland. Are members happy to close the petition?

Members *indicated agreement.*

Planning Circular 3/2009 (PE1320)

The Convener: PE1320, by Douglas McKenzie on behalf of Communities Against Airfield Open Cast, calls on the Parliament to urge the Scottish Government to amend planning circular 3/2009. I seek members' views on how to deal with the petition.

Robin Harper: I declare an interest. I have been involved in the airfield issue.

It is immensely important that we pursue the issue. The petition must go before a subject committee; the issue is not one that the Public Petitions Committee can take on on its own. The best approach would be to include the petition in our legacy paper, with a strong recommendation that the Public Petitions Committee in the next session of the Parliament consider referring it to one of the new subject committees for intense consideration.

The Convener: With the committee's forbearance, I will add to what Robin Harper has said. The issue affected people in my constituency and in East Lothian, and Robin Harper was involved as a regional member. The issue has been problematic and the Royal Town Planning Institute has recognised the issue of competing interests when a planning application is made for a development that is virtually on the border of another local authority.

There are also wider issues to do with planning legislation in the petition. It would be an interesting petition for our successor committee to consider, because we have not taken it forward to the extent that we could have done, so I agree with Robin Harper. Are members happy to include the petition in our legacy paper?

Members *indicated agreement.*

Dance (Schools and Colleges) (PE1322)

The Convener: PE1322, by Jacqueline Campbell, on behalf of the residential provision parents group, is about dance teaching and coaching in schools and colleges. I seek members' views on how we deal with the petition.

Bill Butler: As members will recall, the Dance School of Scotland is located in my constituency, Glasgow Anniesland. I have been heartened by recent developments on the future of residential provision in relation to the school, and I put on record my approval of Glasgow City Council's clearly stated intention to continue to lease

Dalrymple hall from the University of Glasgow in the school year 2011-12. The clarity is helpful, because it gives the council time to work as closely as possible with parents and students to develop a viable, long-term alternative to Dalrymple hall for future years.

I also welcome last week's announcement from the Scottish Government of a one-off sum of £224,000 in respect of the future provision of residential accommodation for the Dance School of Scotland. I presume that the money will be available to the council to use in exploring designs, conducting surveys and starting building work.

Members will realise that that welcome development must be put in perspective. The council must still find the money to build new residential provision for the school, the cost of which will run into millions of pounds—there is no doubt about that. It is happily the case that the favoured location, on the campus of Knightswood secondary school, is on land that is owned by the council. Nonetheless, the council must still meet a not inconsiderable challenge. Given the large amount of capital expenditure that is required, work needs to be done on acquiring a detailed design, which will enable people to get an accurate estimate of the cost, so that decisions can be made on what is affordable. In addition, as I guess members will accept, planning permission has still to be obtained—it is at that kind of stage.

15:00

Those are real challenges, but I hope that they can be met and that the council's clearly stated objective to provide new, adequate residential provision for the Dance School of Scotland as soon as possible can be realised. In my view, if all the interested parties—the council, parents and students—can work together during the coming months, success can be achieved. I will continue to do my best as the constituency MSP for Glasgow Anniesland to support all the stakeholders in their common endeavour. I want to see, as I am sure colleagues do, permanent residential provision established as soon as is humanly possible. Having publicly owned, adequate, new-build residential accommodation for the Dance School of Scotland is in the best interests of all concerned. I hope that colleagues share that view.

As to what we should do at the moment with the petition, additional correspondence has been received from the campaign group, which still has concerns and apprehensions about whether the project will actually be realised. We cannot say for certain whether that will be the case, but I suggest to colleagues that we suspend the petition so that it is extant and therefore on the table, and

recommend in our legacy paper to our successor committee that at an appropriate time, perhaps in its first year or year and a half, it investigate whether real progress has been made literally on the ground—in other words, whether at that time there is new, modern, adequate residential provision for the Dance School of Scotland. That is my suggestion to colleagues as to how we could productively progress the petition.

Anne McLaughlin: I have had on-going contact with the parents of some students at the school. It is true that the council has said that it will build new accommodation. However, in terms of adequate accommodation, a problem has emerged since the announcement last week of the £224,000. At a meeting in December, the parents were told that there would be 80 rooms. We should bear it in mind that the argument about whether it is a national dance school is partly based on the number of children who can be resident. If the number of children who can be accommodated is sliced, children from around Scotland will not be able to come, which will mean that the school will no longer be a national one.

A subsequent letter to the parents said that there would be 60 to 80 rooms. They accepted that, because they know that times are tough and there is little money around. They are not demanding excessive provision. They have now been told that the council is considering taking the 20 Douglas academy music students. That would cut out 20 rooms from the accommodation, because although dance school pupils can share a room, music students cannot, because they must practise their musical instruments.

In addition, the parents were told that because only £224,000 is available, rather than the £500,000 that was requested, the council does not have enough money to do what it said it would do, and that it can now give no assurances even for the 60 to 80 rooms, minus the 20 for Douglas academy. I inquired about that. Apparently, on 6 December there was an application for £250,000 to £300,000 rather than £500,000. That application was made a couple of days before the announcement of the £224,000, which came with no back-up arguments and was just a new figure out of the blue. The parents are obviously concerned that there is now no assurance that the accommodation will have 60 to 80 rooms, and that there will possibly be even fewer rooms because of the 20 that will go to Douglas academy music school.

I agree with Bill Butler that we have to keep the petition open. Given developments in the past couple of days, I am not sure that I would suggest in the legacy paper that we get the next committee to look at the situation in a year's time; I think that we would want it to be looked at before then.

I think that Glasgow City Council wants to retain the facility, and the Scottish Government clearly wants to retain it. In tough financial times, that is a huge sum to commit to it, in addition to the money that it already gets. There must be a way of making it happen, but there is no clarity. The parents are getting different stories all the time. The situation has been up in the air for quite some time now. I know that I say that we must close petitions, but I would not feel comfortable about closing this one, because the situation is not as clear-cut as it seemed.

The Convener: Okay. The proposal is to suspend the petition and to leave it for the next committee. Are members happy with that?

Bill Butler: Like Anne McLaughlin, I accept that there are real apprehensions out there, but I am convinced that the way to progress the matter is for everybody involved—all stakeholders, to use the jargon—to realise that, metaphorically, they all have a stake in it, to work together to address concerns and to overcome considerable challenges. I fully accept that the Government has given a welcome indication of its support, with £224,000. Although that falls short of what the council asked for, I welcome it and I think the council does, too.

What everybody has to realise—I am sure that the parents, the council, the students and this committee do—is that the capital expenditure will be at least £5 million. In a letter of 10 December to parents of all pupils of the Dance School of Scotland, the council made it clear that it is looking at imaginative ways to progress the situation. The letter states:

“we have engaged City Property (Glasgow) LLP, which is an arms length company of the Council, to provide us with a property which would provide suitable residential accommodation.”

In other words, because of the way in which the limited liability partnership is constituted, it can go out and borrow money in the market and the council can then get a long-term lease for a reasonable sum, giving us modern, permanent and adequate residential accommodation. We all want to ensure that it is adequate. Numbers are important, but numbers change back and forward. There are apprehensions that might be real and other apprehensions that might not prove to be real. We need to go forward in that constructive way. In a sense, it is a matter for me and other Glasgow members and whoever comes after us after 5 May to work with all the stakeholders.

I am saying simply that we should suspend the petition so that, if our successor committee decides that it wishes to look at it again, it will be able to do so at a time that it decides is appropriate. I suggest that we ensure that it is on the table.

The Convener: Anne, do you want to come in again?

Anne McLaughlin: Yes. There has been a lack of clarity. We have been told, "We applied for this amount but we got only this amount," but it turns out that that was not quite the case. People were told that there would be a certain number of rooms, but that has changed. The petition is based on the school being a national dance school and having enough accommodation for children from around Scotland. Would it be worth writing to Glasgow City Council and asking it what it will do now? It talked about 80 rooms, then 60 rooms, then it said, "We don't know. We might give rooms to Douglas academy." Would it be worth writing and asking what the story is?

Bill Butler: I have absolutely no problem with that. This issue has gone on for a couple of years. I was in close contact with parents up until October or November of last year, when they consulted other folk. That is fair play—it is all right. They have now got back in touch with me, because they have apprehensions. I have been in close touch with the council.

From my standpoint as the member for the constituency in which the school is located, I think that all parties want to reach a positive resolution. The more factual and objective information that is shared both ways, the better. I have no objection whatsoever to us doing that, convener.

The Convener: So is the committee agreed that we will write to the council and get an update from it about its commitment to the national school?

Bill Butler: With your indulgence, convener, we should ask about adequate residential accommodation.

The Convener: Okay. We will seek some clarification about that, and we will recommend that the petition be suspended so that the future Public Petitions Committee can take it up.

Fergus Cochrane: We can bring the petition back on 8 March.

The Convener: We will bring the petition back on 8 March. Is that agreed?

Members indicated agreement.

Emergency Services (Rural Patients) (PE1327)

The Convener: The next petition is by Maria Murray, on behalf of Asthma Support in Rural Scotland on helping the emergency services to save the lives of at-risk rural patients. I seek members' view on how to deal with the petition.

John Farquhar Munro: I do not think that we can take the petition any further. It has been pretty

well researched and the best option is closing the petition.

The Convener: John Farquhar Munro has suggested that we close the petition.

Nanette Milne: It is difficult to see what more the committee can do. I have phenomenal sympathy for Maria Murray. I have met the lady on more than one occasion and she has put a huge amount of personal effort into getting as far as she has got. She is quite close to rolling out the idea across Scotland, and that has been achieved by her sheer hard work with very little support from anyone else. Of course, the fire service and some parts of the Scottish Ambulance Service have been supportive.

The Government's response is quite clear that it does not intend to help with this petition. Sad though I am about it, I think that Maria Murray might just have to soldier on by herself.

The Convener: Is the committee agreed that it does not think that it can take the petition any further forward at the moment, in light of what the Government has said?

Members indicated agreement.

The Convener: At this stage, I welcome Constance Kilimo, from the National Assembly of Malawi, to the Public Petitions Committee.

Gypsy Travellers (Council Tax) (PE1333)

The Convener: The next petition is by Shamus McPhee, on behalf of the Scottish Gypsy Traveller Law Reform Coalition, on disadvantaged Scottish Gypsy Travellers and members of the settled community. How should we deal with the petition?

John Wilson: I recommend that we continue the petition. Although the Scottish Government has made some positive moves by proposing to carry out a review later this year, a number of questions still have to be asked. I welcome the fact that the Government's response tries to identify some areas that the review will consider, but there are still areas of concern. The Government has not indicated that it is going to consider the council tax bands for Gypsy Travellers, nor has it suggested that it is going to look at the water and sewerage charges.

Although my understanding of the Scottish Government's response is that it relates to fixed sites, a number of the issues that the petition raises are about when Gypsy Travellers who are moving around the country move not on to fixed sites but on to sites that are deemed to be unofficial by the local authority or the landlord, or move on to temporary sites that are leased by, as the Gypsy Travellers describe them, people in the settled community. There are clear differences in

the Gypsy Traveller community between those who are settled and those who still travel around the country looking for work and carrying out their business.

15:15

I suggest that we keep the petition open and ask the Government whether it will consider other issues. In particular, it should look at the financial aspects, such as the charges that are being levied against people who live in caravans and mobile homes and move around the country, and how those fit into the council tax charging regime.

The Government has indicated that it uses the Local Government Finance Act 1992, but we are almost at the stage, 20 years later, of having to review that legislation. That is particularly the case with regard to the conditions in which some Gypsy Travellers find themselves. The sites that they are forced to use have no running water or sewerage facilities, but they are still being pursued for council tax and water rates.

The Convener: Are there any other views?

Nigel Don: I endorse what John Wilson said. I do not think that we have got to the bottom of the issue. Falling back on what the law has been for a while is fair enough when one is answering the question, but it is not altogether fair enough in the political world. We need to ask whether this really is the right way to be doing things now.

The Convener: Is it agreed that the petition will be continued, and that information will be sought on the terms that John Wilson has suggested?

Members *indicated agreement.*

Wild Salmon and Sea Trout (Protection) (PE1336)

The Convener: PE1336, from Lawson Devery, on behalf of the Salmon and Trout Association, is on saving our west Highland wild salmon and sea trout. I seek members' views on how we should deal with the petition.

Robin Harper: I recommend very strongly that the petition be suspended and put on the legacy paper for the next committee to consider.

The issue of the safety of wild salmon and trout is dynamic: it is changing all the time. Quite a lot of the related problems are dynamic. In the development of planning control, for instance, the relative responsibilities of Government, Marine Scotland and the planning authorities have not yet been fully worked out. The paper "Delivering Planning Reform" contains actions and targets, but still nothing is absolutely clear.

Recent research through asking questions has shown that the quantity of treatments—or pesticides, or medicines; however you like to describe them—being used by the aquaculture industry on the west coast has not doubled or trebled in the past seven years, which would in itself be a matter of concern to the committee, but has in fact gone up by a factor of 10.

In response to that, the Government stated:

"The reasons for increased use of sea lice medicines"

—which is its preferred term—

"are quite complex and almost certainly due to a number of factors. In order to be certain of the reasons, much more information would be required on where, when and how use has been made of sea louse medicines".

We do not have access to that information, which is one reason why the Salmon and Trout Association is still so concerned. There is a considerable amount of secrecy in the industry in relation to when and how its medicines—to use its term—are used.

Another dynamic is that the ways of coping with salmon health and diseases, and the health of the environment, are changing, and new ideas are coming through. Experiments are taking place on raising smolt and, in Canada and Norway, on raising salmon in closed containment in a marine environment. That obviates almost completely the necessity for medicines, and when they are used they can be administered in very small quantities and much more effectively than at present.

For all those reasons, I believe that it should be left to the future committee to decide whether to refer the petition to the next environment committee, however it is formed, for its consideration, to see how we can get more information and to examine whether the Aarhus convention applies to the details that we are currently unable to access. How can we possibly have accurate marine science if we can get no accurate description of where, when and how these medicines are being used? In addition, the Government will have time to dwell further on the concerns that I have just expressed.

Nigel Don: I endorse Robin Harper's comments. We do not seem to have worked out how to get information from commercial organisations. It is a real problem that we need to crack. After all, the Government has to publish data, but commercial organisations do not want to publish data. There is no point, though, in trying to do anything with the petition now. To be perfectly honest, I think that we have got all that we are going to get from the Government in this session, and I tend towards what I think was Robin Harper's view that we hold on to the petition and suggest to our successors that they refer it to the appropriate subject committee in the next

parliamentary session. It certainly raises a number of underlying issues that will have to be addressed in the longer term.

The Convener: Is that agreed?

Members *indicated agreement.*

Public Bodies (Accountability) (PE1337)

The Convener: PE1337, by James Campbell, is on public body accountability to third parties in the private sector. I seek members' views.

Anne McLaughlin: It would be worth asking the Scottish Government to respond to a number of points that the petitioner has raised in his latest correspondence. He also asks three questions, one of which is:

"How does the Government protect the identity of any third party from fraudulent use and what action is taken when this is brought to their attention?"

It would be worth asking the Government those three questions and, indeed, seeking its views on the petitioner's response as a whole.

Nanette Milne: I agree. As the petitioner has put a phenomenal amount of work into these issues and deserves answers to his questions, I recommend that we ask them of the Government.

The Convener: Are members agreed?

Members *indicated agreement.*

Young Homeless People (Quarriers Charter) (PE1356)

The Convener: PE1356, by Rebecca Docherty, is on supporting our charter—the Quarriers charter for young homeless people. How should we deal with this petition?

Bill Butler: I do not think that there is more that the Public Petitions Committee can usefully do. The Government provided local authorities with a funding package that led to the creation of five regional housing options hubs that were designed to share examples of good practice and common areas of positive development in homeless prevention. In addition, the Housing (Scotland) Act 2010 imposes a duty on local authorities to provide wider support to households who have been made homeless or have been threatened with homelessness. The committee has done all that it can, and I suggest that we close the petition.

Anne McLaughlin: The petitioners have suggested that we ask the Scottish Government to ask local authorities whether they are adhering to statutory guidance and, if so, which. I assume from that that the young people in question do not think that all of them are. Can we close the petition but write to the Government with that suggestion?

Fergus Cochrane: There is nothing to stop you doing that, but there would be no facility for the Scottish Government to report back.

Anne McLaughlin: We could suggest that it respond directly to the petitioner.

Fergus Cochrane: That could certainly happen. The committee would not need to facilitate that.

Robin Harper: I have two points. First, it would be appropriate for us to commend Quarriers for the work that it has been doing for young people and children. Secondly, following on from Anne McLaughlin's remarks, we might like to recommend to our future Government that, if it enters into outcome agreements, it robustly pursue them, including agreements on regional housing options.

Cathie Craigie: The Scottish Government's response seems to be that everything in the garden is rosy and that all the guidance has been followed. However, the young people are wiser than that and have asked pertinent questions. The Government can say that everything is happening, but the question is whether local authorities are delivering on the ground. I support the suggestion that we write to the Government and contact the petitioners to say that we are closing the petition but give them encouragement to continue to monitor the situation.

Nigel Don: At the risk of repeating myself, and without disagreeing with what my colleagues have said, I point out that we are not a national audit committee for everything that comes through to us. We must stop at some point and say, "We've done our bit. It is up to other people to do their statutory bits."

The Convener: It may be worth while contacting the Government to ask how it intends to monitor how local authorities are taking forward this work.

Nigel Don: That is fair, so long as the Government understand that it is its job to do that, not ours.

The Convener: So where does that leave us? We have a proposal that the petition be closed but that we seek further information from the Government on how this work will be taken forward. The information would not come back to this committee; it would go to the petitioners.

Anne McLaughlin: We could just pass the petitioners' suggestion to the Government and suggest that it respond to the petitioners.

The Convener: I am not sure whether Robin Harper was suggesting that we contact the petitioners about the work that they have done. Can you just remind me, Robin?

Robin Harper: I just suggested that we close the petition.

The Convener: Okay. The petition will be closed and a letter will be sent to the Government asking how local authorities' work in this regard will be monitored and for it to communicate that information to the petitioners.

Access to Justice (Environment) (PE1372)

The Convener: PE1372, by Duncan McLaren on behalf of Friends of the Earth Scotland, is on access to justice in environmental matters. I seek members' views on how to deal with the petition.

Robin Harper: A number of interesting judgments are going through the Scottish courts at the moment on the Aarhus convention, so I suggest that we continue the petition.

Nigel Don: It is an interesting petition and I agree that we should continue it. The petitioners made a lot of sensible points in their submission. I suggest that we continue the petition by asking the Government and the Scottish Legal Aid Board to send us a response to the petitioners' points. I am not sure what timescale we have for continuing the petition, but we should not let go of it.

The Convener: Do members agree to continue the petition?

Members *indicated agreement.*

Kangaroo Meat (Ban) (PE1375)

The Convener: PE1375, by Philip Woolley and Collette Campbell on behalf of the Australian Wildlife Protection Council, is on banning kangaroo meat and products from Scotland. I seek members' views on how to deal with the petition.

Robin Harper: Irrespective of the very real concerns of the petitioners, it is clear that the banning of the importation of kangaroo meat or other kangaroo products into Scotland or the European Union on animal welfare grounds would be illegal under World Trade Organisation rules. We may not like those rules, but we are signed up to them. The Government has made it perfectly clear to us that it has no powers whatsoever to ban the importation of kangaroo meat or kangaroo products. Sadly for the petitioners, I feel that that answers the petition, and that there is nothing more that we can do.

The Convener: Is that agreed?

Members *indicated agreement.*

The Convener: The petition is closed.

Free Methanol (Ban) (PE1376)

15:30

The Convener: PE1376, by James McDonald, is on banning the presence of free methanol in all manufactured products in our diets. What are members' views on how to deal with the petition?

Bill Butler: We could usefully write to ask the Scottish Government whether it will run an awareness campaign among health professionals to alert them to the presence of free methanol in our diets. We could also ask it to substantiate its response to the petition and to elaborate on the basis for its answer of "No" on 5 January 2011.

Robin Harper: For the record, NHS Highland's response is interesting. It says that it

"would support serious consideration of including specifications for food additives as well as nutrients. Given increasing rates of Autistic Spectrum Disorders and Attention Deficit Hyperactivity Disorder, and the importance of anti social behaviour and mental health issues, the exclusion of food containing substances such as artificial colours, aspartame and benzoate preservatives could be included; these substances have no nutritional value and their use isn't always in the public interest."

John Wilson: I suggest that we write to ask the Food Standards Agency to respond to the issues that the petitioner has raised. I particularly like the petitioner's point about the "curtness" of Mr Millan's response. The petitioner also says:

"the FSA and SFSA are out of step with most of Europe regarding the safety of aspartame".

As Robin Harper said in relation to another petition, Scotland and the United Kingdom seem to be out of kilter with developments in the rest of Europe and the world. Through petitions such as this, it is about time that we made the Food Standards Agency more aware—if it is not already researching the subject—of the work that is being done elsewhere in the world to try to free the food chain of the additives that producers too commonly add to bulk up or otherwise affect food in Britain.

The Convener: So we agree to continue the petition.

Nigel Don: I studied some chemistry once upon a time—I sometimes wonder how far back that was. Having read the papers, I am still confused about the significance in our bodies of what is described as "free methanol". Some of the biological pathways that are referred to do not seem to relate to free methanol. Could one of the bodies—pardon the pun; I mean organisations—to which we are writing address the chemical issue that is being spoken about? I have no idea who is right and I do not know whether those words are even appropriate, but people might be talking at

cross-purposes and I would like to understand that.

The Convener: We will ask for clarification of that issue in the letters to the Government and the Food Standards Agency.

Members indicated agreement.

The Convener: The petition will be continued.

Community Council Reform (PE1377)

The Convener: PE1377, by Jack Turner and John Paterson, is on the reform of community council laws and procedures. What are members' views on how to deal with the petition?

Bill Butler: I do not think that the committee can usefully do anything more. The Scottish Government has submitted a detailed response to the petitioners' points. It has set out the work that has been undertaken since 2005 to develop community councils' capacity, capability and accountability.

The Association of Scottish Community Councils has confirmed that some of the petitioners' proposals are "already in effect". The ASCC has further stated that other proposals in the petition are

"impractical and unlikely to succeed."

I am all for parity of esteem, but I think that the committee has gone as far as it can in trying to persuade the Government, and the Government has done a substantial amount. I recommend that we close the petition.

The Convener: Is that agreed by the committee?

Anne McLaughlin: We have a letter from Angela Constance, the MSP for the petitioners. She has made two suggestions. She writes:

"Perhaps the Committee could encourage the ASCC to meet with my constituents to discuss further the points that they have raised and which they feel the ASCC in their reply have suggested require further development."

She goes on to say of the petitioners:

"they have raised an interesting point about whether there are ways in which the Parliament can develop working relationships with Community Councils other than just via individual MSPs and it would be appreciated if some consideration could be given to this suggestion."

I wonder whether we can close the petition, but also do as Angela Constance suggests and encourage members of the ASCC to meet the petitioners to discuss further what they have suggested and what it has been agreed to take on.

The Convener: Is it agreed by the committee that in closing the petition we will ask for such a meeting to take place?

Members indicated agreement.

Silicone Breast Implants (PE1378)

The Convener: Our last petition is PE1378, by Mairi Johnston, on silicone breast implants and rupture awareness. Rhoda Grant is at the committee, and I invite her to say a few words on the petition.

Rhoda Grant (Highlands and Islands) (Lab): Mairi Johnston is a constituent of mine, and she has come to see me regarding this matter on a number of occasions. From what I can tell, the committee has been given various thoughts on the issue. It is clear that medical devices do not face the same rigorous testing as medicines; it is also clear that Mairi Johnston has suffered really poor health because of the silicone that is within her system. She is not alone in that. Just because there appears to be no science to back it up, she is having to pay for treatment to alleviate her symptoms, whereas others would receive such treatment free on the NHS.

More work has to be done on the matter, including research on silicone poisoning. I notice that such implants are already banned in America, Japan, Canada and France, and not without reason. We need to investigate what is going on there, and why such implants are banned. We should ascertain whether there is a way for people who are suffering the illness now to access treatments that alleviate their symptoms without having to pay for them themselves.

The Convener: I seek views from committee members. We asked the question:

"What statistics do you have regarding the number of ruptures of silicone breast implants?"

The Government's reply was:

"This information is not held centrally."

It would be interesting to establish where we can get such information. It is difficult for the committee to take a view on the future of the petition if we do not feel that we are in full possession of the facts on the matter. Much of the issue is reserved, but it would be interesting to find out what information exists regarding women in Scotland.

Cathie Craigie: The Scottish Government has stated that it has no plans to raise the matter with the UK Government. I do not think that there is anything stopping the committee from raising the issue directly with the UK Government and finding out whether it has any plans to ban the use of silicone implants, or even just to have a campaign to raise the issues in the minds of anybody who has had such an implant and in those of women generally. I suggest that we write to the

appropriate UK Government minister, asking whether there are any plans in that regard.

Nanette Milne: Do we have any knowledge of the timescale according to which the Scottish Government is preparing to consult on a proposal to change the time bar for medical injury claims from three years to five years? If that is going out to consultation, is it soon? Do we know?

The Convener: Do we have any information on that?

Fergus Cochrane: We were told that it would be in the near future.

The Convener: We could clarify that. Is it the committee's view that there is more work to be done on the petition?

John Wilson: Convener, you raised the question of the Scottish Government saying that no information was held centrally on the number of incidents of ruptured silicone breast implants. It may be worth asking why the Scottish Government feels that it is not necessary to record the information centrally, whether it is aware of whether local health boards collect the information and, if health boards collect it, why the Government cannot collate it and create a national statistic for ruptures.

Rhoda Grant: I agree with that. Mairi Johnston told me that she had numerous visits to her GP before she was referred to a plastic surgeon. I think that the patient pathway says that someone with a ruptured implant should see a plastic surgeon immediately.

Perhaps there are issues with the patient pathway that are for the Scottish Government to consider. It should consider how people identify the implant as ruptured and how they get referred quickly to a plastic surgeon. It should also consider the other side effects that are common in people who have suffered silicone leakage into their systems and determine whether there are ways of treating those symptoms that would allow patients to receive the treatment on the NHS rather than having to pay for it themselves.

John Wilson: The other issue that has been raised by Rhoda Grant's question is whether the information that the local health boards gather, which we want the Scottish Government to gather, concerns cases in which an additional operation has taken place. The NHS used to carry out silicone implants in its own right, but a number of the issues have been raised by people who went to the private sector to have the initial implant and then had to rely on the NHS to deal with the aftermath of effects that the implant had.

It may be worth while asking the Scottish Government to ask local health boards whether they put the information together based on the

sector in which the original operation took place. It could do that when it asks whether they gather the information in the first place. That way, we could find out whether the NHS is having to pick up issues that come out of private sector treatment.

Rhoda Grant: That is useful. Perhaps the Government should also review what advice and guidance on the possible issues people are given before they have implants inserted into them. Mairi Johnston says in her petition that she had the implant without fully realising the risks that she was running.

It is important for people to be warned of the risks. Even if the risks are not proven, they should be warned of the side effects of which people who have had silicone in their systems have complained so that they enter into the procedure with clear and full information that enables them to know the risks that are involved.

The Convener: I speak from personal experience when I say that it is really important that somebody sits down and takes time with the patient when they are faced with having a breast replacement or breast surgery, because it is a time of extreme distress for them. My recollection is that there was not a huge amount of that. At the Western general hospital in Edinburgh, I had the benefit of a breast cancer nurse sitting down with me and going through the various options, but that was more than 10 years ago and I do not know whether that service is available at all centres in Scotland.

It strikes me that there is insufficient information available to the committee to decide whether it should close the petition. It seems to me that the committee is of the view that it should seek further information on the incidence of rupture. To find that information out, we may have to write to health boards ourselves but, in the first instance we should ask the Government whether it can get the information if it does not have it. It might also be worth while contacting the UK Government to seek its view on the matter.

John Farquhar Munro: It is significant that, as Rhoda Grant pointed out, implant surgery is banned in some of the major countries. There must be a justifiable reason for that blanket ban.

The Convener: It may be worth finding out whether there is guidance from the World Health Organization and what other international health regulation and advice there is on the matter.

The petition will be continued.

That concludes our meeting. I thank members for their efforts in tackling the petitions. Our next meeting will be on 22 February at 2 o'clock.

Meeting closed at 15:45.

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