



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 6 March 2012

Session 4

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PUBLIC PETITIONS COMMITTEE

4th Meeting 2012, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Mark McDonald (North East Scotland) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*Nanette Milne (North East Scotland) (Con)

John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Joe FitzPatrick (Dundee City West) (SNP) (Committee Substitute)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 6 March 2012

[The Convener *opened the meeting at 14:00*]

New Petition

Telecommunications Masts (PE1416)

The Convener (David Stewart): Good afternoon and welcome to this meeting of the Public Petitions Committee. I remind everyone to switch off mobile phones and any other electronic devices, as they interfere with our sound system.

Apologies have been received from John Wilson, who is attending an event at Westminster on behalf of the committee. I thank him for doing that and welcome his substitute, Joe FitzPatrick, to his first meeting of the committee.

Under agenda item 1, we have one new petition for consideration today. PE1415, by Councillor Eileen Baxendale, Councillor David Bailey, Robert Brown—a former member of this Parliament—and Dr Keith Baxendale, seeks a review of health issues and planning guidance in respect of telecommunication masts. I refer members to the petition and the additional papers: a note by the clerk, which is in paper 1; and the Scottish Parliament information centre briefing. I invite the committee to consider the petition.

Sandra White (Glasgow Kelvin) (SNP): People have probably seen petitions on this issue before, as the committee has considered a number of similar petitions in previous parliamentary sessions. I have certainly been involved in the issue, as I imagine all elected members have been.

I would like to continue the petition for a number of reasons. First, we should ask the Government for its response to what the petition seeks. Secondly, it is 10 years since we have had an update on the Stewart report, and I think that it is time that we had another update. I would like to continue the petition to see what comes out of it. Other members will have things to say.

The Convener: I should correct my earlier comment. The petition number is PE1416, not PE1415. There was a typo on our agenda, for those who are checking it carefully.

Nanette Milne (North East Scotland) (Con): I agree with Sandra White. The issue has been going on for a long time, but knowledge increases as time goes on. It would be very useful to get an up-to-date viewpoint. Hitherto, it has always been

the case that there was no significant likelihood of risk to the population, but, as Sandra said, 10 years on we should look to see if the position has advanced at all.

Mark McDonald (North East Scotland) (SNP): Clearly, the issue is emotive and often causes controversy in communities. I have been a local councillor since 2007, and my constituents have often contacted me about the issue when planning decisions come up. I note that paper 1 states that the Transport and Environment Committee took evidence on the effect of planning changes in February 2003. Obviously, planning law has changed and we have moved on somewhat since then. It might be worth the committee writing to Government and perhaps looking at how the new planning guidance impacts on this area.

Joe FitzPatrick (Dundee City West) (SNP): We need to be careful that we do not repeat research that has been carried out elsewhere. Writing to the Scottish Government is probably the correct thing to do, because it will be able to pull together what research there is internationally and, I hope, report back to the committee.

Sandra White: Joe FitzPatrick is absolutely right. A lot of work has been done on the issue, and we have all been involved in it. However, my worry is that no database has been set up—that was a recommendation of the Stewart report. Should we write to the Government to ask if it is looking at establishing a national database, or if local authorities have a list? I am quite concerned that we do not seem to have a database of these masts.

The Convener: If no other member wishes to contribute, are we agreed that we continue this important petition in line with both the suggestion in action point 1 under paragraph 16 in the note by the clerk and members' comments that we need to get the Scottish Government's views?

Members indicated agreement.

Current Petitions

A90/A937 (Safety Improvements) (PE1236)

14:05

The Convener: Item 2 is consideration of current petitions. PE1236 is by Jill Fotheringham. Nigel Don MSP was keen to come along and contribute to the discussion. Do members agree to defer our discussion of the petition until he is able to be with us?

Members indicated agreement.

Mosquito Devices (PE1367)

The Convener: The second current petition is PE1367, in the name of Andrew Deans, on behalf of the Scottish Youth Parliament, on banning Mosquito devices. The committee will recall that we had a useful evidence session with the petitioner, the National Autistic Society and Compound Security Systems at our previous meeting. Paper 3 summarises the evidence that was heard to enable the committee to decide what action it wishes to take. I ask members for their views.

Sandra White: We had an interesting and in-depth discussion of the evidence. I think that we need to continue the petition. We need to find out some background information, including whether the Scottish Government can confirm that it does not support the use of Mosquito devices and whether it has taken European convention on human rights issues into consideration. Also, we need to clarify what has happened since Fergus Ewing, the Minister for Energy, Enterprise and Tourism, wrote a letter to the United Kingdom Government on the issue and whether the Scottish Government can say exactly what powers we have in the Scottish Parliament to ban the use of Mosquito devices.

I would like to continue the petition, with those recommendations.

The Convener: It was interesting that the inventor of the device himself expressed some real qualms about it and the fact that it was needed at all, which I thought was very open of him.

Mark McDonald: I made my views on the issue clear at the previous committee meeting, but I think that writing to the Government on the points that Sandra White suggests would be helpful.

Although we can ask the Government what powers it has, there is also the opportunity for local authorities, if they so choose, to implement byelaws on the matter, and I am aware that a number of authorities have at least investigated

that possibility. We could also write to the Convention of Scottish Local Authorities on the issue to find out what steps, if any, local authorities are taking. It would be beneficial and preferable if a national approach was taken rather than individual local authorities having to go through the byelaw process, but it would be worth having that information to hand anyway.

I think that the European Commission did a report on the issue around the health impact—perhaps SPICe could investigate what work has been done to assess the health impact of the device.

The Convener: Those are good points. COSLA is a member organisation, so we could ask it to do something with the 32 local authorities and find out the exact position with byelaws.

Joe FitzPatrick: I agree with the points that have been made so far. I think that the petition should be continued. If we can get those points answered, members can decide what to do next at a future committee meeting.

Anne McTaggart (Glasgow) (Lab): I agree with that.

The Convener: I emphasise that we need to get the Scottish Government's advice on the ECHR aspect.

Is it the unanimous decision of the committee to continue the petition in line with the clerk's recommendations in action point 1 under paragraph 11 of paper 3 and members' comments?

Members indicated agreement.

Child Sexual Exploitation (PE1393)

The Convener: PE1393, by Martin Crewe, on behalf of Barnardo's Scotland, is on tackling child sexual exploitation in Scotland. Members have the note by the clerk, which is paper 4, and the submissions.

Members will be aware that we had a useful evidence session on the petition and that it was recommended that we visit some projects. I have heard very positive things about the Barnardo's project in Glasgow, for example, and I recommend that we either visit the project as a committee or send some representatives from the committee to visit it.

Sandra White: I thank Barnardo's Scotland for its reply. Barnardo's welcomes the committee's investigation into what is a serious issue. It is grateful for the work that has been done through the committee, and it was pleased to hear the minister's announcement on what the Scottish Government has done in this area.

I have visited the Barnado's Scotland offices in Glasgow, and I am more than happy to go along again with either the whole committee or some committee members.

We should keep the petition open. We should write to the Government to seek responses on the issues raised by the petitioner, and ask it to share details of the work that it has undertaken with social media. Mark McDonald previously raised that issue—he will come in on that later.

I agree with the recommendations in action point 1 under paragraph 10 of paper 4, which we should follow up.

Joe FitzPatrick: The issue is clearly important, and it is important that the petition remains with this committee—it covers more than one other committee's remit—for a longer period.

I am aware of and have visited a Barnado's Scotland project in Dundee that is doing some very good work. I suggest that, rather than the entire committee going to Glasgow, half the committee might find it easier to visit the project in Dundee. That way the whole committee will see the work that is happening in relation to the issue.

The Convener: That is a good suggestion. In the past, we have stressed the importance of trying to go around Scotland. One issue that I raised during my international visit last week was our need to try and extend the role of the committee so that we hit areas where there is a low turnout of petitioners, such as deprived estates. There is a real issue about the number of what are, in effect, working-class petitions that this committee gets. It would therefore be advantageous for us visit some projects around Scotland.

Mark McDonald: I am sure that I speak for Nanette Milne in saying that, as North East Scotland MSPs, we would be happy for a home gig in Dundee, but I will leave it to the committee to deliberate on that.

I echo Sandra White's point, which I raised previously, about the need to directly contact social media providers such as Facebook, YouTube and MySpace. We need to ask them whether they distinguish child sexual exploitation from the wider problem of internet grooming. As we have discussed and accepted previously, there is a distinction between the two. If providers are making that distinction, how are they investigating and tackling the issue? It would be worth while to find out how those global companies are working on the issue.

Nanette Milne: When writing to the Government, we should ask for clarification on the scope of and the timetable for the children's services bill that is in the offing.

The Convener: I think that we are all agreed that this is another very important petition. The clerks will work up an options paper for us in relation to the various visits that we can undertake as part of our inquiry.

Do we agree to continue the petition and take forward Mark McDonald's important point about looking at social media and Nanette Milne's points about the status of future legislation?

Members indicated agreement.

Orphan Diseases (Access to Therapy) (PE1398)

Pompe Disease (Access to Therapy) (PE1399)

Paroxysmal Nocturnal Haemoglobinuria (Access to Therapy) (PE1401)

The Convener: We will consider the next three petitions together. The first is PE1398, in the name of Alastair Kent, on behalf of Rare Disease UK, on access to therapy for orphan diseases. The second is PE1399, in the name of Allan Muir, on behalf of the Association for Glycogen Storage Disease UK, on equitable access to therapy for Pompe disease. The third is PE1401, in the names of Lesley Logier, on behalf of PNH Scotland, and Professor Peter Hillmen, on behalf of the PNH Alliance.

Members have a note by the clerk, the related submissions and a letter from the convener of the Health and Sport Committee in which he expresses his keenness that the petitions are referred to his committee, for understandable reasons.

Nanette Milne: Orphan diseases, their treatment and the difficulties with individual patient treatment requests are, quite rightly, moving high up the political agenda. People with a rare disease have to prove exceptionality within that rare disease. However, I think that the fact that they have a rare disease in the first place makes them fairly exceptional.

There are quite significant issues in the petitions. If the Health and Sport Committee is keen to have a look at the petitions, we should refer them to that committee. It could conduct a small inquiry, which would be important.

14:15

Anne McTaggart: I think that the petitions would be best placed with the Health and Sport Committee.

The Convener: Do members agree to refer the petitions, under rule 15.6.2 of standing orders, to

the Health and Sport Committee, for consideration of the issues raised?

Members *indicated agreement.*

Adult Attention Deficit Hyperactivity Disorder (Diagnosis and Treatment) (PE1402)

The Convener: PE1402, by Richard Jones, on behalf of Addressing the Balance, calls for a strategy and policy for diagnosing and treating adult ADHD in Scotland. Members have a note from the clerk, which is paper 6, and the submissions. I invite contributions from members.

Sandra White: I was impressed with the number of responses that we have received in connection with the petition. That shows that it is a big issue, not just for health boards, but for many others. I was pleased about that: sometimes the committee does not receive responses from particular organisations, so we should be thankful.

I would like the petition to be continued. I am concerned that the approach towards the issue that it raises has been piecemeal. The Government will hold a seminar at the end of the month, so it would be a good idea to continue the petition until we know the findings of the seminar. We can take it from there.

The Convener: Do members agree with Sandra White's recommendation that we continue the petition?

Members *indicated agreement.*

Education Staff (Training in Learning Disabilities and Autistic Spectrum Disorder) (PE1409)

The Convener: PE1409, by Linda Whitmore, on behalf of Enable Scotland, calls for training for education staff on learning disabilities and autistic spectrum disorders. Members have a note by the clerk, which is paper 7, and the submissions. I invite contributions from members.

Sandra White: I note the petitioner's wish for the petition to be referred to the Education and Culture Committee. The issues are important and I thank everyone who has responded to the petition. Paragraph 13 on page 3 of the clerk's note states that the petitioners

"remain concerned that the membership of the NPG and its Strategic Reference Group does not include a representative from a learning disability organisation".

I think that that should be looked at. I would go along with the petitioners' wish to refer the petition to the Education and Culture Committee, and think that the point that I have raised should be highlighted.

Joe FitzPatrick: I think that that is the correct path to take. The petition raises a serious issue and the Education and Culture Committee is best placed to consider it.

Anne McTaggart: I agree.

Nanette Milne: If the request for input from the Association of Headteachers and Deputies in Scotland has not been followed up, perhaps we should do that.

Mark McDonald: If we highlight that to the Education and Culture Committee, it might want to pursue the issue further when we refer the petition to it. I think that would be the best way to go about it.

The Convener: Are we agreed that we will refer the petition, under rule 15.6.2, to the Education and Culture Committee for consideration of the issues raised, and that the clerks will pass on to that committee the two points that members have made?

Members *indicated agreement.*

Fruit Tree Planting (PE1410)

The Convener: The ninth and final current petition for consideration today is PE1410. The petition, which is by John Hancox, centres on developing a fruitful future for all young Scots. Members have a note from the clerk, which is paper 8. I invite contributions from members.

Sandra White: I know that Nanette Milne has taken an interest in the petition—she even mentioned it in a debate in the chamber following a previous committee meeting at which the petition was considered. It is an interesting petition, but I recommend that we close it, simply because, as the clerk's note explains, the Scottish Government

"has demonstrated how it supports and encourages local authorities, schools and community groups to plant fruit trees in schools and communities",

and has confirmed

"that there is no specific funding available to support additional Games legacy projects at this time".

Apart from those points, I have a couple of other points that I think add weight to the argument for closing the petition. The view of Community Growing Solutions is that the Scottish Government is already supporting the development and awareness of orchards through many activities, including through the grow-your-own working group, with which Mr Hancox has been involved since its beginning. Moreover, the Scottish Government has been asked whether it would be willing to include a recommendation on orchards as part of the grow-your-own working group's recommendations. The Government previously published "Recipe for Success—Scotland's

National Food and Drink Policy”, and the grow-your-own working group was established following that. As I said, Mr Hancox is a member of that group, which is facilitated by Scottish Government officials.

Mr Hancox has direct access to Scottish Government ministers regarding the issue, and the growth of orchards is being encouraged through various funding streams from the Government and working groups. We should not continue the petition—I would prefer to close it.

Nanette Milne: That is a sensible suggestion.

The Convener: If all members agree with Sandra White’s recommendation, we will close the petition under rule 15.7, taking into account her comments and in accordance with the terms of option 4 in the clerk’s briefing paper.

A90/A937 (Safety Improvements) (PE1236)

The Convener: Members will recall that we deferred consideration of PE1236 until Nigel Don could join us. Unfortunately, he is not here, but we still need to consider the petition.

PE1236, by Jill Campbell, is on safety improvements to the A90-A937 junction. Members have the clerk’s note on the petition and written submissions. I invite contributions from members.

Sandra White: It is not a difficult petition, but a lot of work has been done on it by the Government, Transport Scotland and parliamentary committees. I think that the petition has gone as far as it can go. I recommend that we close the petition because Transport Scotland has completed its cost-refinement exercise, an accident investigation and prevention study has been carried out and a number of safety measures have been put in place. Transport Scotland’s view is that a grade separation at the junction is not necessary at this time, but it has undertaken to work with the local authority on junction improvements, including a grade separation in parallel with a planned housing development. In addition, at a local level, local authorities and the north east of Scotland transport partnership are looking at the issue of a grade-separated junction.

I think that the petition has been successful in moving forward all those issues, so my recommendation is that we close it.

Mark McDonald: I suggest that, for two main reasons, we do not close the petition at this stage. First, the local MSP wanted to be at this meeting, but I understand that he is convening a committee and that that is why he is not able to come along. I think that we should defer a decision on the petition until he can come along.

Secondly, I was disappointed by a remark in the letter from the petitioner that the local MSP was not supporting the petition. My understanding is that the local member has not only supported the petition for quite some time, but held meetings with local authorities about ways in which to move the issue forward, which might help progress things beyond Transport Scotland’s position. It would be good if we could defer a decision on the petition to give the local member the opportunity to come to the committee and perhaps update us on some of the work that he has been doing, which might help inform our decision on the petition.

The Convener: That seems a sensible compromise. Are members happy to defer a decision on the petition to allow the local member to attend the committee?

Sandra White: I will defer to his knowledge of the local situation.

The Convener: Does the committee agree to defer a decision on the petition to a future meeting? It might not be the next meeting, but it will be one that suits the local member.

Members indicated agreement.

The Convener: We have gone through all the petitions very quickly today.

Meeting closed at 14:24.

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