



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 18 September 2012

Session 4

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000

Tuesday 18 September 2012

CONTENTS

	Col.
NEW PETITIONS	735
Proposed Children and Young People Bill (PE1440)	735
Administrative Justice (PE1449).....	758
CURRENT PETITIONS	759
School Bus Safety (PE1098 and PE1223)	759
St Margaret of Scotland Hospice (PE1105)	761
A90/A937 (Safety Improvements) (PE1236)	764
Speech and Language Therapy (PE1384).....	766
Child Sexual Exploitation (PE1393).....	766
Staffordshire Bull Terriers (PE1396).....	768
Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)	768
Safeguarding Vulnerable People (PE1418)	769
Fair Isle Marine Protected Area (PE1431)	770
Ambulance Services (Remote and Rural Areas) (PE1432)	770
Use of Productive Land (PE1433)	771

PUBLIC PETITIONS COMMITTEE
13th Meeting 2012, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)

*Angus MacDonald (Falkirk East) (SNP)

*Mark McDonald (North East Scotland) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Marguerite Hunter Blair (Play Scotland)

Theresa Casey (International Play Association)

Nigel Don (Angus North and Mearns) (SNP)

Gil Paterson (Clydebank and Milngavie) (SNP)

Dr Sue Robertson (British Medical Association)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 6

Scottish Parliament

Public Petitions Committee

Tuesday 18 September 2012

[The Convener *opened the meeting at 10:01*]

New Petitions

Proposed Children and Young People Bill (PE1440)

The Convener (David Stewart): Good morning, ladies and gentlemen. I welcome you all to this meeting of the Public Petitions Committee. As always, I ask everyone to switch off any mobile phones and electronic devices, as they interfere with our sound system.

I understand that it is likely that Sandra White and Mark McDonald will leave the committee. On behalf of the committee, I place on record my thanks for all their work. Sandra White, who has been the committee's deputy convener, has certainly been a great help to me over the past year, and Mark McDonald has been a very active member of the committee. Therefore, I am very sorry that both members are leaving it. I wish them well on their new committees and thank them both very much for all the work that they have done.

Agenda item 1 is consideration of two new petitions, the first of which is PE1440, by Sharon McCluskie, on behalf of Play Scotland, on plans for the proposed children and young people bill. Members have a note by the clerk, which is paper 1, a Scottish Parliament information centre briefing and the petition.

I welcome our witnesses. Marguerite Hunter Blair is the chief executive of Play Scotland, Theresa Casey is president of the International Play Association, and Dr Sue Robertson is from the British Medical Association. Thank you for coming to the meeting.

I invite Marguerite Hunter Blair to make a short presentation of around five minutes, which will be followed by questions from me. I will then invite my colleagues to ask additional questions.

Marguerite Hunter Blair (Play Scotland): Is the etiquette that I should stand?

The Convener: No. You are fine sitting.

Marguerite Hunter Blair: Thank you.

Play is crucial for the wellbeing of all our children in Scotland. The right to play fully reflects and underpins the right to be a child here and now. As adults, we need to ensure that local physical and social environments support play,

and that play is not dismissed as frivolous or marginalised. Play underpins the four principles of the Convention on the Rights of the Child: non-discrimination; survival and development; the best interests of the child; and participation. We want child-friendly communities in Scotland that are supported by play-friendly neighbourhoods in which children can meet friends and play, walk safely in the streets on their own, have green spaces for plants and animals, and participate in family, community and social life.

Back in 2006, more than 80 MSPs—including Sandra White, I think—signed a motion on the importance of play. In the debate that followed, there was strong cross-party support for a strategic approach to play in Scotland. Such an approach has been underpinned by responses from children and young people from the time of the first children's commissioner. More than 16,000 have responded that things to do is a big issue for them. They want things to do in their own local neighbourhoods.

From 2006 to 2009, the Public Petitions Committee considered PE913, which called on the Government

“to adopt a Play Strategy”

with a statutory duty

“that recognises the right of all children in Scotland to a safe, accessible and challenging play environment.”

The committee closed that petition because play was one of the 10 areas in the early years framework. Despite reservations about older children missing out, it was expected that the new outcome agreements and community planning partnerships would develop and implement a strategic approach to play in local areas. I think that the committee thought at that stage that the job was on its way to being done.

At the national level, there appears to be strong support for a social policy commitment to play, including good cross-party support. There is a small go2play fund, and there are national Government initiatives such as the play, talk, read initiative, which we warmly welcome. However, sadly, the current position is that that support has not cascaded down to the local level. Community groups have been told that play is not a priority or an issue of concern to community planning partnerships. It is also clear to us in these times that many local authorities are increasingly moving away from non-statutory obligations in a bid to live within their means. We argue that that is a false economy when it comes to play.

As many members will know, there are enormous benefits to the community and children's health, wellbeing and development when children have access to a range of play opportunities. In 2008, the United Nations

Convention on the Rights of the Child monitoring committee made recommendations on adequate and accessible play spaces and leisure activities for all children, including those with disabilities. It recommended the participation of children in planning, a presumption against development in open spaces in areas that lack play spaces, and a statutory duty on local authorities to make adequate free provision for children up to the age of 18. The British Medical Association has recently issued motions on a similar theme.

I will not give the committee lots of facts and figures about the state of play in Scotland, although I have lots of them with me and we are happy to share them. For example, a survey across 14 local authorities last year showed that only 35 per cent of children felt happy and safe playing in their streets. Therefore, we have not yet reached the critical mass that was expected with the previous petition.

Our proposed remedy is that the proposed children and young people bill should include an intention to provide statutory guidance for public services to support the whole wellbeing of a child or young person. The inclusion of play within the definition of the whole wellbeing guidance could ensure that the child's right to play is explicit in the duties on public bodies to work together to improve wellbeing and achieve resilience.

Authorities can save money in designing and planning for play across departments that are not normally associated with play. I am talking about departments that deal with regeneration, roads and transport, housing, community safety and the school estate. Working with community groups and children and young people can ensure that initiatives are achieved and funding opportunities are maximised. We do not expect a financial burden on local authorities, but we would like decision making and spend to be more strategic, and there to be more co-operation with the community on play. As a result of the go2play fund, we now have really good tools, such as the play logic model and the getting it right for play tools and national indicator, to assist local authorities.

Our chief medical officer said:

"Investing in children's play is one of the most important things we can do to improve children's health and wellbeing in Scotland."

The Convener: Thank you very much for your presentation, which was very interesting, as is the petition.

As I understand it, you want there to be a statutory duty on play. It is clear that Scottish Government legislation will come before us. Assuming that it is passed, do you see the new act

having a section that makes it quite clear that there is a statutory duty on play?

Marguerite Hunter Blair: Yes. We would very much like that. I have never taken a bill through Parliament or due process, and we are happy to discuss with the Government the best way of achieving that. Whether such a duty stands alone or whether it is incorporated in the definition of the whole wellbeing of the child and specifically recognised and incorporated in the general duties under the getting it right for every child and SHANARI—safe, healthy, achieving, nurtured, active, respected and responsible, and included—principles, we would be happy to assist with that. The important thing is that we have a clear definition of play and clear criteria within that, and that the tools that could make it happen are examined.

The Convener: As far as international evidence is concerned, you mentioned the United Nations Convention on the Rights of the Child. Have you any examples from other countries where there is a statutory right of play that is driven by the UN convention?

Marguerite Hunter Blair: Yes. We are aware that Wales has introduced a statutory duty on sufficiency, where sufficiency includes quality and access. The Welsh are looking at some of the tools that we have in Scotland. In some ways, we are the other way round—we have the tools without the duty, whereas Wales has the duty without the tools. The Welsh are looking at our toolkit, our national indicator, our evidence base, our play logic model and the Greenspace Scotland interactive site, which gives information on how to map open spaces and green spaces. We are all working towards the same thing. In some ways, we are all at different stages of the process.

The duty in Wales does not place a burden of expenditure on local authorities. It is about carrying out strategic planning at the start. If play is added on at the end, it can be quite costly, especially if facilities that do not meet anyone's needs are put in the wrong place at the wrong time. If play is considered co-operatively and collaboratively across many departments, including departments that would not normally see play as having anything to do with them, it can be designed in.

I ask Theresa Casey to put her international hat on and say something about that.

Theresa Casey (International Play Association): The discussion is very timely. As some members may know, the UN Committee on the Rights of the Child in Geneva is in the process of drafting a general comment on article 31 of the Convention on the Rights of the Child, which

includes children's rights to play and recreation and their right to participate in culture and leisure.

A general comment is all about elaborating on a particular aspect of the convention that has not been well addressed by Governments, or in relation to which there is a lack of understanding about how to address it. One of the key points that is being discussed during the drafting of the general comment, and which is likely to be adopted, is the idea that the UN committee should strongly recommend that states consider introducing legislation on children's play rights. There is a certain synchronicity in the thinking around the issue, because the principles that that committee is looking at include the principle of sufficiency—namely, that children should have sufficient time and spaces to exercise their play rights—and the principle that such legislation should fit within the framework of an overall national plan. There is an echo in that regard.

It has also been noted that it is extremely important to create time and space for children's self-directed activity—in other words, activity that is led by and which comes from the child. Although play provision—ensuring that there is sufficient time and space for children to play—would be an important element, there is also a holistic requirement, which is about ensuring that children's play is a thread that is interwoven throughout their lives and the lives of communities.

The Convener: Do you think that Scotland's Commissioner for Children and Young People should have an enhanced role? Under the proposed bill, the commissioner will be able to investigate individual cases. Do you think that the commissioner should have a different role, in line with your petition's objectives?

Marguerite Hunter Blair: My understanding is that the discussions that are taking place are about giving the commissioner powers to investigate individual complaints. From that point of view, the bill would be useful. It is good to have a national figure, but we would like there to be someone within local authorities who would assess the issues.

We are looking for a balance. We are not looking for a play park on every street corner, nor are we campaigning for swings and roundabouts. We want to change everyone's attitude to what a play space is. Children play where they are. A double-width pavement is a play space. Children play on street furniture. Not cutting the grass as often in some places so that daisies and buttercups can grow could encourage children to play, as could decisions to put bushes in and not to take away lower branches—if they are not dangerous—so that children can swing on them or have swings on them.

It would be good to have a discussion at the local level about what the child's right to play means and how it can be implemented, so that people can come to an accommodation about what is appropriate. Local authorities could perhaps put in place maps to signpost the provision of swings and roundabouts, as well as green space provision, to let people see the travel distances.

10:15

The idea about the commissioner having the right to take up individual complaints is interesting. However, I would not like the commissioner's office to get bogged down in complaints. I like the fact that, until now, the office has had the freedom to be proactive and to spearhead cultural change in Scotland's attitudes to children. I would not like the commissioner to be bogged down in complaints, but if such a power was given to the office, I am sure that it could be constructive.

The Convener: On your point about local authorities, are you in a sense arguing for a play champion in each local authority area—someone who is responsible for developing facilities for children?

Marguerite Hunter Blair: That would be fantastic. Another thing that we would like is a body similar to sportscotland but for play and open spaces and green space. That could be a national body that could comment if spaces are to be taken away. Sometimes, a new school has to be built on a green site, but provision could be made somewhere else in the authority area. We need to ensure that a balancing act takes place. Certainly, it would be useful to have somebody with a statutory duty to comment on the issues and to build on the strategies for open space and play for children.

I ask Dr Robertson to comment from a health and wellbeing perspective.

Dr Sue Robertson (British Medical Association): Improving access to green space for play for children is one of the most important things that the Government can do for the health of the population. Healthy children turn into a healthy society. The biggest risks in Scotland at present are obesity and heart disease. We also have worries about bone health in children, because of the lack of time that they spend outside. We have worries about the fact that the risk of multiple sclerosis here is the highest in the world, which we think is potentially a result of the lack of time that people spend outside. If we improve access to facilities to play outside for children and the adults who go with them, we will improve the health not only of our children, but of our adult population.

There is good evidence that the mental wellbeing of children and adults improves as a result of time spent outside. We know that mild to moderate symptoms of depression do not respond well to medication and that medication is expensive, but those symptoms respond exceptionally well to time spent outside. Therefore, for the health of society, the most important thing that the Government can do is to prioritise access to green space.

The Convener: I certainly agree with that. I have an interest in diabetes. In Scotland, we are nearly world champions when it comes to the incidence of diabetes. We certainly need to consider the issue.

Mark McDonald (North East Scotland) (SNP): I thank the petitioners for lodging the petition. I have spoken several times in the Parliament on the importance of play. Putting on my former local authority councillor hat, I always used to be interested in how little of what councils deliver is covered by statutory duties. I do not want to prejudge how the petition might proceed, but many groups could come to the committee or the Government and ask for something to be made a statutory duty. If we extended statutory duties in the way that you suggest, that could create a precedent. It could put councils in a bind, because a number of things might become statutory duties, which would reduce councils' flexibility locally in how they use their budgets. Do you see the potential for that?

Marguerite Hunter Blair: We have had discussions with the Convention of Scottish Local Authorities. Councillor Douglas Chapman recently met me to talk about the implications of the proposal, because it is a big thing. We feel that the issue is important. As my colleagues have outlined, it has a huge resonance across many areas and many departments—it is not a single-department issue. Therefore, the proposals would be trailblazing. The measures in Wales came in under anti-poverty legislation. The opportunities that we are talking about can have a profound impact on and resonate across many aspects of children's lives and can continue into adulthood.

We suggested—and Douglas Chapman felt—that, although local authorities are not looking for more things to do, they are looking for cost-effective ways to achieve their objectives and outcomes. Our proposal offers a way of doing that. We discussed the idea of placing a duty on local authorities to work with other named parties to deliver play opportunities, which we would welcome.

We are not saying that people are not responsible for their own health, childhood or happiness, but children rely on us adults to deliver for them. Play is a community issue, and it would

be relevant to have local authorities working with others to deliver opportunities. There might be a different type of statutory duty to cover other named parties that would work with various organisations to deliver in the community.

There would be a huge surge of acceptance for that in communities, because we—and the Government—want the best for our children. There is nobody who is not on message here. We are getting better at identifying how to deliver play opportunities and which tools can assist in that delivery.

Mark McDonald: In your answer to the convener's question, your definition of play seemed extremely wide ranging. There is an issue around equality of opportunity, as one person's use of a space for play is another person's nuisance. I remember constituents complaining about the noise that children were making at a play park. You are talking about designating pavement areas or other bits of the street as areas where there are play opportunities, but how do you strike the balance that obviously needs to be struck in that regard?

Marguerite Hunter Blair: Inclusion is a big issue. When the Disability Discrimination Act 1995 came in, some slides in playgrounds were instantly widened, which made for a better place to play. One could see parents and carers playing with children on the slides. The need to include all children is a huge issue.

I have forgotten the first part of your question.

Mark McDonald: It was on the issue of equality of opportunity. If you define play in extremely wide terms, you might find that one local authority will provide more facilities than another authority, simply based on how it defines play space. What are your views on that?

Marguerite Hunter Blair: There are a lot of issues around tolerance as well as inclusion. When we design play spaces, we must decide at the start who is going to use them. There is a lot of negativity around, and a lot of "No ball games" signs. That is why we thought of having something quite simple such as an interactive map on a local authority website to signpost where there are areas to play ball, play priority areas and open spaces to play in. We acknowledge that you cannot have everything on your own doorstep, and people must recognise that certain behaviours are appropriate in certain spaces.

There are ways in which we can work with communities, but there is also huge intolerance of children who are outside playing. In Germany, the decibel threshold was changed because there were so many complaints about the noise level of children playing in outdoor kindergartens. The same thing happened in Leeds last year: people

complained about the impact on the value of their houses because of playground noise. There are issues to be tackled in that regard.

Theresa Casey: The International Play Association has, over a number of years, done a lot of international research through talking to children and communities about the barriers to children's play. That has shown some interesting patterns across the 12 countries that we have researched, and highlighted trends in the barriers that children face.

One of the most crucial barriers is adults' lack of understanding about the importance of play, which is certainly echoed here in the United Kingdom. Unless we tackle that issue, we will continually meet such barriers.

There are tools that we can use. There is a lot of interesting research—to which Marguerite Hunter Blair referred—on what makes an environment child friendly. The child-friendly cities initiative, for example, has some very simple self-assessment indicators that are used at ground level. They include questions that relate to children's play rights, such as whether children have a place to play in their community; whether they have time to play and rest; and whether there are places in the local community where children with disabilities can play.

Those indicators are very simple, but they are crucial. They echo the statistics that Marguerite mentioned, such as the fact that only 35 per cent of children felt that they were safe and happy to play in the street—that is a difficult statistic to swallow. They also echo the notion of children's rights—and human rights—being realised in small places close to home. Unless children's rights are realised in their local neighbourhood—in the places around them and the environments in which they spend time—we are not doing a good job. The conversation about what happens locally is crucial, and it can be supported by play being well defined—there is, for example, our definition of whole wellbeing, which may be part of the bill.

Dr Robertson: The other thing that society must learn is that there is good evidence that children behave better if they are given the opportunity to play outside. If children are given a place where they can play, imagine and socialise, they learn to socialise better, their behaviour improves in school and society, and they are better members of society as they grow up. That is a clear indicator that shows that giving children that opportunity will improve society.

Mark McDonald: I speak from parental experience when I say that they go to sleep a lot quicker as well.

I was interested by the comment about “No ball games” signs, which were a bane of my time as a

councillor. I can say from my youth that they made incredibly good goalposts.

I have read the petition, and as I listened to the witnesses speak, I wondered whether some of their aims might be achieved through the proposed community empowerment and renewal bill, in relation to encouraging communities to have more ownership of spaces in their areas, particularly in areas where the council has cut back. I can cite an example—as I did during the debate on the proposed bill—from my council experience of a community becoming involved in a play area, in my own area, that was falling to bits. The community council, in conjunction with council officers, took control and ploughed money into it, and developed it into a fantastic resource that is one of the best-used play parks in the village.

The witnesses might want to consider that kind of approach and to respond to the consultation on the proposed community empowerment and renewal bill, which I understand closes on 26 September. To me, there is an opportunity for the witnesses to take a twin-track approach, rather than putting all their eggs in one basket. I throw that option open and suggest that they might want to consider that avenue as one way of achieving their aims.

Sandra White (Glasgow Kelvin) (SNP): I remember that my picture was taken when I was on a small trampoline. I used the picture in a newsletter—it was very good. It kept me fit for that day.

I thank the panel for coming along and giving evidence. It is very important that we hear from people such as you, because when people hear about statutes and bills—particularly concerning local authorities—alarm bells start to ring. You have explained very well that you do not want local authorities to create play parks all over, but rather that, in areas where there is some green space, kids should be allowed to play, the grass should grow wild, and so on. I very much support the holistic approach of your petition and I echo what Mark McDonald said about the proposed community empowerment and renewal bill. It is important that you put forward your thoughts on that, as you have done here.

In areas in my constituency, such as Clouston Street meadows, kids can run about wild, but unfortunately, developers can come in. The witnesses mentioned that they are not specifically looking for play parks to be built, but that they are looking for things to be more holistic. Should the bill involve both local authority and Government aspects of planning new estates, for example? New estates might not have to include a play park, but there could be a piece of wild land or a greenfield site. Looking at the longer term, should any local authority planning bills include reference

to an area where children can play, whether that be a green space area or a play park?

Marguerite Hunter Blair: Yes, I think so. A few years ago we became aware of the Child in the City Foundation, in Europe. Its last conference was hosted in Rotterdam. I was not there, but we learned from that about the Rotterdam norms. One of the Rotterdam norms was that all open space was presumed to be designated play space unless it was designated otherwise. While a space was waiting to be something else, it was designated as play space. That was an encouraging attitude. They started putting in double-width pavements with double yellow or double red lines down the side, and there was an acknowledgement that play spaces were everywhere—children did not have to go somewhere special.

10:30

We are talking about the concept of play-friendly neighbourhoods. That might be the pavement outside someone's front door or a cul-de-sac. There are lots of twenty's plenty areas in Scotland, which is great, but a lot of them are not rigorously enforced. We would like to see them enforced, maybe during school holidays, which seem to stretch on and on in the summer. Maybe communities could take responsibility for closing them off between 10 and 3 in the daytime.

We are not looking for lots of new things to be put in place; we want to use what we have. We have lots of natural resources in Scotland but have just not got our heads around how to make them child friendly. When we think of children's best interests, we tend to think about the medical or social model, but we need to think much more holistically. If we put children's wellbeing at the heart of what we do in communities, those communities will naturally become more child friendly.

We know, from the research that was published in the "Growing Up in Scotland" study, that where children are playing outside people feel that it is a better place to buy a house. If children are playing outside, elderly people feel that it is safe to come out and go shopping—it makes it a safer space for them. We are arguing for the child's right to play, but we know that what we propose would make better neighbourhoods and communities.

Sandra White: That is an important point. We are not asking for lots of money. There are some deprived areas in our inner cities, which is where your point about the medical model comes in. In the Sighthill area of Glasgow, the parents and kids got together to create a path through the woods so that they could feel safe when they were playing. It did not cost a lot of money, and it involved older

people and parents as well as children. You have hit the nail completely on the head on that one.

I want to ask about school premises. There are schools in every community, and it has always been a bugbear of mine that they should be community centres. Some schools have swimming pools and good grounds, yet the community is not allowed to use them. Do you think that school premises should be included in any statutory duty, so that schools are open for their communities to use?

Dr Robertson: There is no doubt about it. There is international medical literature about how the built environment can improve activity levels. If the activity levels of the population—children and adults—are prioritised when cities are built, and if planners think about the mix of land use and the siting of different parts of the city, those activity levels will be improved. There is proof of that having been done in Holland, in America and in Australia. One of the important things about the school is its site. Instead of putting the school separate from the housing, with access via a busy road, the school should be put closer to the housing. At the very least, children should be able to access the school safely by bike or on foot. Mixing the land use is very important.

School facilities are always a difficult issue because people are worried about damage to the facilities. I recently visited Holland, where people were talking about sports facilities for children. In Holland, they open the doors because, in that way, the children gain some ownership of the facilities and look after them better because they feel that they are partly theirs. That also improves activity levels and the health of the population.

Sandra White: I agree absolutely. In an area that I represent, the school windows were always being broken. The police then introduced a wonderful initiative in which the kids were allowed into the school. Since then, there has been no vandalism whatever. That is just an observation.

Angus MacDonald (Falkirk East) (SNP): Good morning, panel. We have had a fascinating debate and presentation. I will address the issue of local authorities.

Having lived and worked in Norway and Denmark, I have seen at first hand the superior provision of play facilities, including the kind of child-friendly places that you mentioned, in communities in the Nordic countries. I am sure that we can learn much from the completely different mindset in Scandinavia, although, as Marguerite Hunter Blair has said, everyone here is on-message. We just need to move things forward.

The Equal Opportunities Committee asked all Scottish local authorities about their provision and

whether they had a play strategy. I would hazard a guess that the local authorities that did not respond do not have such a strategy, although I believe that the Equal Opportunities Committee will be writing back to them. You said that you surveyed 14 local authorities, and I am curious as to whether Play Scotland has surveyed all the Scottish local authorities to find out which of them are performing well and which leave something to be desired.

Marguerite Hunter Blair: In 2006, we surveyed all local authorities on whether they had a play strategy or play policy; we also tried to calculate roughly how much they were spending on children's play. Like all surveys, it had its strengths and weaknesses; for a start, it was very much a numbers exercise and considered quantity rather than quality of provision. However, we were shocked to find that some of the local authorities with the most children had the least provision.

We also found that play provision differed from local authority to local authority. Highland Council spent the most on play, but it put the provision into school grounds, some of which were open to children to play in during the holidays, instead of creating new parks. We then carried out a follow-up survey to find out who was doing these things.

I suppose that the answer to your question is that lots of local authorities have been working on play strategies for a very long time. Some seem to have got sidetracked into green space strategies; for some reason, many do not see how all of that can be joined up and that such strategies are one and the same thing. As a result, we felt that a simple and defined statutory duty would allow a lot of information that we would like to know about our communities to be made available. That would make it easier for local authorities to plan, apportion things and deal with the kind of land use issues that Dr Sue Robertson was talking about and the different combinations of things that contribute to a healthy, happy and sustainable community.

Although some local authorities are doing great work, some are having to cut back and, because it is not central to the work of community planning partnerships, it is very hard for those in various departments who might be championing the approach to get it introduced. A statutory duty would give permission to local authorities that want to take this approach but cannot. At the moment, they are having to focus their efforts. No local authority will turn up its nose at saving money, and I think that this new approach to the school estate, including opening it up at weekends, will ultimately make savings not only with regard to the bigger picture—for example, health budgets—but in budgets for grass cutting, grounds maintenance and so on. The approach

has many benefits, but the bottom line is that although we are trying to get through to local authorities some of them are very hard to engage with and there are very few levers available to anyone to make all local authorities respond to anything at this time.

Theresa Casey: The survey was a collaboration between International Play Association Scotland and the Children's Parliament and it focused on children's real day-to-day experience of play. Through workshops, creative activities and so on, we were able to speak directly to 379 children from a range of backgrounds—urban, rural, semi-rural and island—in various places and, as we mentioned earlier, we found out that 35 per cent of children felt happy and safe in their streets. In addition to that low figure, we also found that only 45 per cent felt that adults thought play was important and 54 per cent felt that they did not have a local park to play in.

On top of that, we received a lot of interesting experiential information, some of which showed the richness and vibrancy of children's play lives in Scotland. It showed that children are out and about in all weathers and at all times of the year. It also showed all the things that they wanted to do. We have lots of lovely pictures to do with that.

That information chimes with research into children creating their own wellbeing—building up their own resources and resilience—through play. However, we also had a lot of information from children that, in many cases, they had a rich and vibrant play life despite their environment, the attitudes that they met when they were out and about and other things that stopped them, such as their sense of safety in the streets.

Two things were happening: a rich and vibrant life of which we should be proud and that we should want to cultivate, and a bleak picture of the barriers that children face and have to overcome in order to play.

Angus MacDonald: You make a strong argument for a statutory duty for play, so I look forward to seeing your progress.

John Wilson (Central Scotland) (SNP): I am interested in whether a statutory duty should be placed on local authorities. For me, there is an issue with that.

During the discussion, the petitioners have clearly identified the links between not only health but wellbeing and a community. My understanding—I might be naive—is that community planning partnerships were designed to bring together local authorities, health boards, police, social work services and a range of community organisations to focus on what is needed in communities.

In Scotland, children play outside no matter what the weather is like any day of the week. Dr Robertson indicated that, if children get out to play, they become healthier: it cuts down obesity and opens up horizons for them. The debate so far has been about putting a statutory duty on local authorities but, if we did that, they would be the only bodies with a statutory requirement to fulfil it and we would exclude a raft of other organisations, such as health boards, that should have a vital role to play in fulfilling such a duty and in promoting safe play areas.

Would it be better to place a duty on the community planning partnerships and the partners that make up those bodies? Would they be better placed to fulfil a statutory duty than local authorities alone?

Marguerite Hunter Blair: We need to have a lead partner, and we feel that it must be the local authority. That is to give local authorities their place, as much as anything else, but they are best placed to fulfil the role because of all the information and expertise that elected members and staff in local authorities have, the links that they have and the fact that they have national networks.

In our discussions with COSLA, it was intimated that local authorities would work with other bodies to fulfil the duty and that they would not feel that it was a role for them to deliver in isolation. We concur with that completely. I do not know the logistics or legalities well enough to know whether a duty could be placed on a community planning partnership as a body, because I am not sure how they are constituted—I have a real knowledge gap on that at the moment. However, my response to your question is that somebody needs to take the lead on the matter. I would like the lead to be the local authority working with others, and you have identified critical partners.

At the moment, without a duty, play is not making it on to the agenda. It is not a standing item on a community planning partnership's agenda throughout the year. When Debbie Scott lodged the original petition in 2005, she said that she had to choose whether to put her young children out the front with glass and dog mess or out the back with needles. Those are not choices that we want our parents of young children to have to make.

Ultimately, the leadership to make progress on the matter is within local authorities. However, I completely take your point that there may be another way of constructing the duty that we have not discovered.

10:45

John Wilson: I must be fortunate because in Glenboig, which is the village that I live in, the community groups came together—Anne McTaggart can confirm this—and designed a play area in conjunction with the young and older children and others. The play area is fantastic. Most of the money was raised by the community, which designed, implemented and now maintains the play area. The difficulty that the community had came about when the local authority got involved, because it started to lay down constraints on the play area's use. The total contribution of the local authority was minimal, but it wanted to put in place wardens and restrict opening hours. People in the community were quite clear that it is their play area, for their children and young people, and that they will monitor the area because they know the children who may cause problems.

The play area development in my village happened outwith the community planning process, but we need to ensure that we empower communities to ensure that they are delivering what can be delivered. The issue does relate to a petition that we will be dealing with later about the opening up of green spaces. There is a debate out there about the green spaces that we are providing. Every new housing development must include a play area, but I have heard complaints from people who have moved in and live next to a play area and who want it to be shut down. The question is how to change the mindset of those people—I believe that they would have been children, once upon a time—so that they understand that the next generation of children must have similar opportunities to those that they had.

During Marguerite Hunter Blair's introductory remarks, I had a flashback to when I used to play kerby outside the house where I used to live. There is no way that any child could play outside that house now, because the traffic speeds at up to 40mph in a 30mph zone. How do we get safe on-street play areas? Even when a 20mph zone and speed humps are introduced, drivers still speed excessively through those areas, to the danger and detriment of children on the streets. How do we change the structure and thinking of society? Imposing statutory duties on an organisation does not change the attitudes of adults and others towards how we should provide safe play areas and opportunities for children in this day and age.

Marguerite Hunter Blair: The community planning partnership and the local authority should set the tone and the framework so that people and community groups are not discouraged from undertaking community developments for

themselves and, if they need a bit of support from a local planner, officials in the council, or their councillors, they can avail themselves of that.

You want to create a can-do approach. The example that I am thinking of is a playground on the Isle of Lewis, which was a local initiative, too. The last thing that we want is to dampen down that can-do attitude. I grew up in Scotland, and in the 1980s it was a place of community development by communities. Many of us want to go back to those times when people felt that they could do that; obviously, additional safeguards could be added in now.

We do not want to hamper that approach. We want community groups to be able to access the funding for local authorities, if necessary, so the doors should not be shut on that. That could be a benefit of local authorities being the lead partner, but not necessarily having full responsibility. It could be their job to access the funding, but not necessarily to provide or deliver the service.

There are other models. When a local authority delivers a play site, restrictions are put in place. Perhaps the council should consider getting together a group if there is not one already in place to progress a development. It is also about cultural change and attitudes. Headlines in local papers sometimes demonise our young people, and there are a lot of calls about children hanging about on streets—even though they are not doing anything—just because people do not like seeing them there. A local authority can start the process by setting the tone and culture of their area. There is immense pride in communities; most of the time, people choose to live in specific areas, and they have a stake and a commitment there. It is about a change in attitudes, and lots of good change is happening in Scotland.

I do not want to leave without mentioning that I have been to Norway and seen some of the great practice there. I have heard that there is fantastic practice elsewhere, too, but there are large pockets of best practice in Scotland, including—among many others—the outdoor kindergartens in Fife. We have best practice that we can showcase. However, although there is goodwill in local authorities, that does not seem to be enough to translate into the actions that need to happen now.

The Convener: I have kept the debate going for a bit longer than the allocated time because I think that we all agree that it is useful. However, I ask for short questions and slightly shorter answers.

Jackson Carlaw (West Scotland) (Con): I am broadly sympathetic to the petition, so please do not misunderstand my questions. How do you define children for the purposes of your proposals?

Marguerite Hunter Blair: We are talking about children up to the age of 18 and particularly about taking account of disabled children, who have the fewest play opportunities.

Jackson Carlaw: If a statutory duty was created and I as a child felt that I did not have provision, what would I do?

Marguerite Hunter Blair: It would be good to talk to people in your community about that and to use networks through your school, the glow network or other connections with your school and with youth and children's initiatives. Different local authorities have different structures to feed voices up.

Jackson Carlaw: If a statutory duty existed, if I as a child felt that I did not have provision or if I as a parent felt that my child did not have provision, and if I made such representations, what process would translate that into something happening?

Marguerite Hunter Blair: I am not sure of the initial steps, but the big picture of how the bill is being structured is that it places a duty in relation to children's rights on ministers in the first instance, and further duties will be placed on local authorities to deliver the concept of the child's whole wellbeing. Through those systems and mechanisms, I imagine that local authorities, boards and other local structures will have procedures.

A complaint by an individual would ultimately go up to the ministerial level, because the duty will sit with ministers. I do not know whether the duty on the child's right to play would sit with the equalities minister or the Minister for Children and Young People, but I imagine that that would be the direction of travel and the end point.

Jackson Carlaw: Are you concerned that a statutory duty on authorities would become sterile? I grew up in a new estate where all the children were basically my age. What was appropriate when we were two was not appropriate when we were six, 10 or 15. My impression from various estates is that something that was appropriate for the children there at one point falls into disuse because nobody bothers to do anything about it subsequently. Although an authority says, "Here's our plan and here are all the provisions that we've made," could it be a bit behind the ball on what is now needed and appropriate?

Theresa Casey: My knowledge is not necessarily about processes, but you highlight the importance of including a much fuller and more rounded definition of play in the wellbeing guidance. That would feed through usefully.

The consultation document talks about "empowering Scottish Ministers to supplement"

the definitions of wellbeing and so forth

“through Guidance.”

We need to allow and support that more rounded understanding all the way through the process.

Marguerite Hunter Blair: Through a statutory duty, we would like to create an on-going conversation in community planning partnerships about areas. We see the children who are two today, but we can turn round and suddenly find that they are at big school, and the next time that we see them, they are off training or are in work. If an area still has the traditional two swings and a roundabout and has tarmac with grass sprouting through it, it becomes inappropriate and can sometimes be a hostile area in a community.

We advocate not putting lots of money into such spaces but having more open spaces that are more adaptable. A great thing is being funded through the go play fund. We have loose parts projects in school playgrounds; the design of school grounds is also going on. The loose parts idea involves an open space where people leave things that kids can play with. The items can be tidied away and stored afterwards.

A change of mindset is needed. The traditional view of what we all accepted as a play space needs to be revisited.

Dr Robertson: The evidence shows in detail the health benefits of play for children at different stages. It very clearly shows that as children grow and become teenagers, giving them free space and green space rather than a structured play park is better value for children at all stages. The little children can play there and the older children find space to meet their friends. They develop more imaginative play as children and that develops into the teenage years. If children can be provided with some free space that is clean—it does not need to be manicured, but it needs to be clean and maintained—they will use that space all the way through their childhood.

Jackson Carlaw: I have a final question to pick up from what John Wilson was hinting at. My experience of going around the doors is that people often say that there is not enough for young people to do in the community. Everyone accepts that as a starting point. Sometimes, however, when something is done to help young people, others in the community regret their initial enthusiasm. A balance has to be struck. There is an understanding of the need for children to play but, occasionally, it has to be said, an inappropriate use of the space is detrimental to the enjoyment of people who may not have children or who are elderly or even people with young children who feel it is being inappropriately used by older children. Such people in the community may be concerned that they can do nothing about

that because when they try to make representations they find that very little can be done to enforce any kind of remedy.

If local authorities are given a statutory responsibility and they provide such a facility without consulting the community partnership, might local residents who express concern find that they have another obstacle in the form of a rather brazen response from a local authority that cites its statutory right to do exactly what it is doing and—basically—tells them to get lost?

Marguerite Hunter Blair: We must try to change the attitude about children’s play. Our aim is to have safe communities for children as well as safe routes to school. We want child-friendly communities with playful neighbourhoods. If that is used as a starting point then it will not be play at the expense of the elderly or the infirm or those who want to sit on a bench and enjoy a nice autumn afternoon. Instead, it will be about a holistic use of the space and a community approach that includes everyone. It needs to be accepted that there is a hierarchy of needs in some communities—that there may be more elderly people and that provision should be designed with them in mind. It is a case of providing signposting for children and families as to where they can go. We are not looking for facilities for them on every street corner—that would not be appropriate in my view. Remedies must be found within communities and that is why we welcome the COSLA discussion about the responsibilities of parents and other people.

We have had a good year with the Olympic games and we are looking forward to the Commonwealth games. Participation in sport develops physical literacy and hand-eye co-ordination. We all did that to begin with. I do not want to dismiss the fact that people complain, but there are consequences when children are not playing.

NHS Greater Glasgow and Clyde did a survey of high school children that was mostly about peer relationships and alcohol and other things. It also found that children are spending about 12 hours a day on screen-based entertainment; in 13 per cent of 13,000 children, that time increased to 16 hours a day. This sedentary indoor lifestyle—which is the easy option for us all to some extent—comes at a huge financial cost that our local authorities cannot afford in the longer term.

We referred to vitamin D deficiency. I think there is a cultural change happening in Scotland. Everyone knows what needs to be done because things have gone too far. We know that kids need to go out to play and we need to provide for that. It is practical for communities to work out solutions without having to use official mediation and conciliation routes, but there should be such a

facility available locally so that people can explain their viewpoint and an accommodation can be reached. It is about tolerance; we all have to live in this shared space and we should do it together.

Anne McTaggart (Glasgow) (Lab): I have enjoyed the discussion on the petition. The consultation on the children and young people bill provides a great opportunity for us to hear the views of the Minister for Children and Young People, Aileen Campbell, on the topic of the petition. I have listened to all the questions and all the evidence, but I am not sure that local authorities would regard providing play opportunities for children as important or ensure that they happened in local communities if there was not a statutory duty. The voluntary sector could be important for using community development approaches to enable play opportunities to be provided, but I would like to hear from the minister.

11:00

The Convener: Feel free to comment on the member's wish to hear directly from the minister.

Marguerite Hunter Blair: We would welcome that very much. I am sure that the minister will have a wide range of views to consider after the bill consultation closes. Perhaps that would be an appropriate time for the committee to go through its own due process on the issue. Obviously, we have been lobbying the minister on the petition, but we know that the bill is out to consultation and that there will be a wide range of views on it.

The Convener: I thank our witnesses and ask them to stay where they are in the meantime. We have had an excellent session, which I think I was right to continue for half an hour longer. I apologise to people waiting for other petitions.

The clerk's paper shows that a number of options are open to the committee. One is to refer the petition to the Education and Culture Committee, which will in due course consider the bill's general principles. Another is to take further evidence, which may include hearing the minister's views in person or getting the views of the Scottish Government, local authorities and a variety of others. What are members' views?

Sandra White: I agree with Anne McTaggart that it would be good to get the minister's thoughts on the petition. Obviously, it would also be good to get the views of the Scottish Government, the early years task force, the International Play Association and perhaps COSLA. Unfortunately, I will not be at the next meeting, so I can rhyme off those I would like to hear from. I would certainly like to see the statutory duty from Wales. It would be good to get that for the committee and perhaps the clerks could get information on the Rotterdam

norms, too. I would like that as additional information.

The Convener: I am informed that the consultation on the bill closes on 25 September, so there may be some advantage in waiting until then before acting on those suggestions, which are certainly good ones.

John Wilson: I suggest that we also ask the national health service for Scotland and the Association of Chief Police Officers in Scotland for their views on the issue. There are links between play and other activities that we need to consider. For example, Strathclyde Police has been heavily involved in play activities such as the midnight football leagues to get older children off the streets. It would be useful to get the police's views on how we should proceed with the petition, which opens up a wide range of issues regarding what we define as play. We should try to look at the issue in its broadest aspects.

The Convener: Can the committee clarify whether it wishes to have the minister before us in person, or whether we should just write to her to get her views?

John Wilson: Timing is a crucial issue for the petition. The consultation on the bill ends on 25 September, after which it will go to the Education and Culture Committee. I am keen to have first go at trying to get responses to the petition, but I am also keen to ensure that it goes in front of the committee that will deal with the bill, on which the petition may have an impact. We should therefore keep timing in mind in dealing with the petition. For example, we should give the minister time to consider fully the consultation responses before drawing her in to this committee. We cannot do that in October, because that would not give her enough time to consider all the responses.

I am trying to be aware of the timing for the end of the consultation, for the minister's consideration of the consultation responses and for when the bill lands on the Education and Culture Committee's desk.

Mark McDonald: Like Sandra White, I will not be here for further consideration of the petition. However, with regard to what John Wilson said, I have always tried to caution the committee about duplication of effort. I suggest that the committee needs to be careful about inviting the minister along and so on, because we could run the risk of having a twin-track inquiry with the Education and Culture Committee. It will be important to find out what its timetable is for consideration of the bill before this committee takes anything forward.

Beyond that, I was flippantly going to suggest that we should write to the Minister for Commonwealth Games and Sport and try to get kerby included in the Commonwealth games. John

Wilson has brought back halcyon memories of that pastime.

I hope that the petitioners will take up my constructive suggestion that they look at the proposed community empowerment and renewal bill as another vehicle for their aims. I am happy to talk to them afterwards about examples in my community.

The Convener: I thank the member for his revelations about his earlier life—I thought that it was the Lib Dems who believed in pavement politics.

Angus MacDonald: I concur with the comments so far. I am not sure whether there is a need to ask the minister to appear; some comments from her would suffice.

The Convener: The clerks for the relevant committees will liaise with each other. Early spring is probably an appropriate time for the other committee to consider the bill. However, the clerks talk to each other so we will ensure that there is no duplication. I would be in favour of getting the minister in for a short session, if we can do that, with the caveat that there is no duplication.

Jackson Carlaw: Key in all this is not whether there is a right to play—I think that we have established that—but whether there is a statutory duty to provide for that. I am interested to know what the minister would consider to be the implications of there being a statutory duty. If there were a statutory duty, the implications of that would have to be understood.

Mark McDonald: Jackson Carlaw has triggered a thought—we should also write to COSLA or a selection of local authorities. Sorry, Sandra White already suggested that.

Anne McTaggart: It is such an important issue, for all the reasons that have been mentioned in the past hour and 10 minutes, that it would be important for the minister to attend.

The Convener: It is clear that the committee wishes to continue the petition and not, at this stage, to refer it to the Education and Culture Committee. I have not heard anyone say anything other than that.

It is clear that we need to contact the Scottish Government, the early years task force, the International Play Association and the other bodies that members have mentioned, including COSLA and NHS Scotland. The clerks can liaise with each other to check that there is no duplication. If there is not, I see an opportunity to bring in a minister at an early stage. If there are issues of duplication, we will be informed about that at the next meeting. That seems a reasonable summary. Have I missed any points?

Anne McTaggart: We need to ensure that the issue is not kicked into the long grass.

The Convener: I will not even attempt another joke.

I thank our three witnesses for coming along—it is greatly appreciated. It has been a useful and fruitful evidence session. My apologies to the other petitioners who are waiting, but I think that it was worth taking a lot of time for the petition.

11:08

Meeting suspended.

11:09

On resuming—

Administrative Justice (PE1449)

The Convener: The second new petition is PE1449, by Dr John Wallace Hinton, on behalf of Accountability Scotland, on preserving a Scottish council for administrative justice. There is a note on the petition by the clerk—paper 2—and a SPICe briefing on it. I invite the committee to consider next steps. My view is that there is quite a strong argument for referring the petition to the Justice Committee under rule 15.6.2. I understand that there is a general view among committee members that we should not act as a referral agency and immediately refer new petitions. Although I am very sympathetic to that view, there is quite a strong argument to refer this petition. I am open to hear the views of committee members.

Mark McDonald: Convener, you will know that my view is that while we should not be just a referral agency, at the same time we should not do work just for the sake of doing work and going through the motions. What you suggest as a course of action is absolutely appropriate in this instance.

The Convener: Do members agree?

Members *indicated agreement.*

The Convener: For the record, under rule 15.6.2 we are referring the petition to the Justice Committee as it is currently taking evidence on what administrative justice role a Scottish civil justice council should have. The unanimous view of the committee is that that is a good way forward.

Current Petitions

School Bus Safety (PE1098 and PE1223)

11:10

The Convener: Item 2 is consideration of 12 current petitions. The first two petitions are on school bus safety and will be considered together. They are PE1098, by Lynn Merrifield, on behalf of Kingseat community council, and PE1223 by Ron Beaty. Members have a note by the clerk—paper 3 refers—and the submissions.

Members will be aware that we have considered having a special event on the petition—the idea was raised at the planning day and the clerks are looking carefully at it. What is in mind is to have a chamber event, chaired by the Presiding Officer, and to invite local authorities and other interested groups to attend. It is likely to take place on a Friday morning. I think that it will echo what happened on previous occasions. The session on knife crime got a lot of media coverage. It will be a major event, which will bring forward the debate on both petitions.

Sandra White: I know that a number of members want to comment on the issue. I can understand the frustration of the petitioners—the petition has been with us for some time. I am certainly getting frustrated and angry at the lack of any final decision. I fully support the fact that the Public Petitions Committee will have a full or half-day discussion on the issue in the chamber. It absolutely merits it.

The Convener: I forgot to mention that the event is likely to be early in the new year, which is not as soon as I would have wanted. However, there are practical considerations because the chamber is not easily available. It is looking like it will be a Friday morning early in the new year.

Mark McDonald: I agree absolutely with that approach. I am sure that local authorities and the minister will be invited to the event, but it is important that we also invite the United Kingdom minister or representatives of the UK Government, given the role that they have to play.

The other important thing to emphasise—Mr Beaty has been banging this drum in many of his submissions—is that this is not just about seat belts. Coverage of the petition has focused too heavily on the issue of seat belts. Seat belts are a vital aspect, but there is a wider safety issue here. If the event can be tailored with that in mind, it will be to the benefit of everybody.

John Wilson: I have sat on the committee and considered the petitions over a period of time, and issues still arise. In the first paragraph of the

second page of his letter dated 15 August, the former Cabinet Secretary for Infrastructure and Capital Investment, Alex Neil, says that it has “proved impossible” to get data on costs from 20 local authorities.

The petition has been kicking around for a number of years. The committee has asked ministers and local authorities to provide information on the fitting of seat belts and yet, in a response to the committee, a cabinet secretary says that it

“has proved impossible, despite a sustained and exhaustive effort by officials through the Association of Transport Coordinating Officers”

to get the information that has been requested.

11:15

The petitioner was right to lodge the petition to try to get the issue resolved. I know that Ron Beaty felt frustrated in trying at the local level to get answers to the questions that have been raised. It should not be impossible for the Public Petitions Committee and the Parliament to get local authorities to respond to the crucial questions on the implementation of seat belts.

I said to one or two of my colleagues before the meeting started that I still see double-decker buses that are more than 20 years old and have no seat belts ferrying children on lengthy journeys to and from schools. I have sat on the committee for almost four years, and that has been going on throughout that time. To my mind, local authorities are taking no notice of the guidance or the encouragement and insistence of the Scottish Government and the Scottish Parliament, which want local authorities to consider fully the safety of the buses that ferry our children.

Ron Beaty must be congratulated on the tireless work that he has done on the petition. He has raised a number of other questions for the committee to consider today. I suggest that we continue the petition, send the questions off to the appropriate Government department and ask it for the answers. I would also like the committee to write to the new Cabinet Secretary for Infrastructure, Investment and Cities to find out what action she will take to ensure that we get the information that we seek from local authorities on the cost of fitting seat belts to all school buses and school transport in Scotland.

The Convener: You make your points very well, Mr Wilson.

We have noticed in other debates, not least on diabetes, that there is a postcode lottery between health board areas, but we also find that with local authorities. Either we cannot get information, or

we find that an authority uses a different cost base from everyone else, which is a bit bizarre.

We need to pursue the petition and ensure that the local authorities that have not responded do so. I think that we have a technical right to cite them. I am not suggesting that we do that, but we need to make it clear to them that we will name and shame them if they do not respond to us.

Are members happy with the proposed course of action of holding a major event on the issue? We have suggested some extra speakers for that, and the clerks are aware of our proposals. As I said, the event will be in the new year.

Members indicated agreement.

John Wilson: We should invite some of the authorities that have not provided costings so that they can be answerable at that event and say why they feel that they do not have to gather that information or take action on seat belt safety.

The Convener: I agree with that.

Thank you for your comments. We have agreed that we will continue the petition. We are looking forward to our major event, and we will chase up the local authorities and others that have not yet responded.

St Margaret of Scotland Hospice (PE1105)

The Convener: Our third current petition is PE1105, by Marjorie McCance, on the St Margaret of Scotland hospice. Members have a note by the clerk and the submissions.

I welcome Gil Paterson, who has taken an active interest in the petition for a considerable time—he is almost an honorary member of the committee. With apologies for the delay, I invite him to make some comments.

Gil Paterson (Clydebank and Milngavie) (SNP): I do not want to appear to sulk up to you, but it would be an honour to be a member of the Public Petitions Committee. Over the years, it has done some really good work. It is a credit to the Parliament, so we all benefit from it.

I draw the committee's attention to the letter from Jean Anne Mitchell, who is one of the petitioners. The second last paragraph highlights the crux of the matter. The last time I was here, I brought to the committee's attention some information that pointed out the disparity between what is paid to hospices throughout Scotland. The paragraph that I mentioned states that a hospice in NHS Greater Glasgow and Clyde's area that has 10 palliative care beds enjoys more funding than St Margaret's, which has 30 beds. That is a contradiction of the Government's recently published chief executive letter—CEL 12 (2012)—which gives guidance on achieving some parity

across the sector. I know that the committee has been extremely patient with the petition; I am fully aware of that. However, St Margaret's needs the committee's assistance yet again.

When I read the papers, I almost feel as if we are going round the houses and we need to be able to drill down into the situation a bit better. The Government says one thing and the health board says another. I would like the committee to write to the health secretary and perhaps pass on the letter from Jean Anne Mitchell. It would be worth getting the health secretary's input on it.

I am not making a threat in any way, but I will certainly write to the health secretary in support of the work that has been carried out by the committee. It is not an either/or situation and I think it would be beneficial if I wrote as the local member and I would be grateful if the committee would keep the petition open and ask for the cabinet secretary's comments.

The Convener: Thank you. The committee appreciates all the hard work that you have done at the local level. It is quite obvious that you have carried the torch well for the organisation.

My only caveat is that in the previous parliamentary session the committee looked at the petition on 13 occasions and we generally try to stick to the admissibility criterion that a petition should be Scotland-wide. I flag that up to the committee.

Sandra White: The petition certainly has been long-running and each time we write to the health board and others, we get more conflicting information. The original petitioner highlighted the fact that one hospice is getting more funding than another. We have had the short-life working group, which concluded and published the future funding arrangements.

Gil Paterson, you said that you will write to the cabinet secretary. Would it be sufficient for the committee also to write to the cabinet secretary, but close the petition while doing so? Would that be helpful to the hospice?

Gil Paterson: It would be a good idea for the committee to write, but if the committee took its foot off the gas on the petition, that would send out a psychological message. Although the petition has had some longevity, almost half of what has been brought to the committee has been achieved. I am saying almost half because we are not quite there yet, but a lot has been achieved because of the work of this committee. Closing the petition would send a message to those I seek to influence that our foot has been taken off the accelerator.

John Wilson: I am loth to close the petition. I know that the committee is trying to tidy up the

historical petitions, but enough issues have been raised by the latest submission, dated 14 September, on behalf of the petitioner about the clarification of the funding methods that NHS Greater Glasgow and Clyde is using in relation to hospices. I suggest that we regard the petition as applying to Scotland more widely, because the petitioner has raised the issue of funding for hospices in NHS Greater Glasgow and Clyde and how that compares with the rest of Scotland. There is a Scotland-wide focus on funding for hospices.

In particular, we need to ask the chief executive of NHS Greater Glasgow and Clyde for clarification of the disparity in funding between hospices in that area and why it continues. It is also important that we write to the new Cabinet Secretary for Health and Wellbeing, asking what work he will undertake to address the funding regimes that apply not only in Glasgow, but throughout Scotland, as there is a wider issue. I do not think that the situation that has been highlighted by the St Margaret of Scotland hospice is unique—there are other problems out there.

The hospice movement throughout Scotland is spending a lot of time and voluntary work on raising funds to provide essential care for people but it is being hindered by the funding regimes that are being decided at a local level by local health boards. We can ask the new Cabinet Secretary for Health and Wellbeing to put his mark on the issue and try to bring together the hospice movement in Scotland and the health boards to look at the overall funding throughout Scotland. In particular, there is an issue in NHS Greater Glasgow and Clyde that must be addressed. I think that the cabinet secretary should re-engage with the debate to get some resolution as quickly as possible.

The Convener: I am sure that members know about this, but in case they do not I advise them that the new chief executive of NHS Greater Glasgow and Clyde has issued a letter on the funding arrangements in order to clarify the funding issues.

Jackson Carlaw: As a member for West Scotland, where the St Margaret of Scotland hospice is, I have been happy to support Gil Paterson in his efforts in relation to the hospice over a long period. It is fair to say that the suspicion exists in the community that the relationship between the health board and the hospice is disingenuous, to put it politely. I detect within the letter a degree of sophistry in the language, which does not get to the nub of the issue that it is trying to address. I am, therefore, reluctant to close the petition. The chief executive's letter provides an opportunity to try to get an answer to the question that remains

outstanding and nothing would give the health board greater relief than closing the petition. Doing so would leave the issue unresolved and dangling in the air. There is a little more that we could yet do to press the matter to a conclusion.

Angus MacDonald: I agree with the general consensus that seems to be forming. I have sympathy with the petition and can see Gil Paterson's point that taking our foot off the gas would send out the wrong message. The committee should write to the health secretary and the chief executive of NHS Greater Glasgow and Clyde, seeking further clarification. It would send out the wrong message if we closed the petition now, and the position can be looked at again once we have received a response from the health secretary and the chief executive of NHS Greater Glasgow and Clyde.

The Convener: Committee members have all argued strongly along a similar line, which is to continue the petition. We will write to the chief executive of the health board and the health secretary. The new chief executive's letter will be crucial in all this. When it comes back, we will consider the next step and whether we want to close the petition. In the meantime, we will keep it open. I thank Gil Paterson for coming along to give evidence to us today.

Gil Paterson: I am very grateful to you, convener.

A90/A937 (Safety Improvements) (PE1236)

The Convener: The next current petition is PE1236, by Jill Fotheringham, on the A90/A937 safety improvements. Nigel Don MSP has a constituency interest in the petition and is here today. I thank him for coming along and ask him to say a few words to the committee about the petition.

Nigel Don (Angus North and Mearns) (SNP): Thank you, convener. I cannot help reflecting—as the committee members will—that some of the petitions have been around for a long time. I will adopt John Wilson's argument regarding the importance of this one. It would send entirely the wrong message to Transport Scotland if we were to close the petition—on the basis of locality, apart from anything else.

11:30

I am sure that the committee will have looked at the papers, and I refer members to the very last item, which is a letter from the north-east of Scotland transport partnership that is dated 10 August. The second to last paragraph states:

"The work undertaken to date has highlighted that the predictions for future traffic levels have been underestimated and therefore the case for an improved

solution has also been underestimated. It is anticipated that the final summary report on the above findings will considerably enhance the argument for upgrading the junctions at Laurencekirk.”

Members will be well aware of the issue. We are talking about a 20-mile stretch of the A90 that has no crossing whatsoever. There is no tunnel or bridge, and the main road is clearly dangerous to everybody who goes across it.

It is not so obvious that it is dangerous to those who proceed up and down the main road between Dundee and Aberdeen, but as far as I am aware that is the only point on the trunk road network where there is a permanent speed restriction of 50 mph. That is a unique circumstance, and it is wholly unacceptable.

I would be grateful if committee members would be willing to keep the petition open to await, at the very least, the final report from Nestrans and Aberdeenshire Council, so we can see what it has to say and decide whether we can bring to bear more pressure on Transport Scotland to get a grade-separated junction at Laurencekirk as soon as possible.

Mark McDonald: Nigel Don makes a compelling case. Given the comments in the Nestrans letter, I think that it is worth waiting for the report in order to see what pressure can be brought to bear.

On the previous occasion on which we discussed the petition, we had a letter from the petitioner that appeared to indicate that they had in effect given up hope of the committee’s ever coming to a satisfactory conclusion. We took some issue with that, and kept the petition open. I note that there is no letter or submission from the petitioner today. Can the clerks tell us whether there has been any contact of any sort with the petitioner in relation to the petition, or what the petitioner’s view is?

The Convener: We have not had anything directly, but we have kept the communication lines with the petitioner open.

Are members happy with the course of action that Nigel Don suggests?

John Wilson: Can we write to Nestrans to find out when it expects the report to be published? I note—as Nigel Don did—the number of times that the word “underestimated” appears in the letter. That raises concerns, because the evidence that we have received in the past from Transport Scotland and others has said that the work that was done to estimate the volume of traffic was rigorously carried out, and that Transport Scotland knew exactly what the level of road usage was. The Nestrans letter raises other issues.

I suggest that we write to Transport Scotland too, to ask for its views on the Nestrans letter and to find out whether it would like to comment ahead of the report’s publication on the likelihood of whether we can get some action from it on the grade-separated junction.

The Convener: I see that no other member wishes to contribute. Are members happy with the comments from Nigel Don and John Wilson? Do we agree to continue the petition?

Members indicated agreement.

The Convener: I thank Nigel Don again for coming along.

Speech and Language Therapy (PE1384)

The Convener: The fifth current petition is PE1384, by Kim Hartley, on behalf of the Royal College of Speech and Language Therapists, on “Giving voice—speech and language therapy transforms lives”. Members have a note from the clerk, which is paper 6, and the submissions. I invite contributions from members.

Sandra White: We know that the Government is undertaking a consultation on the allied health professions national delivery plan, in which the petitioner has participated. Their views will be taken on board in whatever appropriate decision is taken on the plan. With that in mind, we should close the petition.

The Convener: Do members agree with that suggestion?

John Wilson: I was going to suggest that instead of closing the petition we refer it and all the evidence that we have received to the Health and Sport Committee for consideration alongside the consultation responses that it will no doubt be examining at a later date.

Sandra White: You came in too fast, John—I was just about to recommend that. I was going to recommend that we close the petition and pass it on.

The Convener: Do members agree to refer the petition under rule 15.6.2 to the Health and Sport Committee for further consideration of the issue?

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 will have received the clerk’s note and various submissions.

As members will recall, we had a very useful site visit—as they call it in local government—to an excellent Barnardo’s facility in Glasgow, and I welcome representatives from the organisation to

the gallery. This is a very important petition and, having discussed it with some of the key staff, I feel that the more I look at it the more I think that it would make an excellent committee inquiry. No other committee's remit completely straddles the issues in question and, as far as I am aware, no other committee is carrying out an inquiry in this area.

A note from the director, which I believe is included in the papers, runs through certain useful matters such as learning and understanding more about the scale and nature of the issue in Scotland; meeting practitioners; visiting services that have been set up to tackle and prevent CSE; meeting local authorities, the national health service and schools; and helping to raise the profile of the issue throughout Scotland. As this is a matter for the whole committee, I throw it open to comments.

Sandra White: Unfortunately, I will not be a member of the committee when—as, I am sure, will happen—the committee holds an inquiry, but I certainly look forward to listening in on the evidence or, indeed, to taking part in it. This petition is really important; I visited Barnardo's in Glasgow before the committee made its own visit, and saw how easily young people can become trapped in a vicious circle and how hard it is for them to get out of it. The educational element is very important and I support the proposal for an inquiry.

Mark McDonald: As someone else who will not be taking part in the inquiry, I nevertheless agree that such a step is appropriate. I note that, after writing to a number of social media companies, we have received a response from MySpace, but not from some others. I think that it would be worth our while getting them to appear at some stage of the inquiry. Social media can play an important role in the discussion, so I wonder whether the committee might consider getting those companies to come to the committee and address concerns about how their websites, platforms and so on can be misused.

Angus MacDonald: There is definitely merit in the committee's taking a further look at the issue. It must be addressed and I believe that a committee inquiry is imperative.

Anne McTaggart: I want to put on record that Barnardo's Scotland does fabulous work in this area. However, it is hugely important for the committee to undertake an inquiry on this issue.

John Wilson: I support the convener's suggestion that the committee conducts an inquiry. I have to say, though, that I am surprised that no other appropriate committee has felt it necessary to conduct one; after all, the problem is becoming more and more prevalent and we need

to find out what is happening out there. If that requires the committee to conduct its own inquiry, I would welcome such a move and look forward to identifying and highlighting to other parliamentary committees the work that we will be carrying out.

The Convener: I thank members for their comments. The way forward will be for the clerk to analyse the comments, consider the petition carefully and come back with a report, under the terms of reference. Are members happy with that approach?

Members indicated agreement.

Staffordshire Bull Terriers (PE1396)

The Convener: The seventh current petition is PE1396, by Ian Robb on behalf of Help for Abandoned Animals, in Arbroath, on overbreeding and abandonment of Staffordshire bull terriers. Members have a note by the clerk, which is paper PPC/S4/12/13/8, and the submissions. I invite comments.

Sandra White: I have read the papers, and I think that all members have considered the issue closely. It is rather tragic that some breeds of dogs—not just Staffies—are thrown on the scrapheap by irresponsible owners. I suggest that we refer the petition to the Rural Affairs, Climate Change and Environment Committee, the remit of which includes animal welfare, for further consideration.

The Convener: Do members agree with that suggestion?

Members indicated agreement.

The Convener: In that case, we have decided unanimously to refer the petition, under rule 15.6.2, to the Rural Affairs, Climate Change and Environment Committee, the remit of which includes animal welfare, for further consideration.

Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)

The Convener: Petition PE1408, by Andrea MacArthur, is on updating of the understanding and treatment of pernicious anaemia and vitamin B12 deficiency. Members have a note by the clerk, which is paper PPC/S4/12/13/9, and the submissions. Members will recall that we had a successful debate of approximately an hour on the issue, in the chamber. I seek comments from members.

John Wilson: Sandra White has pointed this one in my direction because I have a particular interest in the subject, as my wife has been diagnosed with pernicious anaemia. Issues were highlighted during the debate about treatment of

patients with pernicious anaemia, particularly at general practices. I would welcome any move to introduce guidelines that would help patients who suffer from pernicious anaemia. The debate also raised the issue of the crossover between pernicious anaemia and conditions such as multiple sclerosis, which my wife also has. Patients throughout Scotland find that treatment is lacking and GPs are unsure about what is happening.

I suggest that we write to the British committee for standards in haematology to ask when its report will be ready. According to our papers, the report was supposed to be produced in June this year, but has been delayed until 2013. It might be useful to write to ask that committee when it expects the report to be concluded.

We were given assurances at previous meetings that the Pernicious Anaemia Society would be fully consulted and involved in discussions with the British committee for standards in haematology. According to the letter of 25 August, the Pernicious Anaemia Society has not been consulted, despite the fact that the chair of the society wrote to seek involvement in the discussions on how that committee intends to proceed.

I also suggest that we write to the Scottish Government for clarification of when it expects the report to be available, whether it intends to implement the findings of the report fully or whether, given the high prevalence of MS sufferers in Scotland and the lack of information on patients who suffer from pernicious anaemia, the Scottish Government will carry out its own study to find out where the nation stands in relation to patients who suffer from pernicious anaemia and the crossover with other conditions.

The Convener: Do members agree with John Wilson's recommendation?

Members indicated agreement.

Safeguarding Vulnerable People (PE1418)

11:45

The Convener: The ninth current petition is PE1418 by Katherine Alexander on safeguarding vulnerable people. Members have a note by the clerk and the submissions. I invite contributions from members.

Sandra White: We should consider closing the petition, as is suggested in recommendation 4, because the Government is to establish a working group, to which the petition and the responses will be forwarded. They will be considered alongside the other consultation responses. I think that the

petition will get a fair hearing at the working group, so I suggest that we close it.

The Convener: Do members agree to Sandra White's recommendation?

Members indicated agreement.

The Convener: Therefore, we will close the petition under rule 15.7.

Fair Isle Marine Protected Area (PE1431)

The Convener: The 10th current petition is PE1431 by Nick Riddiford, on behalf of the Fair Isle community, on a marine protected area for Fair Isle. Members have a note by the clerk and the submissions.

Members will recall that we took excellent oral evidence from the Fair Isle community. On our planning day, we considered a visit to Fair Isle, but decided that for resource and other reasons, such a visit was not appropriate. However, we kept open the option of holding a videoconference with members of the community in the future. There has been some fierce opposition to the petitioners' proposal from the Shetland Fishermen's Association. I say that to set the scene.

That said, the Fair Isle community has made some fair comments on the environmental grounds for designating a marine protected area, and some of the environmental agencies support its views.

Mark McDonald: I note that Marine Scotland has still to complete its final assessment of the development and research proposals, so I think that it would be wise to keep the petition on our books until that has been completed. We could reconsider it at that stage.

The Convener: Do members agree to that proposed approach?

Members indicated agreement.

The Convener: We will continue the petition while we await Marine Scotland's final assessment of the development and research proposals.

Ambulance Services (Remote and Rural Areas) (PE1432)

The Convener: PE1432, by Joseph Duncalf and Anthony Duncalf, is on improving emergency ambulance provision in remote and rural areas. Members have a note by the clerk and the submissions. I invite contributions from members.

Sandra White: We had a good debate on the issue. I know that it affects other members' areas more than the area of Glasgow that I represent, but all of us are concerned about the lack of emergency response in remote and rural areas. I would like us to keep the petition open and write to

the Scottish Ambulance Service. Other members might have more detailed comments to make, but I think that the petition is so important that we should definitely keep it open and write to the service to ask it to engage with the petitioners and with communities.

John Wilson: The petitioners raise a number of issues in their letter. As Sandra White has indicated, it is important that we write to the Scottish Ambulance Service. We should ask it about the first-responder meeting that was held in March, because the indication that the petitioners got from the survey that they carried out to find out about awareness of that meeting was that elected members were not aware of it. Therefore, it would be useful to find out from the service what is happening.

It would also be useful to write to the Scottish Government to find out what actions have been taken and what discussions have taken place with the service about response times in Dumfries and Galloway and how they could be improved. We would want response times in that area to be closer to the national average, so that its residents do not suffer from what is commonly described as a postcode lottery when it comes to ambulance provision.

The Convener: Thank you for that. Do members agree to that course of action?

Members *indicated agreement.*

Use of Productive Land (PE1433)

The Convener: The 12th and final petition for consideration today is PE1433 by John Hancox on productive land for landless Scots to grow their own food. Members have a note by the clerk and the submissions. I invite contributions from members.

John Wilson: I must declare a particular interest in the issue. Our first evidence session today was on safe play areas. To all intents and purposes, PE1433 is about turning over unused public land or other unused land for useful food production. However, food comes in many shapes and sizes; it can be produced from fruit from trees, for example. The petition should be continued. I should declare my membership of a number of organisations that have given us detailed responses to the petition.

The petition has raised a number of issues, and it might be worth our while to write to the Scottish Government and others to find out where we can move forward issues to do with bringing into productive use green spaces and other places that could be used by communities and others to provide local produce. As I said, that produce does not need to be vegetables; it could be fruit.

I know that the petitioner has done a lot of work with schools and others to try to get community orchards and growing areas. He has done a lot of work in Glasgow—in the botanic gardens in particular—to get local schools involved. It would be useful to write to the Scottish Government to ask about the issues that the petitioner has raised, and how we can progress them collectively and utilise land that is currently unused—that ties in with the issue of play—for local food production.

Mark McDonald: I go back to our first discussion today. It seems that the focus should be on the proposed community empowerment and renewal bill, and we should guide the petitioner to it. Obviously, we should do that fairly soon, as the consultation closes next week, but that is the appropriate vehicle to take the issue forward. The committee may want to keep the petition open, but the issue sits more readily in that bill process.

The Convener: John Wilson talked about writing to the Scottish Government and others. Will he clarify who the others are?

John Wilson: As I said, there were a number of respondents. RSPB Scotland, for instance, gave information about its work with North Lanarkshire Council in its response and said that some of the work has been halted. It said:

“Following discussions with Scottish Government, we identified one such area close to our Baron’s Haugh Nature Reserve in Motherwell.”

That is in my region. It said that it had

“approached North Lanarkshire Council to arrange discussions on how to take forward this idea. Currently, lack of resources and staff to fulfil this project have meant it has had to be put on hold”.

That takes us back to the earlier debate about play. If organisations are willing to get engaged in delivering such aims, they may not be being delivered because of a lack of resources or commitment. I do not always believe that it is down to resources; it can sometimes be down to a lack of local authority commitment to actively engaging in turning around green spaces in communities.

As I said, it might be worth our while to write to the Scottish Government to ask what discussions are taking place with local authorities and others, including some Government agencies that have responded, to find out what is happening, and to find out what resources we need to identify and put in place to ensure that we can deliver. I find it difficult to believe that it is all down to monetary resource; in some respects, I think that it is simply a matter of willingness to actively engage and turn over areas to local communities. I know that there is a major push in the Scottish Allotments and Gardens Society to make more land available in

Glasgow and other parts of Scotland so that people can grow their own produce.

The Convener: Do members agree that we should continue the petition and that we should write to a number of organisations—including the Scottish Government, particularly in respect of the proposed community empowerment and renewal bill—that members, including John Wilson, have mentioned?

Members *indicated agreement.*

The Convener: I will formally close the meeting.

Mark McDonald: Before you do so, convener, I want to say something. You were very kind in putting on the record your thanks to Sandra White and me. I record my thanks to you and the clerks for all the work that you have done with the committee. I have thoroughly enjoyed my time on the committee and have learned about issues in which I would never ordinarily have taken an interest. Obviously, I have an interest in at least one of the petitions progressing, so I may come back to haunt you.

The Convener: Again, I thank Mark McDonald and Sandra White for their contributions.

Sandra White: Thank you very much, convener. Like Mark McDonald, I thank you and the clerks for the support that we have received from you. I have thoroughly enjoyed my time on the committee. This is not the first time that I have been on it; I was taken off it, and I came back to it. Who knows? I might be back again. I genuinely think that the committee is one of the best—if not the best—in the Parliament, as it reaches out to everybody and has many different facets, and we can all learn from the people who submit petitions and come along.

I am sure that we will miss you all, but I will happily be at the conference on 27 October on the committee's behalf, as was said a couple of weeks ago. As a previous deputy convener of the committee, I will happily do that, if the committee wants me to do so.

The Convener: I am sure that the committee would be very happy with that. Again, I thank both members for their contributions.

Meeting closed at 11:56.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by APS Group Scotland.

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to
order in hard copy format, please contact:
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

e-format first available
ISBN 978-1-4061-9588-0

Revised e-format available
ISBN 978-1-4061-9602-3

Printed in Scotland by APS Group Scotland
