



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 19 February 2013

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PUBLIC PETITIONS COMMITTEE
4th Meeting 2013, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)

*Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP)

*Angus MacDonald (Falkirk East) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Tony Ivanov

Gil Paterson (Clydebank and Milngavie) (SNP)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 4

Scottish Parliament

Public Petitions Committee

Tuesday 19 February 2013

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

Decision on Taking Business in Private

The Convener (David Stewart): Good morning. I welcome everyone to today's meeting of the Public Petitions Committee. As always, I remind people to turn off any mobile phones or electronic equipment, which can interfere with our sound system.

I welcome guests from the City of Edinburgh Council, who are in the public gallery. I understand that they are observing us because they have set up their own petitions committee. They are very welcome—perhaps we can observe their petitions committee in due course.

Agenda item 1 is a decision on taking business in private. Does the committee agree to take item 4 in private?

Members *indicated agreement.*

New Petitions

Vacant Land in Private Ownership (PE1465)

10:02

The Convener: Agenda item 2 is consideration of two new petitions. As previously agreed, the committee will take evidence on only one of them—PE1465, by Tony Ivanov, on the maintenance of vacant land in private ownership. Members should have a note from the clerk, a Scottish Parliament information centre briefing and a copy of the petition.

Mr Ivanov, you are very welcome. Thank you for coming along to the committee today. I ask you to give us a brief opening statement, which will be followed by questioning from me and my colleagues.

Tony Ivanov: Good morning, everyone. The petition started out on behalf of the local community, and it is about plots of land. Normally, when developers create housing estates, they create various green belts, so to speak. Some of those might be for children's play areas, and others might be just so that the place looks nice for the community.

Over the course of time, for various reasons, those pieces of land have been acquired by speculators in the hope that they might build on the land. They have taken away the children's playgrounds and so on. However, many of those people have then been refused planning permission, either because the ground is not suitable or for various other reasons, so they have just let the land go into disrepair. I have provided some photos to give an indication of what I am talking about. The vacant land is spoiling the community, it is just an eyesore and it can be a breeding ground for vermin.

For 20 years, we have been trying to get something done about that in the local community. I took the issue to my regional MSP but, unfortunately, he totally ignored all my requests to get things done. I took it to another MSP, and he informed me that it is a national issue that extends to the whole of Scotland—it probably affects England as well, but let us deal with Scotland. I thought, "Well, if it is a national issue, what can we do?" In the end, I thought, "Why not petition Parliament? I will give this a go and see how we get on from here."

I lodged the petition to see whether anything can be done. At the moment, there is no law that says that landowners are obliged to keep their ground in a respectable condition for the

community. I want to see whether we can achieve that.

The Convener: Thank you very much for coming along to the committee to present your petition to us. Before we look at the next steps, my colleagues and I have a few questions to try to get more information on your petition.

As you probably know, the briefing that we have been given points out that the Town and Country Planning (Scotland) Act 1997 provides councils with the ability to take action to abate adverse effects. This might not be information that you have to hand, but have you tried to use that legislation to resolve your problem?

Tony Ivanov: Along with my local councillor, we have been hammering the council about the issue. The council has looked into the matter in depth, and at every stage it has come back to say that absolutely nothing can be done. It was the same with Mark Griffin MSP, who helped me.

The only thing that we came up with is that a similar petition was lodged previously and there was a consultation document called "Maintenance of land on private housing estates". However, that covers a different issue, whereby all the occupiers are responsible for those sorts of pieces of ground under a land management agreement. That is totally different from what we are asking about.

The Convener: It may well be worth our approaching the Scottish Government to get a more detailed understanding of how the 1997 act is working in practice but, obviously, that is for the committee to decide. You have certainly raised an important point. I am sure that my colleagues will have other questions that they want to raise.

John Wilson (Central Scotland) (SNP): Good morning, Mr Ivanov. You have cleared up one issue that I was going to question you on—ground maintenance contracts. The photographs that you have provided for us today are useful, but they do not take into account the ground maintenance of the areas that you are talking about.

You referred to play areas. I understand that the developers of housing estates are usually asked to give back something in kind to the community, which is often a children's play facility in a central area. In your oral presentation, you indicated that some play areas have been purchased by speculators, as you described them. I understand that the maintenance of such play areas should be subject either to a common agreement among the householders in the area or to a land management scheme to ensure that they are maintained to a reasonable standard. Are you saying that that is not happening?

Tony Ivanov: That is not happening. I can speak about the play area in my housing estate,

which may be representative of others throughout the country. The developer who built the housing estate went bust. Perhaps in an attempt to recoup costs, bits of land were sold off—according to my council, that was done. I do not know whether they were perhaps the council's property at one time even—maybe the council sold them off to get rid of some of the family silver, so to speak—but they are in private ownership now. As I said, because the owners have been refused planning permission, all those grounds are just an eyesore in the community.

John Wilson: The reason for my question is that the planning consent that was granted to the developer should have included details on what play areas and other facilities were to be constructed as part of the consent to build. If you are saying that the developer put forward plans to build houses that included a play area but that the land on which that play area stood has now been transferred to another developer—or what you described as a speculator—I find that difficult to understand, if the planning consent detailed that a play area had to be provided.

Tony Ivanov: I understand what you are saying. I can go only on what my present and previous councillors told me when they looked into the issue. We have battled on it for at least 10 years. Every time, the council has come up and said that this is the situation. I just have to accept what it says to me. If it says, "This is such-and-such," I need to take that for granted.

It is the same thing with MSPs. I have done my bit by asking them for the information. If they come back and tell me something, I have to accept it.

John Wilson: I will leave it at that for the moment, convener.

Chic Brodie (South Scotland) (SNP): I hear what you say about having to take what the council tells you. That is not necessarily a route that some of us would pursue. Have you checked who owns the lands that you are talking about? Are they registered?

Tony Ivanov: I have certainly checked two plots in my area. My councillor got the council to check the land registry and I believe that the people who own the land have been approached to no avail.

Chic Brodie: On what basis were they approached?

Tony Ivanov: You will see on one of the photographs that there is a public footpath, which was overgrown and blocked. Eventually the council came and cut back the vegetation, and I assume that it will bill the person who owns the land. The owner was just not interested.

Chic Brodie: Given that lack of interest, has anyone approached the Health and Safety Executive?

Tony Ivanov: The council keeps coming back and saying that it has done everything. I get on to the council every month in the hope that, somewhere along the line, someone will say that they had better do something about the issue, but the council just keeps coming back with the same answer—that its hands are tied, there is nothing that it can do and no legislation exists. If the property was council property, it could have done something, but because the property is in private ownership, it can do nothing.

Chic Brodie: The local authority still has some responsibility under planning legislation. Have you thought about approaching any body outside the local authority, such as the Health and Safety Executive?

Tony Ivanov: No. I would have thought that Mark Griffin, my MSP, would have advised me if there was such a body. I have to trust such people. He is more educated on these subjects than I am so, if there is an avenue that I can go down, he should tell me, but that has not been forthcoming.

Chic Brodie: Are there any health implications of the areas not being developed?

Tony Ivanov: There are vermin, such as mice, but the council says that it cannot do anything about mice. If it was rats and people's homes were being infested as a result, the council might be able to take action.

The pieces of ground are just complete eyesores in the community. It is just unfortunate that I seem to be the one who is taking action.

Chic Brodie: No, it is quite courageous. Are you sure that there are no tigers in there?

Tony Ivanov: I did think about getting a farmer to supply me with a hundred rats to throw in.

Angus MacDonald (Falkirk East) (SNP): Perhaps it would be best not to go there.

We can all identify areas of land in our constituencies that have been virtually abandoned and are lying untended and unkempt. It is probably fair to say that different local authorities do not prioritise the issue in a way that we would prefer.

The position of local authorities is made more difficult by the fact that there is no criminal sanction for failure to comply with a waste land notice. Perhaps the committee should take that point up and bring it to the attention of the Scottish Government and the Convention of Scottish Local Authorities with a view to encouraging revision of the legislation to allow for such criminal sanctions. That would give the local authorities an extra

hammer to hit landowners with. Would that be a step in the right direction?

10:15

Tony Ivanov: We certainly need something to be done. From the feedback that I have had, I think that the situation is happening all over the place. I really do not think that people should get away with it. I have nothing against speculators trying to make a profit for themselves in the future but, if someone owns a piece of land, they should at least keep it tidy and let the community see that it is okay. All the plots that are going into disrepair are a blight on communities.

Angus MacDonald: Absolutely. I have immense sympathy with your point. I hope that we can consider changing legislation to ensure that local authorities can impose a penalty on landowners and speculators.

Anne McTaggart (Glasgow) (Lab): Mr Ivanov, I feel your frustration on the issue, and I admire your strength for keeping hard at it to try to resolve it. Thank you for bringing the issue to our attention. Although the convener said that there is a law on the issue, it is clear that it is not working in practice. It is important for us to contact the Scottish Government and COSLA to get details on how the legislation is working—or not working—in practice. We should highlight the petition to those bodies and try to get answers.

Tony Ivanov: At one point, some plots of ground in my area were not fenced off, even though they were in private ownership. I can speak only about my area, but I imagine that the situation might be the same elsewhere. They were grassed areas, and the council used to tend to them and cut the grass. Then, the landowners told the council to stop that, because they wanted to build on the land, and some areas were fenced off to stop the council going in. I think that the landowners' idea is that, if they let the land go into a bad state, the council will eventually decide to just give them the planning permission, and that will be it over and done with. However, as I say, there are reasons why the council will not give planning permission in various areas, and those should be adhered to.

The Convener: There are questions about the current law and how useful it has been. As members have suggested, it would certainly make sense to write to the Scottish Government and COSLA.

John Wilson: I suggest that we also write to ask Falkirk Council for its views. I am particularly interested in Mr Ivanov's point that open space that was set aside as part of a housing development and which, as I mentioned earlier, would have been part of the planning consent is

now being sold off to speculators—to use Mr Ivanov's term—that hope that they might eventually be able to build on those pieces of ground. My difficulty is that, if planning consent is given to a developer for a development that includes open space, there is an onus on the developer or residents in the area to maintain the open space. There are issues about what has been done in the intervening period between an estate being built and the land being sold off.

I am particularly concerned by the allegation that play areas have been sold off to potential developers. As I said, such play areas are part of the community gain from developments. Many local authorities insisted—and still insist—that play areas should be included in new housing estates. If a developer has sold a piece of land, which has been allowed to return to natural vegetation or has not been kept in a proper manner or a manner that is expected by residents in the area, that issue needs to be dealt with. It would be useful to examine Falkirk Council's responses to the issues that Mr Ivanov raises.

Jackson Carlaw (West Scotland) (Con): Mr Ivanov's petition is useful. We probably imagine that more is being done than it appears is being done. This is one of those issues to which the application of common sense is not very common after all. I notice that neither we nor the Government have considered the issue for a number of years. Paragraph 5 of our briefing paper points out the inherent weakness in the current situation.

If we are writing to ministers, we should ask specifically how many appeals have been made to them to avoid having to implement a waste land notice, as that might give us an early indication of how many such notices have been served. The clear suggestion is that somebody who has been served a notice can avoid doing anything about it until a minister has heard an appeal. Part of me thinks that a person who is served with a notice would inevitably take that course of action to avoid having to incur any cost or do anything.

If we find that there have been very few appeals, we might need to write to local authorities—perhaps we should do so in any event—to see how often waste land notices are being served and what criteria are being applied, because the suspicion is growing that a number of authorities take the view that, with no particular sanction in place, it is all a bit of a bother that they would rather not get involved in. I think that we all have constituents who imagine that more is being done, and we probably imagined that, too.

The Convener: That is a good point.

Chic Brodie: I echo and support that. My question is: why should we particularise Falkirk

Council? I know that Mr Ivanov has concerns about that council, but Jackson Carlaw's point is well made. We should ask several councils—we could take a random sample—or all of them how many waste land notices they have issued over, say, the past five years. I suspect that we will find that the answer is nil.

The Convener: It has also been suggested that we write to COSLA on the basis that it represents all the local authorities. I hope that we will get a cross-representation of local authorities' views on the issue.

Are members happy with the course of action that has been identified by various members, including me?

Members indicated agreement.

The Convener: I thank Tony Ivanov very much for coming to the meeting, presenting his petition and giving evidence. As you have heard, the committee is very interested in your comments. Our staff will keep you up to date with developments, and we will write to all the bodies that we have mentioned. When we have received answers, we will discuss the petition again at a future meeting.

I suspend the meeting to allow our witness to leave.

10:22

Meeting suspended.

10:22

On resuming—

Non-residential Services (Local Authority Charges) (PE1466)

The Convener: The second new petition is PE1466, by William Tait, on local authority charges for non-residential services. Members have a note by the clerk, which is paper 2, a SPICe briefing and a copy of the petition.

John Wilson: I welcome Mr Tait's petition, which highlights the concerns of a number of relatives in particular who have found that the care in the community service charges that local authorities levy seem to vary from authority to authority. As the petitioner has indicated, there seem to be no standard charges and there is no guidance on standard charges. The Scottish Government issues guidelines, but I understand that it is up to local authorities to determine their own charging regimes.

It may be useful to continue the petition for further examination. From the information that we have received, I note that the Scottish

Government has been looking at the issue and that a short-life working group has been established this month

“to review social work complaints and appeals procedures”.

It might be useful if we investigate through the Scottish Government whether that short-life working group will also look at the charges that local authorities levy, because we could end up once again with a postcode lottery. If a person lives in one authority area, they may be charged at one level, while a neighbouring authority may charge at a different level.

People need to get answers about the inequity that they see taking place. Local authorities may—quite rightly—say that their level of service is much better than that in a neighbouring authority area, but we should look for a common approach to charging regimes and the delivery of services.

The Convener: As no other member wishes to contribute, are members happy that we continue the petition, speak to the Scottish Government and COSLA, and in particular take up John Wilson’s very good point about the short-life working group?

Members *indicated agreement.*

Current Petitions

St Margaret of Scotland Hospice (PE1105)

The Convener: PE1105, by Marjorie McCance, is on the St Margaret of Scotland Hospice. Members have a note by the clerk and the submissions. Gil Paterson has come along again to speak on behalf of the petition.

Gil Paterson (Clydebank and Milngavie) (SNP): Since my last appearance at the committee, the hospice has undergone a Healthcare Environment Inspectorate inspection, in which it scored the maximum across the range of six sectors. Such an achievement is pretty unheard of. I know that some of the members who are here today have offered support to the hospice, for which it is grateful.

The HEI inspection can be seen and measured, but what members have not seen is how the service that is provided helps individuals. Not every day, every week or every month, but frequently, when I am going about my normal business, people from across the board come up to me and talk about the hospice. It is almost as if Sister Rita, the chief executive, has sent a wee note out to people to tell them that they should keep me on my toes by talking to me about the hospice. The almost universal message that I am given is about the good way in which loved ones, family members and friends have been dealt with there.

Of course, that level of service comes at a price. I am concerned about the amount of responsibility and effort that is being shouldered by the board to raise funds to cover what I call a shortfall in the resources that are provided. I think that that causes enormous strain. The amount of money that people give to charities is decreasing at present, and I worry that the hospice will not be able to cope, even though the board is innovative with regard to fundraising and puts a lot of effort into doing it.

The amount of money that the hospice receives from the health board is the lowest amount that is received by any hospice from any health board. I do not think that that measures up to the service that it provides. I do not know what the right amount is, but I might suggest that we could expect the norm to be the average. Of course, whether the average would be enough is open to question, but the hospice does not even get that much; it gets the least.

There is an expectation on the Government’s part—as you can see in the letter from the cabinet secretary—that there should be a resolution to the issue. Discussions are taking place and I think that, with a bit of good will and perseverance, we

can come to an amicable solution with which both parties feel comfortable. That is practical and possible.

To be quite frank, I have run out of ideas when it comes to asking the committee to do something. However, because of what is happening at present, this would be the wrong time to close the petition. The fact that there is a live petition in Parliament is, in itself, helpful to the process. It would send the wrong message if the petition was closed, as it might look as if the problem had somehow gone away. I do not regard this as a local issue. The fact that NHS Greater Glasgow and Clyde supports a number of organisations such as the hospice but that it receives the lowest level of funding shows that there is a national issue.

I wish that I could solve the issue locally by using my office to make the difference that is needed, but I need your help, and I ask you to keep the petition open.

10:30

The Convener: I thank Gil Paterson for coming before the committee once more; he has been very loyal in attending in support of the petition. The fact that it has come before us 17 times does not reduce its value, and I am delighted that the recent inspection was so good.

As Mr Paterson said, the cabinet secretary is looking for a quick resolution to the issue. At one level, it is important that we move petitions along but I, for one, would be keen to know what the outcome will be. Are members happy to continue the petition until there is a resolution?

John Wilson: I should declare that I visited St Margaret of Scotland Hospice a couple of weeks ago. I had a meeting with Sister Rita, the chief executive, and others and was given a tour of the hospice during which I met some of the staff and others in the hospice. It is an excellent facility, and as the inspection report that Gil Paterson mentioned makes clear, it is viewed as such by others.

I think that we should examine a couple of issues, particularly with regard to NHS Greater Glasgow and Clyde's response, which refers a couple of times to funding for "agreed" services. I would like to ask the health board whether there is a difference between the service delivery agreed for the other five hospices in the board's area and that for St Margaret of Scotland. The health board's response mentions other issues such as "bereavement and spiritual support" and I would like to know not only what funding is being provided for that but, as the committee has tried to find out in the past, whether there is parity in the funding for the hospices in the health board's area.

We should also ask the health board and the Scottish Government about the national hospice quality improvement forum, which, according to the health board's response, has not yet been established even though

"the Board is awaiting guidance"

from it. It would be useful to find out where we are with that forum and when it is likely to conclude its deliberations on the advice that it will issue to health boards, so that we can take the matter forward.

As you and Gil Paterson have indicated, convener, we need to keep the petition open until we get answers to some of these questions. It seems that, every time we hit a brick wall, we get information that knocks out another brick and creates an opening that allows us to raise other issues. It might be that hospices in NHS Greater Glasgow and Clyde's area are not being treated equally, and it would be useful to examine that matter. I am certainly keen to hear more about the quality improvement forum that is mentioned in the health board response.

Jackson Carlaw: I, too, am keen to keep the petition open. As I have previously declared, a relative on my wife's side of the family received end-of-life nursing at St Margaret of Scotland Hospice.

The hallmark of the petition is that it has been like trying to grasp a bar of soap in the bath. A solution was not in prospect until the health board's preferred route collapsed around it, which, in turn, led to a much more positive discussion with the hospice. The impression created in the minds of all MSPs and activists working on behalf of the hospice was that this was never what the health board wanted to do but what it felt it had to do, despite its seeming to be the most obvious course of action to everyone who supports the hospice.

Gil Paterson is right. Given the history of the issue, the existence of a live petition will help to ensure that we get hold of that bar of soap in the bath. Given the cabinet secretary's explicit commitment to the health board's arriving at a resolution, I would like to keep the petition open until the cabinet secretary says that he believes that a solution has been agreed. At that point, I will be content.

Chic Brodie: Like Jackson Carlaw, I support the view that we should continue the petition until the cabinet secretary is satisfied.

My concern is about the letter from the petitioner on how NHS Greater Glasgow and Clyde allocates the funding. According to the letter, the board funds 50 per cent of the agreed service costs for the hospice, but there is no comparison of how it

treats this hospice and other hospices. I am surprised that there is no value proposition on how that funding is arrived at. Out of courtesy, if nothing else, the board should indicate the basis of the funding arrangement.

The Convener: It is clear that members have taken Gil Paterson's advice and that we wish to continue the petition. After 17 hearings, so to speak, it would be really good if we were able to get a resolution to the issue. All members speak highly of the care that the hospice provides. However, the key issue that we need to establish is equity.

I thank Gil Paterson for coming along. Let us hope that, at the next meeting that you turn up to, we will finally get the issue resolved. We will continue the petition and await a resolution to the problem.

Gil Paterson: It is much appreciated. Thank you.

Mosquito Devices (PE1367)

The Convener: PE1367, by Andrew Deans, on behalf of the Scottish Youth Parliament, of which he is a member, is on banning Mosquito devices. Members have a note by the clerk and the submissions.

This is perhaps one of the most significant petitions that we have received. When the inventor of the device and Andrew Deans came before us, even the inventor said that in an ideal world we would not have such a device. We have had the minister before us as well. There are clear issues relating to the United Nations Convention on the Rights of the Child, and there is the general issue of being prejudicial against one sector of the community.

I am appalled that these devices still exist and I am mystified about why we cannot resolve whether the Scottish Government and local authorities can ban them if they think that there is a legal case to do so. There appears to be a huge impasse on the issue of who has the power to ban the devices. I am in no doubt that the Scottish Government is equally appalled by the devices, particularly given the evidence to the previous committee from Fergus Ewing, the then Minister for Community Safety. That is one thing, but it is also about having the teeth and the power to ban them.

We received a strong letter from the Commissioner for Children and Young People in Scotland, which was helpful. As members know, the Scottish Youth Parliament is keen that we should defer the petition until it pulls together evidence that it can submit to us. If I remember

correctly, it is keen that we should invite the minister to attend and hear that new material.

Members will note that we will have a joint meeting with the Scottish Youth Parliament a week on Friday, and I am certain that the petition will be raised at that meeting. My advice to the committee is that we take the advice of the Scottish Youth Parliament and defer the petition until it has been able to pull together further detailed evidence.

John Wilson: I welcome the response from the children's commissioner, Tam Baillie, who has given a commitment that the commission will consider the issue towards the end of the next financial year. The issue is how we tie in the further information on the petition from the Scottish Youth Parliament with that work by the commission. It might be useful to seek advice from the commissioner on when he expects to report on the issue. He has given us a rough timetable for the inquiry, but it would be useful to get some definite information on when he hopes to conclude it.

The commissioner can perhaps do more on the issue than we can expect from the Scottish Government at present. However, I agree that we need to keep pressure on the Scottish Government to try to get the issue resolved. I hope that, through the commissioner, the Scottish Youth Parliament and the pressure that the committee can place on the Government, we can get some resolution.

The Convener: Thanks for that.

Angus MacDonald: I agree with your comments, convener, and those of John Wilson. I concur with the comment by Tam Baillie, the Commissioner for Children and Young People, in his recent letter to the committee that the petitioner has shown

"considerable determination in pursuing this matter".

The petitioner must be commended for that.

Given the commissioner's stated concerns and those stated previously by the National Autistic Society, I feel that we should give the Scottish Youth Parliament the chance to pull together further evidence. It would be helpful if, when collating evidence, it looks at whether Mosquito devices have been withdrawn or banned in any other European country. It would be interesting to find out whether that is the case. If members of the Scottish Youth Parliament are listening, perhaps they will take on board that aspect as well.

Jackson Carlaw: I am always willing to defer to the good sense of the convener, but I have to say that, left to my own views and having listened to and reviewed the evidence that the minister gave when she was most recently before us, I would

have been minded to close the petition. Despite the objectionable nature of the devices, I am not satisfied that enough of them are in operation—or that we have the required evidence—for the matter to be taken through a legislative process in Parliament. The minister also indicates that succinctly in her response. However, I am happy to defer to the convener's advice on the matter.

The Convener: I appreciate Jackson Carlaw's comments. On the demand, the Scottish Youth Parliament is saying that it wants to determine what use there has been of Mosquito devices.

Jackson Carlaw: I feel that it has had a long time in which to do that. The petition was lodged over two years ago. I appreciate the perseverance with regard to it, but I am disappointed that only now are we at the stage at which the Scottish Youth Parliament might think that putting that information together is of value in support of the petition.

The Convener: I appreciate your comments.

Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): There is a question of principle as well as one of practice. I understand where the minister is coming from in her demand for evidence, but the fact is that the device is aimed specifically at young people, so it is discriminatory in nature. I therefore think that there is logic in having legislation in the area, and it would perhaps not need to be underpinned by a large body of evidence.

The letter from the member of the Scottish Youth Parliament is robust and he is to be commended for the vigour with which he approaches the issue. The Scottish Youth Parliament deserves to have an opportunity to bring forward any evidence that it manages to collect on the matter.

The Convener: Thank you. Do other members wish to contribute?

Angus MacDonald: Unfortunately, I was not on the Public Petitions Committee when it took evidence on the petition. Would it be possible to contact the manufacturer of the devices again, not to ask for details of individual sales but to ask how many have been sold in Scotland?

The Convener: Yes, that is certainly possible.

Angus MacDonald: It would be good to get that figure.

The Convener: On my earlier point about our meeting with the Scottish Youth Parliament a week on Friday, I suggest that we formally contact it to say that we want the petition to be placed on the agenda. Jackson Carlaw has a fair point in that speed is an issue for us as well. That will be our next meeting, and it is not far away. All the

committee will meet that day, so I think that it is important that we have the item on the agenda.

Do members agree to defer further consideration of the petition to allow the Scottish Youth Parliament to get further evidence to bring back to us, albeit with some sort of timescale?

Members indicated agreement.

Wild Land (Protection) (PE1383)

10:45

The Convener: PE1383 is by Helen McDade, on behalf of the John Muir Trust, on better protection for wild land. Members will have a note by the clerk and the submissions. I welcome to the public gallery Ms McDade, who recently gave evidence on the petition.

As members will know, the minister was

“not persuaded by the case for”

any new designations and I understand that we are still waiting to hear from Scottish Natural Heritage about the status of phase 2 of the mapping exercise, which will be quite crucial. From memory, I think that we agreed to take evidence from Helen McDade once we had received that mapping exercise. Do members have any comments?

John Wilson: I am disappointed, to say the least, in the minister's response to the committee and would be interested to hear Helen McDade's response to it. In one paragraph, for example, the minister says:

“I am not persuaded that there is a case for a new statutory designation for 'wild land' for a number of reasons”

which he sets out. However, he then says:

“We intend to consult upon both a draft Scottish Planning Policy and Main Issues Report for the Third National Planning Framework in March this year. The question of the appropriate policy approach to wild land is one on which we will be very keen to hear views as part of this consultation.”

There seems to be a contradiction there; the minister says that he has not been persuaded of the case for a new designation and then says that he is keen to hear others' views on the matter. The question is whether the minister will listen to the views that are being expressed and, if there is clear evidence that a new designation is needed, act on that basis or whether he will stick with the line that he has taken in the response, which is that he has not been persuaded of

“the case for a new ... designation”.

I certainly seek clarification from the Scottish Government on the purpose of the consultation that has been mentioned, where it will lead if the

evidence and views clearly demonstrate the need for a new designation and whether the minister can be persuaded to change his view on the matter. After all, there is no point in having a consultation if the minister's view is already set.

Like you, convener, I want to find out what point SNH's mapping exercise has reached. We were assured that it would be done in 2012 but, as far as I am aware, it has not yet been undertaken. Until we see SNH's report, we cannot determine whether we should continue to support the petition and seek suggestions on how we might take it forward.

The Convener: One option would be to invite the chair and/or chief executive of SNH to give the committee a brief presentation. Is the committee agreed?

Members indicated agreement.

Chic Brodie: Issues such as the relationship between guidance for planning authorities and the lack of consistency and the apparent inability to produce spatial frameworks in development plans for particular areas and to take on board the definition of "wild land" do not apply only to this petition. I have previously raised concerns about the permissibility of a wild land designation; I feel that it should not obstruct economic development, which, indeed, brings us back to the question of who owns the land. I keep asking that very question. When the Economy, Energy and Tourism Committee examined the issue, we found that we know the ownership of only 21 per cent of Scotland's land; a wild land designation must consider the role of landowners, quasi-landowners and what have you.

SNH obviously plays an important role, and it needs to be much clearer not only in its guidance but in the legislation that might have to be applied to ensure that planning policy considers the natural landscape with regard to whatever developments may or may not be required.

Anne McTaggart: I would welcome SNH's appearance before the committee to tell us what point the phase 2 mapping exercise has reached.

Jackson Carlaw: This is one of the most ineffectual ministerial letters that I have read in response to a petition. It strikes me that Mr Wheelhouse is trying to wheelbarrow the issue into the file marked "No further action". Its hallmark is the suggestion that he knows something that we do not know. He is not prepared to tell us what it is, but it absolutely persuades him of his case. He then conflates that in the second half of the letter with a suggestion that sinister forces are acting against the Government's energy policy, which underpins their motivation in seeking to provide protection for the best areas of wild land. We want to hear from SNH, but we are getting to the point

at which the people who are frustrating progress need to stand before the committee and explain why.

The Convener: The committee is keen to hear from the chief executive and/or the chair of SNH. Shall we also invite Paul Wheelhouse, or is that premature?

Jackson Carlaw: We need to hear from the minister, but I am not sure at what point. I do not want him to be able to come to the committee and say, "I hope at some stage to be able to share further information with you, but I can't yet." I want the information to be available and for him to explain what it is in that information that has persuaded him to not take any further action.

Chic Brodie: I am bursting with support for Jackson Carlaw. I am getting sick fed up of certain bodies not doing work that they have been given to do. I am sorry if that offends SNH; it applies to other bodies too. We should know exactly what they are doing, who is responsible for it, and when it will be produced. If they cannot do the work, we need to suggest other ways to the Government. As I said, this issue has cropped up elsewhere and it is important for such bodies to explain to the committee exactly what they are doing without any obfuscation.

The Convener: That is a good point and it sounds as though members are of one mind. As a first step, we want to take evidence from the chair and/or chief executive of SNH. Once we have that, we can determine at what stage we will take evidence from the minister. We could then invite Helen McDade back to the committee for completeness. Do members agree to that approach?

Members indicated agreement.

A83 (Improvements) (PE1428)

The Convener: PE1428 by Councillor Douglas Philand, on behalf of Argyll First, is on improvements to the A83. Members have the note from the clerk and the submissions. I know that some members have a constituency interest in the petition and it is a huge issue for logistics, communications, transport and business in Argyll and Bute.

It is suggested that we defer consideration of the petition until Transport Scotland has given us a full response to the A83 study report. That seems to be a sensible suggestion. Do members agree?

Members indicated agreement.

Betting and Loan Shops (Deprived Areas) (PE1439)

The Convener: PE1439, by Jonathan McColl, is on betting and loan shops in deprived communities. Members have the note from the clerk and the submissions.

Again, this was an interesting petition and we have received quite full responses. It would seem to be sensible to continue the petition and write to the Scottish Government for completeness before we make any final decision. Do members agree?

Members *indicated agreement.*

Mutual Repairs Incentive Scheme (PE1444)

The Convener: PE1444, by Florance Kennedy, is on the mutual repairs incentive scheme. Members have a note from the clerk and the submissions.

The Scottish Government has certainly done some work on the traditional building health check. Again, it might be sensible to get some clarification from the Scottish Government on that before we make any final decisions. The health check does seem to be relevant to the petition. Do members agree?

Members *indicated agreement.*

Protection for Landlords (PE1447)

The Convener: PE1447, by Gerry McLellan, is on protection for landlords. Members have a note from the clerk and the submissions.

There is an argument for closing the petition under rule 15.7 of the standing orders, on the basis that the issues that it raises have been considered fully by the Scottish Government. Do members agree?

Members *indicated agreement.*

Organ Transplantation (Cancer Risk) (PE1448)

The Convener: PE1448, by Grant Thomson, is on improving awareness of the cancer risks in organ transplantation. Members have a note from the clerk and the submissions.

I invite contributions from members, but the story is a familiar one. I also suggest that we chase up the health boards that have not responded to us. Chic Brodie mentioned that earlier.

Chic Brodie: I am not sure what some of the public bodies think that we are doing. We are here to represent those who lodge petitions. For an earlier petition that I looked at—I cannot remember which one—the committee received

responses from only 20 out of the 32 local authorities.

It is imperative that public bodies, which are also there to serve those whom we represent, understand that we do not ask questions just because we think that they are nice to ask. We want timeous answers from them all. Unless we adopt that kind of approach, we will continue to get a half-hearted approach to providing answers, which in my book is wholly unacceptable.

The Convener: I am sure that all members would agree with Chic Brodie. I remind the committee that, after a suggestion at the previous meeting, I asked for the issue to be raised at the Conveners Group, which all conveners attend, as members know. I am sure that we are not the only committee to suffer from this problem.

Both Parliament and Government-wide there needs to be more than a suggestion to ask public bodies at the very least to respond to the democratically elected Scottish Parliament.

I share Chic Brodie's irritation that on many occasions we cannot deal with petitions because we have not got full responses from local authorities and health boards.

Jackson Carlaw: Am I right that only six health boards responded?

The Convener: Yes.

Jackson Carlaw: Having read the responses, I wonder whether the direction of travel within them is sufficiently clear to allow us to refer the petition to the Health and Sport Committee.

The Convener: I do not want to lose the issue of the health boards and others not responding. Unfortunately I will not be able to raise it this week, but I will definitely be able to raise it at the next Conveners Group meeting. I will feed back to all members. If the issue continues, we need to deal with it in the strongest possible way.

Does the committee think, as Jackson Carlaw suggested, that we have sufficient material to refer the petition on, or do members want to wait until we have a complete response?

Anne McTaggart: We have heard that there will be a Scottish transplant group meeting in March. Should we hold on to the petition until then? Obviously, the petition still has a long way to go, given that there is no NHS Scotland guidance on the topic. I am minded to hold on to it until we hear what happens in March.

The Convener: Are members happy with that?

Chic Brodie: I am happy.

The Convener: I take Jackson Carlaw's point. It is important to move petitions on as much as we

can. I suppose that a bit of me would rather have a complete set of information. Nevertheless, Jackson Carlaw has a point. We need to be aware that we do not want to sit on petitions for a long time. It is not really our problem, though; the problem is the lack of information from the health boards.

Anne McTaggart: Hear, hear.

Angus MacDonald: Are we going to write back to the other health boards or are we just waiting to hear from them?

The Convener: The clerks always chase things up if there is considerable delay. They are well aware that if we do not get a response in time, they will chase it up.

We will continue the petition, although we take on board Jackson Carlaw's point that we need to make a decision on it as quickly as possible.

Organ Donation (Opt-out System) (PE1453)

The Convener: PE1453, by Caroline Wilson, on behalf of the *Evening Times* and Kidney Research UK Scotland, is on an opt-out system of organ donation. There is a note by the clerk and a Scottish Parliament information centre briefing.

Members will be aware that this is a first-class petition and appreciate that the *Evening Times* did an excellent job of raising awareness of the issue. Again, we are still awaiting further information. As Anne McTaggart hinted, we are awaiting the publication of the new Scottish plan for donation and transplantation, which is expected in early 2013—obviously, that is now. Again, it makes sense, for the sake of completeness, to have those guidelines before we make a final decision. Do members agree?

Members *indicated agreement.*

Non-residential Services (Local Authority Charges) (PE1461)

The Convener: PE1461, by William Campbell, is on protection for third parties in the planning process. Members have a note by the clerk and a submission. I think that at the previous committee meeting I said that I know William Campbell from a Highlands and Islands background.

Again—this is a familiar story—we are awaiting a response from the Association of Chief Police Officers in Scotland. If ACPOS is one of the groups from which we are not getting responses quickly enough, I will certainly chase it up.

Do members agree to continue the petition?

Members *indicated agreement.*

10:59

Meeting continued in private until 11:46.

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