



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 22 April 2014

Session 4

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CONTENTS

	Col.
INTERESTS	2169
NEW PETITIONS	2170
Emergency and Non-emergency Services Call Centres (PE1510).....	2170
Inverness Fire Service Control Room (PE1511)	2170
Freedom of Information (Scotland) Act 2002 (Amendment) (PE1512)	2189
CURRENT PETITIONS	2198
School Bus Safety (PE1098 and PE1223)	2198
A9 Average Speed Cameras (PE1503)	2201

PUBLIC PETITIONS COMMITTEE

8th Meeting 2014, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

Jackson Carlaw (West Scotland) (Con)

*Angus MacDonald (Falkirk East) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*David Torrance (Kirkcaldy) (SNP)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Lisa Brown

Cameron Buchanan (Lothian) (Con) (Committee Substitute)

Bill Chisholm

Jody Curtis

Lewis Macdonald (North East Scotland) (Lab)

Mark McDonald (Aberdeen Donside) (SNP)

Councillor Kenneth M Murray (Comhairle nan Eilean Siar)

Laura Ross

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Public Petitions Committee

Tuesday 22 April 2014

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

Interests

The Convener (David Stewart): Good morning—I welcome you all to today’s meeting of the Public Petitions Committee. As always, I ask everyone to turn off their mobile phones and other electronic devices, which interfere with our sound system.

Apologies have been received from Jackson Carlaw, who is attending the Health and Sport Committee. I welcome Cameron Buchanan, who is attending his first meeting of the Public Petitions Committee as substitute.

The first item on our agenda is a declaration of interests by Cameron Buchanan. In accordance with section 3 of the “Code of Conduct for Members of the Scottish Parliament”, I invite Mr Buchanan to declare any interests that are relevant to the committee’s remit.

Cameron Buchanan (Lothian) (Con): I have no relevant interests to declare.

New Petitions

Emergency and Non-emergency Services Call Centres (PE1510)

Inverness Fire Service Control Room (PE1511)

10:02

The Convener: Item 2 is consideration of three new petitions. As has been previously agreed, the committee will take evidence on all three.

The first two new petitions will be taken together. They are PE1510, by Jody Curtis, on behalf of emergency services and non-emergency services call centres, and PE1511, by Laura Ross, on Inverness fire service control room. Members have a note by the clerk, the Scottish Parliament information centre briefings and the petitions.

I welcome Mark McDonald MSP and Lewis Macdonald MSP, who both have an interest in the petitions. After we hear from the petitioners, I will ask both members to make brief contributions on the respective petition in which they have an interest.

I welcome our petitioners, who are Jody Curtis and Laura Ross, and I welcome Councillor Kenneth Murray from Western Isles Council. I invite the two petitioners—starting with Ms Curtis, followed by Ms Ross—to make short presentations of about three minutes each. If Councillor Murray catches my eye, I would be very happy to take a contribution from him later.

Jody Curtis: Good morning. I thank you for allowing me to come here today to give evidence on my petition. As you are no doubt aware, I am a former employee of the Bucksburn service centre in Aberdeen. However, that is only a small part of the reason why I lodged the petition.

During the few months since I created the petition, I have spoken with reporters, MSPs, employees of the Aberdeen police and fire call centres, serving police and fire officers, the Scottish Police Authority complaints department, Michelle Brady of police Unison for Aberdeen, and members of the public across the north and north-east of Scotland. I would like to address the concerns that were most common in my investigations. Those were: the lack of service provision north of Dundee, at the expense of public safety; the loss of local knowledge and expertise, and misunderstandings between southern and northern dialects; the impact that the closures will have on serving officers; and the lack of public consultation.

I intend to do my best to represent those collective concerns and to put forth a set of reasonable and fair requests to the committee, which will, I hope, lead to a positive outcome on the issues.

I begin with a quote from Dr Ian Oliver, who is a former Grampian Police chief constable. He not only supports the notion that the cuts will result in a lack of local provision, but directly addresses the issue of the autonomous nature of Scotland's northern regions and therefore the importance of their local services. He states:

"Local knowledge has a bearing on the deployment of the number and type of officers to an incident. Unless there is a very sophisticated central computer with all of the previous information stored in it then these fears will certainly materialise. Not only is the personal knowledge of controllers essential, it could be vital in terms of their ability to remember previous criminal activity in the area, or what issues have an effect on local conduct and who is likely to be associated with an incident. An additional police responsibility in Aberdeen is that of the North Sea where over 70,000 personnel work. The potential for disasters such as Piper Alpha, or terrorist related incidents ... is significant. Local knowledge of the companies operating in the North Sea and close liaison with them has always been important. It is unlikely that a central system will have the degree of sophistication necessary to address these issues as well as local centres."

I remind the committee of the unfortunate number of incidents involving helicopters ditching in the North Sea in recent years, and of the fact that the relationship that Dr Oliver outlines has led to swift and succinct action in response to those tragedies.

When it was put to Dr Oliver that the Government had offered its assurances that there would be no diminution in service, he responded by saying:

"Well they would say that wouldn't they. Apparently this move is more to do with saving money than it is with increasing overall efficiency."

In acknowledgement of the level of expertise of the work that is undertaken by Aberdeen force service control centre, the centre has been externally accredited and its control room has been heralded as one of the most modern in the United Kingdom, with huge future-proofing capacity. The centre undertakes the security and safe keeping of the royals on their visits to the north.

Having experienced working at the Bucksburn-based force service centre, I can confirm the enormous workload that is undertaken there. Having stated my concerns about the closure of the FSC and the enormous task that serving officers would take on, given the added burden of its paperwork and additional hours, I spoke with several officers on the beat. All the personnel with whom I liaised reflected those concerns and stated that they already feel that they are stretched thin in balancing paperwork with time on the streets; the

latter being the reason why they joined the force in the first place.

With regard to the fire control room closures, I recently had the opportunity to speak with Aberdeen's fire control room crew manager, Darren Gibb, who shares concerns that are similar to those of Dr Oliver. He states that the Aberdeen control room is responsible for safe maintenance of the oil capital of Scotland, the largest heliport in Scotland and a large amount of human traffic pertaining to the likes of Aberdeen airport and the local football stadium, and that it has the same capacity as the Dundee and Inverness centres combined.

It would be fair to assert that Aberdeen fire and police control rooms and service centres are well versed in management of emergency procedures and specific locations, such as the St Fergus gas plant and Peterhead power station, which may be vulnerable to a terrorist attack or a large-scale disaster.

In speaking about the control rooms being centralised with up-to-date proficient technology, Mr Gibb points out that Strathclyde, for example, is a built-up area, whereas the surrounding areas of Aberdeen and especially Inverness are increasingly rural and sparsely populated. Mr Gibb fears that a proposed system that appears to rely heavily on up-to-the-mark technology will not suffice when dealing with postcodes, and that it will lead to loss of life in attempting to assist the public.

He states that, in rural areas of northern Scotland, one postcode can cover up to 50 square miles. That becomes increasingly problematic when dealing with, for example, a road traffic incident where the victim or victims are unaware of their surroundings and/or the operator is unfamiliar with those surroundings. There is also the possibility that the technology will crash and that the call handlers will have to operate manually while the system is being fixed. Both Mr Gibb and I have witnessed that happening in our roles at the call centres.

There is evidence of such incidents having taken place when Ireland took the decision to centralise its ambulance control rooms. In 2013 a member of the Irish Parliament, Tom Fleming, raised concerns and asked the health minister to reconsider the centralisation of the control room after

"a series of incidents where issues with mistaken addresses and communication difficulties occurred."

On one such occasion of mistaken location, when an ambulance took more than 30 minutes to reach its destination, an infant lost its life.

Examples such as that confirm the concerns that I previously outlined, which come from all sections of the community, thereby refuting the assertion of “misplaced public concern” as quoted in the minutes that were taken at the C3—command and control centre—meeting at which Assistant Chief Constable Mike McCormick presented on 30 January this year.

It was stated at that meeting that there would be no public consultation because it was generally felt, in particular by one senior officer, that the issues pertaining to the proposal would be above the understanding of the person on the street. I believe that the public have a right to be given an opportunity with regard to the decision making, because it is the public for whom the service is being provided, and the collateral directly affects them.

One final point that I take from the minutes of the C3 meeting relates to one of the areas that are marked for further work: consideration of the opportunities to operate in partnership with other blue-light services. To me, that sounded like an opportunity for real information and knowledge sharing and an opportunity to maintain the services, and a percentage of the existing staff, in both Aberdeen and Inverness.

I hope that the committee will consider taking further actions, based on the information that is laid out in this statement. First, it could ask Police Scotland to outline its reasoning for the decision and how the conclusions to the report, which went to the Scottish Police Authority, were arrived at; and it could inquire as to why no public consultation was undertaken on the proposals, and whether the decision will be revisited to allow the public input to the proposals.

Secondly, the committee could write to the Scottish Police Federation and the Fire Brigades Union Scotland to ascertain exactly what impact the closures will have on fire and police officers.

Thirdly, the committee could request that the First Minister, the Cabinet Secretary for Justice, the chair of the Scottish Police Authority and the chief constable of Police Scotland undertake to visit each site that is proposed for closure and speak directly with the staff to find out their views and concerns.

Fourthly, the committee could consider writing to the police and fire Unison representatives, asking for their views, and fifthly, the committee could provide evidence that government, fire and police agencies are looking carefully into the service that is provided in the north and north-east of Scotland.

Finally, the committee could revisit the proposal that was laid out for a coalition call centre, which would enable a fluent exchange of important knowledge between blue-light services, retain the

knowledge of local staff as well as a percentage of the jobs, and allow the retention of both fire and police call centres in Aberdeen and Inverness, which would hopefully result in some restoration of public confidence.

The Convener: Thank you very much for the very helpful nature of your evidence.

Laura Ross: I am a concerned member of the public from the Highlands and Islands. I live just south of Aviemore. Thank you for inviting me down today. My comments are more concentrated on the fire control room in Inverness.

The Highlands and Islands have a higher-than-average older-age population, with the 65-to-84 age range making up 16.8 per cent of the populace, and the 85-plus group making up 2.2 per cent. The benefits of someone with sound knowledge of local geography and accents cannot be overlooked when dealing with older people on the telephone.

The Highlands and Islands cover a landmass that is larger than Belgium. In total, that landmass is a third of the total landmass of Scotland. We have many sparsely populated areas, with remote farms, crofts and small villages. I remind everyone that Inverness to Shetland is the same distance as Inverness to Leeds.

Throughout the Highlands and Islands, place names are replicated frequently. In many areas, places are known by two names—they can be Scottish and Gaelic—and knowing which name is actually used in the area can often depend on local knowledge.

The fairer petrol prices project has highlighted the many complexities of postcodes in the Highlands, which as Jody Curtis said can cover 50 square miles—up Durness way, for example. In coming across those complexities of place names, remote geographies and huge postcode areas, the Inverness control room staff have a unique way of identifying incident locations, which is aided by their instincts. Some of the staff have 20 or 30 years' experience.

Referring to incidents such as the Lewis forest fires in 2012, the control room staff send the appliances and co-ordinate the responses. There are 90 retained fire service crews up there; there is only one full-time crew in Inverness. It is up to the control room staff to co-ordinate the whole response on the island. Imagine a forest fire in a very remote place. How do you work out where it is and how do you get the appliances out there? The staff will work it back to the nearest public building or a sound address, and they will work out the location that way. They have a unique way of dealing with such things and with co-ordinating the retained firefighters on the trucks.

That system absolutely must not be viewed by the Scottish Fire and Rescue Service as antiquated. The control room staff have what is very much an instinctual and unique way of dealing with their own geography and with the various dialects across the area.

The mapping and navigation systems that the crew use are useful only when they have been directed to the exact location by the control room in the first place. With only a single whole-time crew and more than 90 retained stations, the relationship between the retained crew members and the Inverness control room staff can never be overlooked.

10:15

The chief fire officer proposed, in *The Shetland Times* on 20 March, that he would take staff on a tour of the Highlands and Islands, so that they could get a feel for the geography of the area. I fail to see how and why SFRS would think that that would work, other than to garner some kind of public support, because it would be nothing more than a look-see exercise. As has been mentioned, the Highlands and Islands area is larger than Belgium; I honestly do not think that a fire chief in Belgium would propose to take any of his staff on a tour of Belgium so that they could get a feel for the area.

There have been various musings about a co-located multi-agency control room being built in Inverness, although nothing has been confirmed and nothing has been mentioned about the fire and control room staff being located there. With the main priority being retention of local knowledge, might that be a compromise solution from which all could benefit?

Among the main concerns that have been brought up repeatedly—by me and by other members and in the media—are the dialects that are spoken. We have Gaelic, Orcadian, Norwegian up in Shetland, and we have Doric. Combined with all the regional accents and the large populations of eastern Europeans, our main concern is about why it is proposed that the control room should go to Dundee, which has one of the strongest regional dialects in Scotland. How on earth can someone with a strong regional dialect or accent from our area be sufficiently understood? Regional dialects change so much throughout the area; we have the largest range of local dialects in the UK.

One of my main concerns is that there could be an old crofter on the far side of Harris who leaves it to the last minute. Quite often, people will call thinking that the control room is on their own island or that they know where it is, and that gives them confidence. I am concerned that an older

person might leave it to the last minute through fear of not being understood and might leave it too late.

Another issue that has been highlighted in the Highlands and Islands is that geography is poorly served by telecoms infrastructure, or not at all in many instances. At present, mobile phone ownership in Scotland is 92 per cent, with many households using mobile as their only method of communication. In fact, according to the latest Office of Communications reports, one in seven households in Scotland had only mobile in quarter 1 of 2012, and 16 per cent of households in Scotland used mobiles as their only form of telephony in quarter 1 of 2013. Although it is simple to locate where a call has come in from on a land line by using caller identity, mobile phones require triangulation of masts to locate where the call has originated from, and that requires an infrastructure that is simply not there and is likely, without massive investment, never to be there.

Seventeen staff in Inverness will be directly affected, but overall SFRS is planning to cut not just five control rooms but 42 per cent of its staff across the board. It has been projected in the strategic intent paper that the control rooms' cost of £1 million per annum could easily be recouped over two years in staff costs alone. There has to come a point at which risk analysis and cost-benefit analysis give much more weight to the risk and benefit and much less to the cost of providing public safety throughout the Highlands and Islands.

Members of the public in the Highlands and Islands of Scotland were never once consulted on those changes by SFRS. That approach was similar to that which was taken on Police Scotland, when a senior officer was quoted as saying that he did not feel that any consultation of the public was necessary because the complexities of such decisions were beyond them. That is both presumptuous and insulting.

The general concerns and questions of the public of the Highlands and Islands just do not come into consideration now. We are a forgotten population and we have been insulted and marginalised on too many occasions. All the decisions concerning us are made in the central belt by people who neither live in our area nor understand our infrastructures. People want to know exactly where their taxes are going.

The people of our area have voiced concerns about the Government centralising many of our public services, and have lost confidence in the current Government and in those who are allowing such decisions to go ahead. Many people have said that it will directly affect how they will vote in the referendum.

During the past few weeks and months, while working on the petition, I have been contacted by control room staff in other areas, who are concerned about the responsibility that will be involved in taking calls from the Highlands and Islands. They have cited the points that I have raised, which are of serious concern to them in respect of responding to incidents. At the end of the day, the buck will stop with them, and they are the ones who have to go home and sleep at night.

I thank the committee for inviting me here today, and I hope that committee members will support both petitions and will question the decisions on the closure of the Inverness control room.

The Convener: Thank you very much. I invite Mark McDonald to make a quick statement to the committee. The committee is particularly anxious to hear some suggestions for next steps.

Mark McDonald (Aberdeen Donside) (SNP): It is good to be back at the Public Petitions Committee, having left it recently. I am here as a representative of the city of Aberdeen and Jody Curtis is a constituent of mine. I have a strong interest in both the Aberdeen control room and the Bucksburn service centre, which sits in my constituency.

A great deal of public unrest has followed the decision to close the control rooms. The position of Aberdeen and some of the uniqueness that surrounds Aberdeen, as outlined by Jody Curtis in her evidence, have perhaps not been given enough weight in the Scottish Police Authority's considerations. For example, the external accreditation of the Bucksburn service centre is testament to the high-quality service that is provided. I recognise the argument that has been made about the option of transferring posts, but on talking to staff representatives one realises that that is not a realistic option for most of the staff who work in the service centre and the control room, because it is more than just a job that ties them to the city of Aberdeen. That bears consideration and may be worth exploring in further detail.

The evidence recognises clearly that one cannot sit with the inherited control room situation. Indeed, I do not think that the petition seeks to keep everything absolutely as it is. However, the geographical circumstances must be recognised and factored in. I recognise that it is unlikely that both the Aberdeen control room and the Bucksburn service centre could be retained, but the retention of high-quality local knowledge must be looked at.

There is much merit in looking at the possibility of sharing services, as Jody Curtis outlined. Consideration of bringing together the police and fire services in that regard should have happened.

I understand that discussion has taken place to that effect, but that no formal conversations have taken place between the services. It may be worth inquiring whether the issue has been discussed at a senior level.

It may also be worth contacting the Scottish Ambulance Service, which has gone through a similar control room rationalisation process. Presumably lessons were learned from that to which we ought to pay careful attention. Issues around that process could be relevant to the police and fire situation and would merit further consideration.

Lewis Macdonald (North East Scotland) (Lab): Like Mark McDonald, I live in Aberdeen. I am particularly struck by the strength of the evidence in Jody Curtis's petition and her statement this morning. As a native of Stornoway, I am very much aware of the situation in the Highlands and Islands, too. Both petitioners struck the right note. What is proposed is the removal of control rooms not just from one location or the other, but from the entire northern half of the Scottish landmass. The consequences that could flow from that decision are very significant, so I very much support Jody Curtis's proposition that the committee should hear from those who took the decisions. We should find out why they reached those judgments and ask about their failure to consult or seek any external opinions.

It is a matter of record that on the day that the Scottish Fire and Rescue Service made the decision to close the Aberdeen and Inverness control rooms, members of the board were presented with figures that substantially revised the capital costs of the various options before them. They had no prior opportunity to consider, or consult on, those figures before being required to vote on the matter.

At least the fire board had a vote on that matter, however poorly informed it might have been. I am reliably told by those who were present that the Scottish Police Authority had no debate or vote and made no points or asked no questions about the impact on services in Inverness, Aberdeen and the north of Scotland when the proposal to close both control centres and the police service centre was agreed. On that basis, it would be very helpful to the communities affected by the proposals if the board members who voted on them—or, in the case of the SPA, agreed them without a vote—were called to this committee to account for their decisions and their failure to consult.

The Convener: Thank you very much. I have a couple of questions for Jody Curtis, after which I will bring in my colleagues.

In your petition, you called on the committee to carry out an inquiry, and in your oral submission,

you gave us a couple more pointers such as involving the FBU, Unison and Police Scotland. You also made a number of interesting points about combined blue-light services. For your information, I note that the Justice Committee undertook some work on fire control rooms in March and heard evidence from the fire service, and the Justice Sub-Committee on Policing has also been set up, although it has not taken evidence specifically on control rooms. That is what the Parliament itself is doing. Do you think that there is a gap in the market and that more work could be done in this area, or has the Justice Committee already covered some of the ground?

Jody Curtis: It sounds like some of the ground has already been covered, but I have to tell the committee that the Bucksburn service centre and the Aberdeen control room are amazing places. I did six months' probationary work at the fire service centre, but I did not get through that process. The work there is incredibly intense, and those people have to be very good at their job. It might be good if members—or someone—could go down and speak with the people involved and ensure that those who are making the decisions see exactly what they are closing down and the people they are taking out of the force.

Laura Ross: When I spoke to Moray Firth Radio and Scottish Television yesterday, I said that the point that had been missed was that these conversations had not been had with the communities that these people are meant to be serving and protecting. The decisions were made outwith the communities behind closed doors; there was no open dialogue with any of them. Is that the way in which the Scottish Government intends to move forward? This was meant to be a new phase in which we would be entirely open with the communities that we served, but these decisions were made behind closed doors outwith the Highlands and Islands and the Aberdeenshire area. Indeed, a lot of people in the community do not even know what is happening. People are still coming on to the campaign page and asking, "What's happened? Where's your petition?", and I have to tell them that it has been lodged and was live for six weeks. They are simply not aware of what is going on.

Perhaps I can make a comparison again with the campaign to dual the A9, which had roadshows and took the matter out to the Highlands and Islands and the other geographical areas involved. The fact is that the people in those areas are not always on the internet or on social media. Something that had a direct effect was the Western Isles Council coming on board, because I got so much help from Kenneth Murray and his colleague Charlie Nicolson, who did an absolutely fantastic job in Stornoway. It was all about making those people aware of what was going on; people

were approaching them and asking, "What's happening?" We need to get the media involved and to tell the wee man in the street exactly what impact this decision will have on them and how they will be affected. The issue needs to get back out into the communities.

The Convener: Before I bring in Councillor Murray, I should also say for the record that on my last visit to the Western Isles I was presented with a major petition on the subject of fire control rooms.

Councillor Kenneth M Murray (Comhairle nan Eilean Siar): When the proposal to combine the police forces and fire services was made, most fire and police authorities expressed concern about centralisation, and I think that what we were concerned about has taken place.

We are not saying that change should not happen. We are probably happy with three control centres but why, strategically, would you put them in the central belt? Last week's electricity outage and the problems that Scottish Hydro had in the Highlands and Islands should act as a wake-up call, because it wiped out just about everything in the area for, I think, two and a half hours. One reported possible cause of that incident is the number of wind turbines that are now feeding into the grid; they can cause an imbalance because the power that they provide is itself not steady and it is difficult to reroute things when problems arise. It has been said that this is what the future will bring, and it would, from a resilience point of view, make more sense to have centres in the Highlands or Aberdeen, Edinburgh and Glasgow instead of what we have at present.

10:30

The Convener: Thank you. I seek questions or comments from my colleagues, and I will bring in Chic Brodie at the end.

Anne McTaggart (Glasgow) (Lab): I thank Laura Ross, Jody Curtis and Councillor Murray for their evidence. The petition strikes a chord with me, and I am very concerned that the decisions have been made at a higher level and that people in the community have been excluded. I am not sure how much of that has been covered by the Justice Committee or the Justice Sub-Committee on Policing, and I would look for your advice on that matter, convener.

The Convener: Does any of our witnesses wish to respond to that observation?

Laura Ross: Just yesterday, a lady left me a message on the campaign page, asking where 999 calls for the fire service go to in Inverness. I said that they go directly to the Inverness control room and are not rerouted anywhere. She then

told me that she made her own call at a quarter to three yesterday morning, and the girl who responded was not even on the computer; she instinctively knew where to cut through and that the appliance could use such and such a route. The lady who contacted me said that she had been absolutely flabbergasted, because people who have lived in Inverness all their lives do not necessarily know that particular route, which must have taken so much time off the journey. She thought that the reaction of the control room staff was purely instinctive and that they were absolute lifesavers.

The Convener: Thank you for that.

Angus MacDonald (Falkirk East) (SNP): There is clearly a lot of merit in the arguments that we have heard from the petitioners and, hailing from Stornoway myself, I have some sympathy with the issues regarding the Western Isles.

It is clear that Unison is unhappy about the closure of the police control rooms but it is perhaps worth highlighting that the FBU's John Duffy, who is obviously involved in the fire service's operational issues, has stated that where control rooms are located

"will have no bearing on the level of service that the public get".—[*Official Report, Justice Committee*, 11 March 2014; c 4303.]

In addition, the chief inspector of the Scottish Fire and Rescue Service has said—I am paraphrasing—that the operation of eight inherited control rooms

"would build an unnecessary complication and an increased risk of confusion and operational failure into the Service's work."

Clearly, there might have been few operational complications when there were eight separate forces, but that is not the case now.

Jody Curtis referred to comments made by Dr Ian Oliver. How long has it been since Dr Oliver was involved in operational matters in the police?

Jody Curtis: I have to admit that I do not know.

Angus MacDonald: I think that it has been some time, and communication systems have improved dramatically since Dr Oliver's involvement in operational issues. He is clearly commenting from the sidelines these days, with past knowledge as his guide.

Laura Ross mentioned the requirement for local knowledge. What local knowledge would someone in Inverness have of the west side of Lewis, the south of Harris, Barra or even northern Skye?

Laura Ross: The staff in the Inverness control room are from all over the Highlands. We are great travellers in the Highlands and Islands, and

staff in that control room have been there for 20 or 30 years.

In any case, no computer system or software in this land will replicate the staff's instincts. At the end of the day, computers and their software are only as good as the people who operate them, and they will never replicate local knowledge—or, indeed, human instinct when there is an emergency and someone is at the end of the phone.

What happens when the computer systems go down? That is what Councillor Murray is talking about. Power might be out for two and a half or three hours—some of the power was out for eight hours the other night. When the systems go down, it goes right over to the call handlers, and their local knowledge and innate knowledge. It is about call handlers knowing where the appliances have to be and how to use mapping systems; it is also about not relying on software, because no matter how good and how clever the software is, it is only as clever as the person at the other end who is pushing the button.

Angus MacDonald: Indeed—that is a salient point and as you have already highlighted, there was the issue of the power outage just a few days ago. Clearly, that would cause issues if it happened again.

I pick you up on your pronunciation of the word "Gaelic"—that is a bugbear of mine—when you referred to dialects and languages. [*Laughter.*]

Councillor Murray: No one doubts that once the call handlers get the call, they can dispatch a fire engine or whatever to an area and eventually get it there. Part of the problem is getting the call to a call handler—83 per cent of the Highlands and Islands region does not have mobile coverage and yet the statistics show an increase in mobile use, with 92 per cent of people in the region now using mobiles. One in seven households now has no land line.

The infrastructure within the Highlands and Islands must be improved before any of the changes takes place, because sometimes it is an interrogation process when a call comes in. The call handler needs to establish a relationship with the caller to identify where the call is coming from.

Chic Brodie (South Scotland) (SNP): On that last point about connection, what is the difference between a control room in Inverness and a control room in Dundee with regard to the ability to reach the places that you say cannot be reached by mobile?

Councillor Murray: There is no difference. All I am saying is that in terms of resilience, it makes more sense to have control rooms running up the backbone of Scotland. We can run control rooms

from Inverness down the backbone that way or from Aberdeen down to Glasgow. It does not matter which way they run, but it is important to have resilience. Only last weekend, Gibtelecom went down and I think that all the online betting systems in Britain went down. Reliance on technology is okay up to a point but if there is a failure, we need bodies on the ground to deliver the service and we need people close at hand. It would be very difficult to make contact with Dundee if we had problems with communications, which can happen in the Highlands and Islands.

Chic Brodie: I find that interesting, because I used to work for a company that made what were called fault-tolerant computers. If one part of the computer went down, it switched automatically to another part.

I understand your concerns, but my colleague Angus MacDonald has already mentioned evidence from a Justice Committee meeting. At the same meeting, Alasdair Hay, the chief officer of the SFRS, said of the control room proposals:

“what is foremost in our minds is not to compromise the safety of the communities that we serve or the safety of our firefighters.”—[*Official Report, Justice Committee*, 11 March 2014; c 4319.]

I will return to communications with local communities in a minute, if I may. Those with expertise in the fire service have by and large gone along with the changes—both the unions and management. I represent South Scotland, which has similar problems, and I have talked to the services involved. Nobody likes change but there is certainly a determination by those who are running the services that the change will be managed and that, with proper monitoring, it will achieve the objectives that have been set, which are not all just about cost cutting. Are you saying—this is a question for all three witnesses—that you are concerned about the expertise of those who are involved in taking the decisions?

Laura Ross: I do not think that control room staff have been consulted enough. In my head, I can almost get it down to four control rooms but how to get from eight control rooms to three is beyond me, given the landmass of Scotland and especially given a landmass the size of the Highlands and Islands. It has not even been divvied up right, if you like.

To go back to the person who talked to me from another call centre, they do not want the responsibility of taking calls from the Highlands and Islands because they are not from there. They openly admit that the geography, the landmass and the whole coastal mileage are completely different from what they are used to and the buck stops with them. If an appliance is sent in the wrong direction—because of the duplication of place names, software failure or anything else—

the buck stops with them. They are the ones who have to sleep at night after making decisions, and they want more consultation, too.

Chic Brodie: I understand that, and there should be full consultation—I will return to that in a minute. However, I just cannot believe that those with the expertise are not consolidating the technology that supports the system—that they are not using the fault tolerance that I talked about, or do not have the capability through global positioning system technology to cover a situation that might seem difficult.

I return to the issue of communication with staff. As Angus MacDonald said, John Duffy of the FBU said:

“The service that the public get is determined by the professionalism of our members”.—[*Official Report, Justice Committee*, 7 March 2014; c 4303.]

Are you saying that the union did not talk to any of the members about what was happening?

Laura Ross: Obviously, I know that the unions have spoken to them, but—

Chic Brodie: So the control room people were aware of this and were involved.

Laura Ross: Absolutely. It is not necessarily their opinions that have been carried forward, and they are very uncomfortable with it all. They are not uncomfortable from their own point of view. There are 17 staff in the Inverness control centre and, as someone else said, they will not uproot themselves and move to Dundee. They are concerned about serving their community.

It comes back to the same argument. You will not replace a human being with any computer system. A human being is the best computer system, and has innate instincts when it comes to dealing with someone on the other end of the line.

Chic Brodie: Some people would argue that human failure is much greater than computer failure these days.

What is the turnover rate of people in the control room?

Laura Ross: In Inverness? I could not tell you.

Jody Curtis: I think that it is quite high.

Chic Brodie: So there is a training aspect for new people coming in.

Jody Curtis: There is quite a turnover of new staff—they tend to come and go—but there is a retention of old staff. There are people who have been there for 30 years or so. They train the new people. There are local former police officers working there who started walking the beat more than 40 years ago. They know their communities

and they know exactly how to keep people safe, as well as how to train new people.

Laura Ross: Many of the 17 staff members in Inverness have 20 or 30 years on the job. What are you going to do? Are you going to download all the information that they hold in their brains? They are irreplaceable.

Chic Brodie: Have they been trained and retrained in order to keep pace with changes in technology and practice?

Laura Ross: Absolutely.

Jody Curtis: In the six months that I was there, the technology failed a number of times and we had to go back to using paper. My husband works in information technology, and I know that, regardless of the technology that you are talking about, it constantly has to be balanced and maintained, especially when a new system is being implemented. What will the collateral impact be on the public when a new system that is being implemented crashes? The C3 statements say that the system relies on up-to-date, modern, good technology, with GPS. When the technology fails, where will the knowledge come from when somebody phones from up north?

Chic Brodie: For a long time, I ran several companies in Europe dealing with IT and IT support and the issue for us was to ensure that a situation such as the one that you describe did not happen. Frankly, it happened very rarely. Power outage might be a concern, but that is a debate for another day.

Jody Curtis: The system has crashed on several occasions, and we have had to revert to paper.

Chic Brodie: Lewis Macdonald brought up the role of the boards, and communication with them. The fact that the staff have not had input into the situation concerns me. I would like to get some views about where we missed communications with those who would have an impact through their decision making.

Laura Ross: It is time to get back to open and honest dialogue with the people concerned: the communities, and the staff in the police and fire control rooms in Aberdeenshire and Inverness. They are the people you need to talk to. They are your expert witnesses.

10:45

Chic Brodie: I do not know whether Lewis Macdonald would like to expand on his statement.

Lewis Macdonald: I would be happy to do so.

The board members who made these decisions could not have been in possession of the full facts.

In the case of fire services, it is fair to say that the Scottish Fire and Rescue Service Board agreed to defer a decision and to invite comments; I will mention a specific comment in a moment. The options that were laid before members were costed in a way that demonstrated that the option that was finally preferred would have an additional cost of more than £2 million. That costing was changed at the very last minute, before members could consider it. They had to come to a decision on that day.

As far as the Scottish Police Authority is concerned, there appears to have been virtually no prior discussion or debate and virtually no opportunity for board members to consider the proposals before they voted on them. When the meeting was held, the nature of it was such that there was no effective debate or questioning.

If the committee were to invite members of those boards to a meeting of the committee to explain their decisions, if nothing else, the communities affected would at least understand the basis on which those decisions were made.

With the convener's indulgence, I would like to mention a specific submission that was made to the fire board when it made its decision in January. Angus MacDonald and Chic Brodie mentioned comments by John Duffy of the Fire Brigades Union. John Duffy is a senior officer of the FBU. It is important to say that the FBU made a submission on the future of emergency fire control rooms in Scotland, in which it stated:

"We would contend that to provide the best solution for the North Service Delivery area it requires the retention of a Control room in both the North East and North West of Scotland to recognise and ensure a robust response to the unique risks and challenges presented by these large areas."

It is important to make it clear that the FBU is opposed to the decision to close the control rooms in Aberdeen and Inverness. The FBU made the point that an alternative approach would be much more cost effective than the proposed expansion of the control room in Dundee.

Chic Brodie: I appreciate that. I thank Lewis Macdonald for his comments on that element of the issue. It has been suggested that control room staff were not involved in the process, and I was trying to draw out the fact that the FBU has a responsibility in that regard.

However, there have been even weightier inputs on the issue. The chief inspector of the Scottish Fire and Rescue Service said:

"Our view is that it would be fundamentally wrong for the new national service to continue to operate 8 inherited control rooms ... Concerns about a loss of local knowledge are understandable but do not stand up well to scrutiny."

That is why I asked about the role of the boards. I asked about the union to draw out the issue of communication with staff. It is clear that, when the decision was taken to implement the proposed change, serious consideration was given to comments by the likes of the chief inspector.

Cameron Buchanan: I was quite surprised to hear that the turnover of staff is quite high. Is that due to stress? If you have problems, do you bring back staff who were previously engaged? You mentioned the training period for staff. What is the training period? How long does it take to train them?

Jody Curtis: I underwent six months' training. Unfortunately, because I have attention deficit disorder, I was not able to manage the multiplicity of the job.

There is a high turnover of staff initially. Twenty-something members of staff will go in. Some of the other control centres and service centres do not handle as much information as the Bucksburn centre does, so people go in thinking that it will not be as heavy as it is—it is a lot of work.

When I say that there is a high turnover of staff, I am talking about the initial period. When I came into the job in 2011-12, I saw quite a lot of people come and go, but about 50 per cent of the people are retained. Groups of about five to 10 people are recruited. Retention is about 50 per cent, I believe, but I am throwing out numbers off the top of my head.

However, a large number of staff have been there for many, many years and their knowledge is incredible. They are the ones who mentor people like me. They are incredible people. That is why I am so vehement that those people should stay in the position that they are in, because I feel safe knowing that they are at the other end of the phone. If I had been at the other end of the phone, I would not have felt safe. I loved that job, but there was no way that I could have done it. It is such a highly skilled job that you need people to do it who know exactly what they are doing.

Cameron Buchanan: Are former staff brought back in?

Jody Curtis: I am not aware of that. It is something that I have no knowledge of, I am afraid.

The Convener: We are a bit short of time. I have allowed the discussion to go on a bit longer because I think that it is important. If there are no final questions from members, we will go to the summation. The witnesses can stay where they are.

We will now look at the next steps for the petitions. I pointed out at the start that the Justice Committee has done some work on the issue. If

another committee is doing work in parallel, on occasion we will transfer the petition to that other committee. The question for this committee is whether enough is being done by that other committee to justify transferring the petition to it, or whether there is work that this committee can do. Jody Curtis and Lewis Macdonald have both suggested that there is perhaps an argument for having both boards in front of the committee, as well as other interested parties, such as Unison and the FBU. That is entirely a matter for the committee, so I would like to get members' views on whether they feel that there is sufficient for us to call in both boards to discuss the issue in more detail or whether sufficient is already being done by the Justice Committee, and indeed its new sub-committee, for us to justify transferring the petitions to those committees.

Chic Brodie: It is not that I would be apprehensive about doing so, but I think that it would be a mistake to call in the boards at this stage. We need to be absolutely clear what action has been taken by the Justice Committee and the Justice Sub-Committee on Policing. We might find that we are treading over the same ground.

The Convener: It is perfectly competent for us to contact the Justice Committee and the sub-committee to get absolute clarity on what they are doing and to discuss that at a future meeting, which would not rule out any of the options that the witnesses have suggested. However, I take the point that we certainly do not want to step on the toes of another committee when it is actively concerned with an issue.

Angus MacDonald: That is the way forward. There is a strong argument for referring both petitions to the Justice Committee and its sub-committee. However, before we officially do so, it would be good to have an idea of their remit.

John Wilson (Central Scotland) (SNP): I seek clarification from you, convener, because my understanding is that if we refer a petition—or, in this case, two petitions—to another committee, we are referring them for consideration. There is therefore a technical issue here about whether we are referring the petitions or seeking clarification from the Justice Committee on what it will do in relation to the issues raised by the petitions. Like Chic Brodie, I would not want this committee to duplicate the work of the Justice Committee or its sub-committee on the issues raised in the petitions, with all three committees calling in the same witnesses. I have particular views about senior staff and officials from public bodies being repeat witnesses in committees of the Parliament.

I suggest that, rather than refer the petitions, we contact the clerks and convener of the Justice Committee to seek guidance on their remit in relation to the issues raised in the petitions. This

committee could deal with any issues where there is no crossover. That would avoid duplicating the work that another committee is doing.

The Convener: John Wilson makes a good point. My intention was to seek advice from the convener of the Justice Committee on what work it had carried out in the past and, more important, what evidence it hopes to take in future. My understanding is that the Justice Sub-Committee on Policing is not specifically taking evidence on police control rooms. If the committee agrees, I would like to get clarity from the other committee and discuss the petitions again at a future meeting, when we have full intelligence in front of us, in order to take the next step. It is important that we do not duplicate what other committees are doing. Are members happy with that course of action?

Members *indicated agreement.*

The Convener: As I think the witnesses will have picked up, this is an important set of petitions. We will continue to take further advice and will revisit the issue at a future meeting. We will either put the issue to the Justice Committee or pursue a course of action that does not duplicate what another committee is doing. We are delaying the petitions in order to get further information. I thank all three witnesses for coming along and for giving us excellent evidence. This is a very serious topic, which we will take very seriously.

10:55

Meeting suspended.

10:57

On resuming—

Freedom of Information (Scotland) Act 2002 (Amendment) (PE1512)

The Convener: The third current petition is PE1512, by Bill Chisholm, on amendments to the Freedom of Information (Scotland) Act 2002. Members have a note by the clerk, the Scottish Parliament information centre briefing, the petition and a submission from the Scottish Information Commissioner. I welcome the petitioner, Bill Chisholm, and Lisa Brown to the meeting. I invite Mr Chisholm to make a short presentation of around five minutes to set the context for the petition, after which we will move to questions.

Bill Chisholm: Thank you. As a council tax payer who contributes about £250 a month to my local authority, I have always taken a keen interest in decisions made by my local government officials and elected councillors—decisions that enable them to spend other people's money. However,

before the Freedom of Information (Scotland) Act 2002 came into force, it proved to be extremely difficult, if not impossible, to ask councils and other public bodies for even basic information.

Although I welcomed the 2002 act, which meant that authorities had to divulge information that many of them would have preferred to keep secret, I believe that the FOI system has suffered from get-out clauses that allow far too much information to be classified as exempt. I am sure that many requesters give up at the first hurdle when a council, health board or Government department refuses to provide a meaningful answer.

I also believe that all FOI-compliant bodies should have to publish their responses to requests on their respective websites. I understand that publication is not compulsory at present, which enables some authorities to avoid scrutiny. However, until my recent experience with a freedom of information request to my local authority, I was unaware that organisations that are covered by the 2002 act are not duty-bound to give accurate and honest answers or to supply up-to-date information. Surely without such a built-in caveat the FOI system's credibility is diminished. On the other hand, if accuracy and honesty were guaranteed, the FOI system would become an even more powerful weapon in the quest for knowledge.

11:00

In my case, I asked a straightforward question seeking details of the legal fees incurred by my council in a data protection appeal tribunal. It claimed to have spent only £13,000 on the entire legal process despite having told a different requester six months earlier, before proceedings were completed, that the bill had reached almost £20,000. Because I realised that its response was false, I immediately challenged the answer. I was told that the expenditure totalled more than £47,000. A senior finance official claimed that the £13,000 figure cited originally had been supplied "in good faith". I was left with the impression that the numbers had been plucked out of thin air. Had I not taken issue with the response, my council would have been able to convince the public that the appeal had cost only £13,000 of public money rather than the £47,000 total.

The experience left me with the feeling that the FOI system could be undermined if public authorities failed to supply truthful responses to requesters, so I decided to pursue the issue with the Scottish Information Commissioner and beyond.

As you will see from the background information accompanying the petition, the Scottish

Information Commissioner's office and Nicola Sturgeon, in her capacity as the Cabinet Secretary for Infrastructure, Investment and Cities, confirmed in correspondence with me and my constituency MSP that information supplied in FOI requests is not necessarily accurate or up to date. Furthermore, if a requester is dissatisfied because he or she believes that the information is misleading, inaccurate, contains errors or is otherwise deficient, that is not something that the commissioner can address in terms of FOISA.

No one can estimate or even hazard a guess at how many inaccurate or misleading responses have been issued since the 2002 act came into effect in 2005. However, one study suggests that up to one in four FOI responses could be inaccurate. Surely action is needed to discourage further examples of freedom of disinformation.

I am led to believe that a fair number of MSPs use freedom of information requests to uncover information that is deemed to be in the public interest. An additional section or two in the 2002 act demanding accurate responses to requests would benefit politicians as well as the man and woman in the street. I respectfully suggest that such an amendment might also reduce the number of requests for review and could even discourage the practice of issuing incomplete responses or complicated answers that are designed to cover up or confuse.

The Information Commissioner should have the power to investigate, but only if a requester provides evidence of an obviously misleading or inaccurate response, as happened in my case. The commissioner seems to be confused about what the petition is trying to achieve. No one could expect the SIC to ensure that every response to a FOI request was accurate in every detail, but if an authority deliberately sets out to deceive, and a requester can back allegations of deception with hard facts, the matter is worthy of investigation.

When wrongdoing is uncovered, sanctions should be available to the commissioner to impose. I suggested monetary penalties, but perhaps members might think that a system of fines would not be appropriate, as that would inevitably penalise the taxpayers who fund public authorities. Maybe a slap on the wrist in the form of a reprimand combined with the accompanying negative publicity would be sufficient to bring culprits to book and act as a warning to others.

I hope that the committee sees merit in my petition and is prepared to give it further consideration.

The Convener: Thank you for that contribution. I ask Lisa Brown simply to catch my eye if she wants to come in at any stage during the

questioning. I will ask the first couple of questions before I bring in my colleagues.

As you know, the Scottish Information Commissioner has said that the proposed changes are

"not needed",

"would not be workable in practice"

and

"may have come about as a result of a misunderstanding of the current provisions in FOISA."

What is your view on that?

Bill Chisholm: I was in correspondence with the commissioner before I submitted my petition. She made the point that she could not investigate allegations of inaccuracy. She said that the proposals are unworkable, but I do not think that that is the case because a simple change in the law would facilitate them. In addition, there would be relatively few cases; there would not be a whole host of new applications.

In my case, I could not go through the process because my council gave me the correct information before I could apply for a review. However, I knew to query the council only because I knew that the answer was false in the first place.

The Convener: You will know that section 65 of the 2002 act makes it a criminal offence to alter, block or in some way change information and that the commissioner has the power to refer to the Court of Session. Are there not sufficient powers in the act to stop—

Bill Chisholm: I would like to know how many cases have been referred to the Court of Session. The survey that was done shows that perhaps one in four answers is inaccurate. Why has none of them been referred to the Court of Session or some other place? I think that, in some cases, answers can go to the police, can they not?

The Convener: Do you have information about how many cases have been referred to the Court of Session?

Bill Chisholm: I do not; I just wondered how many have been referred.

The Convener: I am sure that the committee will bear that in mind when it considers its next steps.

Will you clarify what action you would like the committee to take to move forward your petition and its recommendations?

Bill Chisholm: As I said in my opening statement, a few words should be included in the 2002 act, through an amendment, that simply say that public bodies are duty-bound to provide

accurate and up-to-date answers when responding to requesters. That is basically it.

Chic Brodie: Good morning. My question will follow on from one of the convener's questions and is about section 20 of FOISA. Can you help me? When you found that the information was incorrect, did you follow the process? Did you go back to the council—I presume that it was Scottish Borders Council—and ask it to review the information that it provided to you?

Bill Chisholm: I keep a close eye on the council's FOI website. In April 2013, it told a requester that it had spent £20,000 on the legal process. I waited until the whole process was over and then put in my question. The answer that came back was £13,000, so I knew it to be false.

On the same day that I received the answer, I sent an email to the FOI person at the council and immediately got a revised set of statistics—the matter did not even go to review.

Chic Brodie: Does the process that you followed not confirm that the process in the 2002 act—particularly in section 20—is robust? You followed it as you should have done: if someone thinks that the information is incorrect, they have the right to go back to the authority to review the answer. That is what you did, and the council revised its answer. I am not sure what you are trying to achieve if, in your case—as I understand it—you followed the process in what is generally a robust act.

Bill Chisholm: I did not follow the process, because before I could go to the commissioner I would have had to ask for a review. I did not get a chance to do that because, as I said, it was only because I knew that the council's figure was false that I was given the correct figure. If I had not known that, the council would have got away with it.

Chic Brodie: My point is that you did not get the correct information through an FOI request, but when you went back to the council, it gave you the correct information. The 2002 act provides for that to happen before cases go to the commissioner. In fact, your particular case—well done, by the way—confirmed that that is the way that the act should operate.

Bill Chisholm: Yes, but does that not also mean that if I had not known that the answer was false, the council could have given out a false figure and got away with it?

Chic Brodie: Your attention to the detail meant that you confirmed that the information was wrong. However, if you had simply suspected that it was wrong, without having anything to base that on, you still had the right to go back to the authority to

tell it that you did not believe its number and to ask it to check it.

Bill Chisholm: Yes—I did that.

Chic Brodie: I think that that is the point.

John Wilson: Good morning, Mr Chisholm. Thank you for your response to the Scottish Information Commissioner's suggestion that we close your petition on its first hearing today. I am intrigued by the figures, which I note are from the Bureau of Investigative Journalism. In your submission, you say that they suggest that almost one in four responses to FOI requests contains inaccurate information.

Following on from Mr Brodie's point, if, as the Information Commissioner suggested, we do not change the legislation, how do we ensure that local authorities provide accurate information to those who make an FOI request?

Bill Chisholm: There is no mention of accuracy in the 2002 act. I think that the SPICe briefing confirms that. Would it not be advantageous for FOISA to include a written guarantee of accuracy?

John Wilson: I agree with you on that. One of the major issues that I have identified is the way in which local authorities record the decision-making process. As we discussed during our consideration of the petitions regarding decisions made at board meetings of the police and fire and rescue services, unless accurate or detailed minutes are taken of decisions and who participated in them, it becomes impossible for individuals making an FOI request to be provided with the accurate information that they require. Local authorities do not record the decision-making process in an accurate manner.

Bill Chisholm: I agree with you about that. In the case of my council, I have examples of no record at all being made of how decisions were taken, which makes it even more difficult, if not impossible, to get information about them.

John Wilson: Convener, I think that we have raised issues that are relevant to the petition. I welcome the Scottish Information Commissioner's initiative in responding to the petition before the committee considered it, but I do not think that that prevents the committee from investigating the matter further and possibly asking the commissioner to give evidence to the committee at some later date about how she interprets the legislation and whether she thinks that it delivers what the people of Scotland expect FOI legislation to deliver. If one in four of responses to FOI requests is inaccurate, that means that 25 per cent of those who make such requests might get answers that are inaccurate or misleading. People cannot always do what Mr Chisholm did. He knew that the information that he got was inaccurate, so

he was able to challenge it and get accurate information from the local authority.

Bill Chisholm: The study that I mentioned is the only piece of research that I have seen about the level of inaccuracy; there might be others, but I have not been able to find them.

John Wilson: Thank you.

The Convener: John Wilson makes a useful point about inviting the Information Commissioner to a future committee meeting. Do other members wish to comment?

Chic Brodie: I have just one point to make. I have a situation involving not a local authority but the Westminster Government. I thank Mr Chisholm very much for bringing the petition to the committee, because I find it instructive.

In my opinion, the petition highlights two things. First, section 65 of the 2002 act states that it is a criminal offence if a person

“alters, defaces, blocks, erases, destroys or conceals”

a record. That might lead me to produce a follow-up letter to the Advocate General for Scotland on an issue that I am pursuing. Secondly, as with other cases in which commissioners oversee, or are supposed to oversee, Government functions, it is probably worth while reminding all public bodies that we do not produce FOI requests just for fun. Just as the Public Petitions Committee belongs to the people of Scotland, so the Information Commissioner and those making FOI requests should understand that they have the full backing of the Scottish Parliament. Perhaps we need to refresh everyone’s memories: that facility, like the facility of this committee, is for the people of Scotland’s benefit and not anyone else’s.

The Convener: Thank you for that. Do any members who have not spoken on the petition wish to do so?

Cameron Buchanan: Mr Chisholm, did you have any suspicion that you were deliberately being given an inaccurate figure? Were you suspicious that the council was just throwing out a figure?

Bill Chisholm: I think that, from day 1, the council was trying to play down the amount of money that it had spent on the appeal. I do not know whether it was a deliberate deception, but surely if the council had told another requester seven months earlier that it had spent £20,000 and then told me at the end of the process that it had spent £13,000, there must be something amiss.

11:15

Cameron Buchanan: Could that not just have been an inaccuracy? The first figure was on the public record, but the second was not. If the council had given the same amount—if it had said that the figure was £20,000 when you asked your question— would you have questioned it again?

Bill Chisholm: Yes. There were two tribunal hearings after the first answer was given, so the council must have spent more. Therefore, the figure was bogus, in my view.

The Convener: Does Lisa Brown wish to add anything or raise any further concerns?

Lisa Brown: I am just here for moral support.

The Convener: Right—it is not compulsory.

Bill Chisholm: Lisa is my daughter.

The Convener: John Wilson made a good point about inviting the Scottish Information Commissioner to come before the committee. We could ask her some questions about the petition. How do members feel about that option?

We are discussing future Government legislation to amend the 2002 act, so it would be useful to get the Scottish Government’s view as to whether it intends to introduce any fresh legislation in the area.

Anne McTaggart: I read that the last time the legislation was reviewed was a wee while back. It is important that we follow up the matter and take further evidence on it, as John Wilson has said.

The Convener: As regards the timing, do members wish to get an answer back from the Scottish Government before we invite the Information Commissioner, or do we wish to pursue both at the same time?

John Wilson: I would be happy to write to both at the same time. The Cabinet Secretary for Infrastructure, Investment and Cities has been quoted, and it would be useful to get the Scottish Government’s view on the issues raised by Mr Chisholm and to ascertain whether there is any inkling of the Scottish Government amending the legislation in a way that would provide for accurate information to be provided in response to all FOI requests.

The Convener: The committee is clear that we wish to continue the petition. We will write to the Information Commissioner, inviting her to come before us on a date to be organised. We will also write to the Scottish Government to ascertain whether there is any intention to legislate in the area.

Angus MacDonald: I am happy to agree to that. Could we ask SPICe to provide us with information on section 65 of FOISA and on how

many cases have been referred to the Court of Session?

The Convener: We could ask the commissioner about that, if we are writing to her anyway.

Angus MacDonald: Yes.

The Convener: We could refer to that in the letter to the commissioner. Clearly, it is a big issue if allegedly false information is coming out under FOI. There is a criminal angle to that, so it is important to get clarity on the matter.

If there are no further points, I ask whether members are happy with that course of action.

Members indicated agreement.

The Convener: I thank Mr Chisholm for coming along.

11:18

Meeting suspended.

11:19

On resuming—

Current Petitions

School Bus Safety (PE1098 and PE1223)

The Convener: We now come to item 3. There are three current petitions and we will take the first two together: PE1098, by Lynn Merrifield on behalf of Kingseat community council, and PE1223, by Ron Beaty. The petitions are on school bus safety. Members have a note by the clerk and the submissions.

Stewart Stevenson has a long-standing constituency interest in the petition. I am not sure whether Mr Stevenson is able to attend today, but I highlight the good work that he has done on it.

A number of overlapping issues are raised in the petitions. For clarity, we agreed that we would take evidence on the progress of the section 30(2) order, which, as members will know, relates to the transfer of powers from Westminster to the Scottish Government. However, a letter on the subject has been received from the Minister for Transport and Veterans, so it may be wise to postpone an evidence session. It is clear that progress has been made and Keith Brown has put some policy out on the issue. It is good to hear that there is excellent progress.

Chic Brodie: Apparently, there is excellent progress after four years.

The Convener: Mr Brodie is welcome to his views on that.

On PE1098, the committee may wish to write to the Minister for Transport and Veterans to request a more detailed timescale for the devolution of powers to the Scottish ministers in order that the progress of the process can be monitored.

On PE1223, the committee may wish to write to Transport Scotland to seek further information on the work that it is undertaking with local authorities on signage and lighting and whether it still intends to assist with evaluations of some of the pilot schemes with a view to developing them nationally.

I apologise to the committee if that is a bit complicated, but there are a couple of overlapping issues.

I also flag up the very helpful reply that we received from the Welsh Assembly. It has done some really good work on the issue, as it has on other issues that we are concerned with, such as organ transplantation.

I throw the matter over to the committee for its views on the next steps.

Chic Brodie: On PE1098, in view of the announcement in Keith Brown's letter, I agree that we might wish to postpone the evidence session and monitor what is happening with the transfer.

On PE1223, section 12 of the note from the clerk, PPC/S4/14/8/3, makes it quite clear that it is intended that the

"powers relating to signage and lighting, which are the main issues detailed in petition PE1223, will remain reserved."

I may not be here on earth in four years' time. We seem to be banging our heads against a brick wall when it comes to getting those things moved. I will not mention September—although I have just done so. I simply do not understand why these things take so long, but I am glad that we have moved at least one of the petitions along a bit.

The Convener: Can we deal with one petition at a time? It has been suggested that we postpone our evidence session on the section 30(2) order. Are committee members happy that we do that in light of Keith Brown's letter?

Members *indicated agreement.*

John Wilson: Convener, I am not quite sure whether we are going to let the evidence session with the minister slide, as you have just indicated. I know that you are coming to the second point. It would be useful if we asked the minister or the Scottish Government to give us a timetable for when the Scottish Government expects the powers to be devolved, but we should still indicate that we reserve the right to invite the minister along to give evidence at some future date, if we deem that necessary. As I said, we should not let the minister slide.

The Convener: I emphasise that my view is that we should just postpone the matter. If we discover that we need a further evidence session in light of further information, I am sure that the committee will want to have that. I agree with John Wilson that we need to keep that option open.

Chic Brodie: I just do not understand what goes through the minds of people in the Westminster Government when they say, "Yes, it's okay. These powers can be granted to Wales, but we'll take an aeon to decide whether they should be transferred to Scotland."

The Convener: I noticed in the letter from the Welsh Assembly minister that some powers on technical specifications were held back. Westminster has not allowed a certain level of powers to go, although it has allowed others to go. We need to keep a careful eye on that.

I will confirm what we are doing. We are temporarily suspending the evidence session with the Minister for Transport and Veterans. In relation to PE1098, we will write to him to request a more

detailed timescale for the devolution of powers, and in relation to PE1223, we will write to Transport Scotland to seek further information on the work that it is undertaking with local authorities on signage and lighting and whether it still intends to assist with evaluations of some of the pilot schemes with a view to developing them nationally.

Cameron Buchanan: Presumably we still have powers. The Welsh say that they are installing closed circuit television cameras, and they can do exactly the same as we can. Are there certain things that we can do that we have not yet done?

The Convener: We need to clarify with the Scottish Government that there are certain actions that it wishes to carry out but for which it does not yet have the powers—the so-called section 30(2) orders—and if there are areas in which they do have the powers, how quickly those actions will be pursued. I have spoken to Keith Brown on this issue and he is certainly very keen to get powers over seat belts, because he feels that they are crucial.

John Wilson: On PE1223, I note from the recommendation that we will ask whether Transport Scotland

"still intends to assist with the evaluations of some of the pilot schemes."

I would want to put that in stronger terms and say that Transport Scotland should ensure that the evaluations of the pilot schemes are concluded and that its report on the evidence is published as soon as possible so that we can take the petition forward. We need the evaluations to be carried out and published to strengthen the argument that Mr Beaty has been pursuing for almost eight years now about having the appropriate signage on school buses.

The Convener: Are members happy with John Wilson's suggestion?

Members *indicated agreement.*

The Convener: Do members have any more comments?

John Wilson: I have one final comment, convener. This is one of the very few occasions that Mr Beaty has not been present at a committee meeting at which we have considered his petition, and I trust that he is keeping well and that there are other reasons why he has not been able to attend today.

The Convener: I certainly note John Wilson's point. Mr Beaty has been extremely dedicated to his petition and has taken a great interest in our proceedings for a number of years now.

A9 Average Speed Cameras (PE1503)

The Convener: The third and final current petition is PE1503, by Mike Burns on behalf of the average speed cameras on the A9 are not the answer campaign, which calls for a review of the A9 speed camera proposals. Members will have received a note from the clerk and various submissions.

As members will know, I have had some involvement in this issue. In particular, I supported the increase in the speed limit for heavy goods vehicles. That is associated with the issue of average speed cameras, because the Government's position was that it needed average speed cameras for a pilot to find out whether increasing the speed limit would work.

Mr Burns has carried out an in-depth study as part of his petition and has gathered a large number of signatures. The area is difficult and complex, and we have written to a number of organisations on it. As the clerk has pointed out in the paper, the bulk of them supported the introduction of average speed cameras, although a couple, including the Scottish Council for Development and Industry and the Federation of Small Businesses, were opposed. There was also some debate about whether Mr Burns had been invited to meet the chair of the A9 safety group.

I do not want to get into any arguments about who said what, but I would prefer it if Mr Burns could meet the chair of the group to see whether any common ground can be found between what the group is proposing and what Mr Burns has suggested in his 20-point plan. He has put a lot of work into this issue and, although we all accept that excess speed is a factor in accidents, they are also caused by other behaviours such as overtaking and factors such as road design. We know that the Scottish Government has plans to dual the A9, which will obviously make the road safer than it is at the moment.

I therefore suggest to the committee that we write both to Mr Burns, asking whether he will take up the offer of a meeting, and to the A9 safety group, and that once there has been a meeting of minds between the groups we discuss whether to take further action on the matter. We have already written to safety organisations across the country, and the Government has made very clear its view that it is going to go ahead with the proposal, primarily on safety grounds.

That is one suggestion, but, as always, it is up to committee members to decide the next steps.

Chic Brodie: I want to make two points, convener. First, I think that Mr Burns has already met the safety group. Has he not?

11:30

The Convener: Mr Burns mentions in his submissions that, although the chair of the safety group offered to meet him, that offer was not seen through. Mr Burns has his own view on that. Rather than get into a debate about who said what, I am merely suggesting that a formal meeting be held. That has been offered. Once Mr Burns has had that meeting, we can see whether there is any support or otherwise for his proposals.

It is undoubtedly the case that the issue of average speed cameras is a huge one and not just in the Highlands and Islands—it affects other roads, such as the A77. There is some experience of how successful their use has been there.

Chic Brodie: My second point relates to a discussion of the A9 cameras on "Morning Call" that I listened to one Tuesday on my way through to the Parliament. The overwhelming response was that it is not just the use of average speed cameras that is important, but the complementary package of training and other mechanisms that I understand Transport Scotland is putting together in discussion with the A9 safety group.

I am happy to support the convener's proposal. Discussion is fine, but I think that there is a recognition that it ain't going to change anything.

The Convener: I put on record that the other measures that the A9 safety group is developing, which members will be aware of, are useful. I am referring to, for example, the installation of two-way traffic signage on single-carriageway sections, the clearing of vegetation, which is an issue that constituents have informed me of, and the review of collision statistics for the route. There is some debate between the petitioner and Transport Scotland about the figures, on which I would like to get some clarity.

However, I accept Chic Brodie's view. It is quite clear that the Government intends to go ahead with average speed cameras on the A9 and that that will not change. I just want us to go the extra mile—no pun intended—with the petitioner to ensure that the proposed meeting takes place. We can hear about what happens at that meeting and consider it at a future meeting.

John Wilson: I think that you are right, convener. We should ask, in the strongest possible terms, that those who are responsible for arranging a meeting arrange one that Mr Burns can attend. There is no point in them setting dates for meetings that he cannot attend. It is to be hoped that that meeting will bring people together and allow them to express their views, with the result that Mr Burns will hear about some of the thinking behind the actions of the A9 safety group. The issue is particularly relevant, given that sections of the A9 were again closed in both

directions yesterday because of another road traffic accident.

There are issues that still need to be identified. Raising the speed limit for trucks might be one solution, but there are other solutions that need to be examined. It is to be hoped that, by bringing Mr Burns together with the A9 safety group, we can find a solution and help to prevent the serious accidents that continue to take place on the A9.

The Convener: Do members agree to that course of action?

Members *indicated agreement.*

The Convener: There is no one in the gallery, but I formally close the meeting.

Meeting closed at 11:33.

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