

COMMUNITIES COMMITTEE

Wednesday 15 June 2005

Session 2

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COMMUNITIES COMMITTEE

† 19th Meeting 2005, Session 2

CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

DEPUTY CONVENER

*Donald Gorrie (Central Scotland) (LD)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)
*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)
*Linda Fabiani (Central Scotland) (SNP)
*Christine Grahame (South of Scotland) (SNP)
*Patrick Harvie (Glasgow) (Green)
*Mr John Home Robertson (East Lothian) (Lab)
*Mary Scanlon (Highlands and Islands) (Con)

COMMITTEE SUBSTITUTES

Shiona Baird (North East Scotland) (Green)
Christine May (Central Fife) (Lab)
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)
John Scott (Ayr) (Con)
Ms Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Ms Sandra White (Glasgow) (SNP)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Katy Orr

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

Committee Room 1

† 18th Meeting 2005, Session 2—held in private.

Scottish Parliament

Communities Committee

Wednesday 15 June 2005

[THE CONVENER *opened the meeting at 09:30*]

Subordinate Legislation

Right to Purchase (Prescribed Persons) (Scotland) Amendment Order 2005 (SSI 2005/275)

The Convener (Karen Whitefield): Good morning. I welcome everyone to the 19th meeting in 2005 of the Communities Committee. I remind members that mobile phones should be turned off.

Our first item is consideration of the Right to Purchase (Prescribed Persons) (Scotland) Amendment Order 2005 (SSI 2005/275), which was laid on 24 May 2005 and is subject to the negative procedure. Under the Housing (Scotland) Act 1987, a tenant is allowed a right to purchase and an entitlement to a discount from either a landlord mentioned in section 61(11) of the act or a person prescribed by order. This order extends the list of prescribed persons from whom a tenant can purchase a house under the Housing (Scotland) Act 1987 to include any person who is the new employer of an employee who formerly occupied a house as an employee of a local authority school and who was required

“to occupy the house for the better performance of”

their duties as an employee. For example, janitors in schools will still have the right to buy their property if they work in a school that is rebuilt by a public-private partnership.

Members have been provided with a copy of the order and the explanatory note. Are there any comments?

Mr John Home Robertson (East Lothian) (Lab): When I read the documents, I felt at one point that a right would be conveyed to the new owner—in other words, the PPP contractor. Convener, your account of the order clearly confirms that the tenant—the janitor or whoever it might be—maintains that right, which means that an obligation will be transferred to the new owners. Given that useful clarification, I am perfectly content with the order.

The Convener: My understanding is certainly that the order ensures that the tenant will have continued rights.

Mr Home Robertson: It does not convey any new rights to the new landlord, who might be the PPP operator.

The Convener: No.

As members have no further comments, I ask whether the committee is content with the order.

Members: Yes.

Linda Fabiani (Central Scotland) (SNP): I am delirious about it.

The Convener: I note that Ms Fabiani is not just content but delirious.

The committee will not make any recommendation on the order in its report to the Parliament. I now ask members to agree that we report to the Parliament on our decision on the order. Are we agreed?

Members *indicated agreement.*

Proposed Third-party Planning Rights of Appeal (Scotland) Bill

09:33

The Convener: The second item on the agenda is consideration of the proposed third-party planning rights of appeal bill. I welcome Sandra White to the meeting to discuss the item. Sandra White is proposing a member's bill to provide third parties with a right of appeal against decisions made in planning applications under the Town and Country Planning (Scotland) Act 1997. Under the revised procedures relating to members' bills, the committee is required to consider whether it is satisfied with Ms White's statement of reasons on why a consultation on the draft is not required. Members will note that Ms White conducted a consultation exercise on her proposal between September and December 2003 before the changes in procedures took place. If the committee is satisfied, the bill may proceed to a final proposal. If we are not satisfied, further consultation must take place or the proposal will fall. Before I invite questions from members, Ms White will make a short opening statement.

Ms Sandra White (Glasgow) (SNP): I think that all committee members have received the consultation document. I know that they are very diligent and will have read it.

I have proposed a third-party rights of appeal bill because for many years I have been concerned about the lack of consultation with and involvement of local communities—and, to a certain extent, businesses and councils—in aspects of planning. Constituents have written to me constantly and visited my surgeries and I have attended many public meetings at which concerns were raised about various aspects of the planning process. After speaking to various people, I began a consultation exercise. I am ready to take questions now.

The Convener: Thank you.

I remind everyone that we are here to assess not the merits or otherwise of the proposal, but whether the subject matter has been consulted on properly—we should remember that in our questions. I know that the issue is of interest to all committee members and that we will all—the convener included—find it rather difficult not to stray into policy areas.

Ms White, what methods did you use in your consultation and what was the basis of your decision to consult? How did you go about it? Who did you choose to consult?

Ms White: The consultation was largely carried out by use of the document that committee

members have in front of them. I produced the document because of questions that were asked at various community council meetings by individuals as well as councils. I am glad that my former research assistant, Kenny McLean, helped me to produce the paper, which went out to the interested parties. I sent it out to groups—rather than individuals—such as community councils, every council in Scotland, the Royal Town Planning Institute in Scotland, the Confederation of British Industry Scotland and everyone who I thought had an interest. The document was also available on the website, via e-mail and in my newsletter.

The Convener: I am conscious, as I am sure you are, that MSPs send out lots of documents to people and that community groups in particular are sometimes overwhelmed by a sea of paper. Did you consider alternative methods of consulting, such as holding events that people could attend to discuss the issues with you?

Ms White: There were various public meetings. There were two meetings in Hillhead library—they were organised by Pauline McNeill MSP and the then Deputy Minister for Communities, Mary Mulligan, who was talking about the Executive's consultation process. Community groups and I were invited along and I was able to speak about my proposal. I also attended public meetings run by Friends of the Earth. I was contacted by planning organisations and invited to speak to council planners—one of the biggest meetings was in Glasgow, where I was asked questions about my proposal. The information in my newsletter could be found in libraries, community centres and various other venues in the community.

The Convener: I assume that, as you are a Glasgow member, your newsletter is distributed in Glasgow and not further afield.

Ms White: The newsletter does not go further than Glasgow, but the consultation and public meetings were held throughout the country.

Mary Scanlon (Highlands and Islands) (Con): Another reason that you give in your statement for not consulting now is that the Executive has recently completed its consultation on planning issues, with which you said you were involved. How do you see your proposals sitting alongside what we might expect in the Executive's new planning bill, which is due within two weeks?

Ms White: I think that you are straying from the committee's remit, which concerns the consultation that I undertook, although I am happy to answer your question. The Executive carried out its consultation way back in March 2003—its consultation document has been available since then. That sits very well with my proposal. Some

86 per cent of the people and organisations who responded to the Executive's consultation wished for some form of third-party right of appeal. Although that consultation was not as good as mine, it certainly complements it and confirms that people out there want a third-party right of appeal.

Mary Scanlon: I am sure that I will be told by the convener if I am straying, but I think that the point is important. The committee is exceptionally busy, with three bills under scrutiny at the moment. Although none of us knows what the Executive's bill will say on the third-party right of appeal, would you consider withdrawing your bill if you were satisfied with the contents of the Executive's bill?

The Convener: I am conscious that you are beginning to stray slightly.

Mary Scanlon: It was worth a try.

The Convener: It certainly was. Can you reword your question slightly to ask about duplication and whether there was additional consultation? Ms White mentioned that she attended some of the Executive's consultation meetings. You might ask whether she held any meetings of her own and take it from there.

Mary Scanlon: That is a good point. Ms White, you spoke about the public meetings in Hillhead library, which were held as part of the Executive's consultation process. You said, I think, that one meeting was chaired by Pauline McNeill and another was chaired by Friends of the Earth. Did you hold your own public meetings and, if so, were the same points raised and the same conclusions reached?

Ms White: Similar points were raised in my consultation, but I do not think that that is a bad thing; it just reinforces the fact that the questions that I asked in my consultation were probably in tune with what people wanted to be asked. The Executive asked the same questions. I do not think that it is a bad thing that, to an extent, both consultations received the same responses.

Mary Scanlon: For my final question, I will stick to the subject of consultation. As a list MSP, like me, with a huge area to cover, why did you choose to consult on the third-party right of appeal when the Executive was already doing so?

Ms White: The Executive was not doing so when I consulted. It had just started work on a planning paper and there was no consultation on the third-party right of appeal. People were getting anxious that some form of third-party right of appeal should be introduced. I had always held the belief that there should be some form of third-party right of appeal, but there was nothing about that in the Executive's documents when I issued my consultation paper. I asked specifically about the third-party right of appeal.

Linda Fabiani: Your consultation document is dated July 2003 and the consultation period ran from September to December 2003. When exactly did the consultation run from and end? Can you confirm that it extended beyond 12 weeks, which is the minimum requirement?

Ms White: The consultation paper was published in July 2003. However, as you will know—indeed, the Executive mentions it in its recent planning paper—most community groups do not meet at all in July and August. Therefore, to allow the three months' consultation that the Parliament requires, the consultation had to run from September to December 2003. That is why, although the consultation paper was published in July, it was not sent out until September. I wanted to ensure that the maximum number of responses was received and that the minimum requirement for the consultation period was met.

Linda Fabiani: Did you receive any requests for an extension to that deadline?

Ms White: No, I did not receive any extension requests.

Linda Fabiani: Are you confident that the responses remain valid, even though a year and half has passed since the consultation closed?

Ms White: They are probably even more valid now. I am still getting responses to the consultation. I apologise to the clerks and the convener; I should perhaps have brought those responses to the meeting. I can pass them on to the committee later. Responses keep coming in, now and again, perhaps in reaction to the fact that the Executive's consultation is closed and people are terribly worried that the third-party right of appeal will be dropped. That may or may not be right, but that is the public perception and it is why I am still receiving responses to my consultation.

The Convener: Are you making those additional responses available to anybody who is interested in the subject? Is the non-Executive bills unit aware of those additional responses? Will the responses be included in the summary of evidence that relates to your bill?

Ms White: Yes, they will be. It is right and proper to ensure that we take into account all the extra responses, which people have been sending to me in writing or by e-mail. I have told them that this is the next stage and have sent them a copy of the consultation document, but I have not given them any further information—I have just continued to do what I did earlier. My intention is to gather the additional responses together, which are coming in in dribs and drabs.

Scott Barrie (Dunfermline West) (Lab): In the third paragraph of your statement of reasons, you say:

"Copies of the consultation document were sent to every local authority and community council in Scotland, the Royal Town Planning Institute,"

and so on. You add:

"A list of respondents is attached."

How did you select the list of consultees to whom you issued the consultation document? Are you content that you included a sufficiently wide range of consultees?

09:45

Ms White: As I explained in my opening remarks, I did not want to target individuals; I thought it best to target those who have an impact on the planning process. That is where the list of names and organisations comes from. The councils have a great deal to do with the planning process and they were an obvious choice, as were the community councils, given their statutory obligations under Scottish law. Businesses were also an obvious choice, as were builders—we targeted them through the Federation of Small Businesses and the CBI. I targeted everyone with an interest in the planning process.

Scott Barrie: In your paper, you say:

"Copies of the consultation document were sent to every ... community council in Scotland".

I have no idea how many community councils there are in Scotland, but the total must run into thousands; there are at least 24 in my constituency alone. You said that you are still receiving responses to the consultation in dribs and drabs. However, only four local authorities and five community councils are listed in the list of respondees. Are the responses that you have received from a sufficiently wide range of organisations?

Ms White: Yes, I think that they are. The Executive does not receive the same number of responses to all the consultation documents that it sends out. Although that is unfortunate, we cannot force people to reply to consultations. In my case, I think that the range of responses is wide enough.

Scott Barrie: How many community councils did you write to?

Ms White: I do not have the list with me, but I can get it. I think that NEBU will have it, as it gave us the list and other information about whom to contact.

Christine Grahame (South of Scotland) (SNP): In the papers that you have supplied, you say that you publicised the consultation in your newsletter and put information about it in libraries. Did you publicise it in other places?

Ms White: The media were pretty helpful in publicising the consultation document once it had

gone out. We had quite good coverage in the local press and the freebie newspapers. *Holyrood* magazine also publicised it and we had some television coverage. In addition, copies went into libraries and community councils. I launched the campaign in that way; that is how I publicised the third-party right of appeal.

Christine Grahame: You did not take out any advertisements.

Ms White: No, that would have cost me. Members do not get an awful lot of money in the members' support allowance. Taking out adverts in newspapers is not the proper way to go; I thought that the right way of doing things was to put the consultation out to the consultees, using the names and addresses that NEBU gave me. Where the media were interested, they publicised the consultation in the newspapers, which did not cost me anything in terms of my allowance.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): We have the list of consultees. Was the consultation put out in formats other than the consultation document? For example, was accommodation made for people with sensory impairments and those from different ethnic backgrounds, including people who have a different first language?

Ms White: No. I will revert to the answer that I have just given to Christine Grahame. You will realise that, if a member puts forward a bill proposal and it is not sponsored, all the cost falls to the member. We do not get a lot of money by way of the members' support allowance. Certainly, if anyone had requested another format—not just other language formats, but formats for people with a sensory impairment, such as those who are deaf or dumb—I would have ensured that they received the right format. I received no request for other formats. That is a good question, however.

Cathie Craigie: I might stray from the remit of my question a little, convener.

The Convener: You are fine as long as you do not stray into policy areas.

Cathie Craigie: I would love to stray into policy areas, but I will try hard not to do so.

Ms White: you consulted a wide range of organisations. The list of consultees totals 155, of whom 28 responded. In the papers that you have supplied, you say that the issue has generated a huge postbag for you. However, the number of people who responded to the consultation does not seem to back that up. Could there have been other ways of consulting people?

Ms White: There are always other ways of consulting people and we can always learn. For example, I was at a meeting on disability yesterday and I was amazed to learn that many

deaf people cannot read English and would like information to be available in sign language.

The replies that I have listed were written replies. Many other replies came by telephone. Even though they are not listed, there were many of them—although I admit that they were not always complimentary to the idea of a third-party right of appeal.

The consultation process that I went through was probably the same process that most members would have gone through. If members cast their minds back to the recent Prohibition of Female Genital Mutilation (Scotland) Bill, which thankfully went through, they will remember that the Executive did not consult in the language of the people who were being affected. We can always learn more, but I think that I did my best to consult. If anyone had wished the consultation to be in any other format, I would have done my level best to have produced it.

It may be that only 28 replies came back, but I point out that neither the Executive nor other groups—such as this committee, for example—always get all the responses that they would like from councils. I do not think that the number of replies demeans the consultation process at all.

Cathie Craigie: How have you recorded the telephone responses?

Ms White: I am afraid that I have just recorded them in my head, although I could certainly write them down. I am sure that those people will remember the responses that I gave them. As I say, the calls were not all in favour.

The Convener: In the papers that you have supplied to the committee, the list of respondees contains only those people who support your proposal. My understanding is that, when one consults on a bill proposal, one has to record all the responses and provide a full summary. One must record those who support the proposal and those who do not. I would not expect the response of somebody who had been abusive down the phone to be recorded, but if somebody phones and has a genuine discussion on the issue, their response should be recorded. I am slightly concerned. Will you explain, in case I have misunderstood?

Ms White: The respondees in the list are not all supporters, as you may be aware. I could also have listed a number of telephone calls—not only the abusive calls but the calls from people who phoned to wish me well. There were just as many supportive phone calls as otherwise. However, some people, although they were supportive, did not want their names to be mentioned. I would have to go back to them to ask again whether they want their name to be mentioned.

Patrick Harvie (Glasgow) (Green): For the committee's information, I point out that page 8 of the consultation document asks for all responses to go to either the postal address or the e-mail address, so it is reasonable for us to accept that phone calls would not necessarily be treated as formal consultation responses.

Mr Home Robertson: A wider cultural issue arises: how do we get the people of Scotland to respond on this kind of issue? Before devolution, it was a waste of breath to express a view on legislation; but now, under our new system, people can have an input. It looks as if you have run into a problem of inertia, Sandra.

You sent information to 155 consultees, and 130 did not reply. That means that 84 per cent did not reply. It would clearly be rash to proceed to legislation on the assumption that the people who did not reply had given their consent.

Ms White: I do not think that it would be rash; if we based our thoughts on that sort of premise, we would never consult at all. As I have suggested, there have been plenty of occasions—and this applies to the Communities Committee and the Equal Opportunities Committee, among others—when we have written to every local authority in Scotland and received only about four replies.

People have been consulted to death on the third-party right of appeal and it is time to move on. I went through the consultation process that was laid down and did everything that was asked of me, but I could not force people to reply to my consultation paper. Many consultees were also replying to the Executive's consultation, which was issued not long after mine, and I did not ask the Executive to carry out a consultation right in the middle of my consultation period. People have been consulted to death and have replied to letters and consultation papers. You also forget the public meetings, the media awareness of the issue and the representations that individual MSPs and individual councils have made to the Executive.

The third-party right of appeal has been well consulted on. I cannot say what the committee's decision will be, but I hope that it will look kindly on the fact that I consulted fairly and went through the proper process and that 86 per cent of the responses to the Executive's consultation said that there should be a third-party right of appeal. The case has been made and it is time to take it forward.

Mr Home Robertson: I stress that you have done your bit—there is no criticism of you—but the point is that very few people responded. You and the committee need to take that into account.

The Convener: That was a slight transgression into policy areas. I remind members that it is not for us to judge the merits of the proposal; we are

simply considering the consultation. I allowed Ms White to respond because it was right that she be allowed to rebut the suggestion that was made about the merits of her proposal.

Do Patrick Harvie and Christine Grahame still have points to make?

Christine Grahame: The only point that I want to make is that one despairs sometimes when one goes out on the road with a committee. I have gone out thinking that we were so interesting that people would turn up but, in fact, we got two men and a dog. There is an issue to do with how proactive people are about consultations in general, not Sandra White's consultation in particular.

Donald Gorrie (Central Scotland) (LD): I do not know whether I should declare an interest, because I was one of the signatories to the original bill proposal. I have a question to enable me to estimate the full volume of interest that Sandra White has had. She sent out the consultation paper that we have before us to the 155 organisations that are listed in the paper plus a significant number of community councils, which she has not listed, and the respondents are as she has listed. She says in the paper that, before she sent it out, she had correspondence with various bodies, which we could argue was part of her consultation. I ask her whether she has a record of her correspondents and what they said.

Ms White: Yes. I have letters from various individuals and groups, which started to come in before the consultation process began. As I said in my opening remarks, I did not think that it was proper for the consultation to target individuals, so I sent it only to groups. However, I have the letters that I received before the consultation and can certainly produce them.

Donald Gorrie: If a group with which you had corresponded received the formal consultation paper, it might have considered that it had already expressed its view. One could argue that you could stack up such groups in your support.

You referred to the Executive's consultation. I have not analysed the responses to the Executive on TPRA; is there a summary of them? Positive responses might be counted as allies in your cause.

Ms White: That information is in the Executive's summary of consultation responses. That is where the figure of 86 per cent in favour is mentioned. I think that it is on page 3 of the document, although I cannot remember off hand. It breaks down the responses according to the questions that were asked, which were similar to those in my consultation, and shows what the respondents said. I think that the summary was produced in December 2004. The responses are similar to most of those that I received.

Donald Gorrie: You mentioned public meetings. As has been pointed out, consultees were asked to respond to your consultation in writing. However, views that were expressed at public meetings might be considered part of consultation; do you have a record of any of the meetings?

Ms White: Yes. There will be a record of the meetings, particularly of the one with Friends of the Earth Scotland and the ones held in Hillhead library. I did not think to include the record of the meetings in the consultation. I did not ask people for names and addresses or to sign something to say whether they agreed with the proposal. I thought that the proper thing to do was to send out the consultation paper. However, the point is worth making.

10:00

Donald Gorrie: That is helpful. Given that the replies are still dribbling in and 28 are listed, are they now into the 30s?

Ms White: In the past couple of days I have received at least 12 replies by e-mail and letter and a number of phone calls, which I have not listed.

Patrick Harvie: I presume that we will have a discussion among ourselves after the question session.

The Convener: Yes.

Patrick Harvie: The issues I wanted to raise are perhaps best tackled there.

The Convener: That concludes the committee's questions to you, Ms White. Thank you for your attendance. I invite members to comment on the statement of reasons provided by Sandra White on the consultation process.

Patrick Harvie: This is perhaps one of the most heavily consulted-on topics with which the Parliament has dealt, whether through Sandra White's work or the Executive's work. The majority of the respondents to Sandra White's consultation have also responded to other Executive consultations on planning issues. There is no need for us to worry that people's or organisations' views have changed, because that will be reflected in the broad range of consultations to which they have responded. Given that, it would be bizarre for the committee to tell Sandra White that she has to carry out another round of consultations and tell the organisations that they have to write another round of responses. We should be quite comfortable giving the proposal the nod through to the next stage.

Although I have been here a mere two years and most members of the committee have been here six years, I would be surprised if any of my

colleagues could tell me that Executive bills are knocked back on the basis of a low rate of response to consultation. I am not aware of that having happened. It is not a question of assuming that everyone who did not respond is in favour of or opposed to a particular proposal; they have been given the opportunity to respond if they wish. As I understand it, consultation is not intended to be a measure of the strength of opinion on one side or the other but a process for enabling the proposer to understand the different arguments on both sides. It is clear that the consultations on planning and on rights of appeal in relation to planning have teased out all those issues thoroughly. We should tell Sandra White quite confidently to proceed to the next stage.

The Convener: I point out to you, Mr Harvie, that it is not for this committee to knock back the proposal today; that is not the question before the committee. The question before the committee is whether Ms White has properly consulted in a way that would allow her bill, which unfortunately falls between the new procedures and the old procedures, to proceed. The committee has to assess whether Ms White has to follow the new procedures, because she failed to consult appropriately. If we agree that she has consulted appropriately, we are saying not that we support the bill, but that the consultation has been appropriate.

Patrick Harvie: I understand that our decision is about the process of consultation. If “knocked back” was an inappropriate term to use, I apologise. We should tell Sandra White that it is our view that she has followed the procedures appropriately.

The Convener: Thank you for your comments, Mr Harvie.

Christine Grahame: Having gone through the procedure with my member’s bill—the puppy bill, or the “aw” bill, as it is called—I know that one takes the guidance of NEBU. Responses certainly go back to NEBU. One is very much in the hands of NEBU and I would be most surprised if it had not guided her appropriately.

Scott Barrie: Sandra White has consulted; it is a matter of judgment whether the consultation was extensive enough. Patrick Harvie made the valid point—a couple of his points were not valid, but a couple of them were—that the subject has been consulted on extensively. I do not think that any more consultees would come forward even if we were to trawl around and consult again. My only reservation, although it will probably not affect my final decision, is that I am surprised that so few community councils responded. I wonder whether they were contacted directly or whether contact was made only through the Association of Scottish Community Councils. The statement of reasons is

perhaps a bit misleading on that point. However, that is my only reservation.

Donald Gorrie: It is fair to say that a repeated consultation effort by Sandra White would produce the same result. Different people might respond, but it would not advance the cause very far. I may be straying into the wrong territory, but—

The Convener: Go cannily, then.

Donald Gorrie: The problem is that none of us knows what the Executive is going to propose. As I understand it, in the next few weeks there will be a white paper followed by a bill. I have twice had proposals for bills gazumped by the Executive, so I have some sympathy with Sandra White. There is an issue around that but, to take a po-faced attitude to the consultation, I think that I would be in the Patrick Harvie camp, unless I am persuaded otherwise. He said that there is no point in consulting again and that the proposal might as well go ahead. I feel slightly iffy about it, to be truthful, but I am inclined in that direction.

The Convener: The judgment to be made by the committee is not about what will happen when the Executive’s planning bill is published—or, more properly, when its white paper is published. At that point, it will be for Ms White to decide whether she wishes to proceed with her proposal. We are simply attempting to consider whether she has consulted adequately and does not need to follow the new procedures.

Cathie Craigie: The point is not the number of people who were invited to take place in the consultation exercise or the number of people who responded. Sandra White has demonstrated that she consulted; although there may have been opportunities to consult in different languages and so on, she made an effort to consult. For me, the question is whether the consultation is still valid, given that it was carried out in 2003 and we are now in 2005.

I have some experience of the new procedures because I am a member of the Procedures Committee, which introduced them. That committee felt strongly that requests by members not to consult again on a bill should be granted only rarely. As I said, although Sandra White has consulted, it might help her case if she were to write to the people who responded to ask whether they wanted to update their responses. That would give a more up-to-date picture of the respondees’ opinions. However, we can safely say that there has been consultation on the issue.

Mary Scanlon: Whatever happens in relation to the issues that Sandra White is addressing, we are entering a stage of consultation fatigue. I do not think that there is anything to be gained from further consultation. I go along with the mood of

the committee: although the consultation is a year and a bit out of date, further consultation is unnecessary.

Mr Home Robertson: There is no doubt in my mind that Sandra White has done her best, but the outcome of the consultation is depressingly limited. The responses might not be a sound basis on which to proceed to legislate, but there is no criticism of Sandra White in that. She has done her best.

The Convener: I thank everyone for their comments. Are members satisfied with the statement of reasons that has been given?

Members *indicated agreement.*

The Convener: For the record, I state that the committee is satisfied with the statement of reasons that Sandra White has provided, which sets out why she need not consult further on her proposal for a member's bill to provide third parties with a right of appeal against decisions that are made in planning applications under the Town and Country Planning (Scotland) Act 1997. I thank Ms White for her attendance at the committee this morning.

10:11

Meeting suspended until 10:14 and thereafter continued in private until 12:27.

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Monday 27 June 2005

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