

LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

Wednesday 20 June 2007

Session 3

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

1st Meeting 2007, Session 3

OLDEST COMMITTEE MEMBER

*Duncan McNeil (Greenock and Inverclyde) (Lab)

COMMITTEE MEMBERS

*Alasdair Allan (Western Isles) (SNP)

*Bob Doris (Glasgow) (SNP)

*Kenneth Gibson (Cunninghame North) (SNP)

*Johann Lamont (Glasgow Pollok) (Lab)

*David McLetchie (Edinburgh Pentlands) (Con)

*Michael McMahon (Hamilton North and Bellshill) (Lab)

*Jim Tolson (Dunfermline West) (LD)

COMMITTEE SUBSTITUTES

Tricia Marwick (Central Fife) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Jackie Baillie (Dumbarton) (Lab)

Ken Macintosh (Eastwood) (Lab)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Jane McEwan

LOCATION

Committee Room 1

Scottish Parliament

Local Government and Communities Committee

Wednesday 20 June 2007

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 10:00*]

Interests

Duncan McNeil (Oldest Committee Member):

Good morning and welcome to the first meeting of the Local Government and Communities Committee in the third session of the Scottish Parliament. I ask everyone to switch off their mobile phones and pagers, to save any embarrassment during the meeting.

Agenda item 1 is the declaration of members' interests. In accordance with section 3 of the code of conduct for members of the Scottish Parliament, I invite members to declare any interests that are relevant to the committee's remit.

I declare my interest as a member of the GMB trade union.

Kenneth Gibson (Cunninghame North) (SNP): I have no interests to declare.

Alasdair Allan (Western Isles) (SNP): My microphone does not seem to be working.

My only relevant interest is that I own a flat in West Lothian, from which I derive a small rent. That rent is declared in the "Register of Interests of Members of the Scottish Parliament".

Bob Doris (Glasgow) (SNP): I am a member of the Educational Institute of Scotland.

Johann Lamont (Glasgow Pollok) (Lab): I have no registrable interests, but, for the avoidance of any doubt, I want it to be noted that I am a member of the EIS and the Transport and General Workers Union, and that my husband is a serving councillor on Glasgow City Council.

Michael McMahon (Hamilton North and Bellshill) (Lab): Other than my membership of the GMB, which is a trade union that organises in local government, I have no registrable interests.

Jim Tolson (Dunfermline West) (LD): I have no registrable interests and I am not a member of a union.

Convener

10:02

Duncan McNeil: Agenda item 2 is to choose the committee convener. The Parliament has agreed that only members of the Labour Party are eligible for nomination as convener of the committee. That being the case, I seek nominations for the position.

Kenneth Gibson: I nominate Duncan McNeil.

Duncan McNeil: There are no other nominations.

Duncan McNeil was chosen as convener.

Deputy Convener

10:02

The Convener (Duncan McNeil): Agenda item 3 is to choose the deputy convener. It has been decided that a Scottish National Party nominee will fill the position of deputy convener. That being the case, I seek nominations for the position.

Alasdair Allan: I nominate Kenneth Gibson.

Johann Lamont: It is unanimous.

Kenneth Gibson: Do not all rush.

Johann Lamont: I nominate Kenneth Gibson, too.

The Convener: There are no other nominations.

Kenneth Gibson was chosen as deputy convener.

The Convener: Is co-operation not brilliant? When it works, it works. I am sure that Kenny Gibson would agree that he and I will work hard with other committee members to make our work interesting and worth while over the piece.

Proposed Disabled Persons Parking (Scotland) Bill

10:04

The Convener: Agenda item 4 is the proposed disabled persons parking (Scotland) bill. The committee will consider a statement of reasons for not consulting further on the proposal. Jackie Baillie MSP is with us. She will be supported, if necessary, by David Cullum of the non-Executive bills unit.

I invite Jackie Baillie to say only a few words, as we have received her written statement.

Jackie Baillie (Dumbarton) (Lab): I thank you for the early opportunity to address the committee. I know about your interest in the proposed bill—I am sure that many committee members share that interest—and that there is commitment to the issue of parking for disabled persons. I look forward to debating the substance of the policy proposals with the committee in due course. However, today we are to discuss the statement of reasons for not repeating the consultation.

Between 20 November 2006 and 26 February 2007, I ran a consultation on the proposal for a disabled persons parking (Scotland) bill—the title is snappy. The consultation was extensive, and I received 173 responses. In line with the requirements of standing orders, I have lodged a draft proposal for this session and have produced a statement of reasons for the committee that sets out why I do not consider that further consultation on the proposed bill is necessary. First, a further consultation would simply duplicate the work that has already been undertaken. Secondly, it would create a great deal of further work for the individuals and organisations that took the time to respond to the original proposal, which has not been changed.

I thank the committee for giving me the opportunity to bring this matter before it today. I am more than happy to answer any questions that members have.

The Convener: As members have no questions, do we agree that there is no need for us to consult further on the draft proposal for a disabled persons parking (Scotland) bill?

Members indicated agreement.

The Convener: I thank Jackie Baillie and David Cullum.

Work Programme

10:06

The Convener: Item 5 on the agenda is consideration of the committee's approach to developing a work programme. Papers on the subject have been made available to the committee. I invite comments and questions from members.

Johann Lamont: An away day would be useful, but we will need some information to inform it. In particular, we need to know what the Executive's programme in the area is. Where does ministerial responsibility for the range of issues for which the committee is responsible lie? We need to know what the Executive's priorities are, not so that we may mirror its programme exactly but to allow us to engage with the ministerial team to help shape what it is proposing to do. First, we must ask for clarity on the identity of the responsible minister and how the responsibilities of the committee have been divided up. Secondly, although there is no legislative programme, there may be legislative implications that the Executive wants to share with us. We should seek an indication of what it is planning, what issues it will address and what its priorities are. That will inform how we scrutinise the Executive's work and indicate what space we will have to do other work.

Jim Tolson: My comments are in a similar vein. It is extremely important that the committee should meet again next week, if possible, to give us the opportunity to invite the cabinet secretary to attend to give us a brief outline of the Government's plans. Although the Government has made announcements in a few areas by means of parliamentary statements, there has not yet been a full statement of the Government's legislative or policy priorities. Although it is for the committee to consider its own work plan and to initiate its own inquiries, we also have the role of scrutinising the Government's work and holding it to account. It is difficult for us to do that without hearing from the Government whether it plans to bring forward a legislative programme and what that programme might include.

We should create space on next week's committee meeting agenda for the cabinet secretary to attend, so that the Executive may outline before the recess the Government's priorities and plans. We cannot wait until September—that is too long. The Government must give us more information on its plans. In previous sessions, committees would have met several times by now and would have been able to consider a four-year programme for government; it is only right that we should be able to look ahead in this session, too. It is important that the cabinet

secretary should appear before the committee next week, as I wish to hear from him about the Government's approach to the important issues that we face.

The Convener: We will come back to Jim Tolson's proposal.

Kenneth Gibson: From which cabinet secretary would Jim Tolson like to hear? Johann Lamont's comments were more appropriate, as we have to get a grip of ministers' cross-cutting remits and to work out which ministers will be responsible for which issues. I am not sure that we should invite a specific minister to appear before us at this stage, but there is a raft of issues that we need to address. I want to ensure that we meet weekly, because the burden of work is such that, if we start to meet fortnightly, we may end up with a huge backlog. We should start as we mean to go on.

There are a huge number of issues that we need to discuss, and we must identify the ministers with whom we want to interact.

Many of the issues are covered in the papers. They include fuel poverty, child poverty, debt, planning, all aspects of housing policy—including affordable housing—homelessness, business rates, the voluntary sector, the abolition of the council tax, petitions, the private landlord registration scheme, scrutiny of the Office of the Scottish Charity Regulator, the free school meals pilot, the community regeneration fund, the warm deal budget and drug and alcohol misuse. Those are just some of the subjects, but I am sure that members have others that they would like us to consider. We want to be as proactive as possible; we do not want to be completely reactive to proposed legislation, as has happened in previous committees. We want to set out our stall. The suggestion of having an away day is excellent and I hope that we can formalise our full programme during that day.

David McLetchie (Edinburgh Pentlands) (Con): My apologies for missing the start of the meeting and your assumption of office, convener. In future, I will not be disrespectful and will turn up on time, but I was meeting the Presiding Officer. I congratulate you and the deputy convener.

I will follow up a couple of the points that have been made. On planning, I would welcome clarity on the division of responsibility between this committee and the Transport, Infrastructure and Climate Change Committee, particularly in relation to parliamentary engagement in the development of the national planning framework. That is one of the hangovers from the Planning etc (Scotland) Bill and the work that Johann Lamont did when she was the Scottish Executive minister responsible for that bill. It is not clear where the

division of responsibility lies. I assume that the subordinate legislation that will be rolled out under the Planning etc (Scotland) Act 2006 and which will complete that legislative process will come to this committee. However, I am not entirely sure whether our role in planning is simply to complete the building of that framework and structure, leaving others—for instance, the Transport, Infrastructure and Climate Change Committee—to comment on substantive proposals, such as those that might be in the national planning framework. Alternatively, we may have a substantive role in those matters. I would like clarity on the respective roles of this committee and the Transport, Infrastructure and Climate Change Committee. That is an exemplar of some of the wider issues that Johann Lamont, Bob Doris and Kenny Gibson have raised.

Michael McMahon: I take on board Kenny Gibson's point, but just because there is more than one minister with responsibility to the committee does not mean that we should decide at this stage which one will have the greatest priority. We should hear from both the ministers or, if there is a cabinet secretary and two ministers, let us have them all. We must start to get a picture of how the Cabinet and the Government intend to proceed in relation to the committee. Next week, we should at least have an opportunity to discuss with the relevant ministers—either together or separately—which areas they intend to cover and what proposals they intend to make. If it is necessary to invite more than one cabinet secretary or a cabinet secretary and some ministers, we should consider that possibility.

Bob Doris: If we are not clear about which minister has responsibility, I do not see the point in inviting them all along. We should make representations to the Executive to find that out, so that when the minister comes to the committee we can have productive discussions. If the matter is unclear, the convener should make representations to the Executive to ask who has responsibility for what. We can then put into our work plan for the coming period which minister we will bring to the committee to question on Executive policy and why we will do so. However, to have two, three or four ministers here next week would be an exercise in itself, rather than anything productive. The convener should approach the Executive to ask for clear remits and for information on who has responsibility for what.

Johann Lamont: Are we saying that the clerks have not yet been told who has ministerial responsibility? We may not know, but it is reasonable to assume that the ministers know where the responsibility lies. Their first priority should be to be clear about which committees they will work with—it may not be only one committee if they have a cross-cutting agenda. If the ministers

have not provided that information to the clerks, we should seek it as a matter of urgency. I accept that an initial get-together would be a useful exercise and I imagine that no minister could resist coming before the committee at an early stage to talk about their initial priorities, so that would be welcome next week.

10:15

David McLetchie mentioned planning, which was the responsibility of the Communities Committee in the second session. I would argue strongly that the Local Government and Communities Committee is the logical place for planning to sit because, although planning relates to infrastructure, there is a critical issue around community engagement and communities shaping the development of planning. There is an understanding of the equation around planning. Apart from anything else, I do not know what I would do if I was no longer involved in consideration of planning, so it would be good if the committee had responsibility for it. We must get clarity from the Executive on that. Of course, that would not prevent us from speaking to the Transport, Infrastructure and Climate Change Committee about issues that it had concerns about.

We should get a timetable from the Executive that lists the statutory instruments that are on the stocks and ready to go. Members may wish to consider what was done in the past. Both when I was the convener of the Communities Committee and when I was the Deputy Minister for Communities, it was the committee's practice to invite a minister to the away day so that members had an opportunity to engage with them more informally and to find out what they were considering. The minister could bring their officials with them, if they chose to. That could be the first session at our away day. Following that discussion and our formal discussions in committee, we could use the second half of the away day to examine the Executive's proposals. Once we have the information that we have asked the Executive for, we will be able to shape our priorities. As Kenny Gibson outlined, one danger might be that we think that we cannot do anything because our remit is so overwhelming and covers so much. We must be well informed if we are to progress our priorities.

Kenneth Gibson: I have no axe to grind about asking the ministers to come along; I just think that such an invitation is somewhat premature. My concern is that I do not want us to be in a position whereby we follow the priorities of the ministerial agenda. We should set out our priorities. We will obviously have to work on whatever legislative proposals are made, but we should set out our

stall and get the ministers and the Executive to follow suit; it should not necessarily be the other way round.

Jim Tolson: I appreciate Kenny Gibson outlining the main details of the committee's role and responsibilities and how the ministerial portfolios might relate to them, but it is crucial for members of the committee and, through us, members of the public to have the chance to find out what the ministers are thinking and what their plans are. We should not leave that until as late as September. I hope that the ministers and the cabinet secretary know what their plans are, but if they do not, they should not be able to hide the fact by delaying until September. That is why I want to bring them before us next week and to make them answerable on their positions and their roles and how they want to advance government in Scotland.

The Convener: We have clear agreement that we need an away day to influence our work programme over the next year.

A common thread of our discussion is that there is not a very good understanding of what the Executive has on the stocks and what it will require us to do. It has been well established that committees have to work to the Executive's agenda. If we are to develop our agenda, we will have to check on our capacity, our time and everything else and will need to discuss with the cabinet secretary or the appropriate ministers what we will be required to do so that we can decide what it would be realistic for us to do in the remaining time.

I do not know, given diary commitments, whether the cabinet secretary will be available to attend next week's meeting at short notice, but I do not think that it would be unreasonable for the committee to ask her or one of her ministers to come along, if they are available. Nor would it be unreasonable to ask the Executive to provide a paper to aid our discussion with the cabinet secretary.

With members' agreement, we could follow up on the practice that has been established for away days over the past few years and give ministers the opportunity to spend some time with the committee and have an informal discussion, under Chatham house rules, about their and our priorities for the coming year.

I do not know whether there is broad agreement on that summary but, if there is, and if there are no strong feelings to the contrary, we could ask the clerks to proceed on that basis.

Kenneth Gibson: My only concern is about diary commitments. I imagine that every committee will seek a similar approach from ministers. The committees do not mirror the

portfolios of the ministers and cabinet secretaries exactly. If only one minister is available to the committee, would you wish that minister to focus on his or her own remit or to cover all the issues that the committee faces?

The Convener: We need to have an initial discussion with an appropriate minister so that they can outline to the committee what their priorities will be. That will impinge on the committee's time. We need to have a paper and we need the opportunity to speak to the relevant minister.

Johann Lamont: I am surprised to hear that the committee clerks have not already been furnished with that information about remits. Speaking from my past experience both as a committee member and as a minister, I know that requests and demands from committees were always given priority in the Executive. It was in extremis that a minister was requested to come before a committee but did not do so. I hope that that message will go back to the ministerial team. I appreciate that there can be diary issues, but there would need to be a conflict with attendance at another committee or with something that it was almost impossible to get out of for a minister not to attend.

We need to make it clear that that is the relationship that we expect with ministers. We would have expected their remits to have been furnished to the clerks already. If they have not been, and if there is some difficulty with diary engagements, we would at least like a written report to come before us at the next meeting, indicating exactly how ministers see their responsibilities being divided up. They must have thought about it, as their relationship with the committees is a critical part of any piece of work that they will do.

If only one minister is available, it will be important to speak to them about their own responsibilities, but they will surely also have a sense of the wider responsibilities of the ministerial team. We will be mindful of the fact that they will not have direct responsibility for other areas. If, for instance, we see the Cabinet Secretary for Health and Wellbeing, we would not expect to interrogate her about John Swinney's responsibilities. Nevertheless, it would be entirely reasonable to expect her to respond to her own broad brief.

This is the beginning of a process to help to inform us in deciding how to divide up our time. That is entirely reasonable. I say again that I am surprised that basic information has not been provided to the committee clerks.

Bob Doris: It is important to set the correct tone. I agree with much of what Johann Lamont

has said. However, we are not yet at the stage of demanding that ministers come before us. We are asking them to—

Johann Lamont: We have been doing it for eight years.

Bob Doris: Apologies—as a new boy, I will say what my impression of things is. My impression is that we should ask ministers to come along, which is a courteous thing to do, rather than making demands. This is our first meeting. I agree that there seems to be a need for more clarity over who has responsibility for what. It would be nice to have some written material on that. It would be ideal if a minister could come along next week, but they will have diary commitments. If we see a minister, that would be a positive thing. We should get the tone right at our first meeting. Let us ask the ministers to come along rather than use words such as “demand”. That would not be helpful.

Alasdair Allan: The conversation is going round in circles a wee bit. We cannot speculate about what is or is not in the minister's diary. As the convener said, an invitation should go to ministers. Whoever comes along should be briefed on all the relevant portfolios and they should be able to talk about them. Beyond that, we are manufacturing differences that do not exist. As I see it, and as the convener summed it up, this is the direction in which we seem to be heading. An invitation of the kind that we have discussed would seem sensible.

Kenneth Gibson: I merely sought clarification that that would be the case. If we ask for three or four ministers or cabinet secretaries to come along and only one or two are available, we would like them to be able to speak to the full agenda that the committee faces. If that is going to be the case and if we are so minded, we should proceed on that basis.

Michael McMahon: Convener—

The Convener: Michael, I am on the spot here. Unless you are desperate to speak, I believe that we have agreement to invite one of the ministers to the committee and to ask for a paper that would outline their position and aid us in that discussion. Our away day will include a slot for the minister and her officials. If the committee and the ministerial team are to be considered successful, they will have to work together. It is not about inviting the ministers to come and be interrogated; they are accountable to the committee and we need to hold them to account. The common view of members seems to be that that is the way ahead. Is that agreed?

Members indicated agreement.

Proposed Sunbeds Licensing (Scotland) Bill

10:26

The Convener: We have in front of us a paper on Kenneth Macintosh's bill proposal. I am glad that he is able to attend the committee and I see that he is being assisted by Rodger Evans from the non-Executive bills unit. I invite Ken to say a few words.

Ken Macintosh (Eastwood) (Lab): I am pleased to have been invited to the committee's first meeting to put the proposed sunbeds licensing (Scotland) bill on the agenda. I thank you for your understanding over the fact that I am trying to join my colleagues on the Education, Lifelong Learning and Culture Committee this morning, although some of them have been held up in traffic on the M8.

For those who do not know about it, the bill is an attempt to tackle the rising incidence of skin cancer in Scotland. I know that we are not due to discuss policy but, to put it simply, given that we have laws to protect children from alcohol and tobacco, we should also protect them from the risk of developing skin cancer.

The proposed bill was consulted on recently—what the committee has to decide this morning is whether there should be further consultation. I hope that the committee will agree with my statement of reasons why no further consultation is required on the bill. It went out for consultation last summer and received more than 50 responses, which is a good, healthy response for a member's bill. It also received good cross-party support from more than half the back-bench MSPs who were able to support such bills in the previous parliamentary session. I hope that the bill will receive similar support in this session.

I am happy to answer any questions on the proposed bill.

The Convener: I remind members that we have not been asked to discuss the bill's principles. We have been asked to decide whether the bill should go out to further consultation.

David McLetchie: Could Ken Macintosh give us information about the organisation and size of the sunbed industry? The bill seeks to regulate the industry. I would like to explore the extent of the consultation with operators because the bill could have considerable implications for commercial operations. Did the consultation draw responses from people who are involved in the industry? If so, what was the scale of those responses relative to the number of operators in the industry in Scotland?

Ken Macintosh: There is an industry operators association that operates a voluntary code. It is difficult to get firm figures on its membership, but it would probably accept that it represents less than 25 per cent of sunbed operators in Scotland. It does not therefore cover all the independent operators in Scotland, which might be another reason for passing the bill. However, the organisation's response was favourable in that it recognised a need for regulation. I also received a couple of individual responses from sunbed operators, and I have spoken to some sunbed operators in the past. The committee should be aware that sunbed operations are, on the whole, very small; in some cases, they are quite marginal businesses. Although they would be directly affected by the bill, not many of them have taken the time to respond. I had a good response from local government, health bodies, the skin cancer community and some sunbed operators.

10:30

David McLetchie: So an association that represents less than a quarter of the industry gave the collective view of its members. How many individual operators responded?

Ken Macintosh: I think only three.

David McLetchie: You said that there are one-man, or one-woman, operations. Are there also chains of salons, with a salon on every high street?

Ken Macintosh: Yes. In fact, Consol Suncenter, which responded to the consultation and which is against my proposal, operates a chain of unstaffed salons. It has invested in computer technology, so it is obviously concerned about regulations that would make unstaffed salons illegal. There are a number of chains as well as small operators. The area is unregulated and there has been an explosion in the number of operators over the past 10 years. Previously, there were few operators, but there are now many, including a couple of chains that operate widely.

David McLetchie: Would the proposed bill in effect close down Consol Suncenter's current operations?

Ken Macintosh: I would hope not. I hope that the more reputable companies, such as Consol, would make suitable changes to their operations. If the Parliament agreed that sunbed operations should be staffed—as I hope happens—I hope that the operators would make the necessary changes to their operations.

David McLetchie: So Consol has a chain of unmanned salons and there are other businesses that operate unstaffed salons.

Ken Macintosh: Exactly.

David McLetchie: How do the numbers work out? Consol responded to the consultation, so that is fine for its interests, but I am concerned about other small businesses out there that do not perhaps fully appreciate that your proposal—I will not go into its merits—might result in their businesses closing. I want to be satisfied that you have done as much as possible to make them aware of that and to allow them to comment.

Ken Macintosh: Absolutely. To give you an example, about a year and a half ago I spoke to a group of about eight small operators who were brought together by West Lothian Council. It is fair to say that they were all happy at the idea of driving up standards in the industry, particularly the proposal to remove what they would describe as cowboy operators. There is a mixed response from the industry, but it is not entirely hostile to my proposal.

Jim Tolson: I have a couple of questions for clarification. The introduction in the clerk's briefing paper on Ken Macintosh's proposal refers to "providers of cosmetic tanning facilities"

—salons, to most of us—"or equipment". I want clarification on the latter point. Are you saying that a company that sold tanning equipment, whether a small company or a large one such as Woolworths, would have to be licensed? In particular, would that mean that the staff, who are often part-time or temporary, would have to have a good knowledge of the equipment and be able to impart that to a customer before they could purchase a sunbed to use in their own home?

Ken Macintosh: Just to make it clear, the proposed bill would not affect equipment in that sense. The bill is designed to introduce a form of regulation over sunbed parlours. There is such regulation in Europe. The European Community relatively recently issued a directive that will introduce extra legislation on the quality of tanning equipment, particularly the power output.

The effect of my proposed bill would be similar to what local authorities do when they issue licences for pubs, butchers and so on. In fact, the previous Executive passed a similar piece of subordinate legislation two years ago that introduced a licensing scheme for tattoo parlours. That was done for public health protection reasons, which is similar to the reasons behind my proposal.

The proposed bill would not affect the sale of equipment. It would not affect the use of sunbeds in the home. It is purely about regulating sunbed parlours. Perhaps members do not know that Scotland—particularly the west of Scotland—has become the sunbed capital of Europe over the past 10 years. That is not something of which we should be proud, because it is a dangerous development.

The Convener: Is the committee content that no further consultation is needed?

Members indicated agreement.

The Convener: Before we end the meeting, David McLetchie is required to make a declaration of interests.

David McLetchie: As other members have done, I have lodged my entry in the register in draft and it is being finalised. The only professional bodies of which I am a member that might be pertinent to business that might come before the committee are the Law Society of Scotland and the Society of Writers to Her Majesty's Signet. Beyond that, I do not think that I have any interests that may conflict with the work with which we are likely to deal.

Kenneth Gibson: Before you close the meeting, convener, could we find out whether the committee is minded to meet weekly? It would be good to make that a formal arrangement as opposed to taking a suck-it-and-see approach, as we will be fairly overwhelmed in the autumn if we do not meet weekly from the start.

The Convener: We will put that on the agenda for next week.

I thank members for attending, participating and making my job easy.

Meeting closed at 10:36.

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