

PUBLIC PETITIONS COMMITTEE

Tuesday 29 June 1999
(Afternoon)

Meeting 1

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CONTENTS

Tuesday 29 June 1999

	Col.
INTERESTS	1
CONVENER	1
<i>Mr John McAllion elected convener by acclamation.</i>	
REMIT	2

THE OLDEST MEMBER OF THE COMMITTEE :

*Phil Gallie (South of Scotland) (Con)

COMMITTEE MEMBERS :

*Helen Eadie (Dunfermline East) (Lab)
*Christine Grahame (South of Scotland) (SNP)
*Mr John McAllion (Dundee East) (Lab)
*Pauline McNeill (Glasgow Kelvin) (Lab)
*Mrs Margaret Smith (Edinburgh West) (LD)
*Ms Sandra White (Glasgow) (SNP)

*attended

COMMITTEE CLERK :

Steve Farrell

SUPPORT MANAGER :

Jane Williams

Scottish Parliament

Public Petitions Committee

Tuesday 29 June 1999

(Afternoon)

[THE OLDEST MEMBER OF THE COMMITTEE *opened the meeting at 15:33*]

Phil Gallie (Oldest Member of the Committee): Welcome to the first meeting of the Public Petitions Committee. I am a long-serving oldest member in the chair to open these committees. This is my second today, and I suspect that very shortly you are going to throw me out of the chair of this one as well. [*Laughter.*]

Interests

Phil Gallie: I would like any of you to say whether there are any special interests that you feel you should declare to the committee. We have already made a similar declaration in line with the requirements of the Parliament, but at the first meeting of each committee we have a look at the things that we do and, if anything is of specific relevance to the work of the committee, we have an opportunity to declare it.

Mr John McAllion (Dundee East) (Lab): Perhaps I should begin the declarations of guilt by saying that I support and am a member of Shelter, the housing charity, and of the Child Poverty Action Group, which may on occasion petition this committee. I am also a member of Scottish Campaign for Nuclear Disarmament, but as defence is not a devolved area, I would not expect Scottish CND to lobby the committee.

Phil Gallie: We will try to keep that interest quiet, John, and ensure that Tony Blair does not get to know. [*Laughter.*] Does anyone else want to declare an interest? No? In that case, I will declare an interest. I tend to abuse power whenever given it, and I proudly announce that I have brought along a petition from the Ayrshire chamber of commerce and industry relating to the A77. It will be presented later.

Convener

Phil Gallie: It is my responsibility to take nominations for convener of this committee, someone to take us through the next four years. As agreed by Parliament, the convener should come from the Labour party.

Pauline McNeill (Glasgow Kelvin) (Lab): I nominate John McAllion.

Christine Grahame (South of Scotland) (SNP): I second that.

Phil Gallie: Thank you. Are there any other nominations? No?

Mr John McAllion was elected convener by acclamation.

Phil Gallie: I will not say that I do this happily, John, but I give the chair over to you. Good luck in the things that you do and in the way that you guide us in the future.

The Convener (Mr John McAllion): I have not been watching the other committees on the internal television—much to my disgrace—so I have to admit that I am not very sure of the form on these occasions, other than to thank Phil for giving up his seat in such a graceful manner. I do not think that I will get to say that on any other occasion in the next few years.

Remit

The Convener: We go on to item 3 on the agenda, which is “Remit of Committee and Topics for Further Briefing”. I think that the ability of people to petition the Scottish Parliament is extremely important. I am sure that it is part of the vision that the consultative steering group had for public access to the Scottish Parliament, so the role of this committee will be critical.

From experience, I know that the way in which petitions are handled at Westminster is completely unacceptable. I hope that most members of this committee feel the same. At Westminster, the public can only petition through their member of Parliament, and the member of Parliament can only present the petition in a very formal way—by dropping it into the bag behind the Speaker’s chair. Whether or not to respond to the petition, or even to have it published in the *Official Report*, is completely at the discretion of the Executive. Obviously, we intend to be very different from Westminster, and to open up the Scottish Parliament to petitioning by ordinary members of the public.

I hope that you all managed to get the papers for this meeting that were issued to all committee members. Among them was a paper setting out our remit. Has anyone got any comments on that paper, or any other points that they would like to make?

Ms Sandra White (Glasgow) (SNP): I would like to make a couple of points. First, could the pages of papers that we receive be numbered? If we are going to ask questions about a paper, it is easier if the pages are numbered and we can refer to page 2 or page 3.

Secondly, I would like to ask about item 5 on

what is page 3 of the briefing paper, which says:

"A petition may be lodged with the Clerk, or sent to the Clerk by e-mail, on a sitting day."

Could the convener clarify that for me? Is it only on a sitting day that petitions will be accepted?

The Convener: The clerk has just explained to me that a sitting day is defined as a day on which the office of the clerk is open. However, normally petitions will be accepted on any day.

Ms White: That is what I was going to ask—whether a petition would be accepted if it was sent in for our next meeting.

I would also like to ask about item 4 on what I have counted as page 8, which deals with committees being able to move around the country. Especially now, with the toll charges on the M8 and with the charges for getting into Edinburgh, it might be advantageous for us to go to areas from which petitions have been submitted.

The Convener: We may well refer petitions on the M8 to the committee that handles that subject area, rather than deal with it ourselves.

Ms White: I was thinking about petitions that we were not handing over to other committees, and wondering whether, if a petition came from Glasgow or Stirling, for example, we could go there to hear from members of the public. The only reason I had for mentioning the M8 was that, if people are travelling to Edinburgh, there will be added expense for them if the toll charges come about.

The Convener: That could certainly be considered by the committee.

Phil Gallie (South of Scotland) (Con): To pick up on what Sandra has just said, I think that it would be very helpful indeed if the clerk could note where the bulk of the petitions to be considered had come from, and if we could go to a suitable location so that the people could see how their petitions were dealt with. I think that that would be a good idea.

The Convener: As well as the paper that contained the remit of this committee, we received the briefing paper that Sandra asked about. In it, the clerk has indicated matters for consideration and further briefing. The first is the handling of petitions. It is suggested that we should have a meeting—not a formal meeting but an informal meeting—to discuss a paper that the clerk has prepared on how the committee might handle petitions. The paper goes into far greater detail than we can do at the moment, so it may be to our advantage to meet, if possible, before we rise on 2 July, which would mean meeting tomorrow. I do not know what members of the committee feel

about that.

Phil Gallie: As far as I am aware, there are no restraints on the committee meeting during the recess. I do not think that I will be able to come tomorrow, but I would be very happy if we could find a mutually convenient time to come together during the recess.

The Convener: We have three options tomorrow: committee rooms are available between 9 am and 10.30 am, between 9.30 am and 11 am, and between 3.30 pm and 5 pm. It is up to the committee.

Ms White: The Scottish Youth Parliament, which a lot of us want to go to, is being held tomorrow, and there are also various meetings on in the afternoon, so I cannot make it tomorrow either.

The Convener: The clerk has suggested that he could contact individual members of the committee to arrange a date that would be acceptable to us all when we could meet early in the recess. We would then have the chance to discuss the paper on the handling of petitions, which will be issued at the end of the meeting so that everyone can get a good look at it.

Are there any views on how petitions should be handled until the committee has made the decisions on how it intends to operate? I think that the clerk can explain—no, he cannot, because he is not allowed to speak. [*Laughter.*] That is why he keeps whispering in my ear and I keep telling you what he is saying.

We have already received a number of petitions—three, I think—and Phil has already referred to the one from Ayrshire that he has organised. The proposal is that the clerk simply acknowledges them and tells the petitioners that the committee is working out the procedures by which it will operate, and that, once procedures have been decided, the committee will deal with the subject matter of the petitions and get back in touch with them. Is that acceptable?

Pauline McNeill: I understand that the clerks are not able to speak, but I am not clear about how far we can go in discussing the content of a petition. I know that we have to decide where the petition will ultimately go—if it was about road pricing, for example, it would almost certainly go to the Transport and the Environment Committee. However, we need to discuss to what extent we, in this committee, can discuss petitions. We might need a procedure that clarifies how to decide how many issues are dealt with in a petition, because it might cross over into more than one committee. The tendency for all of us will be to get really stuck into an issue if we like it, but we need to clarify to what extent that is within the remit of the Public Petitions Committee.

Christine Grahame: That does not seem to me to be within the remit of this committee; we are constrained to considering simply whether a petition is admissible, and that is all. The merits of the petition will be for another committee to decide, before the petition can be passed to the Parliament. The rules appear to say that.

The Convener: Things will be a lot clearer once members see the paper that has been prepared. It deals with all those concerns and it explains the remit of the committee and the various options that we can take when a petition comes before us—whether the petition should go to a committee, to the Executive, to some outside body, or straight to the Parliament. The subject matter will ultimately be decided by the Parliament; it will not be decided by this committee. It is not for us to take decisions on the merits of petitions, but it is for us to take decisions on how the petition is dealt with and to ensure that it is dealt with in accordance with our agreed position.

15:45

Pauline McNeill: I am sure that you are correct when you say that that is strictly the remit of the committee, but you must go some way towards establishing what is in a particular petition in order to identify the issues and decide whether it can be accepted. The question is where you stop short of a full discussion on the A77 or whatever.

The Convener: Obviously, there must be some discussion on the subject matter and on what the appropriate action should be, but normally we would refer the petition to another committee.

The other question that will come up is how we monitor the progress of a petition. The committee should take charge of doing that, so that we can ensure that petitions do not just disappear into other subject committees or into the Executive and are never heard of again. We must ensure that a petition is properly timetabled and dealt with accordingly and that committees respond as we recommend.

I have seen the draft paper that the clerk produced, and I think that once everyone has had a chance to see it, things will be a lot clearer.

Phil Gallie: We must consider the use of the *Official Report*, and whether petitions are logged in and progressed through it. Also, some of the petitions that we get will be relevant to an issue of the day and will have to be dealt with quickly—time will be an important factor.

The Convener: Those are issues on which the committee can take a view. We will recommend that a committee or the Parliament should respond to a petition within a certain time scale. It is important that people see that we pay attention to

their petitions, and that this Parliament does not just write off petitions and drop them in a bag, in the way that they do in Westminster. Is it agreed, then, that we should issue the clerk's paper at the end of the meeting and reconvene early in the recess to discuss setting up mechanisms for the committee? Then we will be able to get on with the business of dealing with the petitions as such.

Members indicated agreement.

The Convener: As you arrived, you were issued with papers detailing the petitions that we have already received. The clerk has noted a suggested action on each petition. The first comes from Cunningsburgh and Sandwick United Free Church of Scotland, and is about prayers in the Parliament. As you can see, the clerk suggests that we write and acknowledge receipt of the petition and explain that the Parliament is considering the issue; the petitioners' views will be brought to the attention of the Parliamentary Bureau. We will also give an undertaking that the petitioners will be informed when the Parliament reaches a view on the matter. Are we agreed?

Members indicated agreement.

Mrs Margaret Smith (Edinburgh West) (LD): It might be a nice touch to say to the Church that its petition was the first to be dealt with by the Public Petitions Committee of the Scottish Parliament.

The Convener: The next petition is from the Ayrshire chamber of commerce and industry, on the A77 upgrade. The clerk suggests that we should pass it to the Scottish Executive and request comment from it, or pass it to the Transport and the Environment Committee for consideration. The clerk will also write to acknowledge receipt of the petition and tell the petitioners of the action that we have taken. Which is the preference—the Executive or the committee?

Christine Grahame: I have not had a chance to read it.

The Convener: We could leave it until the next meeting.

Christine Grahame: That would be preferable.

Mrs Smith: Will the next formal meeting be the one that we will have early in the recess? Phil's point about time often being of the essence is good, and we do not want that petition to hang about. We should consider it fairly speedily, but it should go to the next meeting so that we can have a chance to read it.

Phil Gallie: I have an interest in that petition, but I have no hard feelings about members wanting to try and establish just what is in it. In future, however, if we get late petitions, perhaps we should have a 10-minute adjournment to let

members consider them. We could discuss that next time.

Ms White: Phil was given that petition by the Ayrshire chamber of commerce; perhaps Shelter might give you one, Convener, or one might be handed to me. What are the legalities of that? Would I be allowed to speak on it and vote on it?

The Convener: Anyone can present a petition. The consultative steering group was quite keen that there should be no restriction on petitioning Parliament. It is not possible to petition Westminster other than through an MP. We wanted to stop that, and to ensure that people could either petition through an MSP, or petition the Parliament directly by contacting the clerk's office. It can be done by hard copy, electronically, or by reading it in. That and the issues arising out of it are discussed in the draft paper.

Ms White: My old council experience is coming up here. If anyone handed us anything, we could not discuss it. I wondered whether it was the same here.

The Convener: As long as you declare an interest—as Phil declared his.

Ms White: That seems fair.

The Convener: We will decide what to do with that petition at the next meeting.

I have been asked to mention that a further petition is likely to be submitted by hand on 2 July, from the Hospitalfield Area Residents Association. It is about rapeseed crushing in the area. I am sure that we all know a great deal about that. The suggestion is that the clerk takes receipt of the petition and acknowledges it until the committee has time to deal with it. Is that agreed?

Members indicated agreement.

The Convener: I should like to ask the committee for its views on whether to meet in public or in private. The CSG's view is that normally it should meet in public.

Christine Grahame: It is the Public Petitions Committee—it should meet in public.

The Convener: I cannot foresee any circumstance in which we might wish to meet in private, but if we did, we could take that decision as the question arose. The rule should be that normally we meet in public.

Members indicated agreement.

The Convener: The frequency of meetings is difficult to judge, because it will depend on the frequency of petitions. I know that most members are also on other committees. What are members' views on how frequently the committee should meet?

Helen Eadie (Dunfermline East) (Lab): I imagine that we would need to meet regularly. Our business could not be left for a month or six weeks, because one of the things that we want to be sure of is that petitions are dealt with timeously. If they go beyond their sell-by date, we shall have a problem representing those interests.

The Convener: The suggestion is that we meet fortnightly to begin with. If that is okay, we will continue to do so, otherwise we will meet more regularly—and if there is not enough work, we will meet less regularly. It all depends on the Scottish people, and on how they petition Parliament.

Pauline McNeill: Fortnightly makes sense initially, but the frequency of meetings will be determined when we have clarified our remit, which, to be honest, is not entirely clear to me. Your sensible remark about making it part of our role to monitor the progress of petitions interests me. We must give ourselves a role and ensure that something happens to a petition when we have passed it on. We must develop that at the next meeting. If that is the role that we find for ourselves, that will help to determine how regularly we need to meet.

The Convener: Members should not get the idea that we are restricted. It is open to petitions committees to widen their remit if they think that it is in the interests of the people. Football's Bosman rules, which have caused such terrible trouble for Scottish clubs, began with the Petitions Committee in the European Parliament.

Christine Grahame: Bosman rules?

The Convener: Yes, the Petitions Committee got the issue on to the European Parliament agenda and it was taken up. It changed the law on who can play football and on the number of years for which a player can be contracted.

Christine Grahame: Oh, it is about football. [*Laughter.*]

The Convener: We can widen our remit. In other countries, petitions can be used to instigate advisory referenda. Those are matters that we can discuss, including whether we see a similar role for this committee. It is up to us to decide how far we push the role of the committee—as long as it is within the terms of the Scotland Act 1998 and the spirit of the CSG proposals.

Phil Gallie: On a lighter note, I would say that the Bosman example is a good reason for getting rid of the Petitions Committee.

The Convener: Perhaps we could reverse Bosman through this committee.

Helen Eadie: Can you advise whether there will be occasions on which you might convene a special meeting because of an urgent matter?

Should we agree a procedure so that the convener and the clerk have a remit to call a special meeting? We would not want a petition to arise and then be attended to after the event because important business was going through Parliament. That would be bad news for the public.

The Convener: That is exactly the kind of thing that we should debate at our next meeting—whether there should be criteria by which the clerk advises the convener to call a special meeting.

Much of our business will become clearer once people have seen the paper, which goes into much more detail than we have seen so far on how the committee can operate.

For the moment, are we agreed that we will have fortnightly meetings to begin with?

Members *indicated agreement.*

The Convener: If no one wishes to raise anything else at this stage, I thank members for your attendance. I look forward to seeing you early in the recess.

Meeting closed at 15:56.

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