

PUBLIC PETITIONS COMMITTEE

Tuesday 21 September 1999
(*Afternoon*)

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PUBLIC PETITIONS COMMITTEE

3rd Meeting

CONVENER :

*Mr John McAllion (Dundee East) (Lab)

COMMITTEE MEMBERS :

*Helen Eadie (Dunfermline East) (Lab)
*Phil Gallie (South of Scotland) (Con)
*Christine Grahame (South of Scotland) (SNP)
*Pauline McNeill (Glasgow Kelvin) (Lab)
Mrs Margaret Smith (Edinburgh West) (LD)
*Ms Sandra White (Glasgow) (SNP)

*attended

COMMITTEE CLERK:

Steve Farrell

ASSISTANT CLERK :

Jane Sutherland

Scottish Parliament

Public Petitions Committee

Tuesday 21 September 1999

(Afternoon)

[THE CONVENER *opened the meeting at 14:05*]

The Convener (Mr John McAllion): Welcome to the third meeting of the Public Petitions Committee. I remind members that, at the end of this public session of the meeting, we will have a briefing session with an official from the Scottish Executive, Mr John Ewing, who will go over the consultative steering group report on petitions.

Consideration of Petitions

The Convener: The first petition is petition PE5, which has been resubmitted by Mr Maurice Frank. I understand that the clerk has held discussions with the Education, Culture and Sport Committee, which has indicated that it would be likely to take no further action were this petition to be referred to it.

It is my view that part of this committee's role is to protect other committees from a flood of petitions, some of which are not relevant to the main thrust of the Parliament's work. I suggest that the committee should decide to take no further action on this petition and to ask the clerk to write to the petitioner to explain why, in conciliatory and diplomatic terms, we do not think it is worth while to pass the petition on to the education committee. If members have other views, please feel free to express them.

Helen Eadie (Dunfermline East) (Lab): I am happy to support your view, convener. I have read the petition and I think that, in all the circumstances, that action is reasonable and appropriate.

The Convener: Is that agreed? Members are agreed.

The next petition is from Mr Guild and concerns the impact of current developments on Roman remains at Cramond in Edinburgh. In his petition, Mr Guild asks for a full assessment to be made of the Cramond area, taking into account transport and other issues as well as the protection and interpretation of the Roman ruins. I have received a note on this petition from Margaret Smith, a local MSP. By the way, Margaret sends her apologies, as she is absent at the Liberal Democrat conference.

I will read out the points that she raised:

"as the . . . former councillor for the area, I echo the need for proper maintenance, conservation and signage at the bath house and other Roman remains".

She goes to say that previously she had written to Edinburgh City Council asking that they set up

"an interpretative centre in the old school annexe"

but that the council had

"yet to come to a final decision."

Margaret says that she had also been

"heavily involved in the preparation of the planning brief for Cramond campus, including the protection of woodland and the archaeological site following an assessment.

As far as East of Scotland Water's planning application is concerned"—

which is, of course, in accordance with the European Union timetable, the application is—

"currently with the City of Edinburgh."

Margaret points out that she has

"a great deal of sympathy with the petitioner as Cramond is the area in which I live as well as work."

It seems straightforward that this petition should be passed to the Transport and the Environment Committee so that it can consider appropriate action. Are any members minded otherwise?

Helen Eadie: I wonder about the built heritage aspect of this petition. The Transport and the Environment Committee has a natural heritage remit, but would not have a built heritage remit. That would not prevent the petition going before the Transport and the Environment Committee for reasons to do with planning, signage and other environmental issues. Built heritage would come within the remit of Sam Galbraith's committee—rather the Education, Culture and Sport Committee.

The Convener: The clerk has informed me that he took advice on the matter and that the Transport and the Environment Committee is the relevant committee for heritage-related issues.

Helen Eadie: That comes as news to me. I thought that we on the Transport and the Environment Committee dealt with natural heritage, as opposed to built heritage.

The Convener: We can check that out.

Helen Eadie: No, I accept what you have been told. That is what we have professional advisers for.

Steve Farrell (Committee Clerk): The Transport and the Environment Committee claimed ownership.

The Convener: That committee was consulted and it claimed ownership.

Helen Eadie: That is quite exciting for me. I

support those kinds of initiatives, so I am happy for the Transport and the Environment Committee to deal with it.

The Convener: Is it agreed that we ask the clerk to write to the petitioner to explain the situation?

Ms Sandra White (Glasgow) (SNP): I agree. For too long those areas have been overlooked and we have lost a lot of our natural heritage. Referring the petition to the Transport and the Environment Committee would mean that it could consider the matter in greater depth, so I support passing it on.

The Convener: Is that agreed? Members are agreed.

The next petition is from Mr Calum Graham, calling on the Parliament to write to each member of the Scottish electorate annually to provide details of their elected representatives, and other information. Obviously, that would have significant resource implications and the logistics would be problematic. In addition, we have our own public information service, which provides a range of information about the Scottish Parliament and its services to members of the public.

MSPs have a duty to make known who they are, where their offices are and the kinds of services that they can provide for their electorates. Given that background, I suggest that we take no further action, but that the clerk write to the petitioner, explaining the role of the Parliament's public information service, the role of MSPs and their duty to connect with voters, and ask that he be satisfied with that.

Phil Gallie (South of Scotland) (Con): It might be appropriate to promote the services offered by regional members. The publicity might be quite nice for all members. Other than that, I agree with everything that you have said.

Ms White: Glasgow City Council has a magazine in which MSPs, local councillors, MPs and others are invited to list when and where their surgeries are and to provide contact numbers and pictures. The magazine is then given to every household in Glasgow. If other councils do the same, could the petitioner be informed of that?

Pauline McNeill (Glasgow Kelvin) (Lab): I agree with the spirit of what the petitioner is driving at, with regard to ensuring that the public knows who its representatives are. I have no difficulty with the subject matter of the petition, and you might convey that the request is well intentioned, but there is a matter of principle involved. The point of the Public Petitions Committee is not that people can write in and say, "I want this done", and then we go and do it. We must deal with the fundamental principle that we cannot take any

petition that simply asks the Scottish Parliament to do something. Otherwise, where would we be?

There is no committee to send the petition to. However, it might be nice to convey that the spirit of what the petitioner is driving at is a good thing. For people with access to the internet it is easy to find out who their representatives are. It is a very good service, but perhaps there is a gap for people who do not have internet access.

The Convener: I have just been reminded, and most MSPs will know this, that the Parliament's public information service has a link library in every constituency, which provides information about the constituency's MSPs to members of the public.

Helen Eadie: I can vouch for that, because I have visited a link library and it was first class. I know that it is not the same in every area, but in my area access to the Scottish Parliament's website is free to members of the public. Indeed, in the newsletters that I have been writing I have lifted excellent material about what is happening in Scotland from the website and I have publicised it locally. That is going down quite well in my area.

The Convener: Sandra's point is a fair one. Glasgow City Council performs a useful role in drawing to the attention of the people in its area who their MSPs are. I am not sure that every council in Scotland does that.

Helen Eadie: We do it in Fife as well.

14:15

The Convener: Perhaps we should write to the Convention of Scottish Local Authorities asking them to recommend that councils make information available about MSPs in their area.

The recommendation is that we take no further action but that the clerk writes to the petitioner.

The next petition is from Mr Timothy Alexander, concerning his claims to the Earldom of Stirling and other related titles. Mr Alexander has been pursuing the claims for several years. He has petitioned the Queen, a previous Secretary of State for Scotland and the current Secretary of State for Scotland, so far without success. This is a reserved matter and usually we would write to him to say so; however, there are legal complexities to do with the responsibilities of the Lord Lyon on which the clerk has taken advice. We have not yet had a reply so we can either defer the matter until our next meeting or we can take a decision that, unless that advice suggests otherwise, we will take no further action.

Helen Eadie: The convener is right to suggest that we do not pursue it any further.

The Convener: If the legal advice is that the

Parliament has a role, then we will have to reconsider it, but if the advice is that this is a reserved matter, we will write to the petitioner explaining that and that he should approach the Westminster Parliament.

Apparently his claim to the title is disputed.

Ms White: The Earldom of Stirling throws up anomalies, although it cannot be proven whether or not they are anomalies. I know you do not want to bring it back to the committee, but it would be interesting to have a report on the legal advice given.

The Convener: Whatever happens will be reported to the committee, including the legal advice given.

Helen Eadie: On a lighter note, maybe I will write to him disputing the title because my middle name is Stirling.

The Convener: I certainly have no claims of that kind.

The next petition is from Councillor Susan Love of Stirling Council. She is the council's youth issues spokesperson and is calling for the Scottish Executive to abolish student tuition fees in Scotland in advance of the report of the independent committee on student funding. The petition has been signed by several, I think opposition, MSPs. I am not sure about Keith Harding and Nick Johnston. Are they Conservatives?

Phil Gallie: Yes.

The Convener: It is addressed to the Scottish Executive. It is up to us to decide whether to pass it directly to the Minister for Enterprise and Lifelong Learning or to the Enterprise and Lifelong Learning Committee. I am seriously concerned that just as lobbyists may attempt to hijack this committee, so too can MSPs. I do not want the committee to become a back door method by which MSPs get items on to committee agendas. There are all sorts of ways that MSPs can raise issues legitimately. I am happy to pass it to the Executive or to the committee, but we should make it clear that we do not want a series of petitions from MSPs using the committee to get things on to the Parliament's agenda.

Ms White: I take your point. I should declare an interest since Susan Love is an SNP councillor. I had nothing to do with the petition, however.

Christine Grahame (South of Scotland) (SNP): She did not ask you to sign it.

Ms White: I agree with what John says. I think it should go to the committee.

Phil Gallie: I do not see the petition as coming from the MSPs. All Susan Love has done is

indicate that some members have signed it. Is there another petition with the names of student representatives on it?

The Convener: This is the only petition that we know of. It is signed by Councillor Love and eight MSPs.

Helen Eadie: I support your view. Last night I read about how motions are brought before the Parliament—entertaining bedtime reading, I know. There are many ways to do that, and a number of other ways in which MSPs can make their opinions known. The message that MSPs should not use this committee as a back door to the Parliament should go out strongly.

There is concern about student fees, which is why the Cubie committee was set up. I think that the petition should be sent to the relevant minister.

Phil Gallie: Sorry, Helen, I missed that.

Helen Eadie: I think that the petition should be sent to the Minister for Enterprise and Lifelong Learning at the Scottish Executive.

The Convener: We have had two suggestions: that the petition should go to the minister and that it should go to the committee.

Christine Grahame: I would like to make an important distinction. I agree with what has been said about the misuse of petitions by MSPs, but this is a councillor's petition that MSPs have endorsed. I agree with Sandra that the petition should go to the committee rather than the minister. I do not want us to send things to ministers too often.

Pauline McNeill: It is a competent petition on a controversial subject and it is right that it should come before this committee. However, if Susan Love's intention is to convey people's views on the matter, it would have been useful to have people other than MSPs signing the petition. I know that there is considerable opposition to student fees and it concerns me that the petitioner has not gone to the trouble of getting the signatures of members of the public.

I share everyone's concern about the petition. The matter has already been debated. The petition serves no purpose at this stage and it is not clear what Susan Love wants done. She seems to want only to express her opinion, and we should discourage that sort of petition.

Ms White: I would like to clarify that for Pauline. The background information on the petition says that Susan Love is Stirling Council's youth issues spokesperson. She has submitted the petition in that capacity, not as an individual councillor or on behalf of MSPs. There is no issue of malpractice attached to the fact that she has got MSPs to sign it. She has been asked by Stirling Council to do

this.

Pauline McNeill: Yes, but I think that it is healthier for members of the public to sign petitions.

Ms White: I presume that the youth committee of the council initiated the petition and she took it for them.

The Convener: This is not the place to debate the merits of the call that Councillor Love makes. Her petition asks for a course of action that goes against the decision of the Scottish Parliament to set up a committee of inquiry on the issue of student maintenance.

Given the Parliament's decision and the Executive's role in implementing that decision, should we send the petition to the minister or to the committee? I think that it should go to the minister as the Parliament has already decided on the matter. The Enterprise and Lifelong Learning Committee will say exactly what I am saying.

Phil Gallie: It is important to remember that an individual can submit a petition. That suggests that the petition is in order as it is in Susan Love's name alone. Her suggestion is that something should be done in advance of the Cubie committee's report. She is asking the Scottish Parliament to think again. There will be many times when the judgment of the Parliament or of the Executive will be questioned and they will be asked to think again. On that basis, we should treat the petition as we would any other petition and pass it to the committee in the first instance.

The Convener: The point is not that the petition will be successful if it goes to the committee rather than to the Executive. Both the Executive and the committee will have to say that the Parliament is awaiting the outcome of the Cubie inquiry and that a decision will be made then. The Parliament has not yet made up its mind on the issue.

The petition asks Parliament to pre-empt a mechanism that the Parliament set up. It is irrelevant whether the petition goes to the minister or to the committee. Both will be unable to act upon it, because it would be contrary to the wishes of the Parliament to do so. I am easy. We can send it either to the committee or to the Executive. It does not make any difference because it cannot go any further until the Cubie inquiry has reported.

Ms White: I think that it should be sent to the committee.

Helen Eadie: I believe that it should go to the Executive. There is a difference of opinion on the matter. Given the background that the convener has outlined, we should not let ourselves get tied up in knots about it.

Phil Gallie: No.

Helen Eadie: If the overwhelming majority of the committee wants one course of action, we should follow it. What is the position? Does the convener have a casting vote, or do we let it go to both the committee and the minister?

The Convener: We can put it to a vote, if that is what members want. I do not feel strongly enough to cause a division on the matter, because it will not go beyond the next stage.

Phil Gallie: The committee can take the decision not to push the petition forward, because the matter is already under the jurisdiction of the Parliament. All we would be doing is saying that it is up to us to think about the issue and to make the decision. That is our right. I do not see what the hassle is. The committee can act ahead of the report of the Cubie committee; if it does not, it will be ignoring the words of the petition.

The Convener: The committee cannot act in defiance of the Parliament.

Phil Gallie: The committee can say that it will not consider the matter further. That is its right.

Helen Eadie: It is an important point. The convener is right. We know that there is a clear determination in the Parliament and that the Cubie report will be brought out. Anything else becomes superfluous. People can take note of the petition, it can be pushed forward, but that does not suggest that the committee supports that petition.

Phil Gallie: That is right.

The Convener: We have reserved the right to say that we think that some things should be given priority; this would not be one of those things.

Christine Grahame: What principles will be applied when we refer petitions to a minister or to another committee?

The Convener: This petition calls on the minister—not the committee—to take action; it calls for Executive action.

Ms White: I still think that we should send it to the committee. I think that ministers have enough paperwork and I would not like them to be bogged down with a lot of material from this committee, particularly if the matter could be referred to another committee, which may decide that no further action is necessary.

The Convener: Do we send the petition to the committee? Does anyone feel strongly about it?

Helen Eadie: No.

The Convener: Perhaps the clerk can draw the petition and the debate that we have just had to the attention of the Enterprise and Lifelong Learning Committee.

The next petition comes from Stracathro staff

action committee and calls for the retention and enhancement of acute services at Stracathro hospital, by Brechin. Those of us who come from the area will know that the issue is a hot potato. Last weekend, about 1,500 people turned up to a meeting in Stracathro as part of the campaign.

An on-going acute services review is being undertaken by Tayside University Hospitals NHS Trust about the configuration of services across Tayside. I think that we should pass the petition to the Health and Community Care Committee for further consideration. Is that agreed? Members are agreed.

Phil Gallie: Can I ask one question, which is not meant to be insulting? I know of the convener's past record and I am well aware that this is the kind of thing on which he would have hung his hat. Has he signed the petition, by any chance?

The Convener: No, I am a Dundee politician. If Phil Gallie wants to debate this outside the committee, I would be delighted to oblige.

We will pass that petition on to the Health and Community Care Committee.

14:30

The next item is a petition from the Carbeth Hutters Association calling for the introduction of legislation to provide security of tenure and rights of access for those who own property built on leased land. This relates to land reform legislation and should be passed to the Justice and Home Affairs Committee for consideration.

The final petition is from Mr J Ooms and calls for a review of the national health service complaints procedure. He has an on-going complaint about both his GP and his local hospital, which is currently before the health service ombudsman. In normal circumstances, the petition would not be passed on until that case is resolved. However, Mr Ooms is asking not for his complaint to be referred on, but for the method of investigating complaints in the NHS to be examined. We should, therefore, allow the petition to go forward.

Pauline McNeill: We need to make the same point to Mr Ooms as we made to Mr Frank: that his petition will require some redrafting. I do not want us to get into the habit of allowing people to use petitions to air the details of their individual cases. Mr Ooms highlights a legitimate issue, but we should take out the references to his case, which is a matter for the ombudsman rather than for the Health and Community Care Committee.

The Convener: The question of the form of petitions submitted to this committee will be addressed later in the meeting. I take Pauline's point that the details of Mr Ooms's case are not what we want to refer to the Health and

Community Care Committee. Perhaps the clerk could write back to ask him to put his petition into a simpler form that can be sent on.

Christine Grahame: That is probably fair, as we have asked Mr Frank to do the same thing.

The Convener: He can send his letter as background information along with the petition.

Pauline McNeill: But not as part of the petition itself.

Helen Eadie: That is quite reasonable. I have experience of similar cases because I have been involved with a primary care trust and have adjudicated on complaints by the public. The health service has changed its procedures on more than one occasion, and it may be that they are still not working to the best advantage of the public. Let us ensure that we send the petition to the relevant committee so that if the procedures need to be reviewed they can be.

The Convener: Is that agreed? Members are agreed.

Progress

The Convener: The next item on the agenda is progress of petitions considered at previous meetings. Paper PE 99/3/2 lists the petitions that have been considered by the committee so far and provides details of the progress that has been made on each to date. I do not think that this is a subject that we want to debate at every meeting, but the information is there for members. Should any member have concerns about a petition, they will be able to raise them at this point on the agenda. This will be a regular feature of meetings.

Pauline McNeill: I do not have the paper.

The Convener: It is on the back of the agenda.

Christine Grahame: If I may be really picky, the petitions that are being considered by the Justice and Home Affairs Committee should be remitted to us, because I do not think that the committee has even seen them yet.

The Convener: They were considered at the previous meeting.

Christine Grahame: No, they were not.

The Convener: They were considered at our previous meeting and forwarded to the Justice and Home Affairs Committee.

Christine Grahame: Sorry, I misread the paper. I thought that

"Being considered by Justice and Home Affairs Committee" meant that that committee was considering them.

The Convener: No, it means that the petitions have been passed on for consideration by that

committee when it has time.

Christine Grahame: I wanted clarification just in case you come back to us for results before we have seen the petitions.

The Convener: No. How we monitor the progress that committees are making on petitions is another matter that we will discuss later in the meeting.

Phil Gallie: Will this list become shorter as our work proceeds, convener? PE 1 has now been dealt with—will that just drop off the list?

The Convener: It is entirely up to the committee. I suggest that any petition that we decide not to send on will appear on the list for one meeting thereafter and then will disappear.

Phil Gallie: That makes sense.

The Convener: However, petitions that are not finally resolved in one way or another should continue to appear on the list until they are resolved. That would be the best way to do it. As petitions are dealt with they drop off the list; otherwise they stay on it. Does anyone wish to raise any points on that? It seems not.

Guidance

The Convener: The next item on the agenda is the draft document on guidance on the submission of public petitions, which was distributed at the previous committee meeting and about which we were asked to send our comments to the clerk. Nobody wrote in, so either we think the guidance is excellent and cannot be improved or we are too busy. We have two alternatives; either we talk about it now or we request that members send their comments to the clerk before the next meeting. However, since no one responded the previous time I do not think that that would be fruitful. Are there any points that anyone wishes to raise with regard to this paper?

Phil Gallie: We have had a debate today about an individual submitting a petition. Would it change things too much if we accepted that an individual backed by x number of petitioners should be the basis for petitions in future? A petition is more than one person's opinion.

The Convener: It is fortunate that you raised that matter, because it relates to the second item on page one of the guidance document, which states that:

"A petition may be brought by:

- an individual".

Phil is suggesting that that should not be the case. Until now, we have not suggested that.

Christine Grahame: I do not think that we are

entitled to change that rule: it is fixed.

Phil Gallie: We would be entitled to do it by going through the Procedures Committee.

Christine Grahame: That is a different matter.

Phil Gallie: The matter would have to be referred to that committee. We had a debate about this issue a short time ago. John was concerned about some elements of it. Given those concerns, which will be recorded in the minutes, it might be worth at least considering the matter.

The Convener: To be fair, the concern that I expressed was not the fact that an individual had submitted a petition, but the fact that MSPs had signed up to it.

Christine Grahame: I do not know how we can change the rules once we have started, because people may have submitted petitions with only one signatory. It might be inappropriate to change the rules when some petitions are in the system.

Pauline McNeill: I think that we covered ourselves in the minutes when we said that we were not setting any precedents. We should keep the matter under review. I am not against individuals submitting petitions. If it is a genuine petition, individuals should be allowed to have their say but, as the convener said, the concern is over people trying to bypass the procedures, or doing things that they could not get done by another way. That is the context in which I would like to review whether the system is working.

My whole political experience has been based on petitions that show some element of public support for an issue. The idea of one person being able to demonstrate that they object to something is completely new to me. I am not saying that it is wrong, but it should be reviewed. Christine is right to point out that we have already let a few go through, but we covered ourselves when we said that we are still in the early stages and that whatever we decide will not be written in tablets of stone for a long time to come. We should not close the door on that matter.

The Convener: I would be loth to amend that condition at this stage, but it should be kept under review to determine how it operates. It is an issue that we should be aware of and attentive to.

Rather than jump around the guidance on submission paper, I will go through it page by page and if anyone has an item that they wish to raise they should raise it. Are there any issues, other than the one Phil raised, relating to page 1?

Pauline McNeill: For the same reasons, we should keep submissions from corporate bodies under review. They, too, are probably a good thing, but the same concerns would apply if they became a mechanism for lots of law firms to get

things on the agenda.

Christine Grahame: I realise that we are talking about keeping things under review, but my problem with that is that we might then pick which corporate body's petition can be admitted and which can not. That is where we would get into difficulties, especially when we made close decisions. However, I accept that we can keep it fairly loose for now.

The Convener: Under review simply means that we are aware that there is a potential problem and that we are keeping an eye on it. If we see a problem emerging, we will go through the Procedures Committee to make recommendations.

Christine Grahame: Yes.

The Convener: Is there anything else on page 1?

Page 2?

Helen Eadie: The second paragraph on the form of petitions refers to a pro-forma being attached. It is followed by a note to members in a larger typeface, which says:

"Views are invited on whether we should impose this given such an approach could be seen as being prescriptive and not in keeping with the Parliament's open and accessible approach."

I have a great deal of sympathy with the part of the sentence that says that we should be open and accessible in our approach. Our procedures should reflect the fact that we want to minimise the element of prescription in the process. While I understand that it is helpful to people to see a pro-forma document, I hope that we would not dismiss a petition simply because it was not in the prescribed format.

The Convener: It is interesting that you raise that point. In accordance with the standing orders—I think it is in rule 15.4.4—our committee should determine the proper form of petitions. A petition will be deemed inadmissible only if it is not in that form. That causes problems for the decision that we have made that we should be less rigid and non-prescriptive. It has been suggested that the clerk, with the Parliament's legal team, should prepare a report to bring to the next meeting of the committee. They would consider what the proper form would be. It might be just that the petition must be written in black ink on an A4 sheet of paper. That would allow some flexibility. Their advice will allow us to stay within standing orders while being flexible.

Christine Grahame: In the last meeting, I mentioned the small claims forms that exist in the alleged do-it-yourself process in the civil courts. I think that a form that has boxes for people to fill in will help them. It would not impede them or

prescribe the process.

I suggest that there should be a model petition. Petitioners should be able to follow it—after all, people are able to fill in their simplified divorce forms. That would bring a little bit of discipline to the petition process. I do not know what the role of the clerks would be in helping people to fill out the forms. Steve, are you entitled to—

You are not allowed to answer me, are you?

Steve Farrell: Yes I am. I will be as helpful as possible.

The Convener: We will produce a model form and recommend that form to people. If somebody decides that they want to submit a petition in a different form, we will not say no.

Christine Grahame: The point is that, in the sheriff courts, people can do their own writs as long as they have specific pieces of information on them. They can be handwritten. We should not be scared of pro-forma things but—

The Convener: There is a danger of getting uptight about this. There will be a suggested form for petitions that will be available to the public. I expect that most members of the public will follow that form, but they will not be required to.

We are trying to avoid a situation similar to the one in Westminster, where the process is utterly prescriptive.

Helen Eadie: Your advice would be useful, convener.

The Convener: If we get legal advice about how we—

Phil Gallie: My God. Sorry.

Helen Eadie: I agree with the spirit of what Christine is saying, but the danger is that members in later years might not have our generosity of spirit and things might get difficult for the public. It would be useful if you could get some sympathetic guidance for us, convener.

Phil Gallie: The mention of legal advice concerns me greatly. Christine's comments about sheriff courts and all the paper work in them concerns me even more.

The idea of our guidance to the public is to make things easier for people. When something happens—it might be of a horrific nature—and somebody wants to send in a petition, there should be no rules that stop them doing so. The last thing we want to do is to have pre-set formats. That would be a disaster.

14:45

Ms White: We are making it easier, not more difficult, for people to approach us. Pauline pointed

out, for example, that the petition from the chap about the NHS complaints procedure included a lot of personal details. If the ombudsman saw that, it could go against the man's case. We are telling people how to present petitions, not sending them back. If somebody writes something illegible in a petition it could take six weeks for the petition to be resubmitted by the time we send a letter to tell them how the petition should be filled in. We are giving people a choice by telling them the way in which they should proceed. We need to give some form of guidelines. Apart from anything else, people will expect it.

The Convener: When we dealt with admissibility, we dealt with all the things with which people must conform. We will provide guidelines. This is not an either/or situation; there can be both. There will be an easy way for people to make petitions, but if they choose not to do them in that way, we will not be prescriptive.

Pauline McNeill: I agree with Christine that we need a wee bit of discipline. As time goes on and people get into the way of thinking, we will have more petitions to deal with. We must be able to manage that properly. If there is a presumption in favour of taking as many petitions as we can, as long as they meet a few simple rules, that should be recorded for all time. Our objective is to allow as many people as possible to send petitions and to have their say, so that debates can be held in other forums. As you say, convener, only a few simple rules are required. If people feel that an issue is important enough to submit a petition in the first place, they will be happy to follow a few simple rules, which is all that we are asking.

So far, for the most part, we have received single subject petitions, but the subject matter of one or two of them has been unclear to me. We need to close that gap.

Christine Grahame: I quite like the fact that the pro-forma petition that has been produced includes an instruction to insert a one-line title for the petition.

The Convener: We have not reached that yet.

Christine Grahame: No, but we are talking about the form. People have asked me about petitions. We are showing them how to do something that they do not know how to do. We are not saying that it is the only thing that they must do, but that this is how to do it. Nothing crystallises someone's point more than having to summarise in one line what it is they want, which is what the instruction on the title asks people to do. That helps. Most people, as we know, who have problems or complaints will tell their whole story. One then has to work out what the real problem is. The pro-forma petition is therefore an aid, not an impediment.

The Convener: Nobody is suggesting that it would be anything other than that. There will be a recommended form of petition in the Scottish Parliament, but it will remain at this committee's discretion to accept or reject petitions in other forms. That is all that we are saying.

Christine Grahame: Okay, but I am pitching for our having a form.

Phil Gallie: I accept that it is at our discretion, but I submit that in the case of a number of the petitions that we will receive, people will already have been out in the street and have picked up a couple of hundred signatures by the time they go to an MSP to ask what procedure they should follow. At that point, the last thing we want to do is say that the petition is not in the correct format. I have no difficulty giving people a format, if it is just a case of agreeing a single line for the title with the clerk.

The Convener: Nobody is trying to make things too rigid. We all agree that there should be a recommended form, to which people should adhere as far as possible. All we are saying is that it is at our discretion to accept other forms of petition. Is it agreed that the clerk should report back with legal advice on how we can allow discretion and still comply with standing orders?

Members indicated agreement.

The Convener: Are there any comments on page 3 of the draft guidance on the submission of public petitions?

Ms White: I apologise for not writing in with this point. Like a lot of people, I said that I would, but did not.

Point 10 of the draft guidance says that the Parliament can be petitioned only on a sitting day. I have always been against that, as people do not always know when sitting days are. They may write a letter or collect signatures on a Saturday and post them on a Monday that is a holiday. The process should be opened up. People should be able to send in petitions on any day, although I know that a proposal for such a change will need to be sent to the Procedures Committee.

The Convener: Was this point not raised at the previous committee meeting?

Pauline McNeill: Petitions must be received on a day when the office of the clerk is open.

The Convener: Is it the view of the committee that people should be able to submit a petition on any day?

Pauline McNeill: I understood that petitions could be submitted on any day other than those when the Parliament had agreed that it is in recess.

The Convener: As the draft guidance stands, the recess would be excluded, which is a problem.

Helen Eadie: It is still not a problem. If the public want to petition us on a matter of major concern, or to have a recall of Parliament, this committee should have the power to meet, receive the petition and form a view on what to do with it. That applies at all times, 365 days a year.

The Convener: I do not want to raise the thorny issue of how many weeks we are in recess every year, but—

Helen Eadie: I have had one week's holidays—are any members of the press here?

The Convener: There is a substantial period during which the Parliament does not meet, but people should be able to submit petitions on those days. We could recommend to the Procedures Committee that the standing orders be changed to allow people to present petitions at any time. Do we agree to do that?

Members indicated agreement.

The Convener: Are there any other comments on pages 3 or 4 of the draft? What about annex A, the format for petitions? I think it is very good.

Members indicated agreement.

The Convener: Finally, there is annex B, the format for e-mail submissions. Is that okay?

Christine Grahame: Again, I would include example text for people to follow. It may sound ridiculous, but people feel insecure—I know I do—when they are filling in forms.

The Convener: If that amendment—to include examples in the empty boxes—is incorporated, is that agreed?

Members indicated agreement.

The Convener: That takes us on to my report from the conveners liaison group. Members will remember that we sought to raise several issues with that group.

Christine Grahame: Before we move on to that, we appear to have skipped paragraph 15 in the draft guidance:

“When presented with an admissible petition, the PPC has several courses of action it may take. It can:”

followed by points (a) to (e). An earlier draft of the document included points (a) to (h). What has happened to the other three actions that we can take?

The Convener: I did not notice that change.

Christine Grahame: I am looking at a copy that we received at a previous briefing.

The Convener: I have been advised that

although the new version is condensed, the same points are covered.

Christine Grahame: I wondered whether some points had been dropped.

The Convener: The options that are no longer included are those that recommended that we take no action. It was felt that we should always do something, even if it was simply to write back to the petitioner to say that no further action would be taken.

Christine Grahame: I have just compared the two versions and everything appears to be all right.

The Convener: It was amended under the guidance of the committee; the clerk has not tried to pull a fast one.

Christine Grahame: I am satisfied that there has been no jiggery-pokery.

The Convener: Not on this committee anyway—there may be on other committees, but not here.

Conveners Liaison Group

The Convener: As members may know, the subject of committees meeting outside Edinburgh is quite contentious, not least because the budget for travel is very restricted. At the moment, the bureau makes the decisions on the matter.

The conveners liaison group will make several recommendations to the Procedures Committee. First, the group will recommend that it should be given formal standing in the standing orders and allowed to decide on the allocation of the travel budget between committees. Further, it will recommend that applications for travel outside Edinburgh should be made to the conveners group, rather than to the bureau, and that the group will consider such applications in the context of other priorities and other committees that are making bids for a limited cash budget.

The budget will restrict fairly severely committees' ability to travel outside Edinburgh. That is not an issue for just this committee to discuss. The conveners agree in principle that we can attend meetings outside Edinburgh and that, where possible, we should try to cut down the cost of doing so. If the meeting is official, the official report, security and others also have to be present and that adds enormously to the cost. The subject is under active discussion by the conveners liaison group and as soon as anything is decided, I will report back to the committee.

Phil Gallie: Why on earth was that not thought about before? The whole idea of this Parliament is that it will set up committees that are close to the people and go around Scotland. Why has it been

decided only now that the budget will not cover that?

The Convener: There is no point in asking me. *[Laughter.]*

Phil Gallie: You are on the liaison committee and I have to ask somebody.

The Convener: The liaison group did not exist when decisions were taken about budgets. Those decisions were taken by groups that existed before the Parliament did—the consultative steering group, for example, made recommendations. Perhaps in a private session at the end we could raise this matter with the official from the Scottish Executive who will be reporting on it. The Parliament and the conveners liaison group inherited this situation; they did not create it.

Helen Eadie: It may well have been the view of some people that we should travel around the country, but I do not think that it was ever stipulated whether that would be as a Parliament or as a committee. As members, we have the right, within reason, to travel anywhere in Scotland. I am a member of the Transport and the Environment Committee, and if I get an invitation from a group to investigate an issue, I will go and visit that group, if time and other circumstances permit. I will go as an individual and if I need advice I will get an appropriate person to give me advice.

However, the issue of whole committees travelling raises big questions. Could I put my hand on my heart and say that it was absolutely necessary for a committee to travel, perhaps to stay overnight in a hotel, and to incur all sorts of extra costs? Could I justify that when there are a lot of competing demands for budgets and when throughout Scotland there are voluntary organisations that need money and people who need jobs? We should think long and hard about this. Would any decision that we have taken to date have been a better decision if we had taken it while away from the Parliament? That should always be a criterion. We should always decide whether the quality of our decisions would be improved by going out from the Parliament.

Christine Grahame: I partly agree with that. If we went out, would it have to be an official and recorded meeting of the Public Petitions Committee? Members of the Justice and Home Affairs Committee might be going out in scattered groups to prisons, but I do not think that we are taking the whole paraphernalia with us. We are going out simply to take evidence. In a similar way, this committee could go out for its erudition, because it wanted to learn more about a specific point concerning a petition. In that case, I do not think that we would need to take recording equipment, and we could go out without all the

expense.

The Convener: We could do that, but it would not be a formal meeting of the committee and it would not be officially recorded.

Christine Grahame: We do it already in the Justice and Home Affairs Committee.

The Convener: Yes, but it is entirely up to this committee if it wants to go unofficially to visit places.

Christine Grahame: I can see two options. There might be a petition from an area where some big issue had arisen, and it would be appropriate—

The Convener: We could travel there as individual MSPs and as members of the Public Petitions Committee, but we would not officially be the Public Petitions Committee when we got there.

Christine Grahame: But a situation could arise where the Public Petitions Committee might want to meet in public away from the Parliament, to deal with something of local concern. On other occasions, we might want to go out as the Public Petitions Committee, but without holding an official meeting, so as to reduce costs.

Phil Gallie: I do not disagree with anything that Helen said, except for her interpretation of where MSPs can go. Our remit does not allow us to go tramping around Scotland, even if we have a special interest in something and want to do so. My particular interest is in home affairs, but that does not entitle me to zoom up to Aberdeen to meet people there, no matter how interested I am or they are in my doing so. I suspect that our remit allows me to go round only the south of Scotland to meet constituents.

I agree with everything that Helen said, but perhaps—as the convener has suggested—the issue of travelling round the country was not completely thought out before. However, it was people other than those who are now in the Parliament who made those decisions. That is fine with me and I accept it.

Helen Eadie: I do not want to challenge that, but I would like to ask Phil some questions relating to his and John's experience of Westminster.

In the recess, we had a number of invitations; for example, some members on the Transport and the Environment Committee visited the Forestry Commission. Are you saying that you do not have a remit to do that?

15:00

The Convener: Please speak through the chair.

Helen Eadie: Sorry.

The Convener: This is interesting for me because I heard all the same points in the debate in the conveners liaison group.

There is no proposal before this committee to travel anywhere. There may well be one in future, but we can consider it then.

I am reporting back to the committee that this matter is under active discussion in the conveners liaison group. Recommendations for changes to the way in which these things are organised will go to the next liaison group meeting, and from there—hopefully—to the next meeting of the Procedures Committee. I stress that what will not change is the fact that there is a very limited budget—there is not a lot of money.

Christine Grahame: Is the budget fixed?

The Convener: It is fixed. We had thought it was about £100,000, but it appears to be £75,000—it is very limited. Of course, some committees have a much stronger case for travelling than others do. Committees such as the Justice and Home Affairs Committee and the Social Inclusion, Housing and the Voluntary Sector Committee have stronger arguments than we have for calling on that budget. There may be circumstances under which we can justify travel, but we would have to do so against a list of other priorities for the Parliament.

Pauline McNeill: I agree with what has been said. I am not against this committee travelling, and can think of a few occasions on which it could be justified, but there are several considerations. It would have to be in the public interest for us to go somewhere and hear evidence directly from the public, or it would have to help us make a decision. So far, there has not been any difficulty making decisions because of not having direct access to the public.

I believe in principle that committees should have the right to travel if they can justify it. As Christine said, it is the bureau that will decide whether the Justice and Home Affairs Committee can visit prisons. It will not be the whole committee, but groups of members, who make those visits. When the time comes, we will have to put our case as to why visits would benefit the committee and its decision making.

The argument is not just about cost. I would have to justify additional travel time and everything else. If we were to go longer distances, it would have to be for very good reasons. Most of us serve on two committees. I would have to balance a whole day's travelling against other interests.

Nobody is against travelling per se; I can see reasons why this committee will want to travel, but the future will determine whether we do.

The Convener: I suggest that we do not debate

whether there might be good reasons for this committee travelling. There are no proposals to travel at the moment. I am just informing members of the discussion of the conveners group.

The other matter that I was asked at the conveners group to raise was whether we should set a time scale for committees to respond to petitions that we refer to them. It was suggested that they try to respond within two committee cycles. That was very much frowned upon by the other conveners, who made it clear that they could not comply with that strict limit. It was suggested that our clerk should liaise with the clerks of other committees to work out a realistic time scale for reporting back.

Christine Grahame: It also depends on the nature of the petition. There might be petitions that require an almost immediate response. Perhaps in such cases we could, as Pauline suggested, attach a note to the petition to say that we would appreciate a response by a certain time, depending on the substance of a petition. Many committees are very busy now, so it would be foolish to set a timetable that could not be kept from the start.

The Convener: Not least because work loads vary from committee to committee. The Justice and Home Affairs Committee is much more heavily loaded with work than are some other committees—I cannot think of one, and they will take offence if I mention them anyway.

Christine Grahame: Just keep saying that the Justice and Home Affairs Committee is very busy.

The Convener: Some committees have busier work programmes than others, so it would be unfair to set a strict regime. We will liaise with individual committees on realistic time scales in which to deal with the petitions that we refer to them.

Pauline McNeill: It is early days. We should recognise the work loads of other committees, but we cannot afford to let committees think that we will forget about petitions. From time to time, this committee might ask you to get in touch with a convener to find out why a petition has not been dealt with, so that we can keep petitioners informed.

Christine Grahame: We should advise the petitioner on what is happening. Having been a lawyer for many years, I know that the worst thing to do with a client is not to tell them why they are not hearing from you. Even if nothing is happening, you should write to tell them why. It is important to report back to petitioners.

The Convener: There are two ways of doing it. We ask the subject committee clerk to ensure that the petitions are addressed by the committee. We

also have the list that is published by this committee every session. We can use it to mark progress and take the matter up with the subject committee if any petition has not been progressed.

At the conveners liaison group, I stressed that petitions are not something that should be added on at the end of the agenda; it is central to what the Scottish Parliament is all about. The committees of the Parliament must deal properly with petitions and give them proper respect and a place on their agendas. That did not happen in the other Parliament and history cannot be allowed to repeat itself here.

Christine Grahame: Could we also ensure that the petitioners are told? This Parliament could do with some good public relations, and it would be bad if we did not get back to them. Even if, through no fault of the Parliament, something takes four or five months, they should know that the matter is being attended to and that there is a reason for the delay.

The Convener: If there is undue delay, we shall get back to the petitioners and explain why.

Christine Grahame: Yes. That is important.

The Convener: Are there any other issues? If a petition falls within the remit of two committees, the conveners are quite happy for this committee to nominate a lead committee. Officially, though, the right to do that lies with the bureau and with the conveners liaison group. The conveners want to be kept informed of our decisions as to which is nominated as the lead committee for a petition. The conveners are also happy to let me see any draft replies before they are sent out.

Are there any other issues that members would like to be raised at the next conveners liaison group?

Christine Grahame: I have had people approaching me directly about petitions. I told them—I hope it was appropriate—that they should contact the clerk about sending petitions, rather than members taking them individually, which would lead to chaos. I do not know whether other members have received petitions directly, but I did and I advised the petitioners to go through the clerk.

The Convener: Any member who is given a petition should refer it to the clerk.

Christine Grahame: I know, but I was wondering about public guidance.

The Convener: The public guidance should be to go to the clerk. That is the proper avenue.

Any other business

The Convener: The last item, under the

heading of any other business, is the suggestion that the next meeting be held at 2 o'clock on Tuesday 5 October in committee room 3 or 4.

All conveners got a letter from Paul Grice, the chief executive of the Parliament, saying that committees should feel free to schedule meetings on Monday afternoons and encouraging them to do so. It is entirely up to members of the committee whether they want to meet on Monday afternoons rather than on Tuesdays.

Pauline McNeill: I would have difficulties meeting other commitments if committee business extended to Mondays. At the moment, it is just about manageable.

The Convener: Is that everybody's view?

Christine Grahame: Yes. I intend to be in my constituency on Mondays.

The Convener: So we should stick to Tuesdays?

Christine Grahame: That would be fine.

Pauline McNeill: Why has he asked you to do that? Is there pressure on committee rooms?

The Convener: I think so. There is a lot of pressure on committee accommodation. Parliament staff are trying to extend the number of days on which committees can meet. If we want to meet on a Monday, we are free to do so, but it is not compulsory.

Pauline McNeill: That is my one day in Glasgow.

Helen Eadie: When is the next meeting then?

The Convener: Tuesday 5 October at 2 o'clock. Members will be notified of the room.

Helen Eadie: May I make a suggestion? It would be good if there was a sign in the hall saying which committee room is where. Pauline and I both went upstairs thinking that the meeting would be in our usual committee room, but it was downstairs.

Christine Grahame: There is a sign with directions to committee room 4 printed after the Gaelic.

The Convener: There is certainly a board there, but perhaps it does not have sufficient information on it. We shall ensure that members have clear information.

Phil Gallie: May I record an early apology for the next meeting to save the clerk time later?

The Convener: If there is no more competent business, I declare the meeting closed.

Meeting closed at 15:09.

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