

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 2 November 1999  
(*Afternoon*)

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### **PUBLIC PETITIONS COMMITTEE** **4<sup>th</sup> 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

#### **THE FOLLOWING MEMBER ALSO ATTENDED:**

Allan Wilson (Cunninghame North) (Lab)

#### **COMMITTEE CLERK:**

Steve Farrell

#### **ASSISTANT CLERK:**

Jane Sutherland



## Scottish Parliament

### Public Petitions Committee

*Tuesday 2 November 1999*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:06*]

**The Convener (Mr John McAllion):** I welcome everyone to the fourth meeting of the Public Petitions Committee. I would like to extend a special welcome to Allan Wilson, who is not a member of the committee, but is here to speak in support of petition 22 from the Island of Cumbrae Tourist Association. As a member of the Scottish Parliament he is fully entitled to attend the meeting and discuss any petition on today's agenda.

### Petitions

**The Convener:** The first petition to consider is petition 6, from Mr Maurice Frank, which was returned to us by the Justice and Home Affairs Committee. There was an exchange of letters between the convener of that committee, Roseanna Cunningham, and me, in which she made it clear that, in the opinion of the Justice and Home Affairs Committee, the petition should not have been passed on because the committee could do nothing to assist the petitioner.

We need to make a judgment call on this issue, not only for this petition, but for future petitions. We have to be careful about passing on petitions to other committees because, as everyone knows, the committee system is under great pressure. One of the primary roles of the Public Petitions Committee is to ensure that other committees are not put under undue pressure by petitions that should not have been passed on. In future, we should be aware that we should deal with some petitions and say that no further action is required.

**Christine Grahame (South of Scotland) (SNP):** I second that. We should apply the competency test to decide whether a petition refers to a matter within the remit of the Scottish Parliament and whether it is presented in a competent format.

**Phil Gallie (South of Scotland) (Con):** It is worth noting that Mr Frank submitted two petitions at a very early stage in the life of the committee. At that time, there was some sympathy for the fact that one petition was being rejected—members felt that we should perhaps give the other petition further consideration. I do not think that that will weigh as heavily with the committee in the future.

**The Convener:** Is it agreed that the clerks

should write to the petitioner, explaining that the European Court of Human Rights relates to international relations and is therefore a reserved matter, and that neither our committee nor the Justice and Home Affairs Committee want to take a view on the opinions that he has expressed?

**Members indicated agreement.**

**The Convener:** The second petition is from Mr Timothy Alexander of Greenan and relates to his claim to the Earldom of Stirling and other related titles. Since the papers were issued to members and the petition was considered, we have received legal advice. Whether the subject matter of the petition is reserved is not clear-cut; it cannot be said to be a straightforward reserved matter.

As members will know, the petitioner has now amended his petition. He has withdrawn his request for a parliamentary inquiry; he now requests that the Parliament congratulates him and acknowledges his efforts to preserve the titles in question.

We can agree that the Parliament could do that, even if the subject matter of the petition is reserved, and that this petition is admissible. However, we need to decide what to do with it. The Parliament should not devote resources to this sort of claim. As I said before, parliamentary time is short and I see no need for such an item of business to be placed on the agenda of a meeting of the Parliament, particularly in view of the fact that Mr Alexander has already taken this matter up with the Scotland Office. He mentioned that he is adopting a more conciliatory approach in his dealings with that office and I hope that that approach is more successful for him. I think that it would be best if we asked the clerk to write to him along those lines.

**Helen Eadie (Dunfermline East) (Lab):** I have a couple of points—one of which is really a question. He calls himself the right honourable the Earl of Stirling. Does he have the right to do that? I was under the impression that he would have to be a privy councillor before he could call himself that. If he does not have that right, perhaps we should, in the nicest possible way, draw that to his attention, as I understand that the title has a very special status.

I read in the notes that

"Mr Alexander has also telephoned at least one member".

He has certainly telephoned my office and tried to speak to me. I am afraid that I was not available at the time, so he was not able to speak to me, although he spoke to a member of my staff. I do not know whether he tried to contact other members. Perhaps he is a distant relation of mine, as my middle name is Stirling. Perhaps I, too, have a claim to this earldom.

**The Convener:** I am not sure whether he is entitled to call himself right honourable—I think that that is part of his claim. However, his claim, which is a matter for the Scotland Office, has not been decided.

**Ms Sandra White (Glasgow) (SNP):** I was the member that Mr Alexander managed to get hold of. I must say that I admire his tenacity, but there was no way I could answer some of the questions he raised with me on the telephone as this committee does not deal with those issues. I reported to Mr Farrell that Mr Alexander had contacted me and had asked me to support the petition. I told him that his petition would come before the committee and that we would discuss it. However, I agree with the convener's proposal, which is the best way forward.

**The Convener:** He also managed to get through to me. While I have a certain amount of sympathy with the right honourable Timothy Alexander, the issue that he raises is not the business of the Parliament and the Parliament does not have time to deal with such issues. So, are we agreed that the clerk—

**Phil Gallie:** Convener, you just used the term "right honourable". I go along with Helen's comments. I have written to the Canadian embassy to ask whether he has the right to claim any of the titles that he has claimed. However, I do not think that this committee should legitimise that use of the term. That reference cannot be struck from the report, but it could be changed or rectified.

**The Convener:** I do not think that anything I say from the chair will support Mr Alexander's claim to be called right honourable. I was just trying to be polite.

The next petition is from Mr Jimmy Oswald and concerns the decline of the capercaillie in Scotland. The petition calls for urgent action to reverse that decline. Members will see that the petition is supported by Mike Rumbles, MSP, who was present when it was submitted. Mr Oswald calls for action under the Wildlife and Countryside Act 1981 and the European directive on wild birds. Initially, it was suggested that the petition should be passed to both the Transport and the Environment Committee and the Rural Affairs Committee. However, the clerk has since established that it should go to the Transport and Environment Committee only.

**Ms White:** I support the petition and I agree with the convener.

**The Convener:** Are we agreed that we should pass this petition to the Transport and the Environment Committee?

**Phil Gallie:** Can you remind me where we sent

the petition on pigeons and raptors?

**The Convener:** That petition is on the agenda and we will come to it later.

**Phil Gallie:** Will this petition go to the same committee as that petition?

**The Convener:** I think so. The Transport and the Environment Committee is awaiting some research data before it disposes of the Scottish Homing Union's petition. Mr Oswald's petition will go to that committee as well.

**Phil Gallie:** Will Mr Oswald's petition go to both committees?

**The Convener:** No, it will go only to the Transport and the Environment Committee.

**Phil Gallie:** I suggest that this matter could be tied up with the raptor-pigeon petition. If we sent that petition to two committees, I do not see the point in not sending this petition to two committees, as they are linked.

**The Convener:** I believe that we are responding to advice that comes direct from the committees.

**Steve Farrell (Committee Clerk):** I have spoken to the clerks involved and I will raise the matter with them again.

**The Convener:** We have spoken to both committees and they agreed that this is how Mr Oswald's petition should be handled.

**Phil Gallie:** All right.

**Christine Grahame:** It is open to the Transport and the Environment Committee to remit the petition to the Rural Affairs Committee, should it feel that additional views are necessary.

**The Convener:** Petitions 18 and 19 come from the No Alignment Action Group and the residents of Pentland Residential Mobile Homes Park. They deal with Midlothian Council's proposals for a new A701 dual carriageway in Midlothian and the impact of the road on traffic and wildlife. They also ask for an inquiry into the proposed re-routing of the road through Clippens landfill site in Loanhead, Midlothian.

This is a serious issue and it should be referred to the Transport and the Environment Committee, unless any member has other views. Is that agreed?

Sorry, I am wrong. The petition will be passed to the Executive, as it will deal with the matter before the next meeting of the Transport and the Environment Committee. Is that agreed?

**Members indicated agreement.**

14:15

**Christine Grahame:** Will we get a report about

the petition back from the Executive?

**The Convener:** Yes.

I have missed out a petition, which is probably why I am getting mixed up. Petition 17 is from Western Isles Council and petition 27 is from Skye and Kyle Against Tolls. Both are asking for concessions and discounting options for Western Isles residents on tolls charged on the Skye bridge. It is recommended that the petitions should be passed to the Transport and the Environment Committee for its consideration.

**Helen Eadie:** We might want to pass these petitions to the Executive. As the First Minister gave dispensation to the Skye bridge, perhaps the Executive might tell us its thinking on the issue.

**The Convener:** Our clerk has already spoken to the clerk of the Transport and the Environment Committee. It will examine the petitions and refer the matter to the Executive.

Petition 20 is from Mr Steve Ratcliffe calling for a public examination into lobbying in the Scottish Parliament. Although the petitioner has already been informed of action that has been taken by the Standards Committee on the issue of lobbying, the clerk should write back to the petitioner following the conclusion of the committee's considerations. I have not seen those conclusions myself.

**Christine Grahame:** We are waiting for the report.

**The Convener:** Unless any member disagrees, I think that the Standards Committee should respond to this petition.

**Helen Eadie:** There was quite a good article in *Holyrood* magazine that distinguishes the different roles of lobbyists. Perhaps the clerk could send that to Mr Ratcliffe.

**The Convener:** Is that agreed?

**Christine Grahame:** I do not mean to be picky, but is that part of our role? Although I am happy to go along with Helen's suggestion, I thought that we simply decided on the competence of the Parliament to act on petitions and to which committee a petition would be referred, rather than responded ourselves. Is that correct?

**The Convener:** The Standards Committee will provide the official view of the Parliament. Our response would just be for Mr Ratcliffe's information.

**Christine Grahame:** Okay.

**Helen Eadie:** The *Holyrood* article does not concern policy; it is just an individual's view of the issue.

**The Convener:** The next petition is petition 21

from Penicuik and District Community Council about the inadequacy of current concessionary bus fare schemes, which are based on old local authorities instead of on a national concessionary scheme. The recommendation is that the petition should be passed to the Transport and the Environment Committee, but that is perhaps qualified by the suggestion that the subject committee might pass the petition to the Scottish Executive soon after consideration. Is that agreed?

**Ms White:** The previous petition and this petition summarise the committee's role. Both deal with very relevant subjects, particularly the transport petition that will go before the Executive. It is high time that we had an integrated concessionary transport scheme anyway. Perhaps I am plugging that issue.

**Helen Eadie:** I have to say that concessionary fares are at the top of the Transport and the Environment Committee's agenda.

**The Convener:** That is very timely.

The next petition is from the Island of Cumbrae Tourist Association. We have with us Allan Wilson, who wishes to introduce the petition.

**Allan Wilson (Cunninghame North) (Lab):** Thank you, convener, for giving me this opportunity. With your indulgence, I would like briefly to outline why we are here and why the petition is before the committee.

The prime mover behind the petition is the local GP, Dr Jim Bryson, who happens also to be the vice chairman of the Island of Cumbrae Tourist Association. In the wake of the Scottish parliamentary elections earlier this year, Dr Bryson wrote to the Scottish Executive about fare structures in the ferry service in general. Inter alia, he asked for the information that is the subject of this petition.

When the Scottish Executive department of transport and the environment failed to respond adequately with the said information, Dr Bryson contacted me. I agreed to write to the minister on his behalf, which I did around July this year. On 25 August, I received a response from the Scottish Executive on that and other related matters, which failed to release the information that had been sought. On 28 September, I received an answer to a question that I had lodged asking the Scottish Executive

"whether it will publish a route by route breakdown of revenue and expenditure for Caledonian Macbrayne's upper Clyde ferry services, including the Largs to Cumbrae slip."—[*Official Report, Written Answers*, 28 September 1999, Vol 2, p 151.]

Between my writing and the Executive's replying, a not dissimilar question was posed by

one of our colleagues, Duncan Hamilton, a member for the Highlands and Islands. He asked the Scottish Executive

"what plans it has to produce a route by route analysis of each ferry route under the operation of Caledonian MacBrayne."

The Executive answered:

"The Annual Report and Accounts of Caledonian MacBrayne Ltd provide results analysed by area of operation. There are no plans to provide this information on a route by route basis."—[*Official Report, Written Answers*, 11 August 1999; Vol 1, p 199.]

In the time-honoured fashion, the response to my question referred me to that reply.

Neither I nor the constituents I am here to represent were satisfied with that answer. We met and agreed that we would set up a petition. As members can see, 1,888 signatures were collected in less than a week. That demonstrates the strength of feeling on the island, whose total population is only 1,420. Something like 500 signatures were collected in 48 hours. There is strong local feeling on this issue.

My primary interest is in open government and informed debate. We can have neither if the figures for revenue and expenditure for the Largs to Cumbrae route are concealed within the overall net operating deficit of £3.2 million for Caledonian MacBrayne's upper Clyde services.

Whether the facts sustain Dr Bryson's argument that CalMac makes a considerable profit and has the scope to reduce fares or, crucially, improve services, or CalMac's counter-claim that the system relates fares more accurately to the cost of providing services is, I believe, a matter of public interest. It is of particular interest to my constituents.

The island's economy is very fragile and could be damaged irreparably by the wrong decision in these matters. The figures ought to be in the public domain, given the public subsidy involved, so that the public debate can be informed and not distorted by claim and counter-claim about the profitability or otherwise of the route.

If we wish to compare the cost, effectiveness or efficiency of one hospital with those of another, or even the cost of operating services within hospitals, that information is in the public domain. If we wish to make comparisons between further education colleges or local authorities, the information is in the public domain. Crucially, if we wish to compare the level of public subsidy in one bus route to that in another, the information is in the public domain. I see no good reason for the information for individual ferry routes not, similarly, being in the public domain. I support the petition and commend it to you.

**The Convener:** Thank you. Are there any questions or comments?

**Christine Grahame:** The petition calls on the First Minister

"to release for scrutiny the details".

Is this not information that we should be able to obtain either from the First Minister or from the Minister for Transport and the Environment rather than from the Transport and the Environment Committee?

**The Convener:** It is up to the committee. We can choose whether to send this petition to the Transport and the Environment Committee or to the Executive, which we would ask to respond directly.

**Phil Gallie:** Without a doubt, the petition should go to the Executive, as it names Donald Dewar. This is a question that has come up in the past. Clarity and openness are all important in this Parliament. It seems to me that Allan has made a pretty good case and that the petitioners are to be congratulated.

**The Convener:** Helen, you are a member of the Transport and the Environment Committee. Do you have any comments?

**Helen Eadie:** It would be worthwhile passing it to the Transport and the Environment Committee because we are considering concessionary fares at the moment. Although our inquiry is on bus fares, we have already mentioned concessionary rail fares, so the petition would at least be useful for information.

**The Convener:** It has been suggested that we could pass the petition to the Transport and the Environment Committee with a strong recommendation from this committee that the matter be taken up with the Executive.

**Phil Gallie:** The Executive has, or should have, that information now. The petition is an expression of dissatisfaction with the presentation of information held by and available to the Scottish Executive and CalMac and there is no need for a separate step.

**Helen Eadie:** I was not suggesting that the petition should not go to the Scottish Executive, but I feel that it would be useful for the Transport and the Environment Committee to have a copy of it for information.

**Phil Gallie:** So we should inform that committee, but send the petition to the Executive?

**Helen Eadie:** Yes.

**Phil Gallie:** I have no problem with that.

**Christine Grahame:** That is really why I raised the question. The recommendation to the



committee said that the first port of call is not the minister. I do not see why that should be.

**Ms White:** My only worry is that both Allan Wilson and Duncan Hamilton have already lodged written and oral questions to the Executive and have been given bland answers. If the matter were debated by the Transport and the Environment Committee, that might put more weight behind it before it is passed to the Executive. I am concerned that if it goes to the Executive now, the same answer might be given again and the petition would have to be resubmitted.

**The Convener:** It strikes me that having the support of this committee and the Transport and the Environment Committee would help the petition rather than hinder it.

**Helen Eadie:** I think that you are right.

**The Convener:** The petitioners would rather have both committees behind them. Sandra is right about that. What is your view, Allan?

**Allan Wilson:** I agree, convener. Ultimately, it will be a matter for the Executive to determine, but having the support of this committee and the Transport and the Environment Committee would help to persuade the Executive that the information ought properly to be in the public domain.

**The Convener:** Shall we pass this petition to the Transport and the Environment Committee with a recommendation that it support it and take the matter up with the Executive?

**Christine Grahame:** At the same time, we should also advise the responsible minister that that is what we have done.

**The Convener:** We can certainly do that as well.

**Phil Gallie:** I have some reservations about that. I would like this petition to go right to the Executive. If the Executive does not give the response that the committee expects, we can return it to the Executive and pursue the matter until we do get a reasonable answer. I can live with the fact that we will pass a copy to the Transport and the Environment Committee, but if we really believe in an open Parliament, we have good reason to pass the petition direct to the Executive and to expect an answer.

**The Convener:** The point of passing the petition to the Transport and the Environment Committee is that it deals with a policy area for which that committee is responsible. Coming from that committee, it will carry more weight than it would if it came directly from the Public Petitions Committee.

**Helen Eadie:** If we want to identify the particular economic and social issues that are connected

with the peripherality of certain areas, we must put this petition through the committee that is considering concessionary fares throughout Scotland. It would be pertinent to the Transport and the Environment Committee's current programme. Although we are dealing only with concessionary bus fares, our work has made it clear that we must also take account of rail concession schemes, such as those run by Fife Council. To do that in tandem with the approach to the Executive would be helpful. I would certainly speak up in support of the people of Cumbrae so that they can get the information they require to take any further steps that may be necessary.

**The Convener:** We can do both things. We can refer the petition to the Transport and the Environment Committee with the strong recommendation that it take the matter up with the Executive. We can also write to the Executive indicating that we have done that and that we fully support the petition, and asking it to give us a response. Is that agreed?

**Christine Grahame:** That would be diplomatic.

**Members indicated agreement.**

14:30

**The Convener:** Thanks for coming, Allan. You can stay on for the rest of the meeting if you want to.

Petition 23 is from the Save Wemyss Ancient Caves Society. It concerns access to Wemyss ancient caves. The petitioners are asking for storm damage to the access to the caves to be repaired. That is the responsibility of Fife Council rather than the Executive or any committee of the Scottish Parliament. The recommendation is that the petition should be passed to Fife Council asking it to consider the points raised by the petitioners and to respond directly to them. The council should also be asked to notify the committee of its response to the petition.

**Helen Eadie:** Although they are not in my constituency, I know those caves. When I was the roads and transportation spokesperson on Fife Council, I worked with the Wemyss ancient caves group. I visited the group and have seen the drawings in the caves. Through the work with the council, it has become apparent that Fife Council, like many councils, has had minimal financial support from previous Administrations to undertake special actions to help such causes.

The matter now needs to be addressed by the Scottish Executive. The Executive must decide whether those ancient drawings are worth preserving for the nation. If they are worth preserving, the Executive must provide financial support. Fife Council does not have a budget for

that sort of work because the problem comes under the heading of coastal erosion. There is little money in any council's budget to cope with coastal erosion, so I think that the petition should be forwarded to the Scottish Executive.

**The Convener:** Do you think that it should go to the Scottish Executive instead of Fife Council?

**Helen Eadie:** It has already been the subject of extensive debate in Fife Council. I used to be the senior vice chair of the strategic development committee, and we discussed the matter on a number of occasions. Fife Council has spent all the resources it possibly can. I know that because I was involved as recently as June of this year, and have spoken to officials and to community volunteers who are trying to preserve the cave drawings.

There have been articles in *The Scotsman* and in other newspapers and Tam Dalyell has telephoned me about it. People are very keen to preserve the ancient drawings. Unless we sit up and take notice of the problem, the drawings will simply disappear, because coastal erosion in Fife is the worst in Scotland.

**The Convener:** Have the three possible solutions that are outlined in the petition already been considered by Fife Council?

**Helen Eadie:** Yes.

**The Convener:** There is no point sending the petition back to Fife Council. It would just respond that it had no money.

**Helen Eadie:** That is right.

**The Convener:** If that is the case, I am happy to pass the petition to the Executive.

**Phil Gallie:** Have Historic Scotland, Scottish Natural Heritage or any other such bodies been contacted? If they have not, is it within the remit of this committee to send the petition on to them?

**Helen Eadie:** I would be happy if it were to go to them as well as to the Scottish Executive. A decision has to be made about whether this cause will be supported. The caves are a monument for Scotland, not just for Fife. If they are to be preserved, Scotland has a duty to do that, and the matter should not just be left on Fife Council's doorstep. I support Phil's helpful suggestion. The petition should be sent to the Executive and to the agencies he mentioned.

**The Convener:** The clerk tells me that Historic Scotland, as an executive agency, has direct responsibility for the matter. Perhaps that is where we should refer the petition.

**Christine Grahame:** Could we first confirm with the petitioners whether they have been up those avenues already?

**Helen Eadie:** They have.

**Christine Grahame:** Are you sure?

**Helen Eadie:** They have certainly been involved with Historic Scotland and other agencies, but I do not know the full extent of that involvement. It would be worth having a report from those organisations on the steps that they have taken.

**Christine Grahame:** Your background knowledge of the case is certainly very useful, Helen.

**Pauline McNeill (Glasgow Kelvin) (Lab):** I am not opposed to what Helen suggested and it is fortunate that we happen to have someone here who knows about the case, but having on the committee someone who happens to know the background is not the right way to operate.

The committee must be satisfied that there is something on public record that tells us what has not been done. We need to get some clarification on what Fife Council's view is, and on what the views of the other relevant bodies are.

**The Convener:** We are at the start of this process and it might well be that we should pass the petition on to Fife Council and Historic Scotland and ask them to comment on it so that those comments are on the public record of this Parliament's proceedings. At that stage, if we are not satisfied, we could refer the petition to the Scottish Executive.

**Ms White:** Historic Scotland has access to funds to which Fife Council does not have access.

**The Convener:** Are we agreed that we should refer the petition to Fife Council and to Historic Scotland and that we should ask for their responses to the petition?

**Christine Grahame:** Why cannot we ask Sarah Boyack at the same time? We do not have to wait for ever.

**The Convener:** The minister would probably just write to us saying that the issue is the responsibility of Historic Scotland. Let us hear what Historic Scotland has to say and then refer that to the minister, although we could refer the petition to the minister and ask her to refer it to Historic Scotland.

**Christine Grahame:** I do not see why we should string this out. We can set three or four targets at the same time. We could send to the minister copies of the correspondence that has been sent to the other organisations.

**The Convener:** Okay—we will pass the petition to the minister with a note saying that it should be referred to Historic Scotland.

**Christine Grahame:** We should send it to them

all.

**The Convener:** Okay—we will send it to the minister, to Fife Council and to Historic Scotland.

We will move on to petition 24, which is from the National Farmers Union of Scotland. It calls on the Parliament to oppose the introduction of a pesticide tax, on the basis that in Scotland it would “depress further the present low returns from agriculture”.

Taxation is reserved to Westminster, but the clerk has been in touch with the Rural Affairs Committee, which would like to see this petition. I suggest that we refer the petition to it.

**Members indicated agreement.**

**The Convener:** Petition 25 from Major (Hon) Ian G McClure is about a long-running dispute that he has been having with his former employers, George Heriot’s School in Edinburgh. Members will have read the papers on this and seen that the case was referred to the Central Office of the Industrial Tribunals (Scotland) in 1993. The hearing was adjourned because a settlement was agreed between Mr McClure and his former employers.

The claim has been made again by Mr McClure and he now wants the Scottish Parliament to intervene in the dispute. We should not get involved in individual cases such as this in the way suggested by Mr McClure. We should, through the clerk, recommend to him that he approach the Central Office of the Industrial Tribunals and express his concerns in that quarter, because it is its responsibility to deal with such cases.

In respect of individual cases that have been through legal or court proceedings—industrial tribunals, appeals procedures and the like—the Parliament should not be able to overturn decisions even if it wanted to. This committee could, however, consider proposals that would change laws, rules or procedures when that was justified and appropriate and in the interests of the Scottish people. We cannot rule on an individual case where compensation is being asked for. That is a matter for tribunals. If, however, the procedures of such tribunals need to be changed, that is a matter for us and for the Parliament.

What are the views of the committee?

**Christine Grahame:** I gave notice earlier that, although I am no longer a practising lawyer, it would be inappropriate for me to take part in this debate as it involves a certain dissatisfaction with the legal profession. I have no interests to declare in this matter, but it would be useful to the committee if I did not take part.

**Helen Eadie:** I certainly support your view, convener.

**The Convener:** My understanding is that Mr McClure made his claim through the Central Office of the Industrial Tribunals; it has been settled, but not to his satisfaction. I think that he is asking the Parliament to become involved in overturning a decision of the industrial tribunals. That is not our role. Our role is to amend procedures if they are against the interests of the Scottish people, but we cannot make judgments in individual cases.

**Pauline McNeill:** There are two or three reasons, at least, why we cannot consider the petition. One is that employment tribunals are a reserved matter, so we could not consider it even if we wanted to. Another is that we may be interfering in a matter that has been dealt with by the legal profession. It is also the case of one individual, and we are not here to consider that.

I read through the paperwork. This might not be relevant if we are not to refer the petition anywhere, but I did not understand all of it. I had difficulty reading the writing.

**Helen Eadie:** Yes, the writing was difficult to read.

**Pauline McNeill:** Perhaps it came out of the copier that way.

**The Convener:** It was faxed to us piece by piece; it did not come as one document. That might explain why it was jumbled. However, as everyone has said, this is not an issue that we can decide on—and that goes not only for this committee, but for the Parliament, which I do not think can decide on an individual claim either.

**Phil Gallie:** I accept that absolutely—we cannot get involved in individual cases. However, one comment suggests that Mr McClure followed the advice of the Lord Chancellor and attempted to go to the Central Office of the Industrial Tribunals, but received no response. Our response is to advise him to get in touch with the central office again. Perhaps we could be a little more helpful and advise the central office that we have received the petition. Making no judgment on it whatever, we should point out that no response had been given to it previously by the central office—or so it had been claimed—and that we would expect a response to be given.

**The Convener:** I think that that would be helpful. Is everyone agreed?

**Members indicated agreement.**

**Pauline McNeill:** The correspondent’s MP is Malcolm Chisholm. Can we send him copies of any letter we write?

**The Convener:** It is in the correspondence that Malcolm Chisholm has been involved in this case as an MP. Of course, he is still an MP and an MSP at the same time. We should certainly copy the

letter to him.

Petition 26 is the last one for us to consider; it is from the Bridge of Allan Public Interests Association. It is about the way in which local government deals with petitions from members of the public. The suggestion is that we pass it on to the Local Government Committee. Research staff have produced a paper that confirms that there is no general statutory framework governing the handling of public petitions by local authorities, which varies from council to council. The clerk has the paper if anyone wants to see it.

As part of their response to the McIntosh commission's report, "Local Government and the Scottish Parliament", local authorities have been considering the access and involvement of communities in the decision-making process. I therefore think that the petition is timely and should be referred to the Local Government Committee for its consideration.

The president of the Convention of Scottish Local Authorities, Councillor Norman Murray, invited all the conveners of committees to speak to him. He stressed that local authorities were looking to follow the example of the Scottish Parliament, and to have the equivalent of this committee to deal with petitions coherently across the nation. He thought that that was a good idea.

**Helen Eadie:** I agree—the petition should go to the Local Government Committee. I was with you when you met the COSLA representatives, and I wondered whether it might be an idea to refer the petition to Richard Kerley, who is chairing a group that was set up by Wendy Alexander following the McIntosh report.

**The Convener:** That would be useful.

**Members indicated agreement.**

**Helen Eadie:** It might also be worth referring the petition to the leaders of each of the political parties in Stirling Council. It would be useful if the clerk could flag it up to those leaders that we consider it desirable that councils should be able to deal with petitions.

When I was a member of Fife Council, it was not unusual to call people in to address us. That was a useful way for the public to influence councillors' views.

It would be useful to send a copy of the petition to COSLA as well.

**The Convener:** The clerk's shoulders are drooping further with every word you say.

**Helen Eadie:** I like to make people work really hard.

**The Convener:** It is important that everyone understands that this is a live issue.

## Progress

14:45

**The Convener:** Item 2 is the paper dealing with the progress of petitions that have been considered by the committee.

I do not know whether anyone noticed the note about the petition from the Carbeth Hutters Association, which called for legislation to provide security of tenure and rights of access for those who own property built on leased land. Robin Harper sent an e-mail to say that a third hut in Carbeth had been set on fire.

**Christine Grahame:** We all received that e-mail. Do we have dates for when the petitions were submitted? I might lose track of developments with the petitions as time passes. It would make sense to have an idea of the time scale involved.

**The Convener:** The clerk has a record of the dates when the petitions were submitted.

**Christine Grahame:** That would help us to keep track of their progress. I was present when the Justice and Home Affairs Committee considered the petition from the Carbeth hutters, so I am aware of the time scale on that one but, as the months pass, it would be useful to know how long petitions have been in the system.

**Pauline McNeill:** While we are talking about trying to track how long it takes to deal with petitions, I would like to raise a point about petition 13, from the Stracathro staff action committee. When was that petition submitted? The Health and Community Care Committee will consider it on 24 November, which seems rather a long time after we referred it to that committee.

**The Convener:** The date is not available at the moment. There has not yet been a report on the Tayside review of acute services, which is relevant to the Stracathro case. I do not think that the report will be out by 24 November.

**Pauline McNeill:** This is an important point and I would like to return to it at another time. Members have mentioned the Carbeth hutters' petition, which we referred to the Justice and Home Affairs Committee. That committee—which I think is the busiest committee—considered the petition almost immediately and has already heard evidence on the matter. That is a good example of how the petitions process can work. It is a success story.

**The Convener:** The dates when petitions were submitted will be made available to the committee, so that we can see how the petitions are progressing.

**Christine Grahame:** We need to know when the petition was received, when it was referred to the subject committee and when a report was made on it. I do not know how the clerks table it, but it should be in an easily understood form.

**Helen Eadie:** I would like to make a point on another matter. I do not mean to suggest that the Parliament should not take action with regard to Stracathro, but I know that most of the health boards in Scotland are having discussions about situations that are similar to that which faces that hospital.

If we are not careful, we could be perceived as trying to suck up powers from organisations such as the health boards. I am not saying that that view should be adopted on my say so, but I am nervous about the situation. We are having this discussion in our own areas, whereas perhaps we should leave such matters for determination by local people. Perhaps that is controversial.

**The Convener:** We are not trying to resolve anything locally. We are simply saying that, if a petition is submitted, it must be dealt with by the appropriate committee. That committee must consider whether the matter is to be determined locally or by the Scottish Parliament.

**Ms White:** I pick up Pauline's point. Perhaps she feels, as I do, that the Justice and Home Affairs Committee dealt quickly with the issue of the Carbeth hutters. However, if a petition takes three months to be dealt with by a committee, is it within the remit of this committee to write to that committee? I think that that was what Pauline meant. We might say to that committee, "We passed this matter to you on such and such a date, but you have taken four or five months to respond." Is it within the remit of this committee to do that?

**The Convener:** We can do what we want, but the response that we receive from the committees is critical. The matter was raised at the conveners liaison group, and there was resistance to the idea that this committee should lay down a timetable.

**Ms White:** It is not laying down a timetable; it is showing concern.

**The Convener:** At that meeting, it was eventually decided that committees would not agree to a two or three-month turnaround for petitions that were referred to them, but that the clerks of the individual committees would consult each other, to ensure that a response was given within a reasonable time. It is for us to judge what is unreasonable. That is the purpose of this part of the agenda. If we have information about how long a petition has been lying on the table, receiving no response, we can take up the matter.

**Ms White:** That is fine. I just wondered whether

that was in our remit.

**The Convener:** The clerk reminds me that, even today, if committee members are unhappy about the Stracathro situation, for example, we can write to the Health and Community Care Committee and say that that committee must consider the case sooner.

**Ms White:** I think that the Stracathro petition arrived at the end of August. It was not long ago. I remember speaking to Andrew Welsh, as the matter was raised at Westminster.

**Christine Grahame:** It was given quite a low number—PE13—so it cannot have been a recent petition.

**Pauline McNeill:** If that is the case, it would be in the public's interest for us to say that we would like to know why the issue is so far down the agenda. We do not want to set a precedent for dealing with petitions last. If we are not pursuing the matter, what is the point of this committee?

I am not suggesting that we should write to the Health and Community Care Committee; I am suggesting that we should keep an eye on such situations. That must be part of our role. Who will represent the public interest when a petition is submitted, if not us? We will receive responses from committee conveners who are overloaded with work. I understand that. However, it is part of our role to keep an eye on the way in which committees deal with petitions.

**The Convener:** The clerk advises me that the Stracathro petition was first discussed on 21 September.

**Christine Grahame:** We are told that petition 13 will be considered on 24 November. Have the petitioners been advised of that?

**The Convener:** The Health and Community Care Committee will have contacted them.

**Christine Grahame:** They should know. There is an old lawyer's dictum that says that the client must be told what is happening, even if nothing is happening. If there is a delay and the petition is with a committee for too long, we should be able to write to a petitioner to say that we are concerned that the matter has not been dealt with, and that we have contacted the convener of that committee. That would give the impression that we are monitoring—I hate this word, but I shall use it—in a proactive way.

**The Convener:** I agree. The monitoring role of this committee is far more important than our role in referring a petition to the Executive or the committees. We must ensure that something is done in those circumstances.

At the next meeting, all the dates that have been requested today will be available, so that it will be

much clearer whether a petition has been lying around for a considerable time. It is the role of this committee to chase up such petitions. I anticipate clashes between this committee and most other committees in the Scottish Parliament. Other committees will not like being forced to pay attention to petitions, but it is our job to ensure that they are.

**Phil Gallie:** We are not allowed to be controversial or clash with other members in this Parliament.

**The Convener:** That concludes discussion of that item.

## Public Guidance

**The Convener:** The next item is the discussion of proposals for the launch of public guidance on petitions. We thought that the next meeting, on 16 November, would provide an ideal platform for the launch of the public guidance material. However, the clerk has suggested that that is a bit optimistic, as the document that we hope to launch has not been finalised and agreed by the committee. Further design work will have to be carried out on it.

We will probably have to use the meeting on 16 November to finalise that work. The suggestion is that we aim for a launch date in late November or early December. No committee meeting is pencilled in for those dates, so that might be the time to do it. Is that okay?

**Christine Grahame:** I was going to suggest St. Andrew's day.

**The Convener:** I think that we are on holiday on that day.

**Christine Grahame:** A people's day. Are we having it as a public holiday, at long last?

**The Convener:** I do not know; I cannot remember.

**Christine Grahame:** Do we have a public petition about that, John?

**The Convener:** Parliament is closed on 30 November.

**Christine Grahame:** That is a pity.

**Ms White:** We could still have the launch on that day.

**Helen Eadie:** That gives me the opportunity to congratulate you on the press release that was sent out. It was picked up by the local media in my area and they used it to ask questions about the work of the Public Petitions Committee. I did a short radio broadcast on that, which was very useful. I presume that you sent out a press release.

**The Convener:** No, I was asked to comment; I did not send out a press release.

**Ms White:** I was going to comment, but I did not.

**The Convener:** I would not send out a press release without the authority of the committee.

We are still dealing with the launch. The guidance note, which we will look at next, will be in the form of a Parliament information fact sheet—not the most exciting-looking document that you will ever come across. In addition to that, the clerk proposes that we produce a flyer that will give basic information and point those who are interested in the direction of the information sheet, which will provide more guidance. The flyer could be circulated to libraries and citizens advice bureaux and will be relatively inexpensive.

**Christine Grahame:** Schools?

**The Convener:** Schools as well, if necessary. The guidance note will also be placed on the Parliament's website, and will include an interactive forum for those who want to submit petitions by e-mail.

**Christine Grahame:** BT had a dummy public petition that I saw somewhere—perhaps at a party conference. People were interested in it. We are a little behind the times. I do not blame anyone for this, but many people have asked me how to submit petitions and I keep saying that we will produce something—so we must. I would ask that it be colourful. The Parliament spends a fortune on glossy presentation—I know that I am making a political point—but we should have something colourful that does not look too utilitarian. The document should give little examples and be exciting, with the web address on it and so on. Will we be able to look at a draft before it goes out?

**The Convener:** Yes. That is the idea—that a draft will come back to the committee and that no documents will go out until the committee has approved them. We will do that at the next meeting on 16 November. The idea of the flyer is to make the information more colourful and user-friendly. The parliamentary information fact sheet will be a more serious document. The flyer is intended to grab and excite public attention.

A couple of dates have been suggested for the launch: Tuesday 23 November or Wednesday 24 November. The morning of Wednesday 24 November is no use for me, because that is when the Social Inclusion, Housing and Voluntary Sector Committee meets.

**Christine Grahame:** There is a Justice and Home Affairs Committee meeting on 23 November.

**The Convener:** All day?

**Christine Grahame:** It is usually in the morning—sometimes it is in the afternoon.

**The Convener:** So Tuesday mornings are out?

**Christine Grahame:** Yes.

**Pauline McNeill:** I understand that committee meetings are timetabled round the committees that we are all on, so if there is no petitions meeting, I will be at justice.

**The Convener:** The launch will have to be on a Tuesday afternoon, because that is when the Public Petitions Committee tends to meet.

**Helen Eadie:** Could not the launch take place directly after the Tuesday afternoon meeting?

**The Convener:** We cannot do it on 16 November because we have not agreed the papers, and the next meeting is not until 14 December. I suggest a Tuesday afternoon between those two dates, which would be either 23 November or 7 December.

**Pauline McNeill:** Sooner rather than later, I think.

**Christine Grahame:** People will be into Christmas stuff by then.

**The Convener:** On 23 November—Tuesday afternoon?

**Ms White:** Yes. The same time that we come here, I would think.

**Pauline McNeill:** Just for a launch?

**The Convener:** Yes. We will not necessarily have access to this committee room, but the launch could be held outwith the Parliament if necessary, to try to attract the press.

**Ms White:** It could be held in the Parliament chamber.

**The Convener:** We can discuss that at our meeting on 16 November. Do we agree on that date?

**Members indicated agreement.**

15:00

**The Convener:** The other item that we have to agree is the document on the proper form of public petitions. Steve will introduce the document.

**Steve Farrell:** At a previous meeting, the committee discussed the fact that the standing orders require the committee to decide the proper form of petitions and that any petition that did not conform to the proper designation would be ruled inadmissible. The committee felt that that might be restrictive and not in keeping with its aims. The clerks agreed to prepare the paper that is now before the committee. The paper simplifies the

criteria for the proper form of petitions to the following: petitions must be typewritten on A4 paper and signed by the petitioner. Those criteria would make admissible the majority of petitions that are properly presented and are in a form that can be easily understood by members.

**The Convener:** I repeat: the criteria for public petitions are that petitions must be typewritten in blue or black ink and signed by the petitioner.

**Christine Grahame:** I have two points. First, a petitioner who is partially sighted or has sight difficulties should be able to nominate someone else to submit his or her petition. I do not see why we cannot accept petitions in Braille.

Furthermore, the paper does not say that the petitions must be in English. I cannot remember the exact rule, but—

**Steve Farrell:** The standing orders require that petitions must be in English.

**Christine Grahame:** Yes, but that should be made clear in the paper. Will that document form the basis of guidelines for the proper form of petitions?

**Steve Farrell:** The document will be in addition to the standing orders, which cover the point that petitions must be in English.

**Christine Grahame:** But people do not read the standing orders.

**Steve Farrell:** We could include the suggestion that we would be happy to make special arrangements for partially sighted people and people with other difficulties.

**Christine Grahame:** That would be appropriate. Will the document form the guideline sheet for the proper form of public petitions?

**Steve Farrell:** The paper will be added to the existing public guidance.

**Christine Grahame:** Okay. It is just that people are frightened by standing orders and do not read them.

**Steve Farrell:** The public guidance will contain all relevant information and will be easy to follow.

**The Convener:** We should make it clear that people can submit petitions in Braille. There should be no barrier in that respect.

**Helen Eadie:** I welcome the fact that we are making it as easy as possible for people to access the committee; I thank the clerks for their work.

**Ms White:** Why cannot handwritten petitions be submitted?

**Steve Farrell:** Some of the handwritten petitions that we have received have caused committee members and clerks real difficulties. We have to

establish a form that makes petitions easy to understand and to follow.

**Ms White:** Even in this day and age, some people still do not have access to typewriters.

**Steve Farrell:** The danger is that if we cannot understand the petition, the petitioner's case might not be put across in the best way.

**Christine Grahame:** Perhaps that can be included in the paper.

**Steve Farrell:** We could certainly give reasons for not accepting handwritten petitions.

**Christine Grahame:** We could say that petitions must be typewritten as handwritten documents present certain difficulties for the committee.

**Ms White:** I thought that any typewritten or printed petitions would be in addition to handwritten ones.

**Pauline McNeill:** I agree that there should be as little guidance as possible so that we are not restrictive. However, some of the petitions that we have seen have not been legible. Although there should not be too many rules on the proper form of petitions, we must ask people to make an effort—I would err on the side of caution on handwritten ones.

The petition should be signed and dated by the petitioner and the petitioner's address should be clear. Those are normal rules of petitions. Particularly when one is counting signatures to see what the strength of feeling is, it is important to identify that they are real petitioners and not made up. We should ask for addresses.

**The Convener:** That is to be included in the general guidance. We will ask for signatures, dates and addresses. With those amendments, is that agreed?

**Members indicated agreement.**

**The Convener:** That paper will be brought back in full form to the next meeting of the committee, on 16 November.

## Convener's Report

**The Convener:** The convener of the Procedures Committee, Murray Tosh, responded to our letter about changing the standing orders to allow the submission of petitions on other than sitting days. His letter states:

"I quite agree, at first sight, that the current procedure seems unduly restrictive. I have discussed your request briefly with the Clerk to the Procedures Committee, and he will set in motion the work to make an amendment to existing practices.

If the legal advice indicates that this can be done easily and quickly, then the Clerk will seek approval from the Members of the Procedures Committee to have a paper

with a recommendation placed before the next Committee Meeting. This would hopefully allow us to include the necessary amendment in the resolution which we will bring forward to change standing orders in a variety of respects in the period after the recess."

We have a letter from the Presiding Officer asking conveners to draw it to the attention of committees that meet in the chamber that we should not invite members of the public in the galleries to sit in members' seats. There is an allegation that they interfere with the sound system and disrupt the Parliament.

**Christine Grahame:** The Parliament?

**The Convener:** Some of the committees have to meet in the Parliament building, and rather than have the public sitting up in the gallery, some committees have invited them to sit where members sit.

**Christine Grahame:** Were they naughty?

**The Convener:** The allegation is that they interfere with the sound system. I do not know whether that is the case.

**Phil Gallie:** I do not understand, because a card is needed to use it.

**The Convener:** The next conveners liaison group is this afternoon, and I will report back if there is anything further on that.

## Any other business

**Pauline McNeill:** I apologise for being late, but I would like to ask about something that I missed. When lobbying the Parliament was discussed, what action was decided on?

**The Convener:** We agreed that the conclusion of the Standards Committee's investigation into lobbying should be passed to the petitioner, along with advice. There is apparently a very good article in *Holyrood* magazine that deals with the issue.

**Pauline McNeill:** For the record, it should be made clear that there was never any allegation of cash for access. The petitioner is mistaken about that. It is important for the Parliament to say that.

**The Convener:** I think that the Standards Committee's conclusions will make that clear. If the petitioner is not satisfied, he can petition again.

The clerk tells me that he has already been sent the information from the Standards Committee.

*Meeting closed at 15:08.*



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