

PUBLIC PETITIONS COMMITTEE

Tuesday 16 November 1999
(*Afternoon*)

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PUBLIC PETITIONS COMMITTEE 5th 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 16 November 1999

(Afternoon)

[THE CONVENER *opened the meeting at 14:08*]

The Convener (Mr John McAllion): I welcome everybody to the fifth meeting of the Public Petitions Committee. I have received apologies from Christine Grahame and Margaret Smith, who are unable to attend. Other members may be on their way, but we should make a start now.

Petitions

The Convener: The first item on the agenda is the consideration of new petitions. As you can see, there are only three petitions before the committee today.

Petition 28 is from the 999 Clear Roads Campaign, which is asking for the introduction of a law that would require drivers to give way to the emergency services. The recommendation is that this petition be passed directly to the Justice and Home Affairs Committee.

Ms Sandra White (Glasgow) (SNP): I think that that is right. As I understand it, this provision is to be included in the highway code. The petitioners want it to be part of the law. They have been told that the Red Cross and St John Ambulance service support their petition. This is a very worthwhile campaign, and I hope that it is successful.

Helen Eadie (Dunfermline East) (Lab): I heartily endorse everything that Sandra has just said, but we might also want to refer the petition to the Transport and the Environment Committee, given that it is interested in road safety issues.

The Convener: I agree with that last point. I accept that the Justice and Home Affairs Committee has the responsibility for changing the highway code, but it would do so only with the advice of the Transport and the Environment Committee. Can we refer the petition to both committees?

That is agreed.

The second petition is from Alex and Margaret Dekker and calls for action to be taken in relation to the Crown Office's decisions and considerations in prosecuting road traffic deaths. A very serious argument is put forward by Mr and Mrs Dekker concerning the frequency with which charges of causing death by dangerous driving that are

brought by the police are downgraded by the Crown Office to charges of careless driving.

As a member of the Westminster Parliament, I have had constituents who have been involved in exactly the same type of case. I suspect that a number of people in politics are aware of the problem; there have been two adjournment debates in the House of Commons relating specifically to it. The Crown Office, for whatever reason, is not applying the intention behind the law to accidents in which deaths have been caused by dangerous driving. I very much support our referring this petition to the Justice and Home Affairs Committee, with the recommendation that it be treated as a priority.

Phil Gallie (South of Scotland) (Con): This Parliament has received a number of representations from Mr and Mrs Dekker and others in which they have underlined everything that you have said, convener. There is an organisation that is examining this issue, and I am sure that the Justice and Home Affairs Committee will be pleased to do so.

Helen Eadie: I agree with everything that has been said. Like Phil, I wrote back to Mr and Mrs Dekker when their petition was brought to my attention to express my deepest sympathy and concern for the family, in the knowledge that this happens very frequently. We need to apply the stiffest possible penalties in such situations, in which families are profoundly affected.

Ms White: This is a very serious issue, and the petition should be referred to the Justice and Home Affairs Committee. The graph on the last page brings home to me how many of these cases have been downgraded—53 per cent by default. It is frightening to think that we put our faith in the justice system and this is what happens.

The Convener: One of the graph's most telling indications is of how the trend has continued to decline. This is not simply a matter of annual fluctuations; every year, fewer charges of dangerous driving are brought before the courts. That is a serious problem.

Phil Gallie: I recognise that the Justice and Home Affairs Committee will pick this up, but it is worth noting that the Minister for Justice answered a series of questions on this issue. When compared with those responses, the figures with which we have been presented here suggest a lack of clarity in Scottish Office records. Perhaps the Justice and Home Affairs Committee can consider that when it receives this petition.

The Convener: Absolutely. As you are a member of the Justice and Home Affairs Committee, you can ensure that it does precisely that. I also suggest that in referring the petition to the Justice and Home Affairs Committee we note

that this committee treats this issue very seriously and hopes that the Justice and Home Affairs Committee will give it priority.

That is agreed.

The final petition is from the Almondell Terrace residents, asking for measures to be introduced to reduce the speed of vehicles using their road and for a feasibility study to examine the possibility of re-routing traffic to the sewage works so that it avoids the terrace. It could be passed to the Transport and the Environment Committee but it may be more appropriate for the clerk to write to the parties involved, East of Scotland Water and the local authority, asking for their views.

14:15

Phil Gallie: I suggest it would be appropriate to send it to the local authority and it is within our power to do so.

Helen Eadie: Like drinking and driving, it is a matter of getting the public to change their attitude. Every time we have a road safety issue such as this we need to send a message as widely as possible to all the agencies that may have an influence on promoting road safety. We might also want to say to the chief constable in the area that the Scottish Parliament regards road safety as paramount and that it is time we changed our attitude from one of cars as No 1 to pedestrians as first in the hierarchy, with cyclists next.

The Convener: That is an important point because most local authorities change traffic regulations on the advice of the police. So we should draw the matter to the chief constable's attention as well?

Members *indicated agreement.*

Progress

The Convener: The second agenda item is the progress of current petitions; the paper outlines the progress made on the 27 petitions we have dealt with up until today's meeting. I have suggested to the clerk that in future we might group petitions under the date of the meeting they were dealt with so that it is easier to refer to them. The earlier a petition came to this committee the more we should be concerned if nothing is being done about it.

Are there any points about the progress of current petitions?

We should note the first success of a petition to the Scottish Parliament in that the M77 has been included in the strategic roads review and work on it is planned to start in 2002 and finish in 2005—albeit as a public-private partnership. Phil, you are the local man.

Phil Gallie: I am delighted that the A77 has been given priority, but I will believe it when work starts, because there remains a question over the funding and there is a lot of concern in Ayrshire that a statement of good intent may be nothing more than that. If we meet again in 2002, I will compliment everyone if it has gone ahead.

The Convener: We should take this agenda item seriously and look at what is happening to petitions that we have passed on. For example, if you look at petition 4, from MacLay, Murray and Spens, solicitors, who were asking for changes in the Tenancy of Shops (Scotland) Act 1949, I note that the Justice and Home Affairs Committee wrote to the Minister for Justice about seven weeks ago asking for details of any plans he has to change the law in that respect. As far as we know there has been no reply and the committee has not dealt with the petition. We need to ensure that if a certain amount of time elapses and nothing has been done, we contact the committee and ask what is happening.

Guidance

The Convener: We need to agree the final text of the guidance document on public petitions and take a decision on the venue for the press launch on Tuesday 23 November. The legal team has suggested several amendments. Although most are minor and unlikely to cause controversy, we should go through them.

The amendments are in bold type. On page 1, paragraph 4 of the guidance on submission of petitions, there is a new sentence about petitions being in the "proper form". It does not tell us much, but the issue is dealt with later in the guidance note. There is also a sentence that relates to the powers of the Parliament, which has been reworded and put in clearer language. It now says that

"petitions must request the Parliament to do something which it clearly has power to do."

Are those amendments satisfactory?

Phil Gallie: I would like to go back to section 2.

The Convener: I thought that we had agreed section 2.

Phil Gallie: Yes we had, but I have thought about it again and on reading the list of who may petition the Parliament it seems that virtually everyone and their auntie can send in petitions. That is as it should be and I have no argument with it. The guidance suggests later that a petition may relate only to Scottish Executive business, but a petition might ask the Scottish Executive to put pressure on Westminster regarding a reserved matter. I also wonder whether there should be any restriction regarding the source of the petition—

should the petition come from within Scotland and have a Scottish contact address? Could somebody down in Kent or Sussex petition the Scottish Parliament?

The Convener: As far as I know, they could. This is a devolved Parliament and it was the committee's intention that anyone could petition it—not only to act within its devolved powers, but to ask it to take a view on non-devolved matters. The Parliament has the power to pass comment on non-devolved matters.

Phil Gallie: That is fine. What about the source of petitions—can we accept a petition from Sussex?

The Convener: We can accept a petition from anywhere.

Phil Gallie: Is that in line with what the committee wants? I have no objections to that.

The Convener: We have accepted a petition from somebody in Canada who was pursuing the right to titles in Scotland. Anyone can petition the Scottish Parliament

Ms White: I would like to check back on the media and the newspapers because I am sure that the *Sunday Post*—maybe I am one of the few who still read it—carried quite a scathing article about this committee.

The Convener: Did it?

Ms White: The article mentioned that this committee will not accept a petition from an individual. I am almost certain that it said that, but it should be checked.

The Convener: I was not aware of that.

Ms White: It was quite a good article but it said that this committee would not accept a petition from an individual.

The Convener: That has never been the case—this committee has always accepted petitions from individuals.

Ms White: When I read that article I said to myself that it could not be right.

The Convener: We will check that out.

Phil Gallie: I seem to recall that we rejected one petition from an individual and when we accepted a second petition from that individual we were criticised for that.

Ms White: We rejected it because we could not read it. We gave the petitioner guidelines to help him submit a better petition.

I wanted to pick up the point about petitions requesting the Parliament

“to do something which it clearly has power to do.”

The convener has said that the Parliament has the power to discuss non-devolved matters, but I worry that things cannot be changed when they are put down in black and white. I do not like the use of the words

“which it clearly has power to do.”

The Convener: Those words are what the legal people recommend based on the fact that the wording is clear—they are not trying to narrow down the remit or to restrict it. The words are clearer and easier for ordinary people to understand. We have petitions about Trident that will be on our next agenda—such petitions will not be rejected because they relate to devolved powers.

Ms White: Can we be assured that that is the case?

The Convener: We have the power to pass comment on such issues as Trident.

Ms White: That is fine—I merely wanted that assurance.

The Convener: I will go through the recommended amendments. Would any member like to say anything about the first page?

Members: No.

The Convener: Do members agree to the wording of paragraph 5?

Members indicated agreement.

The Convener: Are we agreed on paragraph 6, which is a new sentence relating to the return of petitions to petitioners for clarification when that is appropriate?

Members indicated agreement.

The Convener: Are we agreed on paragraphs 7 to 12?

Members indicated agreement.

The Convener: Paragraph 13 has been relocated. The clerk has just told me that it is not about admissibility; it is just guidance on how to petition the Parliament, so it should be at this point in the document rather than anywhere else.

Are we agreed on paragraphs 13 to 22?

Members indicated agreement.

The Convener: In annexe A you will find the preferred format for public petitions to be submitted to the Scottish Parliament. Are there any points on that? You have also been issued with a copy of the electronic form for anyone who wants to submit a petition by e-mail.

Ms White: That would be helpful for me—just press a button and send.

The Convener: If anything occurs to members of the committee and they want an amendment of any kind to this document, tell Steve Farrell, the clerk. We will obviously accommodate it.

Phil Gallie: Convener, this is probably just old age making me forget, but I had a feeling that there was something that said that electronic signatures were not acceptable on petitions. Does that not suggest that e-mails are not acceptable and that there has to be a proper signature?

The Convener: As I remember, we took out the bit about signatures.

Steve Farrell (Committee Clerk): When people receive an e-mail version of the form, they are prompted to print out a hard copy that they then send in with all the supplementary material and signatures. We do not want those to be sent to us by e-mail or via the internet. It is in the best interests of the petitioners and this committee to do it that way.

Phil Gallie: Okay, so old age has not got to me yet.

Helen Eadie: What Steve has said raises an interesting point. Today or yesterday, there was something in the news about, I think, the Prime Minister, raising a point about the validation of e-commerce and signatures coming through the electronic mail. I would not want us to be flying in two different directions. It was suggested that people should be able to purchase goods via e-mail to help to develop e-commerce, and that there was therefore a need to be able to validate signatures over the internet. Does that have any implications for us?

The Convener: It is something that we will continually keep under consideration.

Helen Eadie: I would not want us to fall foul of something.

The Convener: I think that we agreed at an earlier meeting that we did not need a signature to accompany an e-mail.

Ms White: Paragraph 18 says, in effect, that once you have sent in the petition in e-mail form, signatures then have to be sent in by post, so that we know that they are valid.

The Convener: Steve has just informed me that there will be a meeting in the next few weeks to talk about technical developments, so we can have a report from that at a future meeting of the committee.

Helen Eadie: That is fine.

The Convener: Is the guidance that we have had acceptable? Do members agree with the wording of the document?

Members indicated agreement.

The Convener: Copies of what the document will look like have also been circulated.

Helen Eadie: It is looking good. My compliments to the chef.

The Convener: We have the small throwaway version and the main guidance. Are there any comments?

Ms White: It is fine.

The Convener: Are both texts agreed to?

Members indicated agreement.

The Convener: The launch will be on 23 November and the media people have suggested that there should be a photo call and a press release with quotes from me and as many other members of the committee as want to be quoted. They have suggested to the clerk that I alone should attend—that is their suggestion, not mine. They think that nobody would turn up at a press conference here, with the whole committee, but that people would turn up if it were held in the mail room of the Parliament with post bags and stuff. What do members think?

Helen Eadie: I do not mind that. I am quite relaxed about it.

Phil Gallie: Me too.

Ms White: I would quite like to be at the launch. Everyone from the committee should be there, because it is a first. I think this is a great committee, and it would be good if the people we are reaching out to are able to recognise who is on the committee.

14:30

Helen Eadie: No politician I have ever known has been shy about a photo call.

The Convener: Are we happy that all members of the committee should attend the photo call? And should it be in the mail room, or would you prefer somewhere else?

Helen Eadie: It is a good idea to hold it in the mail room. That would get the message over.

Ms White: Phil and I are just small—we can sit up on the counter.

The Convener: The media people have said that they will apportion comments—not that politicians ever need people to make up comments for them. However, if anyone wants to make a particular comment, get in touch with Steve and he will get in touch with the media people to ensure that it is included.

Is all that about the press launch and photo call agreed?

Members *indicated agreement.*

Convener's Report

The Convener: You will remember that I was to raise, at the conveners liaison group, the question of clerks of other committees clearing with our clerk any response they wish to send to petitioners. Time ran out at the meeting of the group, but the issue is on the agenda for the next one. We will, I hope, get the formal approval of all the conveners to clear responses with our clerk.

There are petitions in the pipeline—one about Trident, another about the inquiry into safety in the Occidental accident on Piper Alpha. We will need to take legal advice as to what we can do with those, but you will be notified about that before the next meeting. Those petitions will be on the agenda of that meeting.

Thank you all for attending, and I will see you at the press launch.

Meeting closed at 14:31.

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