

PUBLIC PETITIONS COMMITTEE

Tuesday 18 January 2000
(*Afternoon*)

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PUBLIC PETITIONS COMMITTEE

1st Meeting 2000 (Committee Room 3)

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 :

Fiona McLeod (West of Scotland) (SNP)

COMMITTEE CLERK :

Steve Farrell

ASSISTANT CLERK :

Jane Sutherland

Scottish Parliament

Public Petitions Committee

Tuesday 18 January 2000

(Afternoon)

[THE CONVENER *opened the meeting at 14:02*]

The Convener (Mr John McAllion): I welcome everyone to the Public Petitions Committee's first meeting of the new millennium. I wish everybody a happy new year and a happy millennium.

Deputy Convener

The Convener: The first item on the agenda is the election of a deputy convener. On the recommendation of the Parliamentary Bureau, the Parliament has decided that the deputy convener of this committee should come from the Labour party. I therefore invite any member of that party who wants to stand for the post of deputy convener to identify herself and confirm her candidature.

Helen Eadie (Dunfermline East) (Lab): I nominate Pauline McNeill.

The Convener: Do any other members want to make a nomination for the post of deputy convener? As there are no other nominations, I invite the committee to appoint Pauline McNeill as its deputy convener.

Pauline McNeill was elected deputy convener by acclamation.

The Convener: I congratulate Pauline on her election—I think that the term is election, rather than elevation.

New Petitions

The Convener: The second item is the new petitions that are before the committee this afternoon. We have a large number of petitions to consider. I convey the apologies of Mrs Margaret Smith, who will be unable to attend today's meeting. I also note that Fiona McLeod, the MSP for West of Scotland, is in attendance and I welcome her to the committee. If, at any point in the proceedings, you want to contribute, we would be very happy to hear from you, Fiona.

Fiona McLeod (West of Scotland) (SNP): Thank you.

The Convener: The first petition is from Mr Alexander Stobie, who calls on the Scottish

Parliament to consider legislation to limit the sale of fireworks to organisers of authorised firework displays. He gives a series of reasons, including fears for health and safety and the cost to the health service and the fire service.

In the papers that were issued to members, it was indicated that further research would be required on the status of the issues that are raised in the petition. That further research has been undertaken, and it appears that the issues that are raised in this petition are reserved and fall within the responsibility of the Department of Trade and Industry. The current legislation is set out in the Explosives Act 1875 and the Fireworks (Safety) Regulations 1997. It is suggested that the petition be passed to the relevant UK Government minister for a response.

This is the first occasion on which this committee has referred a petition to the Westminster Parliament. When we refer a petition to that Parliament, we should not send it there as MPs from Westminster would send it. The clerk should write to the relevant minister, indicating that this committee takes a particular interest in petitions that we refer to Westminster, that we will monitor their progress and the response of the Westminster Parliament, and that we expect a reasoned response to petitions from the minister. Is that agreed?

Members indicated agreement.

The Convener: I ask that that be the precedent for any other referral.

Christine Grahame (South of Scotland) (SNP): I have some sympathy for this petition. I have young animals in the house, and this year noticed that fireworks were being set off not only at the beginning of November, but around the new year as well. The period is constantly being extended. I know that the petition concerns elderly people, but people are concerned about their animals too, and it is difficult to know how long they must be kept indoors. There is merit in restricting the sale of fireworks to certain periods.

Helen Eadie: I agree with that.

The Convener: That is why it is important for this committee to monitor the response of the Department of Trade and Industry. If we are not satisfied with its response, we can consider what further action to take. At the moment, the committee agrees to refer the petition to the DTI and the minister who is responsible.

The second petition is from Mr James Strang, who calls on the Scottish Parliament to consider various issues in relation to the Criminal Legal Aid (Fixed Payments) Regulations 1999. Mr Strang alleges that the former Scottish Office Minister for Home Affairs and Devolution, Mr Henry

McLeish, submitted a material falsehood to a committee of the Westminster Parliament. He also questions the interpretation of statute by the Scottish Legal Aid Board in terms of those regulations.

As members will see from the brief that has been circulated by the clerk, Mr Strang has engaged in discussion with the justice department by letter, telephone and e-mail, on all the issues that he raises in the petition. That department has made clear to him that the board is an independent body and that Scottish ministers have no power to impose a particular interpretation of statute on it.

The final arbiters of any interpretation of any statute—whether primary or subordinate—are the courts. We can either respond to Mr Strang, indicating that that is the position, or pass the matter on to the Justice and Home Affairs Committee for its comments. What does the committee think?

Pauline McNeill (Glasgow Kelvin) (Lab): I was concerned when I read this petition, as the content is not covered by any parliamentary privilege whatsoever. Henry McLeish should see the petition, as it contains serious allegations of misinformation that could constitute defamation of character. I am happy to go along with whatever other recommendations the committee wants to make. However, Mr Strang's allegation is quite serious and it is only fair that the person against whom the allegation is made should be told of it. I want to add that to any other recommendations we make.

The Convener: That is a fair point.

Phil Gallie (South of Scotland) (Con): The Scottish Executive must have some control. It can ask the Scottish Legal Aid Board to consider the situation and if it feels that that is not the way in which it wants to proceed, it can legislate in any way it feels fit. It makes the rules for the Scottish Legal Aid Board. Somewhere along the line, a minister might want to read the petition and suggest doing something about it.

The Convener: We could refer this petition to Henry McLeish first, asking for his comments on it, and, secondly, to the Scottish Executive, asking whether it has any comments on it, before we consider it further. Should we do that?

Ms Sandra White (Glasgow) (SNP): I am quite happy to do that and I am pleased that someone from the Justice and Home Affairs Committee suggested it. The Justice and Home Affairs Committee is usually so busy with petitions and various pieces of legislation that we are loth to refer matters to it. I am quite happy to refer the matter to Mr McLeish and the Scottish Executive. We can then wait for their recommendations.

The Convener: The committee should be aware of the burden that has been placed on the Justice and Home Affairs Committee, and consider that when deciding what to do with petitions. We will pass this matter on to Henry McLeish and the Scottish Executive for their comments. We will then consider it further.

Petition PE48 is from the Glasgow North Action Group, which opposes the siting of a secure care centre at Stobhill general hospital. The Greater Glasgow Health Board discussed this issue this morning. I was contacted by the local member of the Scottish Parliament, Paul Martin, who said that the health board is likely to arrive at a decision before the committee or the Parliament has the opportunity to consider what the petitioners are asking for. I therefore wrote to the chairman of the Greater Glasgow Health Board, drawing this clash to his attention and asking whether the board would defer consideration of the matter until this committee and, perhaps, the Health and Community Care Committee, had had the opportunity to consider the petition.

The chairman of the board has replied. I shall read out some of his reply. I understand that certain events, about which we do not know, took place at the board meeting this morning.

The letter is from Professor David Hamblen of Greater Glasgow Health Board. He says that the board has carried out extensive consultation and that it is to hear the result of the consultation today—Tuesday 18 January. The question the board will consider is

“whether to proceed with the proposal to site the Secure Care Centre at Stobhill or to seek an alternative site.”

The letter continues:

“It would probably be helpful to the process of Parliamentary scrutiny if the Board on Tuesday reviews the discussions and the work done since July. If it forms the view that its decision in July is now contra-indicated, I imagine that the numerous petitioners will be pleased. If it does not think that any change in its July decision is indicated, then it will at the very least be establishing clearly in the public domain why it takes that view. As I say, I imagine the Parliament would find it helpful to have that clarity of reasoning when it exercises its role of scrutiny.

It may be helpful if I add that even if the board did not alter its view on Tuesday there are still several further stages to go through before any irreversible decisions were made. They include the town planning process, the development by the Primary Care Trust of a Full Business Case for consideration by the Scottish Executive and a process of procurement/tendering for the scheme. These stages would take several months. It means that Parliamentary scrutiny of the policy issues, value for money and decision-making process would take place well before the point of reaching an irreversible decision. It would also provide the opportunity for the Health Board to revisit the issue in the light of whatever observations or points the Parliament wished to make.”

The board chairman says that any decision that

is made today is not irreversible and that it is still open to the Parliament to consider the petitioners' requests and to make recommendations to the board.

I would like the committee to endorse retrospectively the action I took in writing to the chairman of Greater Glasgow Health Board.

Members indicated agreement.

The Convener: Are there any comments about that letter of reply?

Fiona McLeod: I attended that meeting. I asked—as an MSP whose constituents are neighbours of and patients at Stobhill hospital—whether I could make a submission to the meeting. That request was denied. Instead, I presented a written submission. The correspondence that has been mentioned in the committee today was discussed. There was a long debate and in the end the health board decided to go ahead with its meeting. Certain people who were there to make oral submissions decided, in the light of the Public Petitions Committee's meeting today, that they would withdraw from that meeting.

I stayed as long as I could, but I cannot tell members what the final decision was. One executive member of the health board made it perfectly clear that the health board should recommend in favour of the secure care centre.

I do not want to influence the committee's deliberations too much, but the petition is large and the issue has greatly raised local feelings. One of the issues that has been raised most is the lack of consultation. That is why the action group felt it necessary to petition the Parliament—so that the public's views could be taken into consideration. The matter is important locally, but the committee might want to examine it in the context of public bodies and their relationship with the Parliament.

14:15

Helen Eadie: Should we invite representatives from the health board to give evidence? It has made a decision today, but we do not yet know what that decision is. It said in its letter to us that it has consulted widely, but we are hearing evidence to the contrary. In the interests of fairness, we should give the board an opportunity to talk to the committee. We might also consider that this issue should be referred to the Health and Community Care Committee, particularly because of the concerns of Paul Martin—who is the MSP for the area—and other MSPs whose constituencies are served by the hospital.

We must be sure that full and effective consultation has taken place. Consultation comes

in all shapes and sizes, so we must ask how the consultation was carried out.

Christine Grahame: I do not think that it is for this committee to take evidence. The Health and Community Care Committee should—as the Justice and Home Affairs Committee would—hear evidence from the petitioners and the board so that it can take a view.

Pauline McNeill: I would not like to devalue other petitions, but I am pleased that this petition deals with an issue that is alive in the community and has lots of signatures. There has been a lack of such petitions in the past few months. The committee will now be inclined to do something about it because we know that it represents a real issue.

The petition goes beyond saying that the signatories are concerned only about the secure unit; it highlights that there might be a threat to another service provided at Stobhill hospital—the ambulatory care and diagnostic unit. The Government has made commitments about walk-in, walk-out hospitals. That was a significant development. If it is true that that service has been de-prioritised, that is a serious matter. The Health and Community Care Committee would take the same view. If, as we should, we refer the petition to that committee, would it be in order to draw its attention to the fact that there is also an issue about the ambulatory care unit and that the petitioners are also concerned about it?

Ms White: I have spoken to Paul Martin about this issue on a number of occasions. Everyone in the Glasgow area will have attended, or will know someone who has attended, Stobhill. The lack of consultation about the new unit and its potential siting near schools and elderly people's homes have always been of concern, but those concerns have not been acknowledged by the health board, which says that it has consulted widely. The local community does not agree that it has.

The issue should go before the Health and Community Care Committee. We can emphasise the urgency of the issue mentioned in the petition because of the time scale involved. We should recommend that the matter be dealt with as quickly as possible.

The Convener: Under suggested action, we have recommended that the petition be passed to the Health and Community Care Committee because it falls within that committee's remit rather than ours, and that the matter should be dealt with urgently. We should also draw the Health and Community Care Committee's attention to the fact that the petitioners are concerned about the ACAD unit as well as the secure unit.

The only other matters to consider are whether we are happy that an unelected quango should

have taken such a decision when it knew that a petition was before the elected Scottish Parliament and whether we are happy with the response from the chairman of Greater Glasgow Health Board. Although he says that the matter is not closed and still has to be taken through other stages, it might be closed as far as the health board is concerned.

If the health board has made a planning application to Glasgow City Council, it has already decided to go ahead with its proposals, despite the fact that people in the area have petitioned the elected Parliament to consider the matter. I think that our response to the chairman should be that we are not happy and that the health board should have deferred the decision until the Parliament and the Health and Community Care Committee had had a chance to consider the issues raised by the petition.

Pauline McNeill: If we are not satisfied with the health board response and have the right to tell it not to proceed until the Parliament has considered this petition, that is a big decision. To make it, we should hear evidence from the concerned parties, perhaps in consultation with the convener of the Health and Community Care Committee.

Phil Gallie: Convener, given that you recognised the importance of the petition when you received it, would the standing orders have allowed you to contact several committee members to make a quorum, which would have been able to consider the issue, and to ensure that the petition reached the chairman of the health board in time for today's debate? That is not a criticism; I am just looking to the future in case something like this happens again.

The Convener: Although I could have called a special committee meeting, that would not necessarily have solved the problem. We do not deal with the substance of the petition; we can only refer it to the Health and Community Care Committee, which already has a set agenda.

Phil Gallie: We could have referred the petition to the health board itself, which would have been obliged to take account of its contents.

The Convener: I see what you mean. We could have responded as a committee, instead of the response coming from just the convener.

Phil Gallie: I am not criticising you, convener; I am just looking to the future. The important point was to get the petition to the health board at this stage.

The Convener: The petition is going to the Health and Community Care Committee, not the health board.

Phil Gallie: Is there anything to stop us sending the petition to the health board? We have sent petitions to the organisations concerned before.

We could have sent the petition to the chairman for consideration and then taken a further decision today about whether to pass it on to the Health and Community Care Committee or to the Minister for Health and Community Care. From the contents of the health board chairman's letter, it sounds as though Susan Deacon will have a chance to take further action on this matter. However, I am looking to the future. Would a quick phone-around solve this problem if it came up again?

The Convener: Helen, is your point different from Phil's?

Helen Eadie: I think that it is slightly different, but I will allow Christine to go first.

Christine Grahame: Convener, you intimated to the chairman of the health board that the committee had a petition in hand. Your point is procedural: external bodies should understand that if a live petition before the Scottish Parliament is pending a fundamental decision that is, in court terms, sisted, they must defer that decision.

The Convener: The committee is not concerned with the closure of the matter; that is the role of the Health and Community Care Committee. Our role is procedural. The Scottish Parliament affords a great deal of respect to petitions. I am concerned that the Greater Glasgow Health Board has failed to show the same respect. We could follow up the suggestions made by Pauline McNeill and Helen Eadie and invite the chairman of Greater Glasgow Health Board to the committee to discuss how it handled this petition as a petition before the Scottish Parliament and how procedures about such petitions would affect the board's decisions.

Phil Gallie: We all recognise that budget limitations can impose very strict time scales on decisions. I do not know whether that was partly behind the suggestion to pull the health board chairman before us. However, other factors could be involved, and it would be right to invite the chairman to the committee.

The Convener: Financial considerations are a matter for the Health and Community Care Committee to discuss with the Greater Glasgow Health Board. We are discussing the fact that the board simply put aside a petition that was before the elected Parliament and made a decision before the Parliament could take a view on it.

Christine Grahame: When we have a petition on a very urgent matter, perhaps we should make it clear to the parties involved that their decision should be deferred pending any decision that the Scottish Parliament might make. If the parties have not seen the petition, we could send it to them, because it is possible that the petitioners have made a genuine omission.

The Convener: The petition has been drawn to the health board's attention.

Christine Grahame: I am not saying that that was the case here, but that it should perhaps be a matter of procedure in future.

The Convener: I will take advice on that suggestion and report back to the committee. It sounds very sensible.

Christine Grahame: We could put the parties on notice.

Helen Eadie: I do not want people to think that we are trying to suck up powers from health boards or local government, and I am satisfied that that is not the intention here. We should establish that no matter whether we are talking about local government or a quango, there should be real and effective consultation with people and that health boards should base decisions on such consultation. The petition continually mentions the hospital staff, doctors and clinicians as well as the public; they are all stakeholders in any hospital, which is one of the messages that this Government has been trying to get over.

Phil Gallie: I am a bit concerned about the direction the committee is taking. This petition is easy to talk about, because it is well thought out, has a lot of signatures and deals with an emotive issue, but what about a lone individual who has a way-out complaint about a planning application? He knows that a local authority has set up a meeting to make a decision on that application and slaps in a petition, at which point we expect the local authority to back off. The situation has to be thought out carefully before we can say that other bodies cannot make decisions until petitions are dealt with.

The Convener: That is why I suggested taking legal advice before establishing any principle, but in this case it is worth inviting the chairman of the health board to discuss why the petition was set aside.

Christine Grahame: I did not mean that the procedure would hold for every petition. Furthermore, people have other routes of appeal against planning applications.

The Convener: We are just about to move on to individuals who flood the committee with petitions. The committee has to exercise judgment. There is no blanket way to deal with petitions. We will discuss and decide on each petition separately. I take Phil Gallie's point on board.

Is it agreed that we should pass this petition to the Health and Community Care Committee for its urgent consideration and that we invite the chairman of the Greater Glasgow Health Board to give evidence to this committee?

14:30

Fiona McLeod: Is it the committee's position that it will seek legal advice on the position of unelected quangos vis-à-vis petitions?

The Convener: No. We will seek legal advice to establish principles for how petitions are treated by anyone.

In this case, we will invite the chairman of the health board to discuss the way in which it handled the petition. Is that agreed?

Members indicated agreement.

The Convener: The next petition, PE49, is from Mr Frank Harvey. You will notice from the agenda that Mr Harvey has submitted six petitions—he has been very busy. They are on different subjects, which include the United States Navy at Cape Wrath, the Student Loans Company in India and disabled toilets in Peel Street in Glasgow. Before we deal with those petitions, we should discuss the general issue of individuals submitting a series of petitions on subjects that are not always related to those individuals.

A number of principles have to be laid down. First, there is no restriction on who can petition this Parliament, nor is there any restriction on the number of petitions an individual can submit. There is no doubt that Mr Harvey's petitions are well-intentioned; the committee will have to consider, and respond to, each of them.

As everyone knows—it has been said time and time again—if petitions are referred to other committees as a matter of course, the Parliament will quickly become bogged down and the time of committees will be taken up by petitions submitted by many Mr Harveys. We therefore have to consider carefully how we handle petitions from individuals. It could be that, whenever possible, this committee should deal with petitions rather than automatically refer them to another committee or to the Scottish Executive. Perhaps we should refer them only when it is appropriate to do so.

What are the views of the committee?

Christine Grahame: We have been working on a first come, first served basis, but if the number of petitions increases greatly, we will need to introduce a sifting procedure. Different criteria—urgency, for example—might be applied at different times. The Justice and Home Affairs Committee has had to prioritise among the many worthy ideas and issues that have been referred to it.

The Convener: We will take that point on board.

Helen Eadie: We might have to revisit our earlier discussion about the number of people who are needed to support a petition. We have always

said that only one person should be required to support a petition, but in a radio discussion just before Christmas, Kenyon Wright said that members of the consultative steering group had thought that petitions should be supported by a specified number of people. I do not advocate that we should introduce such a condition here and now, but we should examine that option.

I do not want to prejudge the discussion on Mr Harvey's petitions, which are not frivolous and raise serious points.

Pauline McNeill: Mr Harvey is my constituent. He writes to me regularly. Some of the petitions are on subjects about which he has written to me, although others are not. I agree with many of the good points that he raises and I would like several of the petitions to be referred to the relevant places. I have always thought that as people learn the procedure, we will receive more petitions—the paperwork is increasing.

I think that Christine and Helen are right: we should revisit the sifting procedures, the number of petitions to be submitted, their subject matter, the number that may be submitted in a certain period and so on.

The situation is manageable at the moment—we are in the early stages and most committees have two or three petitions—but I think that it will change very quickly and that the rate at which petitions arrive will increase. I predict that ministers in particular will receive much more work from petitions.

On an administrative point, it might be appropriate, when a petitioner or group of petitioners writes to us, for us to identify the constituency and the relevant MSPs. We could note, as a matter of record, whether they have written to their MSP on the matter. That could be used at some stage for an audit of whether the matter has been raised with individual members before being the subject of a petition. That would give us something to look back on and inform us on whether we should recommend any changes for the future.

Ms White: Mr Harvey is well known to me and to Pauline McNeill—I deal with that part of Glasgow as a Glasgow list MSP. Mr Harvey is also a member of the local community council. He sees and hears things that are going on. Although he submits his petitions himself, they are all—judging from the letters he writes to me and, I presume, to Pauline—on relevant subjects. He gets some of his material from the public. The petitions should therefore not be seen as being in his name alone: he also collates information from tenants groups and community councils. In Mr Harvey's case, and perhaps others as well, the petition cannot be treated as a one-person petition just because one

person's name is on it.

I wonder whether the petition about Cape Wrath has environmental implications.

The Convener: We should leave the petitions until we come to them. We are dealing generally with how to handle—

Ms White: That is what I was going to say. I know Mr Harvey and—

The Convener: We will move on to the petitions themselves in a minute.

Christine Grahame: One possible route, which we have so far omitted to discuss, is for the MSP to deal with a petition as a constituency problem.

We cannot really follow the suggestions that are being made about trying to vary things. Rule 15.4.1 of the standing orders, on bringing a petition, would have to be amended. The rule says:

"A petition may be brought by an individual person, a body corporate or an unincorporated association of persons."

So that is that.

Pauline McNeill: If someone submits 20 petitions, they are entitled to be heard, but it is an administrative issue for us whether we hear 20 petitions at one meeting or decide to hear three at one meeting, three at the next one—

Christine Grahame: I dealt with that when I was talking about prioritising. What I meant was that we cannot change the standing orders with regard to petitions from individuals or otherwise.

Helen Eadie: The committee could make a recommendation to the Parliament that they be changed.

The Convener: A number of good points have been made in this discussion. Everyone is aware of the potential problems raised by the likes of Mr Harvey, who brings a series of petitions to every meeting of the Public Petitions Committee. We then have to exercise our judgment on each case. If members are recommending an amendment to the standing orders of the Parliament, they can of course seek the support of the committee for an amendment. We could then consult the Procedures Committee to make recommendations to it. That sort of procedure will come with experience.

For the moment, I wanted to bring the matter to the committee's attention because we will have to develop our procedures on how to deal with it. I think that the way forward suggested by the clerk is the best at the moment: we judge each petition on its merits and, when possible, deal with it rather than send it on to other committees.

Mr Harvey's first petition, PE49, calls on the Scottish Parliament to take action to prevent the United States Navy from using the Cape Wrath live bombardment range. This is a defence matter and, therefore, reserved. It is suggested that the clerks simply write to the petitioner, informing him of that and suggesting that he direct his concerns to the Secretary of State for Defence.

Helen Eadie: I accept that this is a reserved matter, but what strikes me is that I have no information on the issue other than that based on the piece of paper to which the petition is appended. I am concerned if the matters written about are accurate to any extent—I would want the accuracy to be checked.

I agree that the matter should be referred to the Secretary of State for Defence, but I would also like to know about the facts of the matter. As we all know, we have the right to express a view on the matter despite having no jurisdiction on it. I think that we should know more in order to express our view appropriately.

The Convener: When the clerk writes to the petitioner to tell him to direct his concern to the Secretary of State for Defence, we could also write to the defence secretary to request his comments. Is that agreed?

Helen Eadie: I would like that to be done, yes.

Christine Grahame: I would like to pick up on what Sandra White said about environmental issues. Part of the newspaper text attached to the petition says that the firing of bombs, shells and missiles is being allowed

"just 10 miles from Durness which has a population of 300."

An MSP is quoted, saying words to the effect that the accuracy of US bombardment can be, from what we have heard about in the news, slightly off-mark. We know that.

I am concerned that we are slotting something neatly into the category of defence although other, environmental, issues are raised with the risks to individuals and communities. We should not just defer to Westminster; it may be worth a Scottish Parliament committee examining this.

Ms White: I, too, think that there are environmental concerns. I would like the petition to be referred to the Transport and the Environment Committee. I think that whatever happens in Scotland is a matter for the Scottish Parliament. This may be a reserved matter but, as Helen Eadie said, the people have a right to hear our views and I would like the members of the Transport and the Environment Committee to see the petition.

The Convener: There is a member of the Transport and the Environment Committee on this

committee.

Ms White: Sorry—I did not realise.

Helen Eadie: I think that we should defer passing it to that committee until we have the facts. At the minute, we have a piece of paper with a newspaper report. With due respect to any journalist who might be in the room, it is always wise to check out the facts before rushing to take action.

Ms White: Now that I know that Helen is a member of the Transport and the Environment Committee, she will certainly get all the facts if the petition is referred to it.

The Convener: We have agreed that the clerk should write back to Mr Harvey, saying that he should contact the Secretary of State for Defence. He will also write to the defence secretary for his comments on the petition. We should put the matter on hold until we get a reply, and then decide whether to put it on the agenda.

Christine Grahame: Could it be noted in the minutes that environmental issues may be involved and that we may return to the matter?

The Convener: Yes. Consideration of whether the petition should be passed on to the Transport and the Environment Committee will be held over, pending the information from the Secretary of State for Defence.

We now come to Mr Harvey's petition PE50, calling on the Scottish Parliament to request that Glasgow City Council reopen the disabled toilets in Peel Street, Glasgow. It is suggested that the clerk write to Glasgow City Council seeking its views on the issues raised in the petition. Is that agreed?

Ms White: I go along with that. I have already written to Glasgow City Council anyway. Pauline may have written as well. I think that a letter from the Parliament may get a further, clear reply.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: Petitions PE51 and PE60 will be taken together. The first is from Friends of the Earth Scotland and has 4,500 signatures. It calls on the Scottish Parliament to exercise its powers to ensure that it does not permit the release of genetically modified crops into the environment by way of trials or commercial planting, and asks to establish a mechanism in Scotland which will address the concerns regarding the impact of such releases on the environment and on human health.

The second petition, from the Scottish Green Party, has more than 3,000 signatures and calls on the Scottish Parliament to hold a debate on

genetically modified crops and food.

It is suggested that we pass both petitions to the Transport and the Environment Committee for further consideration and that we seek the views of the Health and Community Care Committee and the Rural Affairs Committee as appropriate.

Ms White: Can the clerk update me? I think that two members' business debates on GM foods are scheduled.

I agree that the petitions should be sent to the relevant committee, but I wonder whether the members in whose name those debates are lodged should be notified that the petitions have arrived.

The Convener: We could certainly do that. Each MSP who has lodged a motion for debate in Parliament should be informed of these petitions.

Ms White: There are two, as far as I can remember.

14:45

Helen Eadie: As PE60 calls for the Scottish Parliament to hold a debate, we may want to pass it to the Parliamentary Bureau.

The Convener: We could do that. Alternatively, we could wait for the views of the Transport and the Environment Committee before we make a decision.

Pauline McNeill: Talking about the floodgates opening, it is significant that there are 3,222 signatures. Clearly that is an important sign of public interest and community involvement. If we decide to refer that petition to the bureau, I would certainly want the number of signatures to be taken into account.

The Convener: The clerk has just informed me that the total number of signatures is not 3,222, but 3,722. An extra 500 signatures have been added, making it even more important.

This committee's role is not so much to decide where petitions should be referred to as to follow up what happens to them. When the Transport and the Environment Committee has reported its views, we must decide whether further action, such as asking the bureau to consider a full parliamentary debate, is necessary.

Petition PE52 is from the Scottish Socialist party and has 3,600 signatures. It calls for the Scottish Parliament to conduct a referendum in the Lothians on the method of funding to be used for the building of Edinburgh's new royal infirmary.

I understand that the decision on funding has already been taken and that the new hospital is to be funded through the private finance initiative. Nevertheless, I think that the petition should be

passed to the Health and Community Care Committee to note the petition and respond to the petitioners.

Christine Grahame: I have a technical question. It is probably correct that a political party is an unincorporated association of persons, but I would like clarification on that.

The Convener: We have had a petition from the Scottish Green party.

Christine Grahame: Is it therefore the case that a political party falls within the definition of an unincorporated association of persons?

The Convener: Yes.

Christine Grahame: I just wanted to check that.

The Convener: Will the SNP now be submitting petitions?

Christine Grahame: Perhaps we could submit one calling for independence. Would you sign it, John?

The Convener: If it is signed by Gordon Wilson, we would have to clear it with Alex Salmond. *[Laughter.]*

The next petition, PE53, is another from Mr Harvey. This time he is calling for Partick Housing Association's housing allocation for young people to be reviewed by the Scottish Parliament. Scottish Homes has a detailed system for monitoring and regulating the way in which housing associations operate their allocations policy. Not all housing associations are the same: some of them cater for specific groups in society and their allocation policies cannot always be the same.

It has been suggested that this petition be passed to the Social Inclusion, Housing and Voluntary Sector Committee for further consideration. It may be better, however, for us to write first to Partick Housing Association asking for its response to the petition before we consider what to do with it next.

Pauline McNeill: Mr Harvey has written to me twice about this issue and I have replied. We already have information from the Scottish Parliament information centre and the housing association, and we have referred the matter to the local councillor. Partick Housing Association's policy is set out in the attachment to the petition. I have some sympathy with Mr Harvey and am aware of his concerns because Partick Housing Association operates in my constituency. It is a pertinent issue for the Social Inclusion, Housing and Voluntary Sector Committee to consider.

Ms White: I am pleased that the recommendation was to send the petition to the Social Inclusion, Housing and Voluntary Sector

Committee. Mr Harvey has written to me as well as to Pauline, and we have written to Partick Housing Association. We know what the housing association's policy is and I have sympathy with Mr Harvey and with young people in the area. It would be a good idea for the housing committee to compare Partick's housing policy with that of other housing associations.

The Convener: I am happy to receive local information on petitions. Do members agree to refer PE53 to the Social Inclusion, Housing and Voluntary Sector Committee?

Members indicated agreement.

The Convener: That is agreed.

Petition PE54 is from Mr Garry Cook and concerns the world cup in Scotland, Ireland and Wales. The petition calls on the Scottish Parliament to support the Celtic 2010 campaign—I like the sound of that—to bring the football world cup to Scotland, Ireland and Wales.

Members: Is it “seltic” or “keltic”?

The Convener: You say “keltic”; I say “seltic”.

Christine Grahame: That may be within your judicial knowledge, but what is it?

The Convener: It is a campaign to bring the world cup to Scotland, Ireland and Wales, the Celtic nations of the United Kingdom.

There is a bid to bring the world cup to England in 2006; this petition is the beginning of a campaign to bring it to the Celtic nations of the United Kingdom. Apart from being good for the footballing public in Scotland, it would be a tremendous boost to tourism and the economy in Scotland. I suggest that we pass this petition to the Education, Culture and Sport Committee for further consideration.

Ms White: We should remember that we have three national stadiums—rather, Hampden will soon be fine, which will give us three national stadiums in Glasgow.

The Convener: Some people would quibble with Ibrox and Parkhead being described as national stadiums, particularly the fans who go to Ibrox and Parkhead. [*Laughter.*]

Ms White: I thought I was being on everyone's side.

Phil Gallie: There is an unfortunate aspect to this petition—we might have the stadiums, but do we have the crowds? Convener, perhaps you or the clerk could remind me—did not England and Scotland want to progress a joint world cup bid but were stopped by FIFA on the basis that a bid could come from one nation only?

The Convener: That is referred to in the

correspondence but it is incidental, as South Korea and Japan will be co-hosting the world cup.

Phil Gallie: That argument was made by England and Scotland, but it was ruled out for some reason.

The Convener: I do not think that England was particularly keen on hosting the world cup with Scotland—we cannot possibly comment about that in these times.

Do we agree to pass this petition to the Education, Culture and Sport Committee for further consideration?

Members indicated agreement.

The Convener: PE55 is from Tricia Donegan and is about the enforcement of the law on dangerous driving. As members know, this petition is similar to petition PE20, which we received from Alex and Margaret Dekker and which we passed to the Justice and Home Affairs Committee.

We understand that the Lord Advocate has given a lengthy and detailed response to the Dekkers' petition. It is suggested that we should also pass this petition to the Justice and Home Affairs Committee for consideration as, following the earlier petition, it may be in a position to respond appropriately to the petitioner.

Christine Grahame: I have every sympathy for the Dekkers and for Ms Donegan. This area of law is extremely difficult, as one has to distinguish between the criminal and civil tests of evidence and between culpability and negligence. That can be hard, particularly if the case involves a loved one.

However, I think it would be appropriate to go straight to the Lord Advocate, as the Justice and Home Affairs Committee will probably refer it to him for his response. Such action would be a more prompt way of dealing with the petition.

These matters can be extremely hard for the committee to deal with. I know that Phil may have addressed the matter by examining the figures on downgraded charges where plea bargaining takes place, but that may be a separate matter from this particular case.

Helen Eadie: We should separate out the two issues. Christine Grahame is right—I take her advice because I regard Pauline McNeill and Christine as our legal beagles.

On the separate issue of penalties and what happens when dangerous driving is proven, I happen to think that the penalties are not nearly as severe as they should be for road safety purposes. I am not judging this case in any way, as I do not know the facts, but when a life is lost and someone is convicted of dangerous driving, I believe that the harshest possible penalty should

be imposed. When the Dekkers spoke to us, in this very building, they made the point that the penalties were not severe enough.

Phil Gallie: The problem for the Dekkers was that the charge in that case was not death by dangerous driving but death by careless driving, which means that the death is not taken into account. Petitions are rolling in and, while we recognise the difficulties faced by the courts, somewhere along the line, someone will realise that there must be a better line of communication between the final arbiter—the Lord Advocate—and the victim's family.

The Convener: I am happy to take the advice of the members of the Justice and Home Affairs Committee who are present and to send the petition straight to the Lord Advocate. However, it would be polite to send the petition to the Justice and Home Affairs Committee for information, if only to let its members know that we have directed the petition to the Lord Advocate.

Christine Grahame: We could talk about the Lord Advocate as the lead committee, as it were.

Pauline McNeill: The petition talks about the laws on evidence. I have read the Donegan material. Tricia Donegan specifically talks about victims having to get hold of evidence in relation to the car and so on. She also raises the issue of the burden of the production of evidence being on their part. In the Dekker case, the Lord Advocate said that there was not sufficient evidence.

I would like to write to the Lord Advocate to ask him to address the specific question that Tricia Donegan raises about evidence, in addition to that on the law on dangerous driving.

Christine Grahame: There is a specific example here—the condition of the car seems to have been substantial to the case, yet it was destroyed. I do not know whether that is true—I have not heard the evidence and I do not know the result—but it certainly raises the issue of communication between the courts and the victims. I am sure that the Lord Advocate will be aware of the kind of information that we require.

The Convener: Do we agree to refer the matter to the Lord Advocate, asking him to address the questions raised by the petitioner on the law on evidence and on dangerous driving?

Christine Grahame: It is not the law on evidence that is the point, but the preservation of evidence.

Pauline McNeill: Perhaps we could refer him to the first point of the petition:

"Getting the Crown Office to Hold on to cars that have caused the deaths of innocent road victims and Not leave the accused to do as they want with them."

We could ask the Lord Advocate to address that point specifically.

Ms White: I am not a legal eagle; it is the duty of Christine and the other lawyers on the committee to keep us right. The petition raises many issues. I am sure that we will receive many more petitions on the same matter. It is a sad case, and people are increasingly unhappy with the law in this regard.

What is the quickest way for petitioners to get a response? I hope that there will be some change in the law because, like Helen Eadie, I think that it is far too lax. Should the matter go through the Lord Advocate or would it be better to go through the Justice and Home Affairs Committee? You have been discussing the finer points. Perhaps the Justice and Home Affairs Committee should deal with those before the petition is sent to the Lord Advocate.

Christine Grahame: The Justice and Home Affairs Committee would probably refer the petition to the Lord Advocate, accompanied by the comments that we have just made. The key point is not the law of evidence—that is okay in Scotland—but the preservation of evidence.

Ms White: That is why I think the matter should go to the Justice and Home Affairs Committee.

The Convener: We are trying to speed up the process by sending the petition straight to the Lord Advocate with the addendum that members of the Justice and Home Affairs Committee have suggested. We will copy all this to the Justice and Home Affairs Committee to keep it informed of what is going on.

Is that agreed?

Members indicated agreement.

The Convener: Petition 56 is from Mr Ian Cantwell and relates to the accountability of the assessor, who is also the valuation officer. It asks the Scottish Parliament to take action to make the assessor accountable to a public sector ombudsman, a parliamentary ombudsman or the local government ombudsman. It is clearly a matter for the Local Government Committee and I suggest that we pass the petition on to that committee for further consideration. Is that agreed?

Members indicated agreement.

The Convener: Petition 57 is from Mr Frank Harvey—once again—and is on the public right of way in Yorkhill park in Glasgow. The petition calls for the Scottish Parliament to request Glasgow City Council to initiate legal action in relation to the obstruction of a public right of way in the park. It is suggested that the clerk should write to the council, seeking its views on the issue raised by

Mr Harvey.

Ms White: I am happy with that. My name is mentioned in the petition because I have already written to Glasgow City Council about the matter. It might be helpful to request background information on the matter—the full case would take up too much time.

Pauline McNeill: I ought to declare an interest because I have been written to about the matter. We must be aware that local councillors have a role in this and I do not want to overstep the mark or to go over the head of the person who is responsible.

15:00

The matter has already been referred to the council. I asked to be taken to see Yorkhill park and there is a right of way, although another has been blocked off. The community has been involved in discussions about what will happen to that land.

The Convener: The suggestion is that we write to Glasgow City Council and I am sure that the relevant councillor will be part of the response to the committee. Is that agreed?

Members indicated agreement.

The Convener: Petition 58 is also from Mr Harvey. The petition calls for the Scottish Parliament to take action to terminate the contract to process student loan applications, which was awarded to a company in India by the Student Loans Company. It is suggested that the clerk copy the petition to the chief executive of the Student Loans Company, asking him to write to Mr Harvey in response to his concerns. Perhaps we should ask for a copy of that reply.

Helen Eadie: I had steam coming out of my ears when I read about this. When I was a union official for the General, Municipal, Boilermakers and Allied Trades Union in the southern region of England, I dealt with home workers. At that time—1977 or 1978—there was a Labour Government and we had what was called the fair wages resolution. I am sure that you will remember that.

The Convener: I am certainly old enough.

Helen Eadie: The fair wages resolution said that if any contractor undertook work on behalf of the Government or a Government agency, the contractor had to pay wages equal to what is now the minimum wage and what at that time was local government terms and conditions. I am appalled that there are people working for us—anywhere in the world—who are paid less than the minimum wage in Scotland. On that basis, we should have some sympathy with the petition.

We should not simply refer the matter to the

company, because we know what it will do—it will write back and try to placate Mr Harvey. We ought to support Mr Harvey and refer the matter for debate in the Scottish Parliament. The minimum standard that we should set for any agency acting on our behalf, anywhere in the world, should be the same as that set for employees in Scotland.

The Convener: The committee's ability to refer matters to the Parliament is a later agenda item. Rather than refer the matter to the Parliament, we would refer it to the Enterprise and Lifelong Learning Committee. We could do that or we could wait for the response from the Student Loans Company.

Helen Eadie: We should ask for a copy of the reply and the chief executive should be made aware of the strong views held by some members of the committee.

The Convener: I am sure that all committee members feel strongly.

Ms White: I back Helen Eadie on this—we should take the matter further. It is a disgrace that people are being paid peanuts. I remind Helen that a Labour Government is in power at the moment and regardless of party, members should bring the matter to the attention of the Executive. Each member could lodge a motion on the matter.

The Convener: I suggest that we ask the Student Loans Company to respond to us, rather than to Mr Harvey. At that stage we can take a decision.

Christine Grahame: Can I just say that Marks and Spencer—for whom I hold no special brief [*Laughter.*—has been lambasted for a similar matter. I should not have said that. It is hypocritical to say the least for the state to act in this way yet take commercial companies to task for it.

The Convener: The suggestion that we contact the Student Loans Company first does not mean that we are not treating this matter seriously. It is serious, but it would be useful to have the company's response and then consider what to do about it. Rather than asking the Student Loans Company to write to Mr Harvey, we can write to it and ask it to explain its position to us.

Phil and I would not be allowed to make the sexist jokes that one of the members of this committee just indulged in.

Christine Grahame: I am just getting over saying it.

The Convener: Is the course of action that I outlined agreed?

Members indicated agreement.

The Convener: The next petition, PE59, is another one from Mr Harvey, and calls on the

Scottish Parliament to take steps to improve passenger safety on public transport in Scotland. Again, this petition should be passed to the Transport and the Environment Committee. I suggest that it be referred with no request for further consideration, unless the committee thinks that it is necessary, and that the clerk of the Public Petitions Committee write to Mr Harvey informing him of that action, because I understand that regulations exist to deal with the issue that he raised.

Helen Eadie: I am getting to like Mr Harvey more and more. He is a man after my own heart.

Christine Grahame: You will get mail soon.

Helen Eadie: I have spent the past two months campaigning on the safety issues that arise from people having to stand on trains, so I concur with your suggestion, convener.

Pauline McNeill: Several acts are relevant to this petition. For example, the requirement in the Dangerous Dogs Act 1991 for dangerous dogs to wear muzzles applies regardless of whether dogs are on buses, so there is legislation on passenger safety.

The Convener: Is everyone agreed?

Members indicated agreement.

The Convener: Petitions PE61 to PE68 were handed in last week by the National Farmers Union of Scotland and call for various forms of action from Parliament. A number of them impose on areas that are reserved to Westminster, but Steve Farrell has been in touch with the clerks of the relevant committees of the Scottish Parliament, who have all indicated their willingness to receive these petitions in the first instance, because many of the issues that have been raised are live before the committees of this Parliament. The committees want to see the petitions first, and then perhaps lend their weight to lobbying the Westminster Parliament, if necessary, to have the rules changed.

Petition PE61 calls for the allocation of national funds to compensate Scottish arable producers for the introduction of the euro. We are asked to pass this petition to the European Committee for further consideration. The Rural Affairs Committee should pass any comments to that committee, which is already considering the issue that the petition raises. Is that agreed?

Members indicated agreement.

The Convener: Petition PE62 calls for the Scottish Parliament to support the payment of full compensation to Scottish beef and sheep farmers for the introduction of the euro. The European Committee is dealing with the issue raised in the petition. Again, it is suggested that we pass the

petition to the European Committee, and for the Rural Affairs Committee to pass comments to that committee. Is that agreed?

Members indicated agreement.

The Convener: Petition PE63 calls on the Scottish Parliament to increase resources for agri-environmental measures in Scotland. The suggested action is to pass this petition to the Rural Affairs Committee for further consideration, and for the Transport and the Environment Committee to provide any comments to the Rural Affairs Committee. Is that agreed?

Members indicated agreement.

The Convener: Petition PE64 calls for the provision of national aid to compensate Scottish pig producers for costs related to BSE. The suggested action is to pass the petition to the Rural Affairs Committee for its consideration. All the committees that I have mentioned are happy to receive the petitions and to deal with them.

Phil Gallie: Given the urgency of the situation in the pig industry, should we send the petition to the Minister for Rural Affairs? We should also send it to the Rural Affairs Committee, but there is some urgency on this issue.

The Convener: I understand that the Rural Affairs Committee is debating this issue this afternoon and that its members would welcome the petition. If we give them the formal go-ahead when this meeting is finished—if it is ever finished—they will act on it.

Phil Gallie: But there will be a delay. The position in the pig industry is such that the petition should go to the minister as well.

The Convener: We will copy it to the minister and say that we have passed it to the Rural Affairs Committee for its consideration.

PE65 calls for the Scottish Parliament to seek action on the taxation of road haulage. The suggested action is to pass the petition to the Transport and the Environment Committee, with further consideration by the Rural Affairs Committee, which should provide any comments to the Transport and the Environment Committee. Is that agreed?

Members indicated agreement.

Phil Gallie: That is a Westminster issue. Should you not raise the matter with that Parliament?

The Convener: The Transport and the Environment Committee was anxious to have the petition first. That committee will raise the matter with Westminster. It is better to approach Westminster through that committee than through this committee.

Phil Gallie: That is fair enough.

The Convener: Petition PE66 calls on the Scottish Parliament to support the removal of the 560 kg limit on the payable weight of cattle that are slaughtered under the over-30-months scheme. It has been suggested that we pass this petition to the Rural Affairs Committee for its further consideration. Is that agreed?

Members indicated agreement.

The Convener: Petition PE67 asks the Scottish Parliament to support actively the full payment of agrimony compensation to dairy farmers as soon as possible. It is suggested that we pass this petition to the Rural Affairs Committee for its consideration. Is that agreed?

Members indicated agreement.

The Convener: Petition PE68 calls for the agricultural sector to be exempted from the proposed climate change levy. It is suggested that we should pass this petition to the Transport and the Environment Committee for its consideration, and to the Rural Affairs Committee, which will be asked to address any comments to the Transport and the Environment Committee. Is that agreed?

Members indicated agreement.

Christine Grahame: The climate change levy is interesting. It is one of the pieces of legislation that are being introduced to which manufacturers are being alerted a bit late. It may have an impact on various productions—not only on farming, but on glass production, and so on—so I am glad that the issue is being addressed. I commend the National Farmers Union of Scotland for its strident and thorough campaign, which has used the Scottish Parliament and the Public Petitions Committee to make its case. That is excellent.

The Convener: All members would agree that the National Farmers Union of Scotland organised a very effective campaign.

The final petition came in too late to be circulated. It has just been passed to members this afternoon. It is from a group that calls itself Troon Against Pollution. The petition is against the proposals for the development of Troon harbour. The suggested action is that the petition be passed to the Executive, to be considered together with other representations that have been received. Phil Gallie's picture is on the background note to this petition. Do you want to speak on it, Phil?

Phil Gallie: Although I suggested that the group use the petitions process, I could be said to be on the other side of the argument. However, I think that it is important for the Scottish Executive to hear its views—hence the petition.

Christine Grahame: Always self-effacing, Phil.

The Convener: The petitioners expressed concern to the clerk that they had only 28 days in which to respond to the planning application. However, the Executive has made it known to this committee that it is minded to extend the period of consultation, and that it would be happy to consider the petition. We will therefore send it to the Scottish Executive.

Progress

The Convener: The next item relates to the petitions that are currently before this committee. Paper PE/00/1/2 deals with the petitions that have passed through the committee and gives an update on each one. I would like to draw the committee's attention to petition PE23, from the Save Wemyss' Ancient Caves Society. We have received full replies from Historic Scotland and Fife Council; those replies have been circulated to committee members for this meeting.

Over the years, Fife Council and Historic Scotland have taken steps to try to limit the coastal erosion that has affected access to the caves and threatened them. Protection works alone have totalled £150,000. However, none of that work has been of sufficient specification for long-term protection; it has always been regarded as an emergency or interim measure. One of the problems that the petitioners have identified is the condition of an abandoned sewer and the wall that was built to protect the sewer, which contribute to the difficulties of access and safety. The council has given details of the difficulties that it has had in removing the sewer and wall. Although discussions have taken place with East of Scotland Water Authority, the issue has not yet been resolved.

Fife Council previously estimated that work in excess of £100,000 was likely to be required to resolve access problems. More recently, the cost has been estimated to have risen to around three times that sum. Even at that price, work would amount only to an interim measure, to enable access through an area that is not part of a formal access route maintained by the council. The annual budget for footpath maintenance throughout Fife—including the extensive coastal path—is only £117,000, and the council considers that it would be unrealistic to consider funding works of that order in an area of informal access when its existing commitments are under-resourced. For technical and financial reasons, it does not consider the petitioners' proposals for improving access to be realistic.

The crux of the matter seems to be that access to the caves is tied to their wider protection by coastal defences. Fife Council is aware that the coastal defences in the area fronting the caves

need to be upgraded, and has costed a scheme at £1.72 million as part of the Wemyss coastal villages initiative. However, Scottish Executive grant aid would be needed for that work, and the council's understanding is that the scheme would not qualify for grant aid as it would not show a positive cost-benefit ratio in economic terms. Given those cost constraints and other funding pressures, the council says that it will not be able to commit the necessary funds for coastal protection, even on a partnership basis. I invite members' views on what action should be taken.

15:15

Helen Eadie: I read the documentation on this particularly carefully. The letter from Fife Council makes the point that it is not possible to attribute a value to the caves using standard cost-benefit methods. I have visited the caves and the display about them. People have to decide whether they want to protect these caves, and for what purpose: should it be to allow public viewing, or so that they exist for posterity even though nobody is allowed to see them?

Fife Council is the only council in Scotland that has a shoreline management plan. That plan accepts that there will be coastal areas that cannot be defended against the sea. However, there are other areas that we might choose to defend, at a cost. This committee has to take a view about how we fund the protection of the most precious bits of our coast. The Scottish Executive does not have a grant aid scheme for that. There should be a fund to protect such areas, whether they be here, at Troon, at Ayr or elsewhere.

We should express the view to the Scottish Executive and our Scottish parliamentary colleagues, perhaps through the Transport and the Environment Committee, that there ought to be a shoreline management plan for the whole of Scotland. The Scottish Executive should fund the protection of the areas that such a plan identified as ones that we wanted to protect. I would hope that it would emerge that the Wemyss caves were such an area, as the drawings in the caves are the oldest in Scotland—I do not know whether they are the oldest in the United Kingdom. Tam Dalyell and many others have written about them in great detail, and he and others have supported their protection. Fife Council has identified them as an area that it would like to protect, but anyone who has investigated coastal erosion will know that little money is available anywhere in Scotland to protect the shoreline against it.

Christine Grahame: The question is the balance between preservation of one's culture and incurring enormous costs. Perhaps we should seek comments from the Education, Culture and Sport Committee, rather than from the Transport

and the Environment Committee, as historic sites are a cultural matter. Has there been a feasibility study, other than the costings that are presented here? We are given figures, but I am not sure what their source is.

Helen Eadie: I know a lot about this as I used to be the chair of the relevant committee—perhaps I should declare an interest.

Christine Grahame: Helen Eadie will be our Fife guru.

Helen Eadie: The village of East Wemyss, which is in a former mining area, is threatened. Old photographs show no resemblance to the present view. Mine workings used to deposit waste on the beach, which was then built on, but, because the mine is no longer working, the sea is now beginning to reclaim land. Land on which there are people, homes, jobs and culture should be declared a national priority.

Where land that is solely for agricultural use is being reclaimed by the sea, it should be for the landowner—the laird or the farmer—to decide whether they want to cover the costs of preserving that land. There needs to be a plan. Like Christine Grahame, I think that the Education, Culture and Sport Committee should take a view on this issue. However, the Transport and the Environment Committee should also be consulted, because the whole of Scotland, rather than just Fife, needs a shoreline management plan. The problem of coastal erosion has affected Highland, Moray and Nairn, Lothian and Borders—I am not sure about Ayrshire. We must decide whether we want to give priority to some areas and allow others to be reclaimed by the sea.

Christine Grahame: We must distinguish between coastal erosion and protecting a cultural site, although in this case the two issues happen to coincide.

Helen Eadie: There are houses right next to this site.

Christine Grahame: I am talking about establishing a principle when dealing with cultural sites.

The Convener: To be fair, these issues are for other committees to decide. Shall we refer the petition and the correspondence to both the Education, Culture and Sport Committee and the Transport and the Environment Committee, and ask them to indicate any action that they wish to take? I think that the petition has already been sent to Rhona Brankin, in any case.

Christine Grahame: We could ask the two committees to take evidence about costings and so on, so that the facts can be established.

The Convener: We could ask them to address

the costings issues raised by the petitioners and to suggest any action that they believe the Scottish Parliament should take. In the short term, can we agree that the clerk will write to the petitioners enclosing copies of the replies from Historic Scotland and Fife Council, and to East of Scotland Water asking it to detail how it proposes to resolve the problem of the collapsed sewer in the wall that is crumbling? I do not know whether the committee thinks that it is worth writing to the owners of the caves, Wemyss Estates, to ask for their comments.

Christine Grahame: It might be more useful if that were done by the committee that conducts the investigation.

The Convener: We agree to refer the petition to the Education, Culture and Sport Committee and to the Transport and the Environment Committee. We further agree that the clerk will write to the petitioners enclosing the replies that we have received and to East of Scotland Water asking it to detail how it plans to deal with the short-term problem of the sewer in the collapsing wall.

Christine Grahame: We should also ask the other committees to take evidence on the facts, including from the owners. They could take evidence from East of Scotland Water while they were at it.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: Do members want to comment on any other previous petitions?

Members: No.

Draft Papers

The Convener: The next item is the draft paper on the proposal for us to meet outwith Edinburgh. As members can see, it is proposed that we meet somewhere in the Borders two or three months from now, which will give us a chance to advertise the fact that we are coming to the Borders. If this paper is agreed by the committee, it will be referred to the conveners liaison group for its approval. We will then seek the approval of the Parliamentary Bureau for a meeting to be held outwith Edinburgh. Are there any comments on the paper?

Christine Grahame: I would be delighted for the committee to meet in the Borders. I know that there are already 10,000 signatures on the petition for a Borders rail link. That is clear evidence of the public demand.

The Convener: We could certainly mention in the paper the fact that there are 10,000 signatures on the petition to which Christine Grahame refers.

Do we agree to pass on the paper to the conveners liaison group and request its support?

Members indicated agreement.

The Convener: Next we have a draft paper on the procedures allowing this committee to initiate a debate in the Scottish Parliament, through liaison with the bureau. That may raise the hackles of conveners of other committees.

Christine Grahame: It may get up their noses.

The Convener: Again, it is suggested that we take this paper to the conveners liaison group, to see what other committees think about this committee's ability to initiate debates in the Parliament without going through other committees, and whether they would support the establishment of a mechanism for that.

Christine Grahame: For clarification, are we talking about initiating debates during normal business, rather than as members' debates?

The Convener: If the committee decided that a petition that it had received was of sufficient importance to be debated by Parliament, rather than by a committee, I would lodge a motion in the name of the Public Petitions Committee. We would then negotiate with the bureau about when the debate could be held. The bureau may take the view that any debate secured by this committee should be at the expense of debates relating to other committees that had been timetabled in Parliament. That is why it is important to get the other committees on side before we pursue this. They may object to this committee taking up parliamentary time that they regard as their own.

Christine Grahame: Are you a sweet talker?

The Convener: I go along with whatever the other conveners suggest, so they can go along with what I suggest. I think that the way forward is to take this proposal to the conveners liaison group for comment and to seek its support for the paper to go forward to the bureau. Is that agreed?

Members indicated agreement.

Convener's Report

The Convener: I have nothing to report from the conveners liaison group, as it did not meet over the Christmas period.

Thank you for your patience. This has been a long but worthwhile meeting. Our next meeting is on 1 February, if you want to put that in your diaries.

Meeting closed at 15:25.

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