

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 14 March 2000  
(*Afternoon*)

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## **PUBLIC PETITIONS COMMITTEE**

### **5<sup>th</sup> Meeting 2000, Session 1**

#### **CONVENER**

\*Mr John McAllion (Dundee East) (Lab)

#### **DEPUTY CONVENER**

Pauline McNeill (Glasgow Kelvin) (Lab)

#### **COMMITTEE MEMBERS**

\*Helen Eadie (Dunfermline East) (Lab)

\*Phil Gallie (South of Scotland) (Con)

\*Christine Grahame (South of Scotland) (SNP)

Mrs Margaret Smith (Edinburgh West) (LD)

\*Ms Sandra White (Glasgow) (SNP)

\*attended

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

Mr Duncan Hamilton (Highlands and Islands) (SNP)

#### **WITNESSES**

Mr Alexander Donald

Councillor Donald McIntosh

Mark Whittet

Mrs Lydia Reid (Grandparents Apart)

Mrs Margaret Stewart

#### **SENIOR ASSISTANT CLERK**

Steve Farrell

#### **ASSISTANT CLERK**

Jane Sutherland

#### **LOCATION**

Committee Room 2



## Scottish Parliament

### Public Petitions Committee

*Tuesday 14 March 2000*

*(Afternoon)*

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

### Electronic Petitions

**The Convener (Mr John McAllion):** I call the meeting to order and welcome everyone to the fifth meeting this year of the Public Petitions Committee.

We have a full agenda today. The first item is a paper that has been prepared by the clerks on electronic petitions. It has been issued beforehand to all members of the committee. For the benefit of those who do not have copies, I shall briefly summarise the contents of the paper.

Currently, we allow electronic petitioning to the Scottish Parliament. A form on the Parliament's website must be completed and submitted by e-mail, which must be backed up with a hard copy. We do not allow a list of signatures in electronic form to accompany the electronic petition, as it is difficult to authenticate such signatures.

The clerk has engaged in discussion with the director of communications in the Parliament, as well as with the director of the international teledemocracy centre at Napier University, where an electronic petitioning system called e-petitioner has been developed—these new names are marvellous. The paper tells members exactly what e-petitioner does. It is a web-based electronic petitioning tool, which allows anyone to create, view, sign or add background information to a petition on the web, and allows access to a discussion forum about the petition on the web. It also allows individuals to submit a petition from that site on the web.

The international teledemocracy centre understands our reluctance to accept lists of signatures in electronic form, in view of the difficulty of checking the authenticity of such material. However, it offers some reassurance concerning its e-petitioner system. For example, checks will be carried out to ensure that there is no obvious duplication in a petition that is submitted electronically, and that no attempt has been made maliciously to increase the level of support. There can be no ultimate guarantee of authenticity, but there is no guarantee that written petitions are authentic either. It could be argued

that the electronic petitions that are presented by e-petitioner are, in some senses, stricter, as cross-checks are carried out on the postcodes of the people who have put their names to them.

I concur with the clerk that we should enter into an agreement with Napier University. That would allow us not only to keep abreast of advances in technology in this area and to evaluate the success of such a system, but to determine, in the longer term, whether the Parliament should develop such a system. The feedback from the committee to Napier University could help to shape the kind of e-petitioner system that is set up in the final instance. We have our first e-petition before us, from the World Wildlife Fund for Scotland, which will be considered later in the meeting.

Before we move to recommendations, does anyone have any comments on this item?

**Christine Grahame (South of Scotland) (SNP):** I apologise for not reading this paper in detail. I would like to ask about the issue of security. Before publicity is given to names that appear on an electronic petition, are they validated? Someone might find that their name is on a petition that they had nothing to do with.

**The Convener:** That is a fair point. However, that could happen with any petition.

**Christine Grahame:** The trouble is that, if the petition appears on the web, it is much more public and anybody could access it immediately. Other petitions are sent only to us.

**The Convener:** A balance must be struck. The idea is for the Parliament to widen access for ordinary people to petition and involve themselves in the Parliament. This is one way in which that could be done. If we become too security-conscious, we put people off. We could, for example, insist on people having a password or e-mail address before a petition could be validated. That would greatly restrict the number of people who could submit a petition.

**Christine Grahame:** Should there be a disclaimer to say that the first petitioner would be responsible for ensuring that the names that were appended to the petition were accurate? That would allow redress against one person if names were simply added.

**The Convener:** The responsibility for the petition will always remain with the main petitioner. If the Napier University system acted as a host, it would try to ensure that names were properly validated. There are limits, however, and not every name could be checked.

**Christine Grahame:** I appreciate that. I just wonder whether there might be a disclaimer to state that the Public Petitions Committee

recognises the signatures, to the best of its knowledge, as authentic. There should also be a statement that the first-name signatory has primary responsibility.

**The Convener:** A health warning will always be issued to say that there is no guarantee that the names are genuine.

**Christine Grahame:** Okay. That is my only concern.

**The Convener:** It does not matter how many people sign a petition anyway. Public petitions can come from a single person; it does not make a great deal of difference.

**Christine Grahame:** The issue is not the number of petitioners, but the appearance of specific names on a public access site.

**The Convener:** We will recommend the use of a pilot scheme for a year, to review how the system operates. Such flaws could be ironed out during that year.

**Christine Grahame:** Fine.

**Helen Eadie (Dunfermline East) (Lab):** I accept the recommendation to proceed with this experiment, although there are concerns, as Christine Grahame has mentioned. I attended a presentation at Napier University, at which I heard Lesley Beddie cite examples from Finland and other countries—where people are more familiar with the use of electronic modes of communication with their elected representatives—and I was very impressed. I am sure that, if we work closely with Napier University, the Parliament can remedy any problems that we encounter.

When I was a councillor, someone purporting to live in my ward signed their name to a letter in a newspaper. When the name was checked out, it was found that the person was not on the electoral register; no one of that name was living at that address. Misinformation of that kind can be given whether in the form of an electronic petition or a letter to the newspapers. We must be vigilant and ensure that, if we discover any problems, they are addressed.

**Phil Gallie (South of Scotland) (Con):** I have some reservations on the recommendation. It sounds fine, but a pilot study should be carried out with Napier University. We are a new committee and have just issued rules for the way in which petitions should be submitted. There was considerable discussion before we did that, but we are now considering amending those rules. There are other issues that come to mind. I frequently find with constituents that they feel that a petition should be more than one signature on a piece of paper. We need to reconsider that at a later date.

This is a new committee, which has just issued

rules and regulations governing the submission of petitions. To a degree, electronic petitions could be seen as elitist, but what we are expected to do in this committee is register with the people of Scotland. What guarantees are there that some of the petitions that come in by e-mail are based in Scotland? Do we have to accept petitions that originate in America, South America or Asia, as long as they relate to a Scottish issue? There are basic questions that have to be asked and answered before I would give a blanket acceptance to this proposal.

14:15

**The Convener:** It is already the position that people do not have to be based in Scotland to petition this Parliament. We have had one Canadian gentleman petitioning about his title to a clan chieftain somewhere in the north of Scotland. It is permissible to submit petitions from outwith Scotland in written or electronic form.

We should remember that this is a pilot scheme. There is no contract involved and nobody is being paid to do anything. Napier University is offering to act as a host to vet electronic petitions, just for a year, to see how they work. That is an important technology that the Parliament should be embracing. It would send entirely the wrong message if this committee were to decide not to support electronic petitioning, at least in its pilot form. Of course there will be problems, but we will find out what those are during the year. We are not committing ourselves to a long-term relationship with anyone.

**Ms Sandra White (Glasgow) (SNP):** The same rules will apply to electronic petitions as apply to written petitions. We are enhancing the role of the Public Petitions Committee and opening it out. This is a good idea, and because it will be a pilot scheme for a year we will be able to keep an eye on it. I am in favour of it.

**The Convener:** I detect that the mood of the majority is to go ahead with the pilot, although reservations have been expressed by some members.

**Phil Gallie:** In that case, will the rules and regulations that we established a few weeks ago on the submission of petitions be amended to make this possible?

**The Convener:** People are already allowed to petition the Scottish Parliament electronically. This is simply about the method by which people do that. At the moment, they have to do it through the Scottish Parliament website. We are suggesting that for a year we will accept as a host site to forward petitions to this Parliament the international teledemocracy centre at Napier University. Petitions that the centre forwards over

the next year will be admissible.

**Christine Grahame:** I think that Phil Gallie is asking whether that will be added to the guidance on submission of petitions on our website.

**The Convener:** Yes. It will be added to our website so that people know that they can do this.

Is it agreed that the first electronic petition from the World Wildlife Fund Scotland is admissible?

**Members indicated agreement.**

**The Convener:** Is it also agreed that for one year we should enter into a pilot scheme with the international teledemocracy centre, and that at the end of the year we should review the position?

**Members indicated agreement.**

## New Petitions

**The Convener:** The petitioners who have come down from Oban, whose petition is due to be considered towards the end of our agenda, are anxious to get back to Oban by a reasonable time, as they have committee meetings tonight. Do we agree to consider their petition first? Members are agreed.

The first petition is from Councillor Donald McIntosh, and calls on the Scottish Parliament to initiate an inquiry into geriatric provision and the continuation of local health services in the Oban area. Councillor McIntosh would like to address the committee for two or three minutes.

**Councillor Donald McIntosh:** Convener, could I add another 183 signatures to the list of 8,000?

**The Convener:** Thank you very much.

**Councillor McIntosh:** I am a local councillor in Oban and represent a large number of people up there. We are very concerned that we have a rural hospital that works under the Argyll and Bute NHS Trust, which includes three hospitals in Glasgow. We feel that we are not getting our fair share, because the number of people who pass through the hospital doors in Glasgow will always be far higher than the number of those who use the hospital in Oban. Ours is a very diverse rural area. We represent many islands, including Tiree, Coll, Mull, Lismore, as well as people from as far away as Campbeltown, which is 100-odd miles down the road. They all come to the hospital in Oban.

Grave concerns have been raised in Oban because the local trust had twice refused a scanner, at a value of £310,000, which was donated to the hospital. Eventually, the trust decided to accept it, but there were still grave concerns about the lack of trust in the trust that ran the hospital. We still feel that there is not a long-term commitment to the hospital in the Oban area. Certain people have said that a trip to Glasgow is not a hardship. If people have already travelled 100 miles to come to a hospital in Oban, a further trip to Glasgow would be a severe hardship.

We are very worried about the situation. The local acute trust has a shortfall of around £6 million, of which only £300,000 is allocated to Oban, but we have still been forced into making some very serious cuts. There has been talk about putting all the old folks out, and about closing the Nelson ward. There is even talk of the maternity services all going to Glasgow, and of closing about 100 in-patient beds in the acute trust and returning them for use by day patients. At the moment, patients are having to spend nights in hotels and they then travel home the next day instead of being offered medical treatment through the night,

which many of them need and deserve.

The concerns are grave. As far as the wider picture is concerned, no one in Oban wanted to join the trust in the first place—doctors, medical staff: nobody wanted to. A big meeting was held about it. Only one person wanted to go into the trust. We feel that Oban should be in the Highland Communities NHS Trust area, with Fort William and Lochaber. That is the same type of trust as ours, covering a diverse rural area. We have a lot in common with that area and we could share facilities a lot better if we were part of that trust.

In Oban, we have been coming in second best with regard to facilities and the amount of money spent. Glasgow obviously has a bigger catchment area, and more people are going through the hospital doors there. We are very worried about what is happening up in Oban, and we would like the matter to be investigated further. There was a lot of unease in Oban, even after being given the scanner. We see the issue of the scanner as a short-term one, which in no way guarantees the future of the hospital.

The hospital is only five years old. It cost £17.5 million to build. Five hospitals were knocked into one, and we lost beds. There is much ill feeling in the town about it, and we hope that the Public Petitions Committee might view our concerns favourably and pass the matter on to the Health and Community Care Committee to investigate further.

**The Convener:** Thank you very much, Councillor McIntosh. We have time for brief questioning from members of the committee.

I am sorry not to have already welcomed Duncan Hamilton to the committee. He is not a member, but is attending because he has an interest in this petition. Do you wish to say anything, Duncan?

**Mr Duncan Hamilton (Highlands and Islands) (SNP):** I just have a few brief points. Councillor McIntosh has outlined his case clearly.

To assist the Public Petitions Committee's understanding, I should mention that the Health and Community Care Committee tends to avoid addressing specific local issues. The reason that the matter raised by this petition is different is that, first, there is such a scale of concern. The petition is of a fairly impressive size. Secondly, the efforts made by the Health and Community Care Committee with regard to the inquiries into Stracathro and Stobhill illustrate the reason for those inquiries: those two cases are symptomatic of a wider problem in the health service. Therefore, it was useful for the health committee to investigate those cases.

The case which this committee has heard today

may be viewed in the same light. The position of Argyll and Clyde Health Board and the issues of cross-jurisdictional resource transfer that surround the matter of local authority boundaries and health board boundaries—the delivery of health care in rural Scotland as a whole—are largely encapsulated by petition PE129. I am therefore certain that the Health and Community Care Committee will want to take this matter forward.

**Christine Grahame:** I declare an interest, as I am shadow spokesperson for older people for the SNP, although what happens to many elderly people in care across Scotland forms part of a larger remit.

You say that closure is threatened, but when will the axe fall?

**Councillor McIntosh:** The trust says that it will close the Nelson ward when the last patient is reallocated into the community. That approach does not look to the future at all, as we know that the number of older people is growing, people are living longer—

**Christine Grahame:** I know.

**Councillor McIntosh:** In five or 10 years' time, when it is really needed, that facility will not exist.

**Christine Grahame:** How many elderly people does the proposal affect?

**Councillor McIntosh:** The ward has 60 beds.

**Christine Grahame:** Our guidance talks about the possibility of the provision of care being transferred into the community. Have you been told about any alternative provision?

**Councillor McIntosh:** I am a local councillor and my council has no funds available to transfer these patients. There are no vacancies in any homes in our area for a start, and there is no money. I do not see where this will end. Where will the patients go?

**Mr Hamilton:** That point was raised at a local public meeting. There was no idea—

**Christine Grahame:** About where people would go?

**Mr Hamilton:** People will not be turfed out of the hospital, but in the longer term, there is no package in place to deal with the transfer of resources. In Oban, people feel that until such a package is in place, the closure must be reconsidered.

**Phil Gallie:** Given your comments, Councillor McIntosh, it appears that there is no chance of any provision being made. What transfer of funding has taken place between the health board and the councils?

**Councillor McIntosh:** They have just started to

discuss the way forward. There is talk of £1,500 being transferred if a bed in a hospital is cleared, but that will not keep an old person in a home for a year. My council has no money at all. We have had cuts of £3.9 million this year, including cuts to our social and welfare budget.

**Ms White:** Councillor McIntosh and Duncan Hamilton have done well to fill in the committee on the background to the petition. Once again, a quango has not carried out any consultation with local people. Councillor McIntosh says that no resources from the local council will be put into the care of elderly people in the community, which worries me. I am sure that we will pass this petition to the Health and Community Care Committee, as it is the third or fourth such petition that we have received.

**Councillor McIntosh:** It is an experiment that does not seem to be working.

**Ms White:** This is an unfortunate situation that has come to our attention because people are concerned and health boards do not seem to be bothered about the concerns of local people. I hope that we will pass this petition to the Health and Community Care Committee, convener.

**Helen Eadie:** I support that view, as it would be difficult for the Public Petitions Committee to get into the nuts and bolts of the arguments involved in this petition. In my experience, when one speaks to the public, health is at the top of almost everyone's agenda. I happen to think that people do not wake up in the morning thinking only, "How do I feel today?"

**The Convener:** The scale of the petition has been mentioned—it had 7,000 signatures and a further 123 came in.

**Councillor McIntosh:** We have more than 8,000 signatures now.

**The Convener:** The chief executive of the trust has accepted that the consultation was inadequate thus far. Given the background of Stracathro and Stobhill, it would be appropriate for the Public Petitions Committee to pass the petition to the Health and Community Care Committee for further consideration and with a view to that committee making a recommendation about what approach the trust should take in relation to public consultation. Is that agreed?

*Members indicated agreement.*

**The Convener:** Okay. We will go back to the beginning of our list of petitions. [*Interruption.*] We will wait until the members of the Oban delegation head back to the ships or wherever they are going.

Petition 103 is from Mr Frank Harvey—what a surprise. His petition calls for the Scottish Parliament to introduce a law ensuring that no

more than 10 per cent of a gas or electricity card can be taken for payment against outstanding debt. That issue is reserved and has already been considered by the Westminster Parliament's Public Accounts Committee. In fact, that committee's report on these issues prompted Mr Harvey's petition.

It is suggested that the clerk should write to Mr Harvey, explaining that the Scottish Parliament has no powers in the area referred to in his petition. He may wish to raise the issue with his local Westminster MP—who may be George Galloway, although I am not sure about that—with the utility companies directly or with the Office of Gas and Electricity Markets, which is the regulatory body for those utilities. Is that agreed?

*Members indicated agreement.*

**The Convener:** Petition 104 is also from Mr Harvey and calls on the Scottish Parliament to explain why the Aberdeen E coli testing centre is to be closed and its funding moved to Edinburgh. That decision was taken by the Scottish Executive and it is suggested that we pass the petition to the Executive, asking it to provide Mr Harvey with the information that he has requested. Is that agreed?

*Members indicated agreement.*

14:30

**The Convener:** PE105 is also from Mr Harvey, calling for the Scottish Parliament to abolish poindings and warrant sales and to adopt a scheme that helps those in debt. The suggestion is that the clerk writes to Mr Harvey, informing him that the Abolition of Poindings and Warrant Sales Bill, which addresses the issues raised in his petition, is currently under consideration by the Justice and Home Affairs Committee. The stage 1 debate is scheduled for the near future. Is that agreed?

*Members indicated agreement.*

**The Convener:** PE106 is also from Mr Harvey, calling for the Scottish Parliament to ban the sale of Glasgow's local authority housing stock to private landlords. It is suggested that the clerk write to Mr Harvey informing him that the issues raised in the petition are currently being considered by the Social Inclusion, Housing and Voluntary Sector Committee and that the petition will be passed to the committee for consideration. Is that agreed?

*Members indicated agreement.*

**The Convener:** PE107 is not from Mr Harvey, but from the Save the Overtoun Park Campaign. It calls for the Scottish Parliament to take action to prevent the sale of part of Overtoun Park in Rutherglen, Glasgow. The petitioners have

indicated that South Lanarkshire Council proposes to sell off 10 per cent of the park for private housing to match lottery funding to refurbish and maintain the rest of the park.

We must be careful, because that is the kind of matter on which local authorities should take decisions. It is not necessarily for the Parliament to interfere. E-mail correspondence from South Lanarkshire Council has indicated that it would welcome the opportunity to provide the committee with background information on the matter. It is suggested that we copy the petition to the council and ask for details of the background raised in it, before the committee reaches a final decision.

**Christine Grahame:** I notice that the forms are now being amended to include the number of signatures on submission. It would be useful to make that part of the form.

**The Convener:** The number of signatures on submission?

**Christine Grahame:** Yes. That was simply a point of information.

**The Convener:** It was a recommendation that has been accepted.

**Ms White:** I agree with your suggestion as regards petition 107. There will probably be many more such petitions, because local councils are selling off public land all over Scotland, particularly in Glasgow, to raise money. That is a matter of great concern.

Sometimes the public finds that the only way forward is to go to the newspapers and build up a case from there. At least the Public Petitions Committee gives those people somewhere to air their concerns. I look forward to receiving the background information from South Lanarkshire Council.

**The Convener:** That is very important. It is not just local authorities. Health trusts are also selling off land to fund services. However, I am very reluctant for the committee to be used as a means of subverting local authorities.

**Christine Grahame:** Heaven forfend.

**The Convener:** We would greatly resent any interference from Westminster in our affairs and, similarly, local authorities would resent our interference in their affairs. People living in the area have recourse to the ballot box if they do not like what the local authority is doing.

Sandra White is right. If there is a national problem, that is something in which we should take an interest. That is why it is important that we write back to the local authority asking for its views, before taking a decision.

**Ms White:** I agree.

**Christine Grahame:** I concur. Where there is a principle or a national issue at stake, as there was with the hospitals, we would not be treading on the toes of local authorities if we took action.

**Helen Eadie:** The same is true for health boards. We do not want to be seen to be sucking up power.

**The Convener:** Does the committee agree to send the petition to the council for background information and then decide what to do?

*Members indicated agreement.*

**The Convener:** We go back to Mr Harvey. PE108 calls for the Scottish Parliament to introduce laws to protect schoolchildren using public transport during school activities. The suggestion is that we should pass this petition to the Education, Culture and Sport Committee so that it can note the issue but take no further action unless it considers it appropriate to do so. I am sure that the issue that Mr Harvey raises is constantly under review by that committee and by the Executive.

**Ms White:** Similar petitions to this one—to do with subways and buses—have been referred to the Transport and the Environment Committee.

**The Convener:** It is important to stress that it is not for us to decide whether other committees should take up issues; that is for them to decide. We can only refer issues to them.

**Helen Eadie:** This issue should also be noted by the Transport and the Environment Committee. Safety issues are paramount to us all, especially in relation to children. I have had many letters and phone calls over the years from concerned parents about this, and it is outrageous that we often do not provide seat belts in buses or trains. The Parliament has to take that wider issue on board. As Christine said, this is a matter of principle: if we are obliged to have seat belts in cars and planes, why not in every other form of transport?

**The Convener:** Are we agreed that both committees should receive this petition?

*Members indicated agreement.*

**The Convener:** The next petition, PE109, is also from Mr Harvey. It calls for

"the Scottish Parliament to take urgent action on various pension payment issues arising from hospital stays."

Pensions and social security benefits are reserved matters. However, the wider issue of the long-term care of elderly people is the subject of an inquiry that is being undertaken by the Health and Community Care Committee. It is suggested that we should pass this petition to that committee so that it can be noted and taken into account as part

of the inquiry, if the committee feels that that would be appropriate.

**Phil Gallie:** I recognise that pensions are reserved, but health care is devolved. Health trusts and boards make up their own minds about the charges that they make.

**The Convener:** That is why we are sending the petition to the Health and Community Care Committee for its consideration.

**Christine Grahame:** Can we send a petition to a cross-party group for its information? There is a cross-party group in the Parliament on older people and aging.

**The Convener:** I can see no reason why we cannot do that.

**Christine Grahame:** I think that would be useful. If an issue comes up that we feel cross-party groups would be interested in, we should pass petitions on to them.

**Ms White:** I have to declare an interest: I am the vice-convener of the Scottish Parliament cross-party group on older people, age and aging. I had intended to take this petition to our next meeting anyway.

**The Convener:** Would it be helpful if we sent it officially?

**Ms White:** Yes.

**Christine Grahame:** I think so.

**The Convener:** Okay, we will do that.

The next petition, PE110, is from the Greater Easterhouse Council of Voluntary Organisations. It calls on the Scottish Parliament to

"ask the Minister for Communities to intervene on behalf of GECVO and insist that Greater Easterhouse Social Inclusion Partnership fully fund GECVO until the new funding regime for the Councils for Voluntary Service is fully implemented."

There are gaps in the provisions made by councils for voluntary organisations and services. Jackie Baillie, the Deputy Minister for Communities, has acknowledged in a speech the differences in provision between rural and urban voluntary services. The Executive has an on-going review into the funding of voluntary groups.

The suggestion is that the petition be passed to the minister, to ask her to consider the petitioner's request; and that that correspondence and a copy of the petition should be passed to the Social Inclusion, Housing and Voluntary Sector Committee for its information. Its convener is, I think, the MSP for Easterhouse; she may take a direct interest in it.

Is that agreed?

**Members indicated agreement.**

**The Convener:** Mr Harvey's next petition, PE111, calls for the Scottish Parliament

"to order a public inquiry into road accidents involving police responding to 999 calls."

Members will be aware that this is a topical issue; there was a report on it on the radio this morning. We understand that the Association of Chief Police Officers in Scotland is liaising with its counterparts in England and Wales on police driver standards, and that a driver review group has been set up. That group is considering a paper by ACPO called the Lind report, which deals with standards of police driver training and the feasibility of introducing standard training courses for police drivers. That is being taken forward by the traffic division of the Scottish Police College.

The petition should be passed to the Justice and Home Affairs Committee and the Transport and the Environment Committee for their information, simply to note. We are not suggesting that they take any further action, unless they wish to do so. We should also pass the petition to the Executive, so that it can consider the issues that the petitioner raises.

**Phil Gallie:** As you have said, convener, this issue is to the forefront of our minds. Yesterday, a lady who was killed in an accident of this sort was buried. There are differences between the way in which police drivers in Scotland and their counterparts in England and Wales are trained, and we need a review right across the board. I would like to think that the Executive will respond to the petition positively and take its message on board, in conjunction with ACPOS.

**The Convener:** If we pass the petition to the Executive, we will expect a response. We can judge that when we get it.

The next petition, PE112, is from Mr Frank Harvey and relates to the proposed sell-off of Britain's air traffic control system. The petition calls on the Scottish Parliament to study the report of the Environment, Transport and Regional Affairs Committee of the UK Parliament on Government proposals to sell off Britain's air traffic control system. This area is, of course, reserved to the Westminster Parliament. The suggestion is that we pass the petition to the Transport and the Environment Committee of this Parliament, for its information only. It will be for that committee to decide whether it wishes to take any further action.

**Helen Eadie:** I hope that we can do more than ask the Transport and the Environment Committee to note the petition. I met some of the air traffic controllers last week and I was very concerned by what they had to say. I have brought a map that shows an area of northern Scotland in which there is no requirement for air traffic control. I wonder whether people in Aberdeen or Inverness know

that that is the case. Whether the service is privatised or retained in the public sector is one issue, and it is being addressed at Westminster. However, the fact that there is no safety control in the northern part of Scotland is an issue for us. I hope that the Transport and the Environment Committee might look into that.

The talk at national level has been all about going straight for privatisation. The sort of option that I would consider acceptable—here I would like to declare an interest, in that I am a member sponsored by the Co-operative party—has not been discussed. A scheme involving collective ownership in the public domain could be set up separately from national Government. Air traffic control could remain within the public domain, without being controlled by Government. That is how the issue has been tackled in Canada.

We should send the petition to the Transport and the Environment Committee with some indication of our position on these key issues. I hope that somebody out there is listening to us when we say that we should study the options and move away from privatisation. We should consider the option of independent public control—as a co-operative, a community business or whatever. We often think of community businesses in terms of the little food Co-op around the corner. Let us be big and bold in our ambitions and go for public control in a different way. I hope that someone will study the options in a structured and controlled way, so that we can move this debate on from only being about the merits of private versus public control.

**Phil Gallie:** I can understand why Helen Eadie has suddenly become aware of these issues. I have lived with them for the past six or seven years. The greatest threat to air safety in the years ahead is the fact that the new air traffic control centre is not up and running or even well on the way to being up and running. Governments of various complexions have considered the options, including the public sector option.

Last week, I met the management of the air traffic control centre, which wants to get this project off the ground. It ill befits the Parliament to slow down the launch of the project. The recommendation that has been given is fair. We should leave the Transport and the Environment Committee to take on board aspects that it wishes to consider, but it is the job of elected members at Westminster to resolve the issue. We should not put any spanners in the works and slow down the provision of this much-needed facility at Prestwick.

**Christine Grahame:** We have a rigorous Transport and the Environment Committee, which will examine all aspects of the matter. Community ownership might even be considered. The idea of community ownership is being examined

elsewhere; for example, the Campaign for Borders Rail has considered community ownership of the track rather than ownership by Railtrack.

14:45

**The Convener:** That is music to my ears.

**Ms White:** I love these conversions. It is like the road to Damascus. I do not mention any names as I do not want to be political. This is about public safety and jobs.

**Helen Eadie:** I have never been converted and have always believed in safety.

**Ms White:** I am very pleased. As Helen Eadie is a member of the Transport and the Environment Committee, I am sure that she will raise the matter there. That committee should take the issue on board. I hope that MSPs from all parties will write to their counterparts in Westminster to express views similar to those that Helen Eadie has just given. As Helen is a member of the Labour party, I am sure that she has written to the Labour MPs and the Labour Government to say that air traffic control should not be privatised.

**The Convener:** The consensus on this is not entirely clear. We want to refer this matter to the Transport and the Environment Committee. I suggest that we refer it to that committee and leave the matter there.

**Phil Gallie:** Hold on, convener. I liked the recommendation in the guidance that no further action should be taken at the present time.

I do not want the Scottish Parliament to interfere at this time. We need the air traffic control centre to get up and running. We can play politics with it as much as we like. An elected Government has decided on the way forward. If we can persuade it to act in a certain way, that is fair enough. However, it has examined all the options, including the option of public funding—that seems attractive on the surface, but the situation cannot be compared with that of the Post Office. The party of Helen Eadie and the convener is in government. It has made up its mind, even though before 1997 it felt strongly that this should not be the way forward. We should leave people to get on with their jobs.

**Helen Eadie:** Should we just leave the issue of safety to market forces?

**The Convener:** We are in danger of debating the substance of the petition—that is not the role of the committee. If we refer this petition to the Transport and the Environment Committee—whatever wording we use—it will decide whether it wishes to pursue the matter further. Given that Helen Eadie is a prominent member of the Transport and the Environment Committee, I am

sure that it will pursue the issue.

**Christine Grahame:** My proposal is to refer the petition to the Transport and the Environment Committee. It is up to that committee what it then decides to do.

**The Convener:** I agree. We will refer the petition to the Transport and the Environment Committee for its consideration.

**Members indicated agreement.**

**The Convener:** The next petition, PE114, from Julia Clarke, is about after-school clubs. I understand that Julia Clarke cannot be here, but that Mark Whittet would like to address the committee on this issue.

**Mark Whittet:** I thank the committee for allowing me briefly to take up its time this afternoon. I am wearing a number of hats today: first, I speak on behalf of my wife, who cannot be here; secondly, I speak as a father; and, thirdly, and perhaps most significantly, I speak as the former chairman of the Mearns after-school care club in Glasgow, which is the largest private after-school care club in the country. I am no longer involved with the club because I have moved to Edinburgh. I am here to ask for the committee's help to secure a comprehensive and cohesive examination of these issues, which, I understand, cut across a number of sectors in public policy.

I speak from personal experience and from the experience of my wife, whom I am representing today. In our experience, public policy is contradictory and can be self-defeating. It can certainly be frustrating and infuriating. We have tried child care in various forms, including doing it ourselves, private nurseries, nannies and being unemployed. It is difficult knitting it all together. We are fortunate, because after 10 years we are reaching the end of the period of heavy child care, but there are many others who are less fortunate, and it would be in the national interest to support them by instituting a study to investigate the cost benefits of running national after-school care clubs.

**The Convener:** So your basic concern is that the national policy for after-school care for children is contradictory and is not working, and that it should be investigated by the Scottish Parliament.

**Mark Whittet:** Yes.

**Christine Grahame:** Before I was a lawyer and before I was an MSP, I was a teacher, which declares my interest. Is after-school care in primary schools done on an ad hoc basis? Are there national guidelines?

**Mark Whittet:** It is my understanding that it is done ad hoc. My experience in Eastwood in Glasgow is that care was delivered by a parents

self-help group. That was a private company, but it was not a rich or successful one: it was threadbare. Only through a positive dialogue with the local authority, after it had declared that the buildings that we were renting from it were unsafe and decrepit, were we able to occupy space in the nearby high school after normal school hours. That was a solution, but it was a hand-to-mouth existence. The group allows parents who are my friends, peers and contemporaries to work and to help their children. Without that support, parents could not work.

**Christine Grahame:** For single parents, after-school care is essential, but my concern is that there are no standards that primary school after-school clubs have to adhere to. That might be of interest to the Education, Culture and Sport Committee.

**Helen Eadie:** I support the recommendation that the petition be passed to the Education, Culture and Sport Committee. I know that only a couple of months ago Sam Galbraith announced an extra £14 million for this area. He made that announcement in Fife, because Fife has one of the best reputations—as I know from personal experience—for after-school care clubs and for child care in general; the Labour-controlled council has led the way.

The Scottish Co-operative development committee in Glasgow has been supportive of community businesses. I have been party to discussions in Glasgow at which a number of child care community businesses or co-operatives were established across Scotland. That can be done with grant support and with help from local authorities. This is one of the key areas in which my party has been active. Okay, Scotland is not as good as Denmark and other countries—we have a long way to go—but you are right in pushing these matters. We need to keep this high on the agenda, and you are right to bring it to the attention of MSPs.

**The Convener:** I do not think that that was a question.

**Ms White:** Our party is not part of the Executive, but as the Executive keeps pushing education, education, education, and has mentioned pre-school education and after-school care, it is important that this petition should go to the Education, Culture and Sport Committee. In a previous life, I was a councillor and chair of the Foxbar after-school care club, at which there were more than 100 children. It was difficult to accommodate them, because the local authority's money kept being cut. We existed to provide affordable child care after school and during school holidays. People seem to think that, during school holidays, parents can take six and eight weeks off to look after their kids. It is difficult to get

your children into affordable, good child care.

We should recommend that we get a reply as quickly as possible, because we are talking about training kids to be child care experts and nursery nurses. These clubs are an ideal way in which to incorporate that training in one scheme. We could be training kids in the proper environment, and opening up schools, which I have always believed should be opened up to communities anyway. At the same time, we would be helping people to go back to work. Thank you for bringing the petition before us.

**The Convener:** Again, that was not a question. I think that Mr Whittet will sense the view of the committee from the non-questions that he has heard.

The recommendation, as has been mentioned, is that we pass the petition to the Education, Culture and Sport Committee for its consideration and ask it to consult the Executive as appropriate.

**Ms White:** Will we get a reply from the Executive?

**The Convener:** It is the committee's role to chase up responses on every petition.

The next petition, PE115, again from Julia Clarke, is on air traffic over Edinburgh. Mr Whittet will again address the committee on this petition.

**Mark Whittet:** I am sure that the discussion on this petition will be even briefer. The petition relates mostly to residents' concerns. I had hoped to be joined this afternoon by Mr Robert Armour, who is the Edinburgh airport local amenity representative on the Cramond association of which I am also a member. Unfortunately, he is unable to join me so I am wearing another two hats today. I seek the help of this committee in considering the environmental issues. The matter is not huge, but I would be much obliged if the committee could do something to bring it to the attention of the airport operators.

**Christine Grahame:** I have local knowledge of the flight path over Whitehouse Road. This has been a big issue in Edinburgh for years. It may be worth while to find out whether there has been an increase in flights over the past five years. I do not know how the petitioner would get that data—perhaps he could just ask for it. The issue has been aired for years and years, but I do not know whether there has been an increase in traffic.

**Mark Whittet:** That is certainly my experience as a resident.

**Christine Grahame:** Yes, but you would need to get the data. We should recommend that we find out what change there has been over the past five years.

**Helen Eadie:** I used to be a member of the

Edinburgh airport advisory committee. This is the sort of issue that came up on its agenda, so we could get the information from it. The airport has tried hard to minimise the problem, but there is a difficulty. You are saying that flights should be directed away from the city, but over the water in Fife there are massive new developments—the new estate there has some 5,000 homes and Dalgety Bay has a population of almost 14,000. We should get the information about the increase in traffic and pass this petition to the Transport and the Environment Committee.

**Phil Gallie:** Seriously, I sympathise with Helen Eadie's comments, although opportunistically I suggest that the traffic should be taken away from Edinburgh and sent to Prestwick. That would solve the problem.

**Mark Whittet:** Thank you for that suggestion, Mr Gallie. I assure Helen Eadie that I am not arguing this from a NIMBY point of view. I am not against planes or commerce. However, I am aware that there might be some room for manoeuvre over the Forth estuary.

**The Convener:** Thank you, Mr Whittet, we will now discuss the evidence that you have given to the committee.

One of the problems with this petition is that rerouting aircraft is a reserved matter for the Department of the Environment, Transport and the Regions at Westminster.

I was not aware of the Edinburgh airport advisory committee. As well as referring this petition directly to the DETR, we should ask that committee about the increase in the number of flights. We could consider its response along with the response from the DETR and further consider this petition once we have received those responses. Is that agreed?

**Members indicated agreement.**

15:00

**The Convener:** Petition PE116 is from James Strang. We have had petitions about Scots law from Mr Strang before. This one is about the compatibility of Scots law with the European convention on human rights, which, as everyone knows, has been causing the Parliament considerable trouble. It calls on the Scottish Parliament to introduce appropriate provisions to ensure that aspects of Scots law—including parole boards, it seems—are compatible with the obligations under article 6.1 of the European convention on human rights.

**Phil Gallie:** Mr Strang's point is that everything should have been sorted out before incorporation. The fact that it has not been is a political matter that is seen as a disgrace in some quarters. The

recommendation is that the petition be passed to the Justice and Home Affairs Committee. Given the seriousness of the matter and the fact that the issues must be addressed quickly, I think that it should be sent directly to the Minister for Justice in the first instance.

**The Convener:** Does anyone disagree with that?

**Christine Grahame:** I am becoming something of an expert on the ECHR. I have been landed with it in my party—although perhaps I should not put it that way—and we have often aired the continuing problems with legislation. The ECHR has a huge impact on Scots law and I believe that it is a matter for Jim Wallace. I agree that we should send the petition to him in the first instance rather than to the Justice and Home Affairs Committee.

**The Convener:** There is nothing to stop us sending it both to the minister and to the Justice and Home Affairs Committee. Is that agreed?

**Members:** Yes.

**The Convener:** Petition PE117 is from Mr Alexander Donald and concerns ice-cream van safety. I understand that Mr Donald is here today and would like to address the committee.

**Mr Alexander Donald:** This is very emotional for me and I am quite upset.

**The Convener:** I understand that. Just take your time.

**Mr Donald:** I do not know whether members have copies of my petition.

**The Convener:** Everyone has a copy of your petition and the background papers, and we have all read them. Take two or three minutes to summarise what you would like the committee to do.

**Mr Donald:** Well, I am being knocked about from pillar to post. The letters that I have received from the Scottish Executive tell me that ministers are fully aware of the points that I have raised but that a meeting would serve no purpose. In other words, they are not prepared to sit down and discuss what I am asking for.

The kids mentioned in my petition have all been killed. If I had been driving past those ice-cream vans, those kids would have been alive today, because my speed would have been right down and I would have been prepared to stop. Some of the drivers involved were not really going very fast. They might even have been going as slowly as 20 miles per hour, but that is too fast because, at that speed, one child in 10 is killed.

In 1986, a wee boy was killed and I wrote to the department of transport about it, but the parents

felt that they did not want to highlight the case so I let it go. I did not know about the wee boy who was killed in 1990, but I heard about the wee girl who was killed in 1991. Later on, in 1994, I wrote a petition and the man who had lost his wee boy said that he would like to sign it. He felt that, if the driver had been going a wee bit slower, his boy might have been alive today.

**Ms White:** Would you like a glass of water, Mr Donald?

**Mr Donald:** I am all right, but this is very emotional.

**The Convener:** We can understand that. Just take your time; there is no rush.

**Mr Donald:** I do not know whether you will remember Ian Campbell.

**Members:** Yes, we do.

**Mr Donald:** Ian dealt with the matter, and a wee film called "The Ice-Cream Girl" was made and shown nationwide on Scottish television. I have a copy of it with me, which I shall leave in case members would like to see it. There is also a copy of a film that was made when I wrote to Scottish Television after a horse was killed.

Ian Campbell took the matter up. A wee filler film was made, called "Horse Traffic", but this wee filler—they all have wee names—was called "The Ice-Cream Girl".

Bus drivers are permitted to use their hazard warning lights when they stop to pick up or drop off children. I have been campaigning for ice-cream van drivers to be permitted to do that as well, just as a warning that a kiddie may run out. That would have had to be dealt with down in London, and I understood that the Conservative Government was the only one that could deal with it. To cut a long story short, I organised a petition—with 8,000 signatures—claiming that no child should be killed while waiting at an ice-cream van. I took it down to London. I could have done more if I had had the funds. I have been using my own transport all these years.

Another point was that drivers should reduce their speed if they are overtaking an ice-cream van, and that they should be prepared to stop. No child would be killed by a vehicle that was travelling between 5 mph and 10 mph. The other point was—what was it, now? I think I have it here.

**The Convener:** A new film, was it?

**Mr Donald:** Pardon?

**The Convener:** You wanted someone to make a new film on ice-cream safety?

**Mr Donald:** A wee filler film, aye. It should be updated. I have the old one here, as you know.

There are other wee bits added on.

**The Convener:** It would be helpful if you left that with the committee. We could then pass it on.

**Mr Donald:** As long as you put it in one of those padded envelopes.

**The Convener:** We will return it to you safely.

**Mr Donald:** When I showed it to the people in London, they put it in an ordinary brown envelope and the case was broken. I could go on and on, but you have the film there.

**The Convener:** We have it here, Mr Donald.

**Mr Donald:** Perhaps you could organise a meeting to highlight the issue. I could come to that meeting better composed.

I have some photos with me of the kiddies who have been killed. This wee girl was killed in 1998, and her father collapsed and died nine months after. That is a wee girl from Drumchapel. That is a wee girl from Clydebank. That is a wee boy whose father came over and said, "I'll sign the petition." He came from Dumbarton. He said, "If the driver had been going a wee bit slower, my wee boy might not have been killed." [*Interruption.*] I am sorry that I am getting emotional.

**The Convener:** I understand. It is a very emotional subject. Thank you very much, Mr Donald.

**Mr Donald:** Can I leave it at that?

**The Convener:** Please wait for a moment, in case members of the committee have questions to ask you.

**Christine Grahame:** It is very distressing. Children flock to ice-cream vans and they are happy. It is dreadful when such accidents happen—for the ice-cream van driver as well.

I am not sure, but I think that road traffic legislation is reserved. The highway code is part of that.

**The Convener:** I am told that road safety is an issue for the Scottish Parliament.

**Christine Grahame:** Road safety is another matter. Is the highway code part of road traffic legislation?

**Mr Donald:** No—I am sorry to interrupt—it is not.

**The Convener:** I am advised that the highway code is a reserved matter.

**Christine Grahame:** The highway code is reserved?

**The Convener:** Yes, but road safety issues are not reserved.

**Christine Grahame:** The Education, Culture and Sport Committee might be interested in this matter from the perspective of the need to remind children in primary schools about the dangers on their streets. Road safety education is a subject that we must return to with each generation of children.

**The Convener:** Members should remember that we are asking Mr Donald questions at this stage. We will have a debate afterwards.

**Christine Grahame:** This is not so much a question as a suggestion. I would have thought that it would be useful for Mr Donald's petition to go to not only the Transport and the Environment Committee, but the Education, Culture and Sport Committee, so that it can be followed up with school children in primary schools. The Education, Culture and Sport Committee could also consider the other matters in Mr Donald's petition that the Parliament might want to address, such as hazard warning lights and so on.

**Mr Donald:** I went to the Scottish Road Safety Campaign in Edinburgh, but that was just after the wee girl was killed in 1991. I did not know about the wee boy who was killed in 1990. I met a committee and highlighted the issues, but I did not get much satisfaction. Since all the other kids have been killed, I have not been back.

**Ms White:** Thank you for bringing this petition before us, for being so vigilant and for pushing the matter forward. I am sure that the Scottish Parliament will be able to deal with the petition to your satisfaction. I agree with the three points on the petition. I hope that a new film can be produced and shown in primary schools. Perhaps we could add a fourth point, to advise drivers—I do not think that we could tell them by law—to check before they drive off that there are no children round the ice-cream van. Part of your petition mentions a wee boy who bent down to pick up 20p; the driver reversed and, sadly, the young boy was killed. We have all seen incidents where that could have happened. We have all told kids to get off the road. I hope that the committee will agree to add that point.

**The Convener:** It is not the role of the committee to alter petitions.

**Ms White:** Perhaps Mr Donald would like to alter his petition.

**Mr Donald:** It could be added in.

**Ms White:** Drivers of ice-cream vans must be made aware of the fact that kids tend to sit on the pavement if it is a nice day, or that a kid's money or sweetie might roll under the van. It is common sense, but perhaps we need a law that requires drivers to get out of their cab and check round the ice-cream van before they drive off to ensure that

there are no kids in the way. That is just a suggestion.

**Mr Donald:** When people are driving past at 20 mph, they feel safe enough, but when they look back they probably say to themselves that if they had been going a lot slower, the wee boy or girl might not have been killed.

**Ms White:** I agree with the points in your petition.

**Phil Gallie:** First, Mr Donald, congratulations. You have pursued this issue since the 1970s, which shows great resilience. You say that you would like the Scottish Parliament to allow ice-cream vans to use their hazard warning lights when stopped. Is not the law at present such that ice-cream van drivers can use their discretion and apply their hazard warning lights if they consider that they are creating a hazard? If so, could not the committee simply give out the message, as it is doing now, that it would be a good idea for ice-cream vans to use their hazard warning lights?

**Mr Donald:** The driver of the ice-cream van might stop in a place where he does not think that he is causing a hazard and might not use his hazard warning lights, because he thinks that he is not really supposed to use them if he is not causing a hazard. That is how the law lays it down. That is why I said that the use of hazard warning lights could not be mandatory, but could be advisory. The advice would need to come from Parliament for drivers to take it. I do not think that ice-cream van drivers would be keen to use their hazard warning lights just because they were asked to. If it were simply a case of asking, I would not be running around looking for Tom, Dick and Harry.

I would be quite pleased if the police asked van drivers whether they had had their hazard warning lights on when there has been an accident. That would make it up to the ice-cream van driver. I would be really satisfied if drivers were permitted to use their hazard warning lights.

**Phil Gallie:** So, you want a bit more than for drivers to be allowed to use their hazard warning lights? You want us actively to tell van drivers to put on their lights. That answers my question.

15:15

**Mr Donald:** I do not know whether you know this, but I was arrested in January—

**The Convener:** No, I did not know that.

**Mr Donald:** I was down at the Scottish Executive at Victoria Quay with my two big placards. I may be arrested again.

**The Convener:** It is okay—nobody will arrest you in here.

**Mr Donald:** You have to practise what you preach. Sometimes I feel that some people do not like it when you are speaking the truth. I have been driving, and teaching people to drive, for a long time. I told the Scottish Office, and John Major's civil servants down south: "Prove me wrong and I will stop." I would be glad to stop if they could prove me wrong, but they have not done that. I have here all the replies that I have received. They say, "We are fully aware of the points you raise and consider that a meeting would serve no useful purpose." Well, that is really sad.

**The Convener:** I accept that. Thank you; your contribution was very helpful. We will now have a short discussion on your petition before deciding what to do.

**Mr Donald:** Can I leave you my video?

**The Convener:** That would be helpful. We will ensure that it is sent back in a padded envelope.

**Mr Donald:** By the way, I have got this new book—"Tomorrow's Roads—Safer for Everyone".

**The Convener:** We will get copies of it in the Parliament.

**Mr Donald:** But there is nothing in it about ice-cream vans.

**The Convener:** Thank you—you have made your point very well.

Everyone knows what the petition is about, and the suggestion is that we should pass it to the Transport and the Environment Committee. I was concerned to discover that the Executive was not prepared to meet Mr Donald. We should strongly recommend that the Transport and the Environment Committee should consider seeking the Executive's views. We should ask the committee also to consider whether any of the suggestions in the petition could be incorporated into future road safety campaigns.

**Christine Grahame:** May I suggest that we also send it to the Education, Culture and Sport Committee. Road safety is also an education issue.

**The Convener:** I agree.

**Helen Eadie:** I agree with Christine. Educating children on road safety is paramount. I do not know what is in Mr Donald's video, but if we can get videos made that help to increase awareness of road safety then so much the better. Like every member here, I commend Mr Donald for sticking with it and being so tenacious.

I agree with the convener that it would be nice if someone from the Scottish Executive would meet Mr Donald, who is clearly very upset by the issue and has stuck with it for a long time.

**The Convener:** The petition will be passed to the Transport and the Environment Committee, with a recommendation that it seek the Executive's views, and a specific suggestion that it consider whether any of the points in the petition could be incorporated in future road safety campaigns. The petition will also be passed to the Education, Culture and Sport Committee for consideration for inclusion in road safety teaching in primary schools. Is that agreed?

**Members indicated agreement.**

**The Convener:** PE118 is from Dr Ronald Crawford. It calls on the Scottish Parliament to reverse the decision to increase North of Scotland Water Authority charges to domestic customers by 3 per cent in 2000-01 and 12 per cent in 2001-02, and to restrict increases to 10 per cent in each of the next four financial years.

On the surface, that is an issue for NOSWA. We should refer the petition to the authority and ask for its response. However, the Minister for Transport and the Environment approves the charging system, and has in fact made a statement to Parliament on the matter, so it may be as well to copy the petition to her to ask for her response. Is that agreed?

**Members indicated agreement.**

**Christine Grahame:** Does that mean that we do not want to refer it to the Transport and the Environment Committee?

**The Convener:** I forgot to say that. We will copy the petition to the Transport and the Environment Committee for information.

**Members indicated agreement.**

**The Convener:** The clerk has asked whether we would like NOSWA and the minister to respond to us or to the petitioner.

**Christine Grahame:** To the petitioner, with a copy to us.

**Members indicated agreement.**

**The Convener:** Petition PE119 is from Mr C Ogg, who calls for the Scottish Parliament to take immediate action to ensure that suitable allotments are provided, according to statute.

As members will see from the letter from Perth and Kinross Council, the problem is that even the council is not certain about what requirements are placed on it by law to provide allotments and is checking that. We can either ask the clerks to investigate, or we can refer the petition to the Local Government Committee and ask it to do the burrowing to find out the legal situation. I think that the clerks would rather that we sent it straight to the Local Government Committee.

**Christine Grahame:** Come, come.

I have a great deal of sympathy with this issue. I am a keen gardener and I think that allotments are a valuable resource for towns. I would like to know the legal position, but I will defer to the clerk and his colleagues.

Is there a way to get this information from someone in the Executive? It has the resources.

**The Convener:** If the committee wants, we can write to the Executive to ask about the legal position. Are we agreed?

**Members indicated agreement.**

**The Convener:** PE120 is, again, from Mr Harvey. The petition calls for the Scottish Parliament to ban, for safety reasons, all schoolchildren from visiting farms in Scotland. Mr Harvey's fear concerns the warning of the E coli expert, Professor Pennington, about the danger of children contracting the disease on farms.

I suggest that we pass the petition to the Education, Culture and Sport Committee for noting. We should suggest that that committee take no further action, unless it feels that it is appropriate to do so.

**Helen Eadie:** We should also send it to the Rural Affairs Committee. I met farmers the other week—I have farms in my constituency, Phil—and heard their concerns.

**The Convener:** Are we agreed to send the petition to those two committees?

**Members indicated agreement.**

**The Convener:** PE121 is also from Mr Harvey. It calls on the Scottish Parliament to raise the issue of safety at nuclear power stations with the Minister for Energy and Competitiveness in Europe and to request inspections of all nuclear establishments. The petition concerns a reserved matter and the suggestion is that we send the petition to the minister concerned, Helen Liddell, and ask her to respond to the points raised. Alternatively, we could agree to take no action.

**Helen Eadie:** There was an article on this subject in the *Sunday Herald*. Environment matters are devolved, but nuclear safety is reserved to Westminster. It would be helpful to get clarification on how the matter is developing. The article dealt with a matter of conflict and I was concerned about what I was reading.

**The Convener:** The petition is not specifically about the issues that were dealt with in the *Sunday Herald* article. However, I think that Helen Liddell should be asked to respond to the petition.

**Helen Eadie:** Having read both the petitioner's letter and the article, I think that the article was

relevant. I think that a clarification from the minister would be helpful.

**The Convener:** Are we agreed that we should refer the petition to the minister, asking her to clarify the position in relation to the responsibilities of the Scottish Parliament?

**Christine Grahame:** What is our position with regard to referring petitions to UK ministers? What is their obligation to the committee?

**The Convener:** They are under no legal obligation to respond, but they would be mad not to.

**Christine Grahame:** I like that; it is even better than a statutory obligation.

**The Convener:** We have always had a rapid response from UK ministers.

**Phil Gallie:** We should seek the views of the local safety advisory committees that sit on the doorsteps of every nuclear installation in Scotland.

**The Convener:** Is there such a committee for Dounreay?

**Phil Gallie:** I would guess so. There is for Torness and Hunterston. However, Dounreay is no longer a nuclear power station.

**The Convener:** The petition refers to Sellafield, which is not even in Scotland.

I suggest that we accept Helen Eadie's advice. We should refer the petition to the UK Minister of State for Energy and Competitiveness in Europe and ask her to clarify in her response to the petitioner where the responsibilities lie between the Scottish Parliament and the Westminster Parliament on these issues. Is that agreed?

*Members indicated agreement.*

**The Convener:** PE122 from St Mary's Episcopal Primary School is about grant-aided status for the school. The school has been refused permission to remain a grant-aided school and wishes to take up the issue through the Scottish Parliament. In particular, the school draws a comparison between itself and Jordanhill School in Glasgow, which remains a grant-aided school. The petition asks the Scottish Parliament to investigate and clarify the issue.

I understand that there are differences between St Mary's and Jordanhill. St Mary's opted out under the relevant legislation, which was passed by the Tory Government. Jordanhill has always been a grant-aided school and was never part of the local authority system. In fact, I think that Glasgow City Council turned Jordanhill down when it applied to come under local authority control.

However, we are not here to debate the issues.

We should pass the petition to the Education, Culture and Sport Committee, and ask it to take the petition into account when it considers the Standards in Scotland's Schools etc Bill and the evidence that it is taking. Is that agreed?

*Members indicated agreement.*

**The Convener:** PE123 is from the Scottish warm homes campaign against fuel poverty. The petition calls for the Scottish Parliament to identify, discuss and seek to implement measures that would eradicate fuel poverty as a matter of urgency.

I know that the Social Inclusion, Housing and the Voluntary Sector Committee is considering that. It is suggested that we refer the petition to that committee, so that it can be included in the committee's consideration of how the Parliament should tackle fuel poverty. Is that agreed?

*Members indicated agreement.*

**The Convener:** It is also suggested that the Transport and the Environment Committee should be consulted.

**Christine Grahame:** It might be useful to send the petition to the cross-party group on the elderly; that would keep that group informed about this issue, in which it would be interested.

**The Convener:** The cross-party group on the elderly—

**Christine Grahame:** The correct name is the cross-party group for older people, age and aging. You and I could be included in that, John.

**The Convener:** Yes, I reluctantly accept that I am in that category now.

PE124 is from Grandparents Apart self-help group, which is petitioning the Parliament on changes to the Children (Scotland) Act 1995.

I understand that Mrs Lydia Reid from the group is here. Welcome to the Public Petitions Committee, Mrs Reid. Please address the committee for a few minutes and I will then open up the discussion for questions.

**Mrs Lydia Reid (Grandparents Apart):** We hear about the grandparents' side of the problem when they phone our helpline. When we listen to those people, or when they write to us or meet us in the street, we hear really heartbreaking, horrendous stories of grandparents who have been separated from their grandchildren for a range of different reasons. I have given quite a lot of background in our report.

Those people have tried, but failed, to contact their grandchildren. Perhaps they could not afford to go to court, or did not have the courage to do so, and so have lost contact with their

grandchildren. Sometimes, having never seen their grandchild, they have never had that contact. The common thread that runs through those stories is that children are losing their families and families are being split up and losing contact with grandparents.

We would be the first to agree that there are some grandparents who, through different types of abuse, would not be suitable companions for their grandchildren. However, grandparents feel that there is a much higher percentage who are good, loving, reasonable people who simply love their grandchildren. Grandparents can offer a great deal to their grandchildren, such as a link to the past, with stories being handed down from generation to generation, and can keep grandchildren in touch with their ancestry. They can offer a great deal of common sense to grandchildren, as well as just plain love—what child would not benefit from that? Grandparents often face problems in their lives and have gained experience of life, and grandchildren can benefit from that.

At present, too many obstacles seem to be in the way of grandparents who care about the welfare of their grandchildren and who try to contact them. Grandparents feel that the system must be simplified and provide more guarantees. Grandparents want to be named in the Children (Scotland) Act in recognition of the interdependence that exists between the generations.

We do not wish to put a child in any kind of danger, but why should grandparents who are good and loving suffer because a few are not? Surely there should be some system for sorting out contact when a case comes to court, with grandparents being given some sort of precedence over other people who go to court in order to be able to see a child.

**The Convener:** Would amending the Children (Scotland) Act 1995 so that it included grandparents unlock all kinds of rights for grandparents, including access rights? Would that make it easier to go to the courts?

**Mrs Reid:** Yes. That would make it easier for grandparents. If a court were to judge grandparents in general as simply good people for the children to be spending time with, that would make contact easier. It would make residential contact easier, when a grandparent applies for it.

**The Convener:** It would give the grandparents basic rights in law?

**Mrs Reid:** Yes. That is what we are looking for.

15:30

**Christine Grahame:** You and I met when you were thinking about submitting your petition. I

thought then that the petition was in the wrong terms and I see that you have changed it. You were looking for guaranteed rights, but no one has guaranteed rights to children.

I have much sympathy with the petition, as you know from my long background as a family lawyer. I am not terribly familiar with the detail of the act; I would have to examine it. You probably have a good argument on the requirement for consideration to be given to grandparents. In due course, the Justice and Home Affairs Committee will be getting a document from the Executive on changes to family law, so your concerns may well be addressed. You have brought to the fore an important issue on the role of grandparents, and I am pleased to see your petition. As I said to you, I have used grandparents when the parents were at war. The grandparents could see beyond the heat of the moment and consider the children first.

The role of grandparents has also been in the news in England recently.

**Mrs Reid:** Yes. That was the Grandparents Federation in England.

**Christine Grahame:** Whether the eventual outcome is a change to the legislation, or a policy shift on the part of sheriffs, the petition is worth while.

**Ms White:** I have written to Lydia Reid and I sympathise greatly. Christine Grahame has clarified things for me a wee bit. She is a lawyer, but I am not, so I did not know the ramifications if the changes became law, or whether that was what you wanted. She said that the change does not have to be legislative or statutory as long as grandparents are considered sympathetically.

**Mrs Reid:** Yes.

**Ms White:** I think that the Justice and Home Affairs Committee will take that on board. I just want to know whether you want it to be statutory, because even fathers and mothers do not have a statutory right if there is a divorce, if they have a partner that does not want it.

**Mrs Reid:** I can see that.

**Ms White:** That concerned me a wee bit, but it has been clarified.

**Mrs Reid:** In the background report, I have included all the problems that grandparents have spoken to me about when I am out with the petition, or when they phone me, so it is quite comprehensive. Quite a lot of grandparents have talked to me about each of those problems. Grandparents face problems when they try to see their grandchildren, and somebody needs to look into the situation to find out whether the problems are as widespread as they seem to be. The grandparents that I talk to are telling me about

them. If a committee could look into the background problems that grandparents face, that would not be a bad thing.

**Phil Gallie:** Once again, as a grandparent I should declare an interest. Having said that, I am not clear on the precise point that the petition is making. To add grandparents to the Children (Scotland) Act 1995 seems quite reasonable, but I always understood that if parents were not on the scene, grandparents would be regarded as directly responsible for the children. Is that not the case?

**Mrs Reid:** That does not happen often enough. The Children Act 1989 said that if a parent was not fit, if the child was getting no parental help at all, the first person that social services should look at is a grandparent. That just does not happen. In many cases, grandparents are not even allowed to write to their grandchildren who are in care. That is horrendous.

**Phil Gallie:** Are you saying that, after the parents, the social work department takes priority over everybody else?

**Mrs Reid:** Yes, and the social work department should look first to the grandparents.

There is also a case for grandparents being helped financially to look after their grandchildren. Many grandparents would take more of a caring role if they had the finances. They are often caring, loving people, but try keeping a grandchild on a pension. They cannot do it.

**Christine Grahame:** I suggest to the Grandparents Apart self-help group that, when this issue comes before the Justice and Home Affairs Committee, the group should contact the committee if it wants to give evidence, because that is the way to put its case to the committee that will deal with this issue.

**Mrs Reid:** I will do that.

**The Convener:** Thank you very much. That was helpful. The recommendation is that we pass this petition to the Justice and Home Affairs Committee for further discussion. Is that agreed?

**Members indicated agreement.**

**The Convener:** The next petition, PE125, is from Unison Scottish health committee about car park charges. Bristow Muldoon indicated that he wanted to be present to speak to it, but he is not here so we will deal with the petition, which calls on the Scottish Parliament to investigate the justification for the introduction of car parking charges at St John's hospital in Livingston. There are more than 1,000 signatures on this petition.

The introduction of parking charges is a matter for West Lothian NHS Trust. I suggest that the committee might want to request background information from the trust on its reasons for

bringing those charges in, before agreeing whether any further action should be taken on this petition.

**Helen Eadie:** I agree that we should get more information on this matter. This is not only happening in Livingston, it is happening across Scotland. It is regrettable that any trust is imposing charges such as this. The Parliament should take this issue seriously, because it is not right that visitors to hospitals, or patients, should have to pay car park charges. There must be other options. I have views, which I will save for another debate.

**The Convener:** There have been car parking charges at Ninewells in Dundee for years.

We will write to the trust to ask it for its case and consider the matter further when we get the response.

The next petition is PE126 from Dunlop and Lugton Community Council, with 360 signatures. It is about sub-post office closures. It calls on

"the Scottish Parliament to take whatever action it considers to be the most appropriate to relay concerns over the closure and changes to sub post offices to the Westminster Parliament."

We have already had a members' business debate on this issue, on a motion by David Mundell. The SNP gave over one of its debates to the role of post offices and the Rural Affairs Committee will shortly undertake an inquiry into the impact of changes in rural employment on rural communities. We have already referred petitions to that committee to be part of its considerations.

The suggestion is that we pass this petition to the Rural Affairs Committee, as we did with the other petitions on post office closures.

**Helen Eadie:** We might also want to send Henry McLeish's statement to Parliament back to the petitioner. He made it clear that post offices will not be closed and that pensioners and anyone claiming benefits will continue to be able to claim their benefits and pensions at post offices. We must get that message across to people.

**The Convener:** When we get the response from the Rural Affairs Committee, we can consider including that in our response.

**Ms White:** I do not want to make a political point. This depends on who you believe and who you do not believe. The post office workers and the unions do not believe Henry McLeish's statement; they have issued members with a list of post offices that they say will close.

You are right to send this petition to the Rural Affairs Committee. However, I know Lugton and I would not say that it is a rural area—it is near

Kilmarnock and Paisley. I do not know what other committee we could send it to, but it is not as rural as some areas.

**The Convener:** The Rural Affairs Committee is examining this issue and it will make recommendations. Once we find out what those are, we can consider Helen Eadie's point. We are not yet at the stage of responding to this petition. We are only passing it on.

**Christine Grahame:** I have just a brief point, as time is pressing. The petition is not concerned with rural post offices, but with sub-post offices, many of which are in large estates. Although the petition should go to the Rural Affairs Committee, we should remember that it concerns sub-post offices.

**The Convener:** Sorry. I should have said sub-post offices. If the committee wants, we can also send the petition to the Enterprise and Lifelong Learning Committee.

**Helen Eadie:** The fact still stands that this issue affects every post office in the land. Henry McLeish's position on this matter is very clear.

**Phil Gallie:** I hate to be a Luddite on these matters. Although we have already advocated a move into the future with our acceptance of electronic petitions, I am concerned that much of the business carried out by sub-post offices can be done through e-commerce. I hope that we have not sent out the wrong message today.

**The Convener:** This committee is not sending out any message. We are merely referring the petitions on to two other committees.

**Helen Eadie:** On the way here in the car, I heard on the radio that Barclays Bank, which is closing all kinds of buildings, wants to put business in the direction of post offices.

**The Convener:** Good for Barclays Bank.

We will now move on to petition PE127 from the Edinburgh Student Action for Refugees, which calls on the Scottish Parliament to take a variety of measures regarding the detention of asylum seekers in Scotland. As most of the issues raised in the petition are reserved matters, it was initially suggested that the petition should be passed to the Home Secretary with the request that Home Office officials respond directly to the petitioner. However, the Scottish Parliament information centre has advised us that there are differences in Scotland, a major one being that asylum seekers can be detained in Scottish prisons. Thirty-nine asylum seekers are currently so detained. Under Scottish asylum and immigration legislation, persons under 16 years old can also be held in prison.

Although, in the long term, we might refer the petition to the Justice and Home Affairs

Committee, I could write as convener to the Home Office minister concerned, asking for a detailed response to the points raised in the petition and for comment on the specific differences in Scotland as highlighted in the information from SPICe. Once we have received that response, we can consider what to do. Are members agreed?

**Members indicated agreement.**

**The Convener:** Petition PE128 is an electronic petition from World Wildlife Fund Scotland, which is calling for the Scottish Parliament to ensure that marine national parks are included in the national parks bill. This is the first electronic petition that the Parliament has received via the e-petitioner system at Napier University. As the committee has agreed that the petition is admissible, it is suggested that we pass the petition to the Transport and the Environment Committee as part of its consideration of the proposed national parks bill. Are members agreed?

**Members indicated agreement.**

**The Convener:** Finally, we will move on to petition PE130 from Mr Paul Shanks, which calls for the Scottish Parliament to investigate the potential effects of the proposed closure of the Carrick Street centre in Ayr on the social justice targets of the Scottish Executive. Mrs Margaret Stewart will address the committee on the petition.

Before Mrs Stewart addresses the committee, I should remind members that there is a by-election in Ayr this week and that they might wish to avoid making blatant or overtly party political statements during the committee's consideration of the petition. We have to consider the petition on its merits and decide what to do with it. However, those comments do not apply to Mrs Stewart. She can say whatever she likes to the committee.

**Mrs Margaret Stewart:** Convener, before I start, will you allow me to submit some photographs so that committee members can have a better understanding of my comments?

**The Convener:** Yes. If you pass them over, we can look at them while you speak to the petition.

**Mrs Stewart:** South Ayrshire Council proposes to close the Carrick Street day centre for the elderly in Ayr. Since 1973, this centre has provided essential services for older people, many of whom are vulnerable and disadvantaged. The centre is situated in the town centre and is close to shops and public transport. It is used by more than 1,700 members and provides services that enhance the health and happiness of users.

15:45

Between 250 and 300 people attend daily. Hot lunch is provided for up to 70 people and others

call in to take part in the activities, or for a snack and a chat in a warm environment. To many, it is a second home. A chiropodist attends daily and activities include dancing, bowling, keep fit, whist, bingo and sequence dancing. Concerts and outings are arranged for our members. Groups using the centre include the Women's Royal Voluntary Service Darby and Joan club, the heart stroke lung group, Scottish Old Age Pensioners Association, arthritis groups, the Guide Dogs for the Blind Association, the Royal National Lifeboat Institute, and Toc H. It is a surgery venue for local councillors.

It will be seen that there are varied services providing support for many disadvantaged elderly people and their carers. Carers can go to work or to shops knowing that members are in a safe environment. The Prime Minister recently said that we must become a caring society and must look after the elderly, the disadvantaged and the vulnerable. The closure of the centre and the loss of the services that it provides will be socially and financially disastrous for its users. It is hoped that a way can be found to avert closure. We ask the Scottish Parliament to investigate the potential effect of the proposed closure on the social targets of the Scottish Executive. In nine days we have collected 2,000 signatures.

**The Convener:** Thank you for that very clear statement. Are there any questions?

**Helen Eadie:** I have a question—not a statement, convener. Is it the case that the centre is being closed but that there is a new centre to replace it?

**Mrs Stewart:** No. The amenities committee has not been informed of anything. I only wish that you could have seen the faces on the day that the closure was announced. I assure you that there were many broken-hearted people, because the centre is their home and the only pleasure that they have in life.

**Phil Gallie:** I have several questions. You are a member of the amenities committee. What pre-consultation did you have with South Ayrshire Council?

**Mrs Stewart:** The members of the amenities committee—Beverley White, Mr Neil Watson and I—had one meeting with Mr Baillie, Mr Hill and ex-Provost Campbell. The council informed us about the centre and told us that they would have to wrap what we were told in clingfilm so that nothing would leak out. The members of the amenities committee returned to the centre, purchased a paper across the road and discovered that everything that we had been told at that meeting was in the paper. Everything was prearranged.

**Phil Gallie:** What did the newspaper report say? Did it suggest that the building would be sold?

**Mrs Stewart:** Yes, it said that the building would be sold—HGB would take over. We were shown the plans at the meeting, and were asked to show them to our members at Carrick Street. To ensure that nothing leaked out, we refused to do that; however, as I have said, the matter was already in the newspaper.

**Phil Gallie:** When you were shown those plans, it was suggested that other facilities could be provided within the new premises at Kyle Street, and other options were suggested at that time.

**Mrs Stewart:** Not to us.

**Phil Gallie:** Were there suggestions at any time from South Ayrshire Council that use of the Affleck building, for example, could be taken into account? If so, were the amenities committee or any other members taken along from the Carrick Street centre to look at those premises?

**Mrs Stewart:** No, we were never consulted. Only the unit manager and Mr Neil Watson were taken.

**Phil Gallie:** Is the unit manager an employee of South Ayrshire Council?

**Mrs Stewart:** Yes. We were never taken to see any premises.

**Phil Gallie:** How many members do you have?

**Mrs Stewart:** We have eight committee members.

**Phil Gallie:** I meant to ask how many members there are at the centre.

**Mrs Stewart:** There are 1,700 members.

**Phil Gallie:** The committee was not consulted. Is that correct?

**Mrs Stewart:** It was not.

**Phil Gallie:** At the council meeting at which the proposals were accepted—I might mention by 14 votes to 13—was the suggestion that money spent on the Carrick Street centre could be better used for care in the community?

**Mrs Stewart:** That is correct.

**Phil Gallie:** In your view, does the use of the Carrick Street centre, the company that the people who go there enjoy and the support that they get, keep people from having to go into the community care programme?

**Mrs Stewart:** It is their life. If the Carrick Street centre is closed down, it will cost South Ayrshire Council lots and lots more money than it would have done if the council had spent it on the roof. We have a beautiful place; it is a lifeline. There are people with dementia and other people who only go there because they know that they get companionship. They get a hot meal in the

morning, they get their lunch, they get afternoon tea and home baking or whatever they want. There is a quiet room and a television room, and a chiropodist is available, as I have already mentioned.

When we close the centre in holiday time, the police pick the people up from the street because they do not know that the centre is closed. So what will happen when we close it at the end of the month?

**Christine Grahame:** Were you told that, before a sale was implemented, nothing would happen to the facilities at Carrick Street?

**Mrs Stewart:** Yes.

**Christine Grahame:** Can you then tell me what is happening with hot meals, a provision which you say is so important?

**Mrs Stewart:** At the end of the month, that all finishes. The equipment will be removed from the kitchen.

**Christine Grahame:** I understand that the centre was fitted out fairly recently.

**Mrs Stewart:** Yes.

**Christine Grahame:** What was spent? What was done?

**Mrs Stewart:** A fortnight ago, the carpet fitters came in and laid the best quality of carpet in the reading room. After spending all that money, why is the centre being closed at the end of the month?

**Christine Grahame:** How are the older people—I stick my older person's hat on again—reacting to this?

**Mrs Stewart:** There are no words to describe it. They are so down. It is possible to feel the atmosphere in the centre, and the heart has gone from all the people there. It is a shame. The whole thing should be made public. I feel like pulling in members of the public to show them what the people in there are like. It is a disgrace what South Ayrshire Council is doing to them.

The council has a lot to answer for in doing this. Surely it could have spent the money that it has wasted on carpets and new units on putting a new roof on the building? That would have cost it a lot less.

**Ms White:** I have read through most of the petition, the letters of support and the communication that you have had with various community councils. Is it a fact that the centre was gifted to the elderly people of Ayr?

**Mrs Stewart:** Yes, it was a gift, but the Auld Kirk of Ayr Halls sold it to South Ayrshire Council. We heard at one time that it had been sold to Strathclyde, but Strathclyde had given it back to

South Ayrshire Council, which gave it the right to do what it liked with the building.

**Ms White:** Basically, it has been a football.

**Mrs Stewart:** We will look into it more.

**Ms White:** Yes, because someone told me that it was gifted to the people of Ayr.

**Mrs Stewart:** Yes, it was.

**Ms White:** Do you know how much the council contributes to the running of the Carrick Street centre? It must have mentioned in the council minutes how much it spent.

**Mrs Stewart:** It spent £119,000.

**The Convener:** A year?

**Mrs Stewart:** Yes.

**The Convener:** So for £119,000 you have 1,700 members, and the council is prepared to close the centre and those members will have nowhere to go. It does not need a mathematician to see that if those people were put in the community with extra social services, it would cost the council a lot more than it is contributing just now.

**Mrs Stewart:** Yes, it would cost the council a lot more. South Ayrshire Council does not help our amenities committee. We work hard for the money. We raise money, run raffles and put on concerts. It is all our money. We have to pay for all the tea, even for us volunteers, which we do not mind. We pay for the supervisor, the catering and the band. We are not looking for appreciation, but we do not get any help from South Ayrshire Council.

**Ms White:** I appreciate that. You do work hard. I know that there was a lack of consultation, and that you only found out about this matter in the newspapers, but did the newspapers report how much South Ayrshire Council would receive if it sold the hall? Was it something like £400,000?

**Mrs Stewart:** Yes.

**Ms White:** So the council will make £400,000.

**Mrs Stewart:** The thing is, we are sitting on a prime site, but we have asked why they cannot just build round us, and leave our part.

**Ms White:** Christine brought up the matter of hot meals and how you are in limbo. You do not know what is going on, and whether the centre is going to be shut and the kitchen equipment removed. Do you have any other equipment that members have donated, which presumably belongs to the amenities committee? If you have any donated pianos, chairs or tables, what is happening to them?

**Mrs Stewart:** Unfortunately, I have received a lawyers' letter. The piano was donated to me for

the centre. The letter allows me to take home the piano and the organ, but we have to make an inventory of all the other equipment. Nothing belongs to South Ayrshire Council: it all belongs to us. They are trying to take our equipment away, but they are not going to do it. We will fight them.

**Ms White:** Good for you. I am sure that you will succeed.

**Phil Gallie:** I notice that Fort and Seafield Community Council, which is the council for the area that you are in, has written to all the other community councils in South Ayrshire. Virtually every community council in South Ayrshire has written back, which is remarkable, and every one has backed Fort and Seafield in opposing closure of this facility. Why do you think that all those community councils feel so strongly?

**Mrs Stewart:** The council that I belong to is Masonhill and Holmshome, which has written to Mr George Thorley, but no action has been taken and no information has been given out. It is by pure luck that we found out about the centre being sold, because a member of Fort and Seafield Community Council who was at the council meeting leaked the information to us; we took action right away on the Friday morning. That was the first information that we had. South Ayrshire Council thought that it could keep the matter quiet and slip it through, but it has a fight on its hands. That is why we have done so much background work.

16:00

**Helen Eadie:** When you heard the news, what was your first action?

**Mrs Stewart:** We were all completely shocked.

**Helen Eadie:** I asked what your first action was.

**Mrs Stewart:** We wrote to the Prime Minister, who sent the letter to Donald Dewar. However, we have not yet received any word from him. I should not be using names, but John Prescott was at our centre three years ago and said that we were very fortunate to have such a place in Ayr.

**Helen Eadie:** Did you ask for a meeting with either the convener or the leader of the council?

**Mrs Stewart:** Yes.

**Helen Eadie:** Did you have that meeting?

**Mrs Stewart:** They have not come forward—we have sent another letter by recorded delivery but, at the council meeting on Thursday, they said that they had not received a letter from us. However, I have the recorded delivery slip and tomorrow I am going to the Post Office to see when the letter was delivered and who signed for it.

**Helen Eadie:** Is this your press cutting that we

have before us, which talks about the alternative centres that are being offered to you?

**Mrs Stewart:** We have not been offered any. The amenities committee has not been consulted.

**Helen Eadie:** The press cutting mentions four other options for centres. Were you not given that?

**Mrs Stewart:** We were not involved in that. Only the unit manager and Neil Watson were involved. We were not consulted.

**Helen Eadie:** This is a newspaper cutting.

**Mrs Stewart:** The unit manager and Neil Watson gave that, but we were never consulted.

**The Convener:** Thank you for that excellent and clear contribution, Mrs Stewart.

The situation is obviously very serious, particularly in relation to what has been said about South Ayrshire Council. Members will know that, at its meeting last week, the council decided that it could no longer subsidise all the lunch clubs in Ayr because of budget constraints, which led to the proposed closure of the centre.

We need a response from South Ayrshire Council. I suggest that, rather than simply sending it a copy of the petition and the back-up papers, we send the *Official Report* of this meeting and ask it to respond in detail to what has been said. We can then consider what to do.

**Christine Grahame:** I appreciate the difficulties of intervening in local authority matters. What concerns me is that there does not seem to have been any consideration of the human and financial impact of the council's decision. On top of that, the council is already beginning to strip out various equipment and is moving the provision of hot meals. The status quo is not being maintained but it should be until we have heard the council's response to our discussion today and its explanation of how it reached its decision. If hot meals are to be stopped at the end of the month, we will be fighting a rearguard action. I know that it is not our job to take up a position one way or the other, but I would like us to hold the position until the matter has been fully explored.

**The Convener:** The clerk has pointed out to me that it will be a week before the *Official Report* is available, so what we have suggested is not on. What we could do is refer the petition to South Ayrshire Council with a covering letter from me explaining that the committee wants an urgent assurance that no action will be taken until we have had a response from the council. We will not know how to deal with the petition until we have had that response, but we should request that the council maintains the status quo until the committee has considered the matter.

**Helen Eadie:** I agree with the action that you

propose, convener. However, today's meeting has highlighted a difficulty. Whenever we hear a case, we are conscious that the person who needs to respond to the points that are raised is missing. Do we have to wait until we have heard from the petitioner before we can invite someone to answer the charges that are being made? I ask that because, if that is so, the process is delayed and we will not hear the outcome of the case for two weeks or so. It would have been helpful—given that there is a by-election tomorrow, and given that this committee meeting is being broadcast—to have had someone from the council to answer at this meeting.

**The Convener:** Let us leave that issue until later. First, we must decide what we are going to do with the petition.

**Phil Gallie:** I wrote to the leader of the council three or four weeks before this announcement was made, after a meeting with the amenities committee, asking no more than that he communicate with that committee. I pointed out that that committee was prepared to discuss the issues and even alternative buildings, if it could be kept informed. Two days before the announcement was made, I received a letter from the leader of the council, saying that he would take what I had said on board. Then the closure was announced. I listened to what was said at the council meeting. The leader of the council stated clearly that he had communicated closely with the amenities committee throughout. To my mind—I knew the background—that was not the case.

I would like this committee to recognise the point about consultation. Moreover, there is a precedent—we brought before us the convener of the Greater Glasgow Health Board. In this instance, we should ask South Ayrshire Council to hold its position and we should invite representatives of that council to give a presentation on the reasons for the closure. At the same time, we should determine what communication it has had with the people in the Carrick Street centre. That falls in line with the point that Helen has just made, in that there are two sides to a story—it is right that both should be able to present their views. The quickest and best way in which to do that—and a precedent seems to have been set—is to request that the South Ayrshire Council leadership comes here to discuss this issue.

**The Convener:** I realise that this is a sensitive issue. However, in the case of Stobhill, we wrote to the chairman of the health board in the first instance; it was only after we received his response that we decided to ask him to attend the committee in person. We should not, as a matter of course, invite people to attend to respond to every petition that comes before the committee.

The best idea is to write to South Ayrshire Council, explaining that serious allegations have been made in the presentation of the petition today. We want the council's response and an assurance that no action will be taken to close the centre until the committee has had a chance to consider the matter.

**Christine Grahame:** I agree with that. Concern has been expressed not only because this is a by-election issue—it is an important issue in any event—but because similar situations are arising elsewhere in Scotland. The letter should be specific. We cannot ask people to come along and answer the allegations in a petition on the spot; that would be asking them to respond to evidence that has been given without allowing them the chance to consider it. At the very least, there would have to be an adjournment, and I do not think that that would be appropriate.

First, we should write to South Ayrshire Council on the main points that have been raised today, asking it to respond clearly on the issue of consultation and on whether any assessment was made of the impact of the closure in financial and human terms. This is not just a financial exercise; there is more to this than the cost implications of care in the community.

Secondly, I would like the council specifically to undertake not to stop the provision of hot meals and not to remove equipment pro tem. What we are asking while the matter is under investigation is clear. What is a month or two here or there to the council? If it comes up with an alternative that is acceptable to the elderly residents, that is all well and good, as long as it is in the centre and is fully equipped. That is another point in the letter—what are the alternatives? Have alternatives been offered? We might want the council to write to us about consultation, removal of equipment and alternatives.

**Helen Eadie:** I am glad that Christine supports the line that you are proposing, convener. I, too, support the recommendation. You were right to highlight the fact that, in the first instance, we wrote to the chairman of the Greater Glasgow Health Board. The danger is that we try to take over the role and function of local government. Local government is elected and if it is determined to go a certain way, it would be wrong of us to intervene. However, we have a role in ensuring that the public are adequately consulted in all those matters.

**Phil Gallie:** I can accept the suggestion, provided that an absolute freeze is put on the current situation. Irrespective of our request, the Greater Glasgow Health Board continued to act along the same lines. If I had an assurance that we could freeze the situation, I would be happy to accept the comments of Helen and Christine.

**The Convener:** It is clear that we are not in a position to demand a freeze of the South Ayrshire Council. I remind members that the budget for Scotland, which included the local government financial settlement, was passed unopposed.

**Ms White:** Excuse me, but the SNP opposed it.

**The Convener:** The distribution of revenue support grant to local authorities was opposed, not the total sum given to local authorities. We must recognise that local authorities have the right to decide such issues in their budgets. We can request a freeze, asking that no action be taken until the Parliament is in a position to consider the petition properly. However, we do not have the right to demand it.

**Ms White:** I know that we cannot demand it. However, although this is not part of the committee's business, I must stress the fact that we did not accept Jack McConnell's budget.

**The Convener:** You did not vote against it.

**Ms White:** I do not want to go into that now, but I will say that we lodged an amendment asking the Executive to get Gordon Brown to open up his war chest.

We cannot force the council to do anything, but we can make a request. Having been a councillor, I am concerned that provosts and leaders of councils are saying that they did not receive letters that were sent by recorded delivery. I am on record as saying that that had happened in the council of which I was a member, where it was proven that the letters had been sent.

You say that the electorate can vote out the council, convener, but that is not the point. The council must be accountable to the public. It should consult people, particularly on such an issue. The council should not be saying that it cannot meet the petitioner, supposedly because it did not receive a letter. It should listen to the people. We must make it clear that the status quo should prevail and that nothing must happen until we have heard from South Ayrshire Council. That is nothing to do with a by-election or anything else. Some councils do not conduct themselves democratically.

**The Convener:** It is not for the Public Petitions Committee to make judgments about which local authorities are democratic and which ones are not.

I suggest that we write in the terms suggested by Christine, asking for assurances, although we cannot make demands. We must recognise that local authorities have the right to make such decisions and that the local electorate will hold them accountable. South Ayrshire Council deserves the opportunity to respond on the matter and we cannot reach any conclusions until we have had a response to the detailed issues that

have been raised.

**Christine Grahame:** From years of writing letters as a lawyer, I know that demands and threats only make people's hackles rise. There are ways in which to show how seriously something is regarded without being too dramatic. We can say that we want to give the council the opportunity to address the serious issues that have been raised and that in the meantime we would like assurances about the non-removal of equipment and so on. That is in the interests of South Ayrshire as well.

**The Convener:** I am sure that Mr Farrell is adept at writing such letters and that he could frame one appropriately. Can we agree to write to South Ayrshire Council along the terms suggested, asking it to respond to the serious allegations that have been made in this petition, and that we further consider the petition when we receive its response?

**Members indicated agreement.**

16:15

**Phil Gallie:** I would like to depart—I think that the committee remains quorate.

**The Convener:** I think so.

**Christine Grahame:** It would be useful for the committee to look at the photographs that the amenities committee has brought. I had the opportunity, as I am sure other members did, to see round the Carrick Street centre

**The Convener:** We will see them at the end of the meeting.

**Phil Gallie:** I have seen them.

**The Convener:** The committee will adjourn for the time being.

16:16

*Meeting adjourned.*

16:17

*On resuming—*

## Current Petitions

**The Convener:** We now turn to consideration of current petitions. We are starting to get responses to some of them, which are in the associated papers that have been issued.

Petition PE46, if you remember, was from Mr Alexander Stobie, about fireworks. It was referred to Dr Kim Howells, the UK Government minister responsible for consumer issues, who has now responded to the petitioner. Members have a copy of that letter, thanking Mr Stobie for his petition. Are there any questions on that?

The letter seems to address the concerns that were raised in the petition. A fact sheet on the issues of concern to the petitioner has been drawn up. It deals with the issues most commonly raised—including Mr Stobie's suggestion that fireworks should be restricted to organised displays—and explains the Government's position on those issues. Can we regard this petition as closed, given that a response has been received from the UK minister?

**Members indicated agreement.**

**The Convener:** The next response—to petition PE83, from Concern for Justice—is more complicated. We agreed to seek legal advice on the issues raised in the petition. We have now received that advice, which is summarised in the briefing paper that was handed out to members. For the record, I shall read out the important point:

"The committee originally considered this petition at its meeting on 15 February, when it agreed that legal advice should be sought on the issues which it raises. This advice has now been received.

Legal team colleagues have advised that the principle which appears to be referred to in the petition is the principle of absolute privilege. This is the protection from the law of defamation given to communications made in certain circumstances. Where a statement is protected by absolute privilege it is protected from actions of defamation and other verbal injury. Among the categories of statements which are protected by absolute privilege are those made by a judge when he or she is acting judicially.

It is statements made by a judge acting judicially which are protected by absolute privilege and not any statements made by a judge. If in a particular statement a judge crossed the boundary of what might be said to be acting judicially, his or her statement would not be protected by absolute privilege.

As far as action which might be taken by an individual who considers himself to have been defamed by a statement of a judge, it is suggested that such a person could take legal advice as to whether any action can be taken in respect of the statement in question or whether it is protected by absolute privilege. In addition, we understand

that a member of the public wishing to make a complaint about a sheriff should take it up with the Sheriff Principal or with the Scottish Executive Justice Department.

Certain Members raised concerns at the meeting on 15 February that this petition was an attempt by those involved in the Donald Macleod case to raise the profile of the case and obtain publicity. However, it is suggested that it is not appropriate for Members to make such assumptions and it is recommended that this petition should be treated no differently to any other.

If the PPC decides that this petition should be passed to the Justice and Home Affairs Committee, it could be suggested to that Committee that it should not examine the particular facts and circumstances surrounding the statements made by the sheriff in Professor Macleod's case. It could be suggested that the JHA Committee might examine the more general issue identified by the petitioners. It is for the JHA Committee to decide whether to examine this matter at all—the Committee would be free to decide not to examine this matter at all (rule 6.2.1).

It is therefore recommended that the petition should be passed to the Justice and Home Affairs Committee to consider what further action would be appropriate."

**Ms White:** The petition should be sent to the Justice and Home Affairs Committee. As you said, convener, legal team colleagues have advised that the petition appears to refer to the protection from the law of defamation given to communications made in certain circumstances. That is the same as the protection that is extended to members of the House of Commons, who can say what they like about people when subject to parliamentary privilege. I was not the person who mentioned Donald Macleod. The point that I was trying to make was that anyone should be able to submit a petition on this subject, as any of us could be affected. The phrase "acting judicially" is just legal jargon.

**Christine Grahame:** No.

**Ms White:** It is not legal jargon to you, but it is to me—I am not a lawyer. We may explain that if a judge is acting judicially such behaviour is okay and that if he is not it is not okay, but a lay person would need to find out whether the judge was acting properly and whether they could get legal aid to take forward a case involving character assassination. It is very difficult to get legal aid in such circumstances. With the greatest respect to Christine Grahame, lawyers and the law sometimes seem to think that they are above the law that applies to ordinary people. I feel very strongly about this. I would not like to think that my name or anybody's else's could be bandied about in the name of the law without my having any recourse.

**The Convener:** I agree, but the petition referred to statements made by the judge during a trial. That is why we have taken legal advice about absolute privilege as it relates to judges and courts. The absolute privilege that applies to members of the House of Commons allows them

to say anything. That is different from the protection that is afforded to judges.

**Christine Grahame:** I have a comment on the action that is suggested. I do not agree with the statement

“it is suggested that it is not appropriate for Members to make such assumptions”.

What was being made was more an observation; Pauline McNeill made it, not I, and she was quite right to raise the issue. We cannot go into the specific details of a case, but we can extract from it a principle that needs to be examined. We did that in a previous case on sequestrations. The public have difficulty finding out what they can do in law, and there is a problem with availability of information. However, if a sheriff behaves in an unsheriffly way, people can go to the sheriff principal about that, as he is in overall control of the sheriffs within the sheriffdom. Similarly, if a Court of Session judge behaves in an unsuitable manner, people can contact the senior Court of Session judge, whose name escapes me at the moment. If a comment that is made about an individual is made not judicially, but in a gossiping way, people can insist on a response and follow up that response if they are not happy with it.

**The Convener:** You challenged the statement that

“it is not appropriate for Members to make such assumptions”.

However, this is legal advice that we have been given by the legal team.

**Christine Grahame:** I do not agree with it.

**The Convener:** We are not under any obligation to accept it.

**Christine Grahame:** I do not agree with the legal team—lawyers are there to disagree with one another.

**The Convener:** Ultimately, it is for the committee to decide what should happen to petitions.

**Christine Grahame:** Do you agree with the advice?

**The Convener:** No, I do not.

**Christine Grahame:** Thank you.

**Ms White:** Christine Grahame talked about sheriffdom, justices, ministers and so, which is great lawyer-speak. That is fine for lawyers, who know that their name is being taken in vain if the judge is speaking in a gossiping way. However, it is not right that every time people's names are mentioned in court they should have to write to somebody to ask how a comment was made. That is why the petition should be referred to the Justice and Home Affairs Committee—so that the

issue can be clarified.

**The Convener:** Is it agreed that the petition should be referred to the Justice and Home Affairs Committee?

**Members indicated agreement.**

**The Convener:** We also have a response to Mr Frank Harvey's petition about door-to-door salesmen. It related to energy contracts, and members will recall that we referred it to Scottish Power. The company has now replied to Mr Harvey—its letter is to be found under F in the additional papers that have been issued to all members. I think that it deals with the concerns that Mr Harvey raised in his petition. Now that Scottish Power's reply has been copied to members of this committee, it is suggested that the petition now be closed. Is that agreed?

**Members indicated agreement.**

## Convener's Report

**The Convener:** I remind members that the next meeting of the committee will be held on Monday 27 March at 2 o'clock at the Volunteer Hall in Galashiels. We hope that the meeting will be particularly well attended, as there is strong interest in one of the petitions to be considered, on a Borders rail link. Other MSPs from the area, the local Westminster MPs and representatives from Scottish Borders Council have been invited to attend. I understand that six members and six officials from Scottish Borders Council will be coming along. Archy Kirkwood has not only indicated that he will be attending, but has asked to be allowed to speak in support of one of the petitions. Lunch will be available for members and parliamentary staff before the meeting. The clerks will contact members in the week before the meeting to remind them of the arrangements and to check who is able to attend.

**Helen Eadie:** I am looking forward to it.

**The Convener:** We have also received a request from the Gauteng Provincial Legislature in South Africa to visit the Scottish Parliament, particularly the Public Petitions Committee.

**Christine Grahame:** I thought that we had been invited there—our eyes were lighting up.

**The Convener:** It seems that the Legislature is very interested in the work of this committee. The delegation will be led by the Speaker of the Legislature, Mr Firoz Cachalia, who will be accompanied by members of the Provincial Legislature and Legislature staff. The delegation is expected to number between eight and 10 in total and it hopes to visit the Parliament in April or May. The request has been passed to the Presiding Officer, who has to okay these things, for consideration.

**Christine Grahame:** As long as there is a reciprocal visit.

**The Convener:** It is suggested that, if the Presiding Officer agrees to the visit, not only should the delegation attend one of our meetings to watch the committee in action, but we might have an informal meeting with it to discuss ways in which the legislature could reproduce our work. Our fame has spread far and wide, so we are doing well.

Is there any other competent business?

**Christine Grahame:** Just the photographs.

**The Convener:** We will look at the photographs once the meeting has been closed formally. Thank you for attending. I thank the staff in particular for their forbearance. We bring this meeting to an end—thankfully.

*Meeting closed at 16:27.*

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