

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 9 May 2000  
(*Afternoon*)

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### PUBLIC PETITIONS COMMITTEE

8<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)

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

\*John Scott (Ayr) (Con)

Mrs Margaret Smith (Edinburgh West) (LD)

\*Ms Sandra White (Glasgow) (SNP)

\*attended

#### WITNESSES

Mr Robert Durward (British Aggregates Association)

Mr John McMillan

Mr John R D Stewart

Mr William Watson (Haddington and District Community Council)

Sharon Wright (Child Poverty Action Group)

#### SENIOR ASSISTANT CLERK

Steve Farrell

#### ASSISTANT CLERK

Jane Sutherland

#### LOCATION

Committee Room 3



## Scottish Parliament

### Public Petitions Committee

*Tuesday 9 May 2000*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:07*]

**The Convener (Mr John McAllion):** Welcome to the eighth meeting of the Public Petitions Committee. We have apologies from Pauline McNeill, the deputy convener. She has been delayed on constituency business and, although she will try to be here in time, she does not think that she will be able to make it.

I remind members that there will be a private session at the end of the meeting to discuss the procedure for handling petitions by the Parliament. We have a busy agenda, with 12 new petitions, five speakers on six of those petitions and a number of responses to petitions that we have already dealt with as well as the paper at the end of the meeting. I therefore urge members to be brief and to the point. When it comes to the part where we question petitioners, let us have questions rather than comments. As the clerk has pointed out, some of the petitioners who spoke to us before took 20 minutes each. We will have a very long afternoon if we continue to behave in that fashion, so let us get on with our business right away.

## New Petitions

**The Convener:** The first petition, PE176, is from Mr McMillan and deals with the investigation of police complaints. Mr McMillan is here to address the committee.

**Mr John McMillan:** The Scottish justice system is considered throughout the world as second to none to such an extent that the Lockerbie trial is being conducted along Scottish legal lines. Unfortunately, I am here today to tell the committee that I am heading for Strasbourg with a legal problem about the police complaints department.

I made a complaint to the police about the police and, to cut a long story short, although members have all the details in front of them, I received a letter stating that they were taking no further action, and I was amazed at that. I then found that there is nowhere I can go once those people have made that decision, so it is an inside circle. I wrote to the Minister for Justice and was referred back to the Crown. I wrote to the Lord Advocate and was referred back to the Crown. I could not get outside that circle.

My complaint has been looked at by some pretty sensible people, who feel that it should have gone further, but there is nowhere else in Scotland that I can take it. There is no body to which I can say what I think and what they think, and where somebody can decide in a committee such as this whether they believe that I have a case. I now have to make a private prosecution to sue the chief constable and go to Strasbourg.

That is my statement. I have nowhere to go and I would like there to be a body that could be approached by people such as myself. I am probably the only person in this room who has ever made a complaint against the police. It is a rare thing, so it must be seen to be done properly.

**The Convener:** Thank you, Mr McMillan. Do committee members have any questions?

**Ms Sandra White (Glasgow) (SNP):** I understand from the letters that you have provided that, unlike English procedures, statements taken from witnesses in Scottish procedures are not normally signed by the witness. Do you believe that, if the Scottish system was changed to be similar to the English system and if the witness had to sign, it would make a vast improvement?

**Mr McMillan:** I think that it is essential that a statement made by a complainer is signed and that a face-to-face meeting with the procurator fiscal is conducted to verify the statement and the signature. That would be a built-in safety clause. The documents that I have provided also state that

the complaint should be made directly to the procurator fiscal and then referred to the police, rather than the other way round. I made my statement in what I could describe as a broom cupboard in Fettes police station. I did not feel as if I was being taken seriously, and I felt intimidated.

**The Convener:** Are you asking for an independent complaints investigation body to be set up?

**Mr McMillan:** I want a situation in which, when the procurator fiscal sends a letter stating that no further action will be taken in a complaint against the police, there is a higher authority.

**The Convener:** Do you think that there should be a system for appealing against the decision of the complaints procedures?

**Mr McMillan:** Yes. It should be outside the legal system—outside the police's and the Crown's grasp and independent.

**The Convener:** It would be an independent appeal system to which individuals such as you could turn if a decision went against you.

**Mr McMillan:** That is right. I do not think that it would be a very busy committee, but every now and then it might be called upon to act. It could be that its members might agree with the police and the Crown, in which case the complainant would have to accept that ruling. However, in the present situation, it is as if the father is investigating the son.

**The Convener:** The correspondence that accompanies your petition suggests that the chief inspector of constabulary and the Crown Office are currently reviewing the police complaints procedure. Would you expect those reviews to address the issue that your petition raises?

**Mr McMillan:** Look at who is reviewing it. As you have just said, they are reviewing themselves. The minute you name those parties, I no longer take the process seriously. I want a body that is completely independent.

**Christine Grahame (South of Scotland) (SNP):** I understand that investigations are being made into the way in which complaints against the police are handled at the moment. I speak as a member of the Justice and Home Affairs Committee and I am sure that that committee will consider the procedures and make a report to the Parliament when the matter arises. It is not a case of who is supervising the supervisors. The Justice and Home Affairs Committee will be able to scrutinise procedures and decide whether it is satisfied that a system is in place that is independent of the prosecution service, which is supposed to be independent of the police.

The prosecution acts on behalf of us, the people. If there is a feeling that that is not the case or that the police should not be investigating themselves—that is a common view, although I make no comment as to whether it is right—the Justice and Home Affairs Committee could examine that.

**Mr McMillan:** It is just that the petition—my complaint—does not seem to be going anywhere in Scotland. It has been nowhere, and it is going nowhere.

**The Convener:** Okay. We have no further questions, but you can be assured that the Scottish Parliament is still, relatively speaking, in its infancy. The reason why your petition appears to be going nowhere is that the Parliament has not fully—

**Mr McMillan:** I was not talking about you.

**The Convener:** As Christine Grahame pointed out, the procedures for complaints against the police are under review. They will also be reviewed by the Parliament. As part of that review, I am sure that we shall consider your petition.

Thank you for coming along and presenting your petition. We will now discuss, among ourselves, how to deal with it.

**Mr McMillan:** That is fine.

14:15

**The Convener:** The recommendation is that we pass the petition to the Justice and Home Affairs Committee for further consideration. I suggest that we recommend to that committee that it do that as part of its consideration of the Crown Office and inspectorate reviews.

**Christine Grahame:** Are you aware of the Justice and Home Affairs Committee's agenda?

**The Convener:** I imagine that the committee would do as I have just suggested anyway.

**Christine Grahame:** Yes, but rather than say that we are sending the petition to the Justice and Home Affairs Committee for further consideration, we should recommend that the committee note it pro tem and consider it further at the appropriate time, when the wider issue is on its agenda.

**The Convener:** That seems fair.

**Helen Eadie (Dunfermline East) (Lab):** We should also send a copy of the petition to the Crown Agent so that he is aware of the concerns that have been raised. Otherwise, I am happy to accept the recommendation.

**The Convener:** Send a copy of the petition to whom?

**Helen Eadie:** To the Crown Agent. The on-

going review is mentioned in the letter from the Crown Office, and I am sure that the Crown Office is aware of the petitioner's concerns. It would be of value to ensure that the Crown Agent is made aware of any action.

**The Convener:** It is agreed that we will refer the petition to the Justice and Home Affairs Committee for noting pro tem, until such time as that committee considers the reviews that are being undertaken, when it can form part of that consideration. We will also copy our decision to the Crown Agent. Is that agreed?

**Members indicated agreement.**

**The Convener:** The second petition is from Mr John R D Stewart, who is here today. His petition concerns legal aid.

**Mr John R D Stewart:** My purpose in coming here today is to put dimensions to the situation, so that the committee is aware of the magnitude of the unfairness for which I have sought redress.

In the 1998-99 financial year, £136.6 million of public funds were made available for legal aid. What that money was spent on is laid out, in a most exemplary fashion, in the Scottish Legal Aid Board's report. Who received it, and how much they received, is laid out with equal clarity, at least in respect of the 20 highest-paid legal firms and the same number of advocates. The Scottish Legal Aid Board is committed to complete clarity in respect of its expenditures and will provide information on all other practitioners, albeit with some difficulty because its records are not fully computerised.

The contrast between SLAB's affairs and those of the farming industry is quite startling. In the same financial year, £475 million was devoted to farming subsidies. Information on what that sum was spent on is fairly readily available, but when it comes to who received it, and how much they received, a veil of total secrecy prevails. Mr Sean Rickart, an economist who was formerly employed by the English National Farmers Union, and is now, I believe, retained as a consultant to the United Kingdom Government, has stated that 20 per cent of farmers in the UK receive 80 per cent of subsidies. On that basis, in Scotland, a mere 4,514 producers received last year £380 million; the remaining 18,800 producers shared £95 million.

In the course of several weeks of persistent digging, I have established that 2,150 farmers—that is 9.5 per cent of the industry—each received between £30,000 and £50,000 in total subsidy payments. A further 835 received between £50,000 and £70,000 each, and a final 752—or 3.3 per cent of the industry—received over £70,000 each. On the basis of calculations and figures supplied by the rural affairs department,

those happy few—the 752—received, at a conservative estimate, a total of £243 million. Who they are, of course, is a complete secret.

I consider that situation to be grossly unfair to the legal profession. I accept that the interests of fairness would be at least as well, if not better, served by bringing to farming the same open regime that operates in the legal profession, but I am not asking for that; I believe that to do so would be simply to waste Parliament's time. Many attempts have been made in the past to find out who gets what in farming, but farming subsidies remain shrouded in secrecy and the forces that are ranged against any attempt to change that are formidable—within and outwith Parliament. Freedom of information has no meaning in relation to farming. At least if the unfairness to which I have referred were addressed, one of our society's numerous unfairnesses would be put right. Perhaps that would be less than satisfactory to many people, but it is the only thing that I can see being done.

**The Convener:** Thank you very much. I want to be clear—you believe that the fact that the detail of farm aid is shrouded in secrecy is an injustice. Is that right?

**Mr Stewart:** Yes. I would be less than honest if I said that that was not so.

**The Convener:** But you are asking the Parliament to deal with that by creating another injustice—by shrouding legal aid payments in secrecy?

**Mr Stewart:** Let me put it this way. If my petition were to fail, but Parliament were to say that it would achieve the same level of fairness by bringing farming out into the open, my tears would not be copious.

**The Convener:** So it is a sly move.

**Mr Stewart:** Not really. I simply do not want to put Parliament in a position of embarrassment; the problem has been tackled many times, and no one has got anywhere with it.

**The Convener:** You are tackling the problem in stages; let us put it that way.

**Mr Stewart:** The tentacles reach back to Brussels.

**Christine Grahame:** First, I declare an interest. I am a solicitor—still registered, but not practising—and a member of the Law Society. I have also been a legal aid solicitor. Are you a solicitor?

**Mr Stewart:** No. I am a sheep farmer.

**Christine Grahame:** I wondered about that. My second question came to mind because the petition reminds me of a scene from "Blackadder":

"I have a cunning plan." Your plan sounds as cunning as the fox at night. Why not bring the petition in a straightforward manner?

You have an interesting point, but why not ask for the same rules to be brought to bear for farm aid? I heard what you had to say, but I suspect that you will not succeed. After all, the petition will not go to the committee that you think ought to look at it. If it concerns legal aid, it will go to the Justice and Home Affairs Committee. It would be better to be up front, rather than to follow a cunning Blackadder plan.

**Mr Stewart:** I was accused yesterday in *The Scotsman* by Mr Fordyce Maxwell of using a degree of ellipticity—I think that was the phrase—or duplicity. That is actually quite foreign to me. I am not trying to be clever—I am trying to spare Parliament some embarrassment, because it will find that it will not be able to force disclosure of farmers' earnings.

**Christine Grahame:** As a politician, it is almost impossible to embarrass me now and I suspect that the Parliament is beyond embarrassment, too.

**Mr Stewart:** Perhaps my concerns are misplaced in your case, ma'am.

**John Scott (Ayr) (Con):** Taken at face value, there could be confusion: area aid and arable aid are two different things.

**Christine Grahame:** Perhaps you should declare an interest.

**John Scott:** I declare an interest in that I am a sheep farmer—or a general farmer. There are two completely different meanings to the word "aid". To compare the two is unfortunate.

**Mr Stewart:** I cannot agree. Aid is aid. Subsidy is subsidy. Area aid embraces sheep annual premium, beef special premium, arable aid, hill livestock compensatory allowance, less-favoured area allowance—a variety of subsidies. I do not see that those differ in any way from the subsidy given to the legal profession to allow it to dispense justice to people who could not otherwise afford it.

**Ms White:** I am not a farmer, nor a lawyer. The only declaration of interest I have is that I want fairness and more freedom of information for everyone. I admire the way in which you have brought the petition. I would not say that it tickles me, but examining the differences is a good way to bring the matter forward—subtle.

Can we send the petition to the Rural Affairs Committee as well as the Justice and Home Affairs Committee? I am sure that they would see the irony.

**The Convener:** We will discuss that later. Let us deal with questions first.

**Ms White:** I am sorry. I was supposed to ask questions, but most of them have been asked.

**Mr Stewart:** I have one final point to make, if I may. If the economist Mr Sean Rickart's 80:20 distribution prevails in respect of the final 752 farmers, as it likely will, 150 farmers will share £194,400,000, or almost £1.3 million each. The total of £194.4 million is considerably in excess of the total legal aid bill for all the practitioners in Scotland.

**John Scott:** The confusion is that Sean Rickart's figures apply to England. Your figures—the £450 million subsidy—are not being used in a Scottish context; they do not apply here.

**Mr Stewart:** No, that is not the case. Mr Sean Rickart was speaking about Scotland when he wrote his article in *The Scotsman* two weeks ago.

**John Scott:** That is old information.

**Mr Stewart:** It is old in that it is from the previous financial year—the end of April 1999—but that is the most recent information available

**The Convener:** It is doubtful whether the Justice and Home Affairs Committee would be able to debate the issues knowledgeably, but we certainly cannot. The only issue for the Public Petitions Committee is what to do with the petition. It cannot be sent to the Rural Affairs Committee, because in its present form, it has nothing to do with rural affairs. It is unlikely to be sent to the Justice and Home Affairs Committee. If there are no further questions for Mr Stewart, we will move on to discuss that. I thank Mr Stewart.

**Mr Stewart:** Thank you, convener.

**The Convener:** In its present form, the only committee to which the petition can be referred is the Justice and Home Affairs Committee. However, given that the drive behind the petition is not to shroud in secrecy data on legal aid, I am not sure what purpose would be served by sending it to the Justice and Home Affairs Committee.

**Christine Grahame:** It would just make Roseanna Cunningham angry if we sent it to her committee.

**Helen Eadie:** Could we perhaps send the petition to the Minister for Justice, as it was he who brought forward the proposals for freedom of information? It would be interesting to have his feedback on the issues raised.

**The Convener:** We might need to go back to the petitioner to explain that if he wants the Parliament to address an issue such as aid to farmers, he should frame his petition in those terms. We will then take up the matter with the appropriate body. No useful purpose would be served by involving the Minister for Justice or the Justice and Home Affairs Committee, as that is not



the petition's aim.

Is it agreed that we will write to the petitioner to explain that if he wants to address farm aid, he must present the petition in those terms, and to say that we will then ensure that the petition is dealt with by the appropriate committee here or, if need be, at Westminster?

**John Scott:** Will we consider his petition then?

**The Convener:** Yes.

**Members indicated agreement.**

**The Convener:** The third petition for consideration is from Mr Robert Durward, on behalf of the Scottish members of the British Aggregates Association, on the new aggregates tax introduced by the Chancellor of the Exchequer. A briefing paper was handed to members when they came in, which contains additional information provided by the British Aggregates Association in relation to the petition. I invite Mr Durward to speak.

14:30

**Mr Robert Durward (British Aggregates Association):** Thank you. The Treasury's proposal to introduce a heavy tax on all aggregate production will cause particular damage in Scotland. Although the tax is being presented as an environmental tax, there will be little, if any, environmental benefit. All that will happen is that many of the smaller operators, who are already struggling, will close down and their staff will lose their jobs.

Lorry movements will multiply, as aggregates will have to be brought in from further afield. Smaller companies will close, because the massive tax is designed to cause a reduction in demand. Local authority road budgets will be depleted. Local government accounts for 40 per cent of all aggregate sales.

The total cost of the tax to Scotland will be more than £62 million. Scotland will be especially hard hit, as a higher percentage of primary aggregate tends to be used, because fewer alternatives are available. The £1.60 per tonne levy represents a 40 to 50 per cent increase in Scotland, compared with 12 to 16 per cent in southern England.

There will be a loss of employment in rural areas. Quarrying is a primary industry, like farming, so ancillary trades and supply companies will be badly affected. Research shows that we will lose 1,700 jobs in the Scottish quarry industry and more than 1,000 jobs in related industries.

We recognise that there is a need to recycle and conserve our resources, but we have already proved that we are well able to achieve that without using a destructive, blunt instrument such

as a quarry tax. The United Kingdom leads the way in Europe on recycling and almost all available material is already being recycled.

We quarry today for exactly the same reason as we have always quarried: because we need stone to provide a strong, inert, cost-effective and durable material to build roads, houses, hospitals and schools. Quarrying is not only a necessary activity, but it provides many environmental benefits. The green movement is being perverse and illogical when it attacks one of our oldest industries, which has no absolutely no active wastes and by-products and has a good environmental record. Furthermore, it is obvious that the Government is using environmental concerns as a Trojan horse to add new taxes.

**The Convener:** Thank you, Mr Durward. Are there any questions?

**Christine Grahame:** This information might be in your submission, but I did not see it. I know that you represent the Scottish members of the British Aggregates Association. How many firms are there?

**Mr Durward:** The British Aggregates Association has 54 members of which 14 are Scottish.

**Christine Grahame:** You might not know this, but perhaps you can give me an idea of how many people are employed in those firms.

**Mr Durward:** Only 3,000 people are directly employed.

**Christine Grahame:** In particular, you made an interesting point about the impact on rural areas. What proportion of firms are in rural areas? I presume that nearly all of them are.

**Mr Durward:** They have to be.

**Christine Grahame:** Yes. They would hardly be based in the middle of Edinburgh. That was a silly question. I wish I had not asked that. Is all of the impact therefore in rural areas?

**Mr Durward:** Yes. The employment tends to be away from the towns.

**Christine Grahame:** That is fine.

**Ms White:** You mentioned that aggregate prices are £10 per tonne in southern England and £4 per tonne in Scotland. How do you explain the difference?

**Mr Durward:** It is to do with supply and demand. Scotland has an overabundance of stone and sandy gravel whereas the south of England is short of stone and is building a lot of infrastructure.

**The Convener:** Has your organisation raised this issue with the Chancellor of the Exchequer?

**Mr Durward:** Yes. We have had a few letters back, but not very useful ones. The department keeps using research that was done two years ago. The chancellor claims that that research shows that he is doing us a favour by charging us only £1.60 per tonne while the research showed that the public were willing to pay as much £15 per household to have the quarry shut down.

**The Convener:** You mentioned in the additional material that you provided to the committee that there may be a contravention of European law. Is anything being done about that?

**Mr Durward:** We have taken legal advice, which has told us that Governments tend to be fairly lax in checking up on other countries' tax laws. There has been a contravention of European law, but it is unlikely that Brussels will do anything about it.

**The Convener:** Your argument is that there is a specifically Scottish dimension to the problem and that that means that the Scottish Parliament should address it.

**Mr Durward:** We use a higher percentage of primary aggregate here because it is so cheap and so good. That seems to be a problem for the Treasury. There is no doubt that the Treasury's proposal will cause severe damage.

**Sandra White:** You say that we have more stone and that it costs less. Would there be a way in which we could create employment by transporting the stone down south? Would high fuel prices make that unfeasible?

**Mr Durward:** The stone can go by sea. We ship stone out of Leith to the continent. Glen Sand, a superquarry on the western seaboard, ships a lot of its aggregate to the home counties.

**The Convener:** Thanks for coming, Mr Durward.

The recommendation is that we pass the petition to the Enterprise and Lifelong Learning Committee and recommend that it consult other committees as it sees fit.

**Helen Eadie:** I support that, but I think we should send it to the Transport and the Environment Committee as well because environmental considerations were part of the rationale for the chancellor's proposal.

**Christine Grahame:** I find this petition very interesting. I think that we should send it to the Rural Affairs Committee as the proposal has an impact on rural communities. That committee should at least be made aware of the petition for information, as should the European Committee, which might want to consider the suggestion that European law has been contravened.

**Helen Eadie:** I think that some European directives are relevant as well.

**John Scott:** I think we should send it to the Justice and Home Affairs Committee because of the European law aspect. I do not know whether we should send it to the Rural Affairs Committee.

**The Convener:** We could send it to the European Committee in the first instance. For the sake of our clerks, who have other responsibilities, I remind members that the Enterprise and Lifelong Learning Committee can consider sending the petition to other committees and that we do not have to do it ourselves. We deal with every petition that comes in to the Parliament and we will create a tremendous work load for our clerks if we continually send every petition to every committee. That would be unfair. We can recommend to the Enterprise and Lifelong Learning Committee that it sends the petition to other committees.

**John Scott:** From my experience as an engineer, I agree with the figures presented by the petitioner. People have lobbied me—in a way that it entirely in keeping with the lobbying rules—about the figures.

**The Convener:** Do we agree to send the petition to the Enterprise and Lifelong Learning Committee with a recommendation that it consider consulting the Transport and the Environment Committee, the Rural Affairs Committee and the European Committee?

**Members indicated agreement.**

**The Convener:** The next two petitions are from William H Watson, on behalf of the Haddington and District Community Council. In the additional papers, we have information from Councillor Charles Ingle, the vice-convener of the environment committee of East Lothian Council. With us to speak about the petition is Mr William Watson.

**Mr William Watson (Haddington and District Community Council):** I am here as a representative of the Haddington and District Community Council and of the parents of the pupils at Haddington Infant School.

Since 1971, it has been known that there has been a problem with road safety at Haddington Infant School. In 1997, East Lothian Council stated that there was a potentially serious road safety problem. The report of HM inspectorate of schools, published on 2 May, states that action should be taken to reduce the risks to pupils from traffic outside the school.

East Lothian Council has often stated that the problem is the fault of parents for driving their children to school and parking in the adjacent narrow streets, but the vast majority of vehicles using those streets are through vehicles. Only a small number and proportion of vehicles are driven by parents. Therefore, we do not accept the logic

of the council's decision to do nothing.

At the community council's meeting on 9 April, East Lothian Council offered a new argument for doing nothing: that there have been insufficient accidents. We do not accept the validity of that argument. Accidents are under-reported and, in any case, we wonder how many accidents it will take for East Lothian Council to act. We argue that there should be a proactive approach to prevent accidents rather than a reactive one after a tragedy.

East Lothian Council has recently granted planning permission for housing at a site called the Maltings, which is adjacent to the school. That approval is subject to ratification by the planning division of the Scottish Executive. The community council believes that the development will exacerbate the present dangerous situation. East Lothian Council has consistently argued that it cannot afford to provide the necessary pedestrian safety measures. That argument seems rather hollow, given that it will receive £200,000 from the sale of small bits of land to permit the development to go ahead. We believe that some of that money should be spent on making the area around the school safer for pedestrians.

On 9 April, East Lothian Council informed the community council that it had other priorities for the money. Given the circumstances of the case, we find it difficult to imagine what higher priority than children's safety there can be.

The situation is not entirely black. Since our campaign started in February, East Lothian Council has undertaken to instigate its safer routes to school programme. However, it has been unable to say what that will entail except for the fact that it will not involve pedestrian safety work. We understand that in the past few weeks, East Lothian Council has undertaken a feasibility study into the improvement works that we have been advocating. Perhaps the fact that we have petitioned the Parliament has something to do with that.

We ask that the committee take up this matter. It appears that East Lothian Council requires only a little more persuasion for it to change its mind.

**The Convener:** Let me clarify the roles of the Scottish Executive planning division and the Scottish Executive inquiry reporters unit. Why does the development at the Maltings have to be ratified by the planning division?

**Mr Watson:** The planning permission is conditional. East Lothian Council has said that it approves the scheme. The important point is that the council will get money from the sale of the land, which is conditional on the planning division giving its approval.

**The Convener:** In what way is the inquiry reporters unit involved?

**Mr Watson:** It is involved with a development at the Briery Bank site, which is at an earlier stage. I want the committee to take a particular interest in the Maltings development.

**The Convener:** The development will not go ahead unless the Scottish Executive planning division ratifies it.

**Mr Watson:** That is correct.

**The Convener:** Right. I understand. Do members have questions for Mr Watson?

**Helen Eadie:** You mentioned safe routes to schools, which is an East Lothian Council initiative. As a parent and part of the action group, have you been in contact with that initiative, which, I believe, is run by Sustrans?

**Mr Watson:** No, not as an individual.

**Helen Eadie:** Are you aware of the initiative?

**Mr Watson:** Personally, no. A number of us are involved in different parts of the action the group is taking. As a group, we met East Lothian Council, which has been unable to tell us at this stage what is involved in that initiative. I have regular meetings with relevant councillors in the area, including Mr Charles Ingle.

**Helen Eadie:** Are you aware that safe routes to schools is a national Sustrans initiative?

**Mr Watson:** I am aware of the document on safer routes to school.

14:45

**Christine Grahame:** I should declare an interest. I am not a petitioner, but I was involved in the presentation of the petitions to the Parliament by assisting Mr Watson and by dealing with the press.

Mr Watson, you repeated the local authority's statement that the situation is all the parents' fault.

**Mr Watson:** That has been the council's position for almost 30 years. In 1971, East Lothian County Council issued for the first time a leaflet to parents that said, "Stop taking your car to school—it causes congestion problems." The council told us that it has never undertaken a traffic survey to identify the problem.

I accept that there is a problem with irresponsible parents taking cars to school and parking as close to it as possible, but I do not accept that that is a reason why the council should not act. We have undertaken our own crude, unscientific survey, which showed that approximately 80 per cent of the cars on the relevant street are through vehicles. Even if no

parents took their cars to school, that would remain a significant problem.

The Maltings development will greatly exacerbate the problem. The location of the site and the nature of the housing are such that it is likely that most of the cars from the site will use that street to commute to Edinburgh. It is also likely that, during the development of the site, most of the construction traffic will also use that street.

**Christine Grahame:** Have you requested the council to undertake a traffic survey?

**Mr Watson:** Yes. Two councillors, including Mr Ingle, gave a verbal undertaking that such a survey would be carried out some time ago—the Maltings development has been bubbling under for a number of years. However, that is no longer East Lothian Council's position—no survey will be undertaken prior to the work being started. Planning permission has been granted in all but name, subject to statutory ratification.

**Christine Grahame:** Does the council accept that this is an accident black spot? Perhaps that is putting it too dramatically, but your papers say that many accidents go unreported.

**Mr Watson:** There was a serious problem in 1997 and, in February 2000, three pedestrian accidents happened in one week, which is why the action group was set up. The accidents were sufficiently serious for East Lothian Council to get to know about them. As parents, we are aware that unreported accidents and incidents take place almost weekly. The incidents are not sufficiently severe to involve the emergency services, but they are severe enough to give us great cause for concern.

**Christine Grahame:** Members have copies of East Lothian Council's minutes for 8 February, which state:

"It was noted that traffic calming measures would probably not have prevented the accidents."

Is it your position that traffic calming measures would have helped to prevent accidents, because of the through traffic?

**Mr Watson:** A number of issues are involved. I accept that traffic calming measures would not prevent all accidents, but they would make accidents more unlikely, and slowing traffic down would make the potential consequences of an accident less severe.

I do not want to go into the details, which are covered in the petition, but there is a particular problem with parked cars. The children involved are very young—car drivers cannot see them behind parked cars and the children cannot see cars coming. We want car drivers to be able to see

that a child is trying to cross the road, or that there is a chance that a child is going to run across the road to another child on the other side of the road. These young children are not aware of the danger.

**Ms White:** Have you ever involved the police during school opening hours, at lunch time or when children are going to school in the morning or coming home at night? Has the council asked the local police to warn parents that they should not park their cars in certain areas outside the school gates?

**Mr Watson:** We do not want to prescribe to East Lothian Council what has to be done; a range of initiatives could be taken to alleviate the problem. It is the council's responsibility to make suggestions, such as putting double yellow lines where people stop. The police say, informally, that that would help them to take action. We want to keep matters informal.

**Ms White:** As a community council, do you not have the right to tell the council what you want it to do for the safety of your children? It is obvious that you have not approached the council in that way.

You mentioned that a 20-mile-an-hour zone is a possible solution. That would not take a long time to implement or involve much statutory consultation—such zones are all over Glasgow, where it takes between three to six months to set them up. Have you mentioned that to the council?

**Mr Watson:** We are trying not to be prescriptive. The council could turn the street concerned into a cul-de-sac, which would greatly alleviate the problem, or it could install chicanes. We do not want to tell the council what to do because there are so many options available to it. We want something to be done, as long as that action is reasonably coherent, but we do not want to say, "You have to do only that."

**Helen Eadie:** Mr Blackie, the director of education, gives in his letter a commitment to establish a safe routes to school project in Haddington from August this year. Have you asked to be involved in the consultation process?

**Mr Watson:** Our wish to be consulted is in our petition to the Parliament. We have also indicated that to Mr Blackie.

**Helen Eadie:** Would the Public Petitions Committee passing on your petition before you get details of what the safe routes to school project will involve be premature?

**Mr Watson:** I understand, informally, that East Lothian Council is waiting to hear from the committee—it is preparing itself.

**Christine Grahame:** We have some power.

**The Convener:** Thank you, Mr Watson.

It is recommended that we pass PE181 to the Minister for Transport and the Environment, asking her to ensure that the issues raised in the petition are taken into account by the planning division and the inquiry reporters unit because that is what the petition requests and it is straightforward.

The other issue to be confronted is less straightforward but, as the papers from Councillor Charles Ingle were made available to most members only today, I am uncertain whether he is acting on behalf of East Lothian Council. He may have written in as an individual councillor. It is suggested that we write formally to the council to ask for a response to PE182. That would give us the council's position, rather than only an individual councillor's position.

**John Scott:** Should we do that before we pass the petition to the minister?

**The Convener:** Two separate issues are involved. The petitioners are asking us to make the Scottish Executive aware of their concerns, which we can do by passing the petition to the minister. She will then make the planning division and the inquiry reporters unit aware of these positions.

The other issue is that the petitioners are almost asking us to get the council to take action. We need to give the council a chance to respond to the petition before we can say that. Councillor Ingle is not writing on behalf of the council.

**Christine Grahame:** There are 1,375 signatures on this petition. It is a bit rich for the local authority to lay the blame at the door of parents. Although, as William Watson quite rightly points out, some parents park on zig-zag lines, the council has been rather dismissive of the parents. Perhaps we could tell the council—in the nicest possible way—that it is wrong and that there has been a breakdown in communication.

**The Convener:** To be fair, the purpose of asking the council to write formally would be for it to give its position.

**Christine Grahame:** The council has sent us the minutes of the meeting.

**The Convener:** Councillor Ingle has not written to us on the council's behalf. We have to give the council a chance to state its position formally.

**Christine Grahame:** But we can refer to the minutes of the meeting of 8 February, which say that

"it was noted that parent/vehicle behaviour was the most significant problem causing traffic congestion in the area".

We could focus on that point when we write to the council, perhaps without being as nippy as I have been. When 1,375 people sign a petition, we should draw the council's attention to the fact that

there might be more to the matter than meets the eye.

**Helen Eadie:** Christine's point about not being nippy is important. The public must acknowledge that there is an issue about parents always driving their children to school; some housing schemes were not built to cope with such a volume of traffic. The council has to use its limited budget to ensure that there are sufficient teachers and books in the classroom. We should tell parents that it would not hurt any of us to walk a wee bit further. We must strike a balance on this issue.

**Christine Grahame:** I agree, but that is not—

**The Convener:** I think it would be fair to draw the council's attention to the fact that we have a petition that has been signed by 1,375 people who believe that this is not just a matter for parents. The committee would like to know the council's position. Can we agree the second part of the request and write to the council? We cannot take Councillor Ingle's correspondence as representative of the council's views.

**Members indicated agreement.**

**The Convener:** Sharon Wright will speak to petition PE184, from the Child Poverty Action Group in Scotland.

**Sharon Wright (Child Poverty Action Group):** I have an additional briefing paper, which might be of use to the committee and could be included in the petition if it is referred to other committees.

**The Convener:** Any additional information would be very helpful.

**Sharon Wright:** What should I do with it?

**The Convener:** Just pass it to the clerk.

**Sharon Wright:** We have collected 2,000 signatures from the public in support of our campaign. The campaign has three aims: to extend entitlement to free school meals to all families receiving the new tax credit; to maximise the take-up of free school meals; and to introduce minimum nutritional standards for school meals and develop nutrition education in schools.

Those aims are extremely important, as 30 per cent of children do not go home to a cooked meal. For some, a school dinner is the only substantial meal they receive in a day. There are clear links between poverty, diet, health and school attainment. Scotland has a particularly poor health record: a recent study has shown that health inequalities are the biggest ever measured and that there is a huge gap between the health of the highest and lowest social classes.

It is clear that something needs to be done for the children and young people in Scotland who are worst affected, and the CPAG believes that school

meals have an important role to play in stopping the cycle of disadvantage.

On the campaign's first aim, before 1988 families in receipt of family income supplement received free school meals. Entitlement stopped when family credit was introduced. Families that now receive the equivalent of family credit—the working families tax credit—do not receive free school meals, despite evidence that working families tax credit does not provide enough money for families to afford basic necessities.

15:00

As for the campaign's second aim, we are asking the Parliament to introduce measures that would cover school meals for all local authorities, even though we recognise that schools and local authorities have responsibility for that area.

Our third aim is also very important, as Scotland has now fallen behind England, which has compulsory nutritional standards for school meals and nutrition education. The Parliament has given a clear commitment to ending child poverty in a generation, but we must invest in the health and education of Scottish schoolchildren because child poverty will not be eradicated until the matter is addressed. We ask that the petition be passed on to the Social Inclusion, Housing and Voluntary Sector Committee and the Education, Culture and Sport Committee and believe that all three aims could be covered by an amendment to the Standards in Scotland's Schools etc Bill, which is currently before the Parliament.

**Helen Eadie:** It is nice to see you again today, Sharon. I see that you have brought the sunshine with you as well.

Do you think that the petition should also go to the Health and Community Care Committee? Furthermore, do you agree that there seems to be a lot of evidence from organisations such as Health Education Board Scotland that what children eat affects their educational attainment in schools?

**Sharon Wright:** Yes.

**John Scott:** In section 4 of your paper, you have outlined options for extension. Which do you think is the best option?

**Sharon Wright:** Ideally, we want all schoolchildren to have free school meals, but that is probably not very viable financially. The options are in order of preference, and the next favoured option is for free school meals to be extended to people receiving the working families tax credit and the disabled persons tax credit.

**Christine Grahame:** How many children in Scotland are currently entitled to free school

meals? Do you have those statistics?

**Sharon Wright:** I think that those figures are included in the briefing paper.

**Christine Grahame:** In the additional briefing paper?

**Sharon Wright:** Yes. On page 3 of the paper there are costings for each of the options we have outlined and figures on the number of children that each option would affect.

**Christine Grahame:** Good. Perhaps the answers to my other questions are also in the paper. How many children take up free school meals?

**Sharon Wright:** Those figures are also in the paper.

**Christine Grahame:** How many would take up school meals if the various options were implemented? Are those figures also in the briefing paper?

**Sharon Wright:** Yes.

**Christine Grahame:** Has anyone from the CPAG submitted or had someone submit an amendment directly to the Education, Culture and Sport Committee?

**Sharon Wright:** I am not too sure about how the process works, but I understand that Kenneth Gibson lodged an amendment with 16 signatures. However, it did not move beyond that point.

We have put much effort into trying to contact different MSPs on committees and have received support from 24 of them. Furthermore, we have written to the Minister for Children and Education, Sam Galbraith, who has said that although the aims are within the Parliament's competence, he is not prepared to do anything about them.

**Christine Grahame:** As most of the members on this committee are also on other committees, we do not have the time to engage in the work of the Education, Culture and Sport Committee. The most direct method for debating a subject in any committee is to lodge an amendment, which you are already doing.

**Helen Eadie:** On page 3 of your briefing note, you mention that swipe cards might be introduced. How widespread is that practice?

**Sharon Wright:** It is becoming more common. I understand that cards have been introduced in Angus and Glasgow, and there are plans to introduce them in Fife. I do not know how far those plans have been developed.

**Helen Eadie:** Swipe cards raise concerns about stigmatising children who use them.

**Sharon Wright:** That is right.

**Christine Grahame:** I have now had a glance at your additional briefing paper. Although you have supplied costings for your options, there are no figures for the number of children who will be affected. That information would be quite useful.

**Sharon Wright:** Okay.

**The Convener:** In your introduction, you said that family income supplement, which guaranteed free school meals, was replaced by family credit. In what year was that?

**Sharon Wright:** It was in 1988.

**The Convener:** Thanks very much.

During our questioning, several recommendations became clear. The Education, Culture and Sport Committee should be the lead committee, as it is considering the bill. We should suggest that that committee also consult the Social Inclusion, Housing and Voluntary Sector Committee and the Health and Community Care Committee. This is an important issue.

When I was a school teacher there was one rogue called Billy Stewart who used to hide in the bushes until the bell rang for dinner, when he would come in. He then plugged again in the afternoon—to everybody's delight, as he was a terror when he was in the school.

**Christine Grahame:** Is this committee therapeutic for you, John?

**The Convener:** It is much easier than teaching third-years on a Friday afternoon.

The next petition is from Mr Frank Harvey—again. There are additional papers from Mr Harvey in support of this latest petition, which asks the Parliament to make representations to the Prime Minister about the tenders for the roll-on-roll-off ferries that are required by the Ministry of Defence. Mr Harvey asks the Parliament to lobby on behalf of the Govan shipyard.

In the briefing note, Henry McLeish makes it clear that the Scottish Executive, with the Scotland Office, is already making representations on this matter to the Prime Minister, the Secretary of State for Defence, and the Secretary of State for Trade and Industry. The suggestion is that we pass this petition to him and ask him to act on it as appropriate. The additional information seems to be to do with D-day or something—I am not quite sure. We will pass on the additional information to Mr McLeish as well. Are we agreed?

**Members indicated agreement.**

**The Convener:** The next petition is from Steve Ratcliffe, on the cost of the new Parliament building. He is asking the Parliament to publish a full and concise report of the costs of the new building. We are aware of the recent decision of

the Scottish Parliamentary Corporate Body to establish a progress group to consider that issue. I understand that that group is in the process of being established, as certain difficulties are associated with it. In the absence of that progress group, I suggest that we pass this petition to the SPCB and ask it to confirm the current position in writing to the petitioner. Are we agreed?

**Members indicated agreement.**

**Ms White:** Perhaps we could get a copy of that response.

**Christine Grahame:** Just the edited highlights.

**The Convener:** The next petition is from Thomas McKissock, and concerns hepatitis C infection. It calls for the Parliament to take steps to establish a scheme for compensation, to assist people in Scotland who have contracted hepatitis C as a consequence of infected blood transfusions.

The issue is similar to that which was addressed by petition PE45, which has been passed to the Health and Community Care Committee. That committee is awaiting the outcome of an Executive inquiry into the matter. The suggestion is that we pass this petition to the committee and ask it to consider it with petition PE45 when it responds to that Executive inquiry. Are we agreed?

**Members indicated agreement.**

**The Convener:** Petition PE186 is from the National Federation of Sub Postmasters and calls on the Parliament to influence the Government at Westminster, in whatever way possible, to prevent the introduction of an automatic credit transfer system and to resurrect the Benefits Agency swipe card for the payment of benefits at post offices.

The subject of this petition is similar to issues that we have considered previously, in the context of the closure of sub-post offices following changes to the system of benefit payments. Those petitions were passed on to the Rural Affairs Committee and the Enterprise and Lifelong Learning Committee and I suggest that we treat this petition likewise. Are we agreed?

**Members indicated agreement.**

**The Convener:** The next petition is from the Scottish Gamekeepers Association and concerns the culling of raptors. This is an old issue, on which the association used to petition the Westminster Parliament.

The committee note states that the Department of the Environment, Transport and the Regions set up a UK raptor working group, which published a report in February, which was the culmination of five years' work into this issue. That report makes clear that the EC Wild Birds Directive allows lethal control as a legal option only in particular

circumstances. The report ruled out the lethal control of raptors.

Committee members have details of the UK raptor working group, which does not include the petitioners, the Scottish Gamekeepers Association. The Rural Affairs Committee and the Transport and the Environment Committee are to take further evidence on the raptor working group's report as part of their consideration of a previous petition that we passed on to them. It is suggested that we pass this petition to those committees and ask them to include it in their consideration of the raptor working group's report.

**Helen Eadie:** I could give you more information, convener. I have been appointed as the reporter to the Rural Affairs Committee on this issue. That committee's team, which has been appointed to the Transport and the Environment Committee on the issue, is Cathy Peattie and Alex Fergusson. You might want to ensure that those members receive a copy of the petition as well.

**The Convener:** Okay. Is that agreed?

*Members indicated agreement.*

**The Convener:** Petition PE188 is from Russ McLean and calls on the Scottish Parliament to enable Caledonian MacBrayne to take over the Campbeltown to Ballycastle route,

"which is critically important to the fragile economies of Argyll and Antrim."

It is suggested that this petition should be passed to the Transport and the Environment Committee for further consideration, or directly to the Minister for Transport and the Environment, requesting her comments. What are the committee's views? Should the petition be passed to the committee or to the minister?

**Christine Grahame:** I have to claim ignorance, convener, about the urgency of this matter. If it is urgent, the petition should be passed to the minister. There is no indication of the urgency.

**The Convener:** There is. There are more than 3,000 names on the petition.

**Christine Grahame:** Yes. I recognise the weight of that. If something is really under threat, we normally approach the minister directly.

**The Convener:** Perhaps Helen Eadie knows whether the Transport and the Environment Committee intends to consider the matter.

**Helen Eadie:** I do not know the urgency of the issue or the time scale. We should send the petition to both the committee and the minister, as a belt-and-braces operation.

**John Scott:** There is enormous urgency to this issue. The ferry service was withdrawn after the summer. The situation is desperately affecting the

local economy, as people do not know whether to prepare brochures and local tourist attractions and hotels cannot be properly advertised.

**The Convener:** Can we agree to send the petition to the minister for urgent consideration, and copy it to the Transport and the Environment Committee for its information?

**Ms White:** Was this not the subject of a ministerial question last week?

**The Convener:** Yes. The contract is being put out to tender.

**Ms White:** Has Sarah Boyack replied to the question that was put to her? If so, it would be helpful to have a wee look at that. The petition should be passed to the minister, but she may already have addressed the issue.

**Christine Grahame:** If the petition is to be passed to the Transport and the Environment Committee, it might be useful—although this might not be part of our developing remit—to ask Mr McLean whether he has anything to add that might help the committee to decide on the urgency of the matter.

**John Scott:** Perhaps the petition should be sent to the Rural Affairs Committee as well, given that a remote rural area would be seriously affected by the withdrawal of the service.

**The Convener:** If we send the petition to the minister, asking her to respond, we can send copies of it to the Transport and the Environment Committee and the Rural Affairs Committee for their information. We can also write back to the petitioner, asking whether he has any evidence to support the urgency of this matter.

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

**Ms White:** We could point out that there are more than 3,000 signatures on the petition.

**The Convener:** Okay. Are we agreed?

*Members indicated agreement.*

**The Convener:** The final petition, PE189, is from St Michael's parish church, on marriage guidelines.

**Christine Grahame:** St Michen's.

**The Convener:** St who?

**Christine Grahame:** St Michen.

**The Convener:** St Michen's? It looks like St Michael's to me. Never mind.

The petition calls for guidelines that affirm the centrality of marriage to a family society in the legislation that is to replace section 2A of the Local Government Act 1986. As the Local Government Committee is dealing with this matter, it is



recommended that we refer this petition to that committee, to take it into consideration when it deals with that part of the Ethical Standards in Public Life etc (Scotland) Bill. Are we agreed?

**Members** *indicated agreement.*

## Current Petitions

**The Convener:** We now move to the current petitions. We have received several responses, which are among the additional papers that have been circulated to members. The first is the response from the Scottish Executive to petition PE47 from Mr James Strang. He petitioned the Parliament about Henry McLeish misinforming the House of Commons over the Scottish Legal Aid Board and its goings-on. It also concerns what Mr Strang claimed was the misapplication of the regulations by the Scottish Legal Aid Board.

There is a full response to Mr Strang's concerns from Mr Ian Allen of the justice department, who seems to have answered the points that have been raised in the petition. I believe that it would be appropriate for us to copy the letter to the petitioner and to leave the matter at that. Does anyone think that something else should be done?

**Helen Eadie:** I think that what you suggest is reasonable.

15:15

**The Convener:** The original petition was based on comments that Henry McLeish made in the House of Commons, which Mr Strang, who is a student of law, thought were misleading. However, the justice department has given a full explanation, pointing out that it would ultimately be a matter for the courts to determine whether the regulations had been applied incorrectly. It is not open to the Scottish Parliament to instruct the board on the correct interpretation of regulations, as that is a legal matter. As the letter answers Mr Strang's points in full, we should pass it to him and leave the matter there.

The next update is on the petition on Carrick Street Halls in Ayr, PE130. We have received a reply from the chief executive of South Ayrshire Council to my letter. It sets out the council's position and states that the lunch club at the centre is no longer functioning, but that all the other groups and activities will continue to be accommodated during the six-month extension period. He claims that the only equipment that has been removed is

"office equipment or equipment from the main kitchen (which is no longer in use)."

He points out that

"alternative suppliers . . . have now been found for almost all of the Lunch Clubs in South Ayrshire from which the Council has withdrawn its subsidy."

The question is whether there is anything more that we can do in this case. We achieved some breathing space for the people at Carrick Street

Halls.

**John Scott:** It is essentially Churches that are running lunch clubs in Ayr and elsewhere in Ayrshire. However, the council's response is misleading in that the halls are open only between 1 pm and 3 pm. The council is determined to close the halls and will do so. I am not sure what we can do. The council has taken a decision on grounds on which it is perfectly competent to act. The consequences have been the subject of much debate.

**The Convener:** They may indeed have had an influence on why you are here.

**John Scott:** I suspect that they had a big influence. I do not know what we can do, although I would be delighted to hear any suggestion.

**Christine Grahame:** We have a wee problem with the lunch clubs. I am not pointing a finger at anyone. We wanted everything to remain in place pro tem. In the *Official Report*, it is clear that we wanted the lunch club facilities to remain and no equipment to be removed, but the letter that we sent did not raise the issue of the lunch club. The lunch club is the key, because hundreds of people turned up for it. I do not want to get into the matter of the letter at the moment—perhaps we will deal with it when we discuss how the committee is going.

It is all very well to say that the lunch club

“is the only service which is no longer available in the Halls”,

but it is the one for which the hundreds of people came and which created the social binding of the group. That statement is not very smart of the council. Like John Scott, I keep myself up to date on this matter and know that there are issues on the go that may allow a new Carrick Street Halls to rise from the ashes, if the council can get moving. However, it is difficult to know what to say to the council. The problem lies partly in the terms of our original letter. Many of the groups of older people have now dissipated and the heart of the halls has been knocked out. However, the political will still exists in Ayr to hold the council to account for this.

**John Scott:** The council definitely will be held to account. A sense of community is emerging to replace the Carrick Street Halls, which the Churches are rallying round to support.

**Christine Grahame:** As are businesses.

**John Scott:** The bottom line, as George Thorley pointed out in his previous letter, is that the council believes that it has £5 million less to spend this year, £6 million less to spend next year and £7 million less to spend thereafter, which represents a total cut of £18 million. It is against that background that the council has reached its

decision.

**The Convener:** You are right that the decisions have been taken wholly within the council's powers and that it is not for us to question them. However, the reasons for the decisions can certainly be questioned politically, by individual MSPs and parties rather than by the committee. At the local government and Scottish Parliament elections, those who are responsible will be held to account. The committee can do no more than bring the matter into the public domain and make the situation clear to people.

**John Scott:** We would be going beyond our powers—the convener will correct me if I am wrong—if we sat in judgment on a council that was exercising its legal power.

**The Convener:** That will be a major element of our discussion on the handling of petitions. It is not within the remit of the committee to hold local government to account, as that is done by the people of Scotland. We can merely try to ensure that petitions that are submitted to us are dealt with properly. In this case, the council has dealt with the petition—we may not like the answer, but the council will be held to account by the people who vote for it rather than by us.

**Christine Grahame:** Could we perhaps express our concern—as a final bit of thunder—that the lunch club that was at the heart of the halls was closed? We can question whether that was really necessary.

**John Scott:** Without wishing to be political—

**Christine Grahame:** Go ahead, John—I am ready for you.

**John Scott:** I am not trying to be political. An alternative budget was presented to the council, which would have made cuts in a different area and would have kept the lunch clubs going. However, the council made its decisions and had its reasons for doing what it did.

**The Convener:** It is difficult for an all-party committee to take a position on a political issue. Choosing between two budgets is a political decision.

**Christine Grahame:** I was not really making a political point. We are dealing with all these older people, who are ill and are getting dispossessed. It would perhaps have been prudent for the council to have consulted them more, and then, if closure was inevitable, to have maintained the lunch club until it had to move. The council has left a shadow of what was there before. That was unkind.

**The Convener:** We could frame a letter in response to the council's letter, thanking it for the information and drawing its attention to the fact that our original letter was perhaps not drafted in

the right terms.

**John Scott:** Did we ask the council to outline its future plans?

**The Convener:** I cannot remember.

**Helen Eadie:** We need to note the concern of members, but as Christine Grahame and John Scott are elected representatives in that area, they have the opportunity to express their views locally. The committee has taken the actions that it agreed to take and has received a reply. We do not necessarily like the decision, but the issue is a local one.

**The Convener:** I do not think that we can comment on the decision. The Public Petitions Committee's concern is the petition; that is the only thing on which we can comment.

**Helen Eadie:** We need to draw a line under the issue, as we have received the information for which we asked.

**The Convener:** We could find a form of words that showed that we were concerned that the main service available through the club no longer functioned, although we accept that nothing can be done about that—apart from through local political action.

**Helen Eadie:** I think that that is fair.

**The Convener:** We cannot hold the council to account. That is not our role. We note that the lunch club was the main function of the Carrick Street Halls and it was withdrawn.

**John Scott:** Would there be any point in passing the matter on to another committee?

**The Convener:** The other committees would be in the same position. This is a local government matter; it is not a decision for the Parliament.

**Helen Eadie:** John Scott's suggestion would close the loop. We passed the petition on to other committees in the first place and we should inform them of the final outcome.

**Christine Grahame:** That will be on the web, on the current petitions page.

**The Convener:** Every petition is posted on the website.

The next item is a response to petition PE133. We have a letter from North Lanarkshire Council on the Longriggend Residents Association. As members will see, this is a complicated matter, relating to the different responsibilities of the council, the Scottish Prison Service, the Scottish Executive and the local residents. We have also received a letter from Jill Paterson—sorry, I mean Gil Paterson.

**Christine Grahame:** You will owe him a pint for

that, convener.

**The Convener:** Do not tell him; he is bigger than I am.

Gil Paterson has enclosed a letter that outlines the latest response of the Scottish Prison Service. I am worried about the petition because it has clearly become a legal dispute between the owners of the properties and the Scottish Prison Service. North Lanarkshire Council has made it quite clear that it is not prepared to adopt the pavements and lighting until they have been upgraded to a particular standard. As members will note, that will cost quite a lot of money:

“£200,000 with a further £25,000 required with regard to street lighting.”

A further £40,000 is required for drainage provision.

The dispute is between the Scottish Prison Service, which says that the situation was made clear to the owners in the title deeds of the properties when they were sold, and the owners who think that the Scottish Executive should pick up the bill. That is a legal matter. It is for the courts to decide who is liable; we cannot make the decision. It is suggested that we pass the correspondence to the petitioners.

**Christine Grahame:** Was there not evidence that at some stage the local authority gave the impression that it would take over the responsibility, subject to the systems being brought up to standards? That often happens in private developments; there is more to it than simply the contents of the title deeds.

**Helen Eadie:** If the amenities are not up to adoptable standards, the council will not take over the responsibility.

**Christine Grahame:** I know that. I think that the Scottish Prison Service was going to bring things up to those standards. There is no dispute about what the title deeds say; the debate surrounds what was agreed between the local authority and the residents.

**Helen Eadie:** It is more to do with what was agreed between the Scottish Prison Service and the residents.

**The Convener:** That is the key. The Scottish Prison Service was considering upgrading the amenities but decided against it. Having made that decision, the SPS sold the houses on the basis of the title deeds, which were accepted at that time. Until that matter is resolved, there is not much that we can do.

**Ms White:** Is it not the case that the SPS is going to switch off the lights at the end of the month?

**The Convener:** No. The Scottish Prison Service will stop paying the bills, which will be redirected to the owner-occupiers. There is no question of the lights being turned off.

**Ms White:** Just as well it is the summer.

**The Convener:** This is a legal dispute between the owners and the SPS.

**Christine Grahame:** There is an issue about the SPS making an undertaking at some point to bring the amenities up to standard and not doing it. It is more than just a dispute about title deeds.

**Helen Eadie:** It depends what happened when the SPS withdrew the offer. Someone must have agreed to that somewhere along the line.

**The Convener:** I do not think that a firm commitment was given.

**John Scott:** That is an issue for the courts to settle, rather than the Public Petitions Committee.

**The Convener:** If it can be proved in court that there was a commitment, the SPS will be expected to carry out the upgrading.

**Ms White:** The local authority might have to adopt certain aspects. The letter says that that comes under the Roads (Scotland) Act 1984.

**Helen Eadie:** The residents cannot make the local authority bring the amenities up to standard.

**Ms White:** Unless it is in a dangerous condition. The Longriggend residents would have been better off if the roads were in a dangerous condition, because that would mean that the local authority had to adopt them. That is a catch-22 situation.

**Helen Eadie:** I am not sure that that would work.

**The Convener:** We have the response to the letter, which we can pass on to the petitioners. Is that agreed?

**Members indicated agreement.**

15:30

**The Convener:** The next item is a response from West Lothian Council about PE136 on Training Adults in the Community.

Colin Williamson of TAIC gave evidence to the committee when we met in the Borders. He was very good and has been very energetic in lobbying the Scottish Executive and every committee in the Parliament. The letter from West Lothian Council gives details of the background to the funding of TAIC and the reasons behind the council's decision to withdraw that funding. As the committee knows, the council has offered to provide alternative support for users of the service and funding for individual need assessments.

It seems that there is little else that we can do to assist TAIC, although we can pass on the information that we have received from the council. It is clear that the council will say that it does not have the funding.

**Christine Grahame:** Where did we send the petition?

**The Convener:** We dealt with the matter by writing to West Lothian Council.

**Helen Eadie:** The petitioner phoned me to say that the information that I had given him had been quite useful. After that, I had a discussion with the head of adult education at Fife Council, who told me that she had given him some support and advice about alternative Government funding.

**The Convener:** We passed the petition to the Social Inclusion, Housing and Voluntary Sector Committee, the Enterprise and Lifelong Learning Committee and the Equal Opportunities Committee for further consideration.

The Social Inclusion, Housing and Voluntary Sector Committee has noted the petition and has asked Karen Whitefield to take the issues into account in her report. She is considering overall problems in the voluntary sector, rather than making a recommendation on this specific issue.

**Christine Grahame:** When will the training programme end?

**The Convener:** It has already finished, or rather the funding has ended. The letter says that:

"Alternative support for existing service users will be provided by the Council's own services or by services funded by the Council in the voluntary and not-for-profit sector . . . a budget of £5,000 is available to cover the cost of needs assessment and to provide support to individuals as required."

We could pass that letter on to the Social Inclusion, Housing and Voluntary Sector Committee.

**Christine Grahame:** Could we ask West Lothian Council to specify the nature of the alternative support? That would assist Karen Whitefield and the Social Inclusion, Housing and Voluntary Sector Committee.

I am concerned, because I thought that Colin Williamson made an extraordinarily eloquent presentation and I was persuaded of the merits of the project. The funding represents a tiny amount of the council's education budget. If the project has merit, it should have a good fight for its funding. I want to know what alternative services the council intends to provide.

**Helen Eadie:** I do not disagree with that, although I think that the important element of the letter is the point about individual needs assessment. On the basis of that assessment, the

council will identify whether there is suitable alternative support for the individuals. I expect the council to write back and to tell us that that is what is being undertaken.

The important thing for the council is to ensure that, rather than perpetuating an organisation, individual needs are being met. That will depend on the individual assessment. Seventy-eight people are currently using the services, each of whom will be individually assessed. For some of them, their needs will be met by in-house council services; others will be sent to voluntary organisations. To be fair, the council will not know which person will go to which service until the assessment has been carried out.

The Social Inclusion, Housing and Voluntary Sector Committee is considering the petition, so we will pass this correspondence on for its information and repeat the information to the Equal Opportunities Committee, asking it to take this response into consideration in its handling of the petition. I wish that this committee were all-powerful.

**Christine Grahame:** I wish that it were a big Santa Claus.

**The Convener:** This is a funding issue. All that we can do is pass the information from West Lothian Council to the committees that are considering the petition and ask them to deal with it.

**Christine Grahame:** I sometimes wish that people who are considering these issues did not just receive a piece of paper but heard some of the petitioners, such as that young man. It would give an impetus to their decision that they might not otherwise have had. The problem is that the petitioners have something worth while to say, yet that is filtered by the way in which we operate.

**The Convener:** We could suggest that Karen Whitefield contact them.

**Christine Grahame:** You have answered the question—that would be super.

**John Scott:** As you were so impressed by the young man, could he make representations to the relevant committee?

**The Convener:** That will be a matter for that committee. However, Karen Whitefield is the reporter, so we could write to her and suggest that she speak to this young man, because this committee was particularly impressed by the way in which he presented the information. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** Members have a copy of the final petition, although it is not on the agenda, as this letter came in only today. It is a response from

Argyll and Bute Council to the petition about Toward Primary School; members will recall that Margaret Ewing spoke to the committee about that petition. The main point to note is that we asked the council not to close the school until the Education, Culture and Sport Committee had had a chance to consider the matter. The council has agreed to do so and it should be congratulated on that.

It is suggested that the clerks should pass this letter immediately to the Education, Culture and Sport Committee and ask it to consider the matter urgently. The committee has said that it will consider the petition on 23 May and that there will be a response to it.

**John Scott:** Should we pass the letter to the petitioners?

**The Convener:** By all means we can do that. For the most part, that happens automatically.

## Convener's Report

**The Convener:** Some of us met the European ombudsman, Jacob Soderman, when he visited the Parliament last Wednesday. It was an interesting visit—he gave us information on petitions committees elsewhere in Europe. Public petitions are not dealt with everywhere through a committee, but the European Parliament has such a committee.

Mr Soderman was particularly impressed by the German Länder, which have powerful, effective public petitions committees. He drew a distinction between the role of the public petitions committee and the role of the ombudsman. The ombudsman takes up individual grievances. In fact, we might wish to establish a relationship with him, because some of the petitions that come before us are individual grievances about maladministration, which could be referred to him. He seemed to distinguish between that and policy issues, which are a matter for public petitions committees to deal with. It would be useful to consider experiences elsewhere in Europe. That is something to which we should return. I was impressed by Mr Soderman.

**Christine Grahame:** I feel a visit coming on. Can we make a pitch for this happy little team to visit the Länder? Mr Farrell is grinning.

**John Scott:** Only those who went to the meeting can go. [*Laughter.*]

**Christine Grahame:** I was there.

**Ms White:** I would have liked to be there, to find out what is going on. I volunteered for this committee because it is a great committee.

**The Convener:** What struck me about the meeting with Mr Soderman was that public petitions committees exist elsewhere and play an important role. We should find out more about that.

**Christine Grahame:** It was a jocular comment, but I am serious about visiting the Länder.

**The Convener:** We should return to this, for further consideration.

**John Scott:** It was interesting that, relative to the population of Scotland, there are a low number of complaints to the European ombudsman. Mr Soderman almost implied that he was looking for more work from Scotland. [*Laughter.*]

**Helen Eadie:** That was the inference that I took.

**The Convener:** It could be part of the role of this committee to direct people's attention to the existence of the European ombudsman.

**Christine Grahame:** Did he discuss the Finnish

ombudsman and whether he thought that there would be a role for a Scottish ombudsman? That would take us into areas dealt with by some of the petitions that we receive on planning, and on whether local administration is being carried out properly—although there is a local authority ombudsman.

**The Convener:** There are steps afoot to set up the Scottish equivalent of the Finnish ombudsman. It would be important for us to work closely with that ombudsman. Mr Soderman said that the fact that he is Finnish and is well known in Finland is one of the reasons why Finland has a high level of referrals to the European ombudsman. People in this country may not know about the European ombudsman.

**John Scott:** Given our work load, it would be good to involve others.

**Christine Grahame:** Let it burgeon elsewhere.

**Helen Eadie:** It might not be allowed to burgeon—have you seen *The Courier and Advertiser* today?

**The Convener:** We will come to that during the private meeting. We will not give public credence to that kind of nonsense.

The other part of my report concerns the visit by the delegation from Gauteng Provincial Legislature in South Africa. That visit has been approved. The delegation will visit the Parliament on Monday 22 and Tuesday 23 May. Steve Farrell will give the delegates a briefing on the Monday, but it is suggested that they could meet committee members on the Tuesday. They could have a one-hour buffet lunch with us—that would be Tuesday 23 May at 1 o'clock—and could even attend our scheduled meeting on Tuesday afternoon. We are scheduled to meet in this room, but it would not be appropriate to meet them in here. It is suggested that we put the time of the next meeting back to 3.30 pm. We can then use committee room 1, which would allow the delegation to attend. A 1 o'clock lunch with the delegation would be followed by the meeting at 3.30 pm.

**Christine Grahame:** Starting at 3.30 pm?

**The Convener:** Yes.

**John Scott:** And finishing?

**The Convener:** As quickly as we can.

**John Scott:** I have an appointment at 5 o'clock.

**The Convener:** They have asked to see us working, but we could not bring them in here—there would be no room. There is quite a large number of delegates, I think.

**Steve Farrell (Clerk Team Leader):** I think that there are about seven or eight.

**The Convener:** Is it agreed that we have lunch at 1 o'clock that day and that we meet at 3.30 pm?

**Members** *indicated agreement.*

**Helen Eadie:** Are we still meeting here even when the Parliament is in Glasgow?

**The Convener:** Yes. As far as I know, committee meetings are still in Edinburgh.

**Helen Eadie:** That is what I thought.

**The Convener:** If there is no other business, I declare the public part of the meeting closed.

15:42

*Meeting continued in private until 16:42.*





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