

PUBLIC PETITIONS COMMITTEE

Tuesday 6 June 2000
(*Afternoon*)

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PUBLIC PETITIONS COMMITTEE 10th 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 Fred Collie
Ms Morag McClurg
Ms Isabel Silavi

SENIOR ASSISTANT CLERK

Steve Farrell

ASSISTANT CLERKS

David Igoe
Jane Sutherland

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 6 June 2000

(Afternoon)

[THE CONVENER *opened the meeting at 14:04*]

The Convener (Mr John McAllion): I welcome everyone to the 10th meeting of the Public Petitions Committee this year. Apologies have been tendered by Margaret Smith, who will be unable to attend today's meeting. On paper, our work load is lighter than usual, but I know from experience that that means that we will probably have a longer meeting than usual, as people tend to take advantage of a light agenda to talk more. As usual, when it comes to questioning petitioners, I ask members to keep their contributions to questions, rather than statements about the substance of the petition.

New Petitions

The Convener: Without further ado, we move to the first item on the agenda, which is new petitions. The first petition is petition PE205 from Fred and Maureen Collie on sentencing for murder and other crimes. Fred and Maureen Collie are here and would like to speak to the petition.

Welcome to the Public Petitions Committee. I invite you to take a few minutes to introduce the substance of your petition and to outline why you are asking the Public Petitions Committee to address it. I will then open up the discussion so that members can ask questions.

Mr Fred Collie: Good afternoon, convener and ladies and gentlemen. The first thing that I would like to point out about the petition is that it concerns serious offences committed by offenders with past convictions for similar offences, who have already been shown leniency by the justice system. It does not relate to people at the lower end of the justice system; it relates only to people who have already been shown leniency by the courts and who have continued to offend.

The first issue is murder in the first degree—the premeditated removal of an individual's right to life, particularly in the commission of another crime or to cover up another crime. Generally, such crimes are committed by people who have a long history of offending. I would like the courts to introduce a mandatory, non-parole period of 20 years to protect the public, punish the offender and send out a hard, clear message that the

courts and society will no longer tolerate such behaviour.

Another part of the petition relates to cumulative sentencing of repeat offenders. In cases involving repeat offenders, such as robbery with violence, the offence of violence, as the most serious, takes precedence. Quite often, the robbery is a secondary matter. It has become quite common for the sentence for the secondary offence of robbery or theft to be quite lenient and to be served concurrently. In cases involving offenders with a serial history, I think that it is time for the courts to make the second sentence for the lesser offence stand on its own and for the sentence to be cumulative. That would send another clear message that the offender had reached a level of behaviour where the courts would punish the offender—and protect the public—with a long term of imprisonment.

When somebody is convicted of robbery or theft in a criminal court, the court should automatically order the offender to make restitution. That would spare victims and their families the further stress and financial expense that would be involved in a civil action to recover property. It would be easy for the courts to do that.

The fourth point in the petition deals with allowing parole boards to consider the background of an offender and receive personal submissions from the victims or their families. We ask the Scottish Executive to allow parole boards access to the police's files on offenders. Although there will be concern about the fact that some charges have not been proven in a court, the board—the members of which will be judges and therefore able to give unproven material less weight—will be able to get a fuller picture of the offender.

Unfortunately, doing deals has become common in the legal process. Offenders on their way through the system have been able to plead guilty to lesser offences. For instance, a judge might consider the background of an offender who has progressed to the crime of murder and find two convictions for common assault. Those convictions might mask more serious crimes.

In the case that I have in mind, the records show only that the offender was sentenced to three months in one case of common assault and 12 months in the other. The police files, however, would show that the two charges, to which the offender pleaded guilty—one in 1975 and one in 1986—involved approaching lone females from behind, seizing them, pulling them out of the public area and into a private place, threatening them and forcing them to the ground before being disturbed by someone else. That does not sound like common assault—the intent was far more serious. If those two offences relate to a later charge of murder, the parole board should be able

to look through the case notes. That would give a clear indication of how dangerous the offender was and how likely he was to reoffend. The man that I have in mind was charged with murder in 1999, 13 years after his conviction for common assault and more than 24 years after his first conviction.

Another disturbing thing that I have come across is that the opposition of victims' families to early release is not given much weight by parole boards, as that is what the boards expect to hear. I believe that a personal submission by the victim's family would show the parole boards the devastating effect that such crimes can have.

The Convener: I thank you for focusing on the main issues that you want the Parliament to address in relation to sentencing and parole.

From the papers that you have submitted, we realise the quite horrific circumstances that lie behind your sister's murder and that motivated you to submit your petition. We are all shocked by the circumstances of the murder. You have everyone's sympathy for the heartache that was caused to you and your family.

As you know, this committee can deal only with the petition and what can happen to it. Other committees and agencies have to make the decisions about what to do. I thank you for understanding that and focusing on the issues.

14:15

Christine Grahame (South of Scotland) (SNP): Mr Collie has written to me before and I have written to him, but we dealt with the specifics of the case.

The petition calls for the minimum sentence for murder to be increased. However, as you know, Mr Collie, the sentence for murder is life. Are you asking for the minimum recommendation to be increased?

Mr Collie: Yes. As you know, the chances of an offender serving the mandatory life sentence are almost nil.

Christine Grahame: The Justice and Home Affairs Committee has discussed victim impact statements, which would be available to the parole board. I believe that the Executive is considering the issue in the context of the role of victims and their families in the criminal justice process.

Mr Collie: I understand that that is being considered. However, there is some resistance to the idea of allowing families to make a personal appearance before the board to read a statement rather than simply submitting a written statement. It is important that they be allowed to appear in person.

Christine Grahame: We took evidence from sheriffs about bail appeals and whether to grant bail to people who are accused but not yet convicted. The sheriffs insisted that the best and most comprehensive information available should be before them when they consider bail appeals. Were you aware of that? It ties in to what you were saying about fuller information being available to parole boards.

Mr Collie: Just before I came here, a policeman whom I know quite well told me that there would be changes that would make it easier for judges to see the full records.

Christine Grahame: Yes, that might be part of a comprehensive review of our criminal justice system.

The Convener: Thanks for attending, Mr Collie.

This is a serious matter. As Christine Grahame has highlighted, a number of changes are in the system already. Given the burden under which the Justice and Home Affairs Committee is working, it is suggested that the Public Petitions Committee should keep ownership of this petition and write to the minister asking for a full explanation of the changes that are in the system. When we have that information, we should consider what to do with the petition.

Ms Sandra White (Glasgow) (SNP): I agree with that. Would the issue of bail be incorporated in the review of the criminal justice system that is under way?

The Convener: There is no point asking me.

Christine Grahame: It is better to separate the pre-trial issues from the post-trial issues. The fact that someone is innocent until proven guilty has an effect on the pre-trial situation and bail. The issue that we are discussing today concerns a different situation. I suggest that we keep those issues separate. I would like to ask what the current policy on sentencing is. I know that guidelines are issued by the Lord Advocate. It would be interesting to know what they are and what changes to the system are being considered with regard to the post-conviction involvement of victims and a possible review of sentencing policy.

The Convener: We shall write directly to the Deputy First Minister and Minister for Justice asking him to explain clearly the current policy on sentencing, to clarify the Lord Advocate's guidelines to judges and to say what changes he intends to introduce in the short term. We know that the Justice and Home Affairs Committee is overloaded, but we should copy the correspondence to that committee to let it know that we have taken up the issue. If that committee then wants to take ownership of the issue, it could do so.

Christine Grahame: You should make it clear to Roseanna Cunningham, the convener of the Justice and Home Affairs Committee, that Mr Collie is well aware that there is a mandatory sentence, but that he has concerns about minimum recommendations. I know that Roseanna was concerned about that.

The Convener: We shall make that clear to Roseanna Cunningham. Is that agreed?

Members indicated agreement.

The Convener: The next petition, PE213, from Ms Isabel Silavi and Ms Morag McClurg, concerns rights for disabled children. Both petitioners are present and I invite them to address the committee.

Ms Isabel Silavi: Thank you for giving me the chance to speak in support of my petition, which I have submitted not only because of my own experiences but because I have heard from other parents in similar situations. We repeatedly come across inadequacies in methods used by social service departments to assess our children's needs and feel that that process would be more justly carried out by an independent body. The following example will illustrate what I mean.

My daughter is 10 years old. Her assessment of needs was carried out by a student social worker using the wrong documentation. She was therefore given an assessment for an over-18-year-old, although she was only six at the time. It has taken me until early this year to rectify that. By persevering, I have now managed to get appropriate assessments done on myself and my daughter, which, although they reflect our needs more accurately, are dependent on social funding to provide the services that we are identified as needing. I do not think that that is fair, but it does not happen only to me.

Some children do not fit nicely into labelled boxes. They all have their own individual needs, and the more complex a child's needs are the fewer facilities are available, and not always at local level. It has been difficult for me and for a number of other parents to get the local authorities to listen to us and to allow us to access services in neighbouring local authority areas. They try to persuade us that second best will do. I am sorry, but when my child's future is at stake, second best will not do. I am sure that I speak for most parents when I say that.

Time does not allow me to give more examples, although I have plenty. The services that we are offered often depend on the personal knowledge, interests and experience of an individual social worker. They are therefore not offered to children in an equitable way.

I repeat my request for the Scottish Parliament

to appoint an independent commissioner for the rights of disabled children to ensure that each child gets appropriate and equitable services to meet their individual needs and that reliance on funding from local authorities is taken away.

Ms White: Your petition mentions the possibility of appointing a commissioner, whose functions would include the allocation of funding. If the Executive were to appoint such a person, do you think that any funding from the Executive should be ring-fenced specifically for the care of disabled children? Rather than being distributed to local authorities individually, that money would be in a pool that local authorities could draw on. Would that help?

Ms Morag McClurg: It would help even further if the local authorities were taken out of the picture and each child was seen as an individual with their own needs—each child should have the right to apply to an autonomous organisation, outwith local authority control.

Belle and I have been working on this for almost a year. We have found that the situation with our local authority is not an isolated case. Similar situations occur in most local authority areas in Scotland. There seems to be no equity—it seems to be a matter of luck as to who your social worker happens to be.

Ms White: That answers my questions. Thank you.

Pauline McNeill (Glasgow Kelvin) (Lab): Your petition contains an interesting idea. This committee will not be considering it—it will go somewhere else—but is there any support for it from other organisations?

Ms McClurg: We have spoken to several people, but Belle wanted to write the petition and submit it on her own behalf. She has omitted to say that she was so frustrated with what she was seeing and with hearing other parents say the same thing that she has established a self-help group—Parents for Change—which now has 14 members from Shetland to the Borders.

Christine Grahame: I have great sympathy with the petition but, with my lawyer's hat on, I could see difficulties in defining what is a disabled child. Have you considered that?

Ms McClurg: We have not considered that specifically, although we have explored a number of definitions. As Belle said, it is difficult to find one definition.

Christine Grahame: Did you think that labelling children as disabled might be counter-productive? It might be better if the rights of disabled children were pursued with the rights of other children through a commissioner for children.

Ms McClurg: Yes, perhaps so—as long as each child was considered as an individual with their own needs.

The Convener: Are you aware that the Education, Culture and Sport Committee is considering whether a children's commissioner should be established in Scotland?

Ms McClurg: We are. Although we used the term “disabled” in the petition, we feel that there is a group of children whose needs are quite specific.

The Convener: That would all depend on whether the recommendations for a children's commissioner in Scotland included looking specifically at the rights of children with disabilities.

Ms McClurg: As long as the needs of each child were considered as they were.

The Convener: If the Education, Culture and Sport Committee and the Scottish Executive agreed to establish a children's commissioner, you would not necessarily argue for a separate children's commissioner—

Ms McClurg: As long as—

The Convener:—with the reservations that you have stated.

John Scott (Ayr) (Con): In the petition, you say that a lack of uniformity in the decision-making process is the main difficulty. Would a children's commissioner improve that situation?

Ms McClurg: It would help that there would be an independent commissioner's office where the child's situation would be examined. People there would have experience and expertise to consider the needs of children and what services would help to address those needs. Our experience is that that is currently dependent on the individual social worker who is allocated to the child, which is a matter of luck.

Some social workers have said that they have never researched or had knowledge of, in their words, “the handicap” of the child whom they were dealing with. Therefore, the services that they offered were a best guess based on what was available within the local authority area, regardless of whether it would meet the child's needs.

Helen Eadie (Dunfermline East) (Lab): As a parent, do you have access to your child's record of needs, which every local authority is obliged to have?

Ms McClurg: The record about someone's individual situation? Yes. I can speak about Belle's situation. She has now seen her child's record of needs, although it was not always readily available.

Ms Silavi: I had a record of needs, but the information on it was limited. It did not address my child's needs. As recently as last year, I got the record of needs reopened—it is now tailored to my child's needs—through a lot of perseverance. The school that she was at was totally wrong for her, so she has moved to Glasgow to a better school, which can attend to her needs. I have the record of needs because I now know what information is needed. I had depended on people, because I thought that they knew better than I did, but I was totally misled.

Helen Eadie: Who is responsible for compiling the record of needs?

Ms Silavi: The educational psychologist.

Christine Grahame: It is a long time since I was a teacher, but I understand that people have a statutory right to see the record of needs.

Ms Silavi: I had the records, but I was not aware of what I was entitled to have on them. Nobody gives you any information about that. It is very misleading.

Christine Grahame: I see your point. You relied on the professionals' advice.

Ms Silavi: Yes, and they got it completely wrong.

Christine Grahame: I just wanted to clarify that you were entitled to the records. Did not you have to sign something to say that you endorsed the record?

Ms Silavi: Yes, but I depended on the professionals. Never having had a handicapped child before, I did not know what the procedure was.

The Convener: The argument is that if there were a children's commissioner, there would be somebody to appeal to against a record of needs with which you did not agree, beyond the local authority professional who drew it up.

Ms McClurg: There would also be one agency to go to.

14:30

The Convener: Thank you for coming to give evidence. It has been helpful. We will now discuss what to do with it.

As we know, the Education, Culture and Sport Committee is considering the suggestion of a children's commissioner as part of its on-going inquiry. It is suggested that we pass the petition to that committee as part of that consideration. We could ask the committee to keep other interested committees informed. The Health and Community Care Committee has been mentioned, but I suspect that the Social Inclusion, Housing and

Voluntary Sector Committee would also want to be kept informed.

Helen Eadie: The Equal Opportunities Committee may also be interested in the disability aspect.

The Convener: Yes. We will pass the petition to the Education, Culture and Sport Committee, but ask it to keep all those other committees informed of how the petition is being handled. We will keep the petitioners informed of progress. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE206 from Mr Steven Birrell on the webcast for the Parliament. The petition calls on the Parliament to ascertain the feasibility of a permanent webcast facility, which would cover not only proceedings in the chamber, but non-private committee meetings once the Parliament returns to Edinburgh.

Since the petition was submitted, information has been passed to me by Alan Smart, who deals with the webcast in the Parliament. Seemingly, the Scottish Parliamentary Corporate Body considered an extension of the webcast at its meeting this morning. I do not know what the outcome was, but the suggestion is that the webcast of the main chamber should continue for the moment. A few pilot schemes, providing coverage of committees, may be run between now and the recess so that concrete proposals can be reached for September. In the circumstances, we should pass the petition to the SPCB, asking it to consider the petition as part of its deliberations.

Christine Grahame: I want to put on record Alan Smart's enthusiasm for the idea, which is wonderful. I wish him the best of luck.

The Convener: He also provided this paper.

Christine Grahame: I know. He is so enthusiastic. It is really nice to see a man who loves his job like that.

Helen Eadie: He chased us down the road, such was his enthusiasm to ensure that we had all the paperwork.

The Convener: We will agree to send the petition to the SPCB for consideration and a response. We will keep the petitioner informed. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE207 from Gordon Clyde Ford on behalf of Mearns community council on public-friendly planning. It requests that the Scottish Parliament

"Introduce a more 'Public Friendly' planning system. Grant objectors to a 'development' exactly the same rights as the Developers."

The petition is very similar to various other petitions that we have received and passed to the Transport and the Environment Committee. The suggestion is that we pass this one to that committee for members to consider along with the other petitions calling for the same thing.

Christine Grahame: Did we send the other petitions to the Local Government Committee? I cannot remember, but I suspect that that would be appropriate.

The Convener: Yes, we did. Shall we copy this one to the Local Government Committee as well as to the Transport and the Environment Committee? Is that agreed?

Members indicated agreement.

The Convener: Petition PE208, with 320 signatures, is from Douglas Hardie on behalf of the Melrose Traders Association on car parking charges in Melrose. The petition calls on the Scottish Parliament to review all aspects of the proposed car parking charges in Melrose and to urge Scottish Borders Council and Historic Scotland to rethink those proposals for reasons to do with the adverse effect that they will have on tourism, local businesses and so on. This matter is for the Scottish Borders Council—it is not for the Parliament to become involved. However, given the claims that the petitioners have made about the lack of consultation, perhaps the clerk should write to the council, asking for a response to the comments made in the petition. We could then consider it further.

Christine Grahame: I think that I can rebuild my street cred with Euan Robson. I suggest that it would be courteous to send a copy of the petition to him, as he is the constituency MSP, in case he has not been notified about it. I am trying to kiss and make up with him.

The Convener: Okay. Are we agreed?

Members indicated agreement.

John Scott: Are we establishing a precedent?

The Convener: That might be the case. However, we will discuss those issues at the next meeting of the Public Petitions Committee.

The next petition is PE209 from Age Concern Dundonald and is about care of the elderly in South Ayrshire. The petition calls on the Parliament to investigate the reasons for the termination of support for care of the elderly by South Ayrshire Council and to consider the implications that that decision will have for future community care demands.

At our previous meeting, we considered a petition from Irvine Pensioners Action Group, which raised the issue of warden provision in sheltered housing in North Ayrshire. We passed

that petition to the Social Inclusion, Housing and Voluntary Sector Committee and to the Deputy Minister for Community Care for information. We have also dealt with a petition about the Carrick Street Halls in Ayr, and it has been established that the decision to remove subsidies for lunch clubs was reached by South Ayrshire Council in the face of competing financial priorities—that is clearly a matter for the local authority.

It is suggested that we should pass the petition to the Social Inclusion, Housing and Voluntary Sector Committee, as we did with the petition from Irvine Pensioners Action Group. Members will recall that, after we dealt with that petition, we received a letter from North Ayrshire Council, which disputed the claims made in that petition. We copied that letter and the petition to the Social Inclusion, Housing and Voluntary Sector Committee.

In view of the more general issues raised in PE209 about care of the elderly in the community, I suggest that we should also pass it to the Health and Community Care Committee for that committee's consideration. Are there any objections?

John Scott: Not at all. However, I wonder whether we should also send the petition to the Local Government Committee, because community care is a huge issue for local government in my area. We ain't seen nothing yet, because there is talk of further cuts in South Ayrshire Council's budget, which it says are central Government cuts. This is only the tip of the iceberg in Ayrshire. We are looking at the withdrawal of warden cover throughout many sheltered housing homes and at the possibility of those homes being sold off, to meet the council's debts, or rather to meet the burden of the council's financial obligations. I think that the Local Government Committee should also consider the issue.

The Convener: Only one committee can deal with the petition—we have already passed the petition from the Irvine Pensioners Action Group to the Social Inclusion, Housing and Voluntary Sector Committee. We could copy PE209 to the Local Government Committee for information, but we must appoint a lead committee to deal with each petition—we cannot have two committees dealing with a petition at the same time.

John Scott: Following proper protocol is fair enough.

The Convener: Shall we copy PE209 to the Local Government Committee, for information?

John Scott: Perhaps we should copy it to the Finance Committee as well. That is Christine Grahame's suggestion.

The Convener: We could ask the Social Inclusion, Housing and Voluntary Sector Committee to consult the Local Government Committee and the Finance Committee about the implications of the petitions.

John Scott: That would be fine.

Christine Grahame: The point is that the petitions raise issues about the local government settlement.

The Convener: We will make that clear to the Social Inclusion, Housing and Voluntary Sector Committee when we pass PE209 to it.

The next petition says that it is from the Dunfermline Press Group, but, in fact, it is from the Dunfermline Press Group and the *Fife Free Press*, which have submitted joint petitions on car parking charges in the Queen Margaret, Victoria and Forth Park hospitals. The local MSP, Marilyn Livingstone, asked me to tender her apologies for this item—she is attending a funeral this afternoon. However, she wanted to express her support and that of the local authority for the *Fife Free Press* petition. As members will see, the petition calls on the Parliament to

“do all in its power to ensure that parking charges are not imposed”.

We have received a number of similar petitions, all of which have been passed to the Fife Acute Hospitals NHS Trust and to the Minister for Health and Community Care for her comment on whether the trust's response complies with Government guidance.

We were intending to wait until all the petitions had been received before sending them to Susan Deacon, and it is now suggested that we do so now, in order to ask for her comments.

Helen Eadie: I want to say a word about the petition, as I am also one of the Fife MSPs—the Dunfermline Press Group is in my area. I want to tell the committee about the strong feelings on the issue in my constituency.

Last week, I visited the chief executive of Fife Acute Hospitals NHS Trust, Mr John Connaghan. Members will recall that, at the previous meeting, we received a letter from Mr Connaghan in response to a petition from Frank Harvey. I would like to raise the question of what happens when a chief executive, or anyone else, misleads the committee. One of the points raised in the letter was that of consultation, which is a key issue for the Public Petitions Committee. In his letter, he says that he has consulted all Fife MSPs on the issue of car parking charges. When I spoke to him, I asked him when exactly he had consulted the others and me. When he was pinned down, he said that he had spoken only to Scott Barrie, Tricia Marwick and Marilyn Livingstone; that was at their

instigation, rather than his.

When I went on to discuss the issue of consultation in general, I discovered that the guidelines had not been changed in 25 years. That is a general issue which the Parliament should consider. I have written to the Minister for Health and Community Care on the matter, and the committee might like to do the same. Consultation methods and approaches have changed in the past 25 years, and I would like us to convey that to the minister. We should also express our concern about a chief executive of a health trust misleading us on the issue.

The Convener: There is a letter on file from the chief executive of the trust, in which he withdraws the claim made in his previous letter.

Helen Eadie: That is because I spoke to him. He said that he would send us a letter forthwith.

The Convener: His letter says that he consulted some MSPs, rather than all Fife MSPs. The purpose of sending the petitions to Susan Deacon is to establish what the guidelines are and when they were last reviewed, specifically whether they have been reviewed in the past 25 years. It is open to us to make clear to the minister our concern about the trend, which has become apparent in Fife in particular, towards the introduction of car park charges and the local opposition to such charges.

Helen Eadie: If you will forgive me for saying so, I do not think that that is strong enough.

The Convener: Give me the words and I will put them in.

Helen Eadie: When does consultation become consultation? Mr Connaghan said that he had consulted us, but I know for a fact that he did not; MSPs made approaches to express public concern. In other words, he did not write and invite MSPs to take part in consultation; he waited until he received representations from some MSPs. That brings us to the general issue of when consultation is consultation and when it is simply reaction. I am very angry about that in the context of the Fife case.

Pauline McNeill: I agree that the convener's suggestion does not go far enough. We have to be careful about what we say in this committee, because it is not for us to make a judgment about the content, and that is something of which we must always be mindful. Although I agree with Helen Eadie's comments about consultation and people misleading the committee, the central issue is not consultation, but whether it is acceptable for any NHS trust to start charging for a parking provision that has always been there. There is a difference between that and the funding of new car parks.

We are right to ask the minister to pay special attention to the fact that we keep receiving petitions such as this one. We should say that we would like her to address the concerns relating to the principle of trusts being allowed to introduce charges for pre-existing facilities. Even that might go beyond our remit, so I will leave it up to the convener.

Helen Eadie: I agree 200 per cent with those points.

Pauline McNeill: We can tell the minister or the convener of the Health and Community Care Committee that the Public Petitions Committee wants to draw attention to the fact that the issue is recurring in different parts of Scotland and should not be ignored.

Christine Grahame: I understand why one would distinguish between long-standing and new car parks, but I do not think that the situation is any different. The principle is whether people should be charged to park in hospital grounds when they visit sick friends and relatives. The principle is important because conceivably one might be charged for using other facilities within the premises.

The question is whether this is all part of the national health service, which is free at the point of use and paid for elsewhere, or whether it is something else that we are talking about. I think that it belongs to the first category.

14:45

The Convener: You are talking about the way in which we handle the substance of the petition, rather than the petition itself.

Christine Grahame: The question—

The Convener: It is for the Health and Community Care Committee to decide how to deal with the substance of the petition. We do not know all the facts. Tayside Health Board has long charged for car parking in hospitals.

Christine Grahame: That does not make it right.

The Convener: No, but we must know the facts before we decide what to do with the petition. In writing to the minister, we should ask her to make clear the national guidelines on car parking charges, so that we can assess whether the petitions have substance. When we receive an answer, we can decide what to do with them and make recommendations.

I suggest that, in the first instance, we draw Susan Deacon's attention to the issues that have arisen in the petitions and ask her to clarify what the Executive is doing in relation to them. We can then consider how best to deal with the petitions. I

am reluctant to make recommendations, as that would be interfering in the remit of other committees. It is not for this committee to decide what should be done about car parking charges.

Helen Eadie: I agree with your proposed course of action. Pauline McNeill's point is the most important, and there should be consultation, but it is also important to know where the substance of the petition will be tackled. I hope that we can lodge an amendment to the forthcoming transport bill, to ensure that there will be no car parking charges at hospitals anywhere. As a member of the Transport and the Environment Committee, I will consult my colleagues on whether that would be feasible.

The Convener: Is it a transport issue?

Helen Eadie: The transport bill is coming out today, and the legislation on car parking charges will be an enabling part of the bill. It will enable local authorities and other agencies to determine which car parking charges to choose in their areas. It will be a devolved matter for local government and health boards. We should consider lodging an amendment to that bill.

The Convener: When we hear from the minister, we should consider involving both the Health and Community Care Committee and the Transport and the Environment Committee. The Health and Community Care Committee would probably be the lead committee, but we could keep the Transport and the Environment Committee informed of what is happening. Is that agreed?

Members indicated agreement.

The Convener: Thank you.

The next petition is from Mr Andrew Gladstone, calling on the Parliament not to proceed with the Protection of Wild Mammals (Scotland) Bill—the member's bill that was introduced by Mike Watson. The issue is being addressed by the Rural Affairs Committee, so we should refer the petition to that committee for consideration. Is that agreed?

Members indicated agreement.

The Convener: The next petition is from the District Courts Association, calling on the Scottish Parliament to delete all proposals in chapter 2 of the Bail, Judicial Appointments etc (Scotland) Bill that deal with justices of the peace.

The District Courts Association has already given evidence on the issue to the Justice and Home Affairs Committee, and the matter is under consideration. I suggest that we pass the petition to that committee, to supplement the oral evidence that has been submitted.

Christine Grahame: We should note that we

have already taken evidence on the matter. The minister should also be informed, as there might be some problems with that chapter of the bill. We are drafting our stage 1 report, which will be discussed tomorrow.

The Convener: Local JPs have been lobbying me, and I suspect that other members have been approached as well.

Christine Grahame: The evidence is in the Justice and Home Affairs Committee's report. We should note the petition and pass it on to the Minister for Justice, as he might be thinking of amending that chapter of the bill.

The Convener: We will pass the petition to the Justice and Home Affairs Committee and copy it to the Minister for Justice, asking him to take note of it. Is that agreed?

Members indicated agreement.

The Convener: The final new petition today is from Anne Dundas, on behalf of various patients—and their friends and relatives—of the Scottish cardiac transplant unit. I think that we were lobbied about that during our sojourn in Glasgow.

The petition calls on the Parliament to investigate the current recruitment crisis in the cardiac transplant unit at Glasgow royal infirmary and to establish what action will be taken to re-establish the cardiac transplant service as soon as possible. Again, that is a matter for the Health and Community Care Committee and I suggest that we pass it to that committee.

Pauline McNeill: I feel that this is more a matter for the minister.

I have to declare an interest as the unit is in my constituency and I have been involved in the matter. I am sure that those questions have never been put directly to the minister, except during the parliamentary debate.

The Convener: The question is whether we or the Health and Community Care Committee put those questions to the minister.

Ms White: The petition should go to both the Health and Community Care Committee and Susan Deacon. I know that we cannot tell the committees what to do, but I would like something similar to the Stobhill inquiry to happen. We could advise that Mr Spry or Susan Deacon should answer questions at a meeting of the Health and Community Care Committee.

The Convener: The question is how we approach the matter tactically. If we approach the minister directly, in a sense we are rumbling into the remit of the Health and Community Care Committee, which might resent our doing that. We could recommend that that committee ask the minister to answer on the details.

Ms White: Perhaps that would be the right way to approach the matter.

The Convener: I am anxious that we do not ruffle the feathers of other committees because we have to keep them on side. Is it agreed that we pass the petition to the Health and Community Care Committee, with the recommendation that it should raise the matters that the petition identifies with the minister?

Christine Grahame: Why are we not asking the health trust in Glasgow for a response?

Ms White: I suggested that Mr Spry be asked to the Health and Community Care Committee.

Christine Grahame: Why do we not ask Mr Spry for a response?

Pauline McNeill: We would have to ask the chief executive of North Glasgow University Hospitals NHS Trust. Chris Spry would have nothing to do with it.

The Convener: Although the unit is provided by the local health trust, it is funded directly by the Scottish Executive and is a national facility that serves the whole of Scotland, so it is not really the responsibility of the health trust.

Ms White: Although the unit is funded directly by the Executive, it would do no harm to ask Maggie Boyle, who is the chief executive of North Glasgow University Hospitals NHS Trust, for a response.

The Convener: The minister answers for the Executive.

Pauline McNeill: These questions have already been asked. I have met the minister and asked the same questions that Anne Dundas wants the Health and Community Care Committee to ask. As far as I am aware, the minister has asked the trust to give answers to those questions. You are right that this is a national service, but because it is managed by North Glasgow University Hospitals NHS Trust, that is the only body that can say why it did not take steps in 1995 and so on.

The Convener: We can certainly ask for a response from North Glasgow University Hospitals NHS Trust, which we could then make available to the Health and Community Care Committee.

Christine Grahame: We should ask for answers to those questions in so far as they are within the trust's knowledge. We are asking for facts, although the question of who is responsible for the current crisis might be a matter of opinion.

The Convener: That is a judgment call.

Christine Grahame: "Not me," will be the reply.

The Convener: Can I clarify that we are passing the petition to the Health and Community Care

Committee, with the recommendation that it raise the issues with the minister, and that we will write to the trust for its response?

Members indicated agreement.

Current Petitions

The Convener: The next item on the agenda is current petitions. Members will have papers that have been issued to them today.

We will deal first with petition PE115, from Julia Clarke, which is about noise pollution at Edinburgh airport. We wrote to Scottish Airports and Edinburgh airport and received detailed replies from both. The letters give comprehensive details of aircraft movements at Edinburgh airport and the steps that are taken to monitor and reduce levels of noise in and around the airport. Scottish Airports writes that pilots are instructed to turn away from residential areas over the Forth estuary soon after take-off to minimise noise. It also points out that Edinburgh has voluntarily applied a ban on older, noisier jets taking off from the airport at night. It says that it consulted local authorities extensively when the current departure routings were amended in 1994 and that there were no objections to the proposed changes.

Scottish Airports has also consulted on a continuous basis the airport consultative committee, an independent watchdog that provides the opportunity for two-way feedback with local communities. It has regular updates prepared by independent consultants of noise contours for the airport in accordance with UK standards. It does that on a voluntary basis. It also intends to install a noise and tracking monitoring system, again on a voluntary basis, which will cost about £250,000, to report on incidents of noise that exceeds limits and to fine the airlines and operators that are responsible.

The Edinburgh airport consultative committee, which is independent, has responded in similar terms, and made the additional point that noise complaints have reduced over the past three years, despite an increase in aircraft movements. Its view is that with more than 96,000 aircraft movements per year, the number of complaints—which was 74 in 1997, 61 in 1998 and only 40 in 1999—is extremely low. The consultative committee is of the view that Scottish Airports is doing everything possible to reduce noise levels further.

I invite members to say what we should do, given the comprehensive information that we have received from the two bodies. One suggestion is that, given the views of the independent consultative committee, no further action should be taken. The responses that we have received would then be handed to the Transport and the Environment Committee and the petitioner.

Christine Grahame: The information that we have received is very specific and detailed. I take

it that it has been sent to the petitioner.

The Convener: Not yet. It came in only today.

Christine Grahame: We could pass the information to the Transport and the Environment Committee with the petition for its comments. It is gobbledegook to me—mind you, I have just received it—and I do not have the information to assess it, whereas the Transport and the Environment Committee would.

The Convener: The information has been read in detail by the clerk. The striking thing is that the independent consultative committee agrees with Scottish Airports, so I suggest that we ask the Transport and the Environment Committee whether it agrees with us that no further action should be taken.

Christine Grahame: Yes, but at least we should let it see the information.

The Convener: Yes, we will pass it on.

The next petition is PE147, on sheltered retirement housing. The petition came from the Sheltered Retirement Housing Owners Confederation, which was seeking a meeting with Iain Gray. You will see from the letter that we have received that Iain Gray has agreed to have the meeting, which is what the petitioners asked for. That is good news, which we can pass on to the petitioners as quickly as possible, asking them to contact the minister's office to arrange a meeting. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE173, on the closure of Ballater area council office. We have a response from Aberdeenshire Council on the issues that were raised in the petition, in which it provides the reasons for its decision to close its Ballater office. It has indicated that the closure is a result of the cuts in local government expenditure. The council has made arrangements for council tax payers and council tenants to make payments through local post offices. It is suggested that the withdrawal of cash collection in Ballater could help to ensure the future of the Aboyne office 15 miles away, which was one of the offices from which cash collection initially was to be withdrawn. The council has yet to make a final decision on its closure.

It is clear that cuts have forced the closure on the council against its will, and that at least it is trying to make sure that the cuts are implemented in such a way that some areas retain a cash facility, such as at the Aboyne office 15 miles away. I do not know what anyone else thinks, but it is a matter for the local authority. We could respond to the letter from the council by asking it to ensure that the needs of the local people are fully taken into account before the council arrives

at a final decision. The correspondence could be passed to the petitioners and to the Local Government Committee for their information. What do members think?

Christine Grahame: This is another of those horrible cuts. Did you say that it is 15 miles to the nearest office?

The Convener: Yes, it is 15 miles to Aboyne post office.

Christine Grahame: That is a substantial distance for people who are already hard pressed. Presumably, they would have to use what little money they have to travel.

The Convener: I am sorry; there are local post offices.

Christine Grahame: That is what I am asking about. In practical terms, how does that affect people?

The Convener: I am sorry. When I referred to the Aboyne office, I meant to say that the Aboyne area council office is 15 miles away, but there are local post offices where people will be able to make payments. People from Ballater will not have to travel to Aboyne.

Christine Grahame: That is what I was concerned about. It is a long distance for people who are strapped for cash.

The Convener: No—they are able to pay at the local post office in Ballater.

Christine Grahame: I understand that—I just wondered how close that is.

The Convener: There is no information about that, so the answer is that we do not know. I suspect that all we can do is pass all the correspondence to the Local Government Committee and to the petitioners.

Christine Grahame: That is probably right.

The Convener: Is that agreed?

Members indicated agreement.

15:00

The Convener: The next additional paper—item D—is a letter from North Ayrshire Council about the issues raised in the petition about the withdrawal of the sheltered housing warden service.

Members will see that the council refutes much of the petitioners' claim. As I said, the letter has already been passed to the Social Inclusion, Housing and Voluntary Sector Committee, along with the petition. We should just wait to see how that committee handles the situation, unless members wish to make other suggestions.

John Scott: I have just read the letter, which suggests, on more than one occasion, that Mike Russell has been less than accurate in his presentation. It would be fair to him to ask him whether, on reflection, he agrees with that assessment. The comments that the letter from Mr O'Neill makes about him do not miss in any way.

The Convener: The letter has already been passed to the Social Inclusion, Housing and Voluntary Sector Committee, but—

John Scott: The letter names Mike Russell and says that he has got it wrong and that he continues to spread misinformation.

The Convener: We could copy the letter to Mike Russell and ask for his response.

John Scott: Yes.

Christine Grahame: It might also be appropriate to pass the letter to the petitioners, because it says that their information is inaccurate. When people are charged with being inaccurate or misleading, it is appropriate to give them the chance to refute that charge.

The Convener: Therefore, while the letter has already been sent to the Social Inclusion, Housing and Voluntary Sector Committee, we will now copy it to the petitioners and to Mike Russell.

Christine Grahame: Yes—for their comments on the sections of the letter that refer to them.

Helen Eadie: It should be sent to the constituency members for the area as well.

The Convener: Who are the constituency members?

John Scott: Irene Oldfather.

Helen Eadie: Both Cathy Jamieson and Irene Oldfather—or is it Margaret Jamieson?

John Scott: Cathy Jamieson is the member for the South Ayrshire area.

Christine Grahame: I do not agree with that approach at this stage. As we have come this far and have received comments from the council about the inaccuracy of the statements by the petitioners and Mike Russell, it might be more appropriate to receive responses to those comments from the petitioners and from Mike. That would give us comprehensive information.

Helen Eadie: We should be consistent. Earlier, we argued—

Christine Grahame: That was in relation to a petition. Here, we are in the middle of—

Helen Eadie: That is still an issue, however. The local constituency members have every right to be consulted. Protocol suggests—

The Convener: May I suggest a way round this? When we get to the convener's report later, I will suggest that, at the beginning of the next meeting, we hold a session to deal with such issues as informing local constituency members about petitions that affect their constituency. Therefore, can we leave the matter until then?

The letter has already been passed to the Social Inclusion, Housing and Voluntary Sector Committee, and we should certainly let Mike Russell and the petitioners know about the letter and seek their response. We can deal with the issue about informing constituency members at our next meeting.

Helen Eadie: I am not happy, but that is okay.

The Convener: The letter is public knowledge: it will be on the Social Inclusion, Housing and Voluntary Sector Committee's agenda. The local members will be able to access that information anyway.

The final additional paper is a copy of the correspondence between John Swinney and the petitioner, Ian Cantwell, about the assessors of Tayside valuation joint board. John Swinney copied that correspondence to me so that I could pass it on to the committee. Mr Cantwell has made clear his gratitude for the work of the Public Petitions Committee and for the hard work that is being carried out by MSPs on behalf of the Scottish people. It is nice to get such a letter for a change. We thought that we should include it on the agenda.

Christine Grahame: Open up the fan club.

Convener's Report

The Convener: The next item is the convener's report.

Christine Grahame: Under this item, can we consider how to handle the tracking of current petitions? I went through a few of them—I got as far as PE80 or so—and some appear to have stopped dead in their tracks in January or February, while on others it is noted that no further action is required.

The Convener: I am assured that the progress of petitions is being monitored. Some have stopped dead in their tracks because subject committees are awaiting responses to their investigations.

Christine Grahame: That is not true of some petitions. Sometimes it is a case of letters having been sent out two or three months ago. There might never have been a reply, but should we not be finding out why not?

When we are discussing the issue at our next meeting, convener, you might want to consider whether we need such a detailed printout that includes petitions on which no further action has been taken. If members want to find out about the progress that has been made on specific petitions, they should perhaps intimate that to you in advance. If we do not do that, heaven knows what the situation will be like further down the road, when we get to 600 petitions. We will need to think of a way of managing that.

The Convener: The list of current petitions is monitored constantly by the clerks.

Christine Grahame: I was talking about the list that is supplied to members of the committee.

The Convener: We might not need to print it out for every meeting in precisely this form. What form are you suggesting for that information?

Christine Grahame: I simply wanted to raise the issue today. I have been in touch with Steve Farrell about other matters, and this is relevant to how we manage our work load. We should keep tabs on certain petitions, but we do not need all that information.

John Scott: When a petition is closed, information on the action that has been taken should be available in the Scottish Parliament information centre or somewhere. The petitions that are still open could be listed on a separate piece of paper.

Christine Grahame: We have the whole history for some petitions.

The Convener: Petitions that are closed no

longer appear. Until a petition is closed, it will continue to appear on the list.

Christine Grahame: At various points, there are references to it being agreed that no further action should be taken.

The Convener: Those relate only to the meeting at which the petitions were last considered. Such petitions will not appear on the next list.

Christine Grahame: Fine.

The Convener: I agree that the list contains a large amount of information. We would be happy to consider ways of reducing it. We aim to have a short session in private at our next meeting to discuss such issues.

The clerk intends to circulate a paper with recommendations on how we might better handle our work load. We have, for instance, received letters from constituency MSPs requesting that the committee consider how it can better keep them informed. A number of constituency members from Ayrshire were surprised to discover that substantial issues had been debated at the committee without their knowledge. I know that the petitions in question are listed on our agenda, but we need to consider other ways of keeping constituency members informed about aspects of our business that relate to their constituency. It is only right that we do that.

John Scott: Perhaps each petition and the decision that we make on it should be e-mailed to the appropriate constituency member as a matter of course.

The Convener: I am suggesting that at our next meeting we spend some time discussing that.

Pauline McNeill: I want to go further than that. I do not want any petitioner's first port of call to be this committee. If we do not do something about that, the situation will get completely out of control. If members of the public have a complaint against their council, they should raise the issue with a councillor or with an MSP in the region before sending a petition to the committee. If that does not happen, the committee will be devalued. However, I will save that for our next meeting.

The Convener: That is exactly the sort of issue that we should discuss next week.

Ms White: I have been polite, have waited my turn and have put my hand up; I am being democratic. You are right to say that the discussion should wait until our meeting next week.

The Convener: It is in two weeks' time.

Ms White: I will save up what I have to say until then.

The Convener: Next time, a paper should be available for members to consider before they come to the meeting. If members have concrete ideas, they should come to the meeting prepared to make suggestions, so that we can deal with them reasonably quickly before we move on to petitions. That will be the first item on the agenda.

There is no other competent business. I thank members for attending.

Meeting closed at 15:08.

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