

PUBLIC PETITIONS COMMITTEE

Tuesday 12 September 2000
(*Afternoon*)

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CONTENTS

Tuesday 12 September 2000

	Col.
NEW PETITIONS.....	573
VISIT.....	607
CURRENT PETITIONS.....	612
CONVENER'S REPORT	624

PUBLIC PETITIONS COMMITTEE

13th 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

THE FOLLOWING MEMBERS ALSO ATTENDED:

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)
Mrs Margaret Ewing (Moray) (SNP)
Mr Jamie McGrigor (Highlands and Islands) (Con)

WITNESSES

Mr Graeme Brown (Holyrood View Residents Association)
Mr Michael Browning (Polwarth Retailers)
Mr Jim Gibson (Campaign for Lower Water Charges)
Mr Ian Mitchell (Kildalton and Oa Community Council)
Mr Keith Mothersson (Sustainable Stewartry)
Ms Hilary Mounfield (Epilepsy Association of Scotland)
Mr Mark Santangeli (Polwarth Retailers)

SENIOR ASSISTANT CLERK

Steve Farrell

ASSISTANT CLERKS

David Igoe
Jane Sutherland

LOCATION

The Hub

Scottish Parliament

Public Petitions Committee

Tuesday 12 September 2000

(Afternoon)

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

The Convener (Mr John McAllion): I welcome everyone to the first meeting of the Public Petitions Committee after the recess. I hope that everyone had a good recess, worked hard and is ready to get stuck in with work of the Public Petitions Committee.

Margaret Smith informed the clerk that she will not be able to attend the start of the meeting but will join us later. I understand that Pauline McNeill, the deputy convener, is convening a different meeting in the city chambers down the road, so she also will join us later. There are no other apologies. I ask anyone who has pagers or mobiles with them to turn them off, even if they are in silent mode, because they interfere with the broadcasting of the committee's work.

I remind members that we have a busy agenda. We have 13 new petitions to consider and seven groups of speakers will be speaking to them. We must also deal with responses to 15 current petitions and discuss the proposed visit to Glencoe, so it will be a busy meeting. I ask members to be disciplined. I ask members only to ask questions of petitioners and to leave the discussion until the committee has finished with the petitioners and has moved to the discussion session.

As members were warned in the correspondence that was sent out before today's meeting, to keep the meeting within a reasonable time frame, when we discuss current petitions I will read out the petition name and a brief summary of the response, then the recommendation. Only if anyone disagrees with the recommendation will we have a discussion. If members are disciplined and keep to that plan, we may get out of here in time to get home tonight.

New Petitions

The Convener: The first new petition is from Jim Gibson. It calls on the Scottish Parliament to remedy the water price increases in the North of Scotland Water Authority area by ensuring that there is effective democratic scrutiny of the public service. I invite Jim Gibson and Bob Petrie, the petitioners, to come forward.

Before they start, I should declare an interest. I know both petitioners. They come from Dundee, and are members of my party, but that does not prejudice me in any way. I shall listen objectively to what they have to say. Jim, would you like to address the committee for a few minutes?

Jim Gibson (Campaign for Lower Water Charges): First, Bob Petrie and I represent the Campaign for Lower Water Charges; we are not here as individuals. Our petition was raised under that campaign's banner. I will make a brief statement, then field questions.

The petition is presented by the Campaign for Lower Water Charges in the wake of unprecedented increases in water prices in the North of Scotland Water Authority area. The range of price increases was staggering, starting at around 30 per cent and rising to 46.6 per cent in the Dundee area. It should be noted that the price increases took effect on 1 April. Public anger at the price increases was compounded by the total lack of public consultation. We look now to the Scottish Parliament for some kind of redress and balance. In the absence of other local mechanisms, we feel that there is a role for the Parliament in protecting domestic consumers.

Ostensibly, the price increases were caused by the need for investment in the infrastructure to meet European standards on water and sewage. We have no argument with the need for investment, but we advocate that it is unacceptable that domestic consumers should bear so much of the brunt of the increases. We would like the Parliament to take action in the following areas, which we call the "three Rs".

First, we would like a system of rebates to be established to protect the vulnerable against a regressive flat-rate tax. It is unacceptable to us that the poorest sections of society should have to bear a disproportionate burden. We seek redress. Secondly, we petition you on the basis that there should be a genuine mechanism of redress for domestic consumers. There is a role for Parliament in capping price increases beyond a certain level. Lastly, we seek a review. We ask the Parliament to undertake a full investigation and audit of the Scottish water industry to determine whether there is scope to rationalise the industry's structure to ensure economies of scale, alternative sources of revenue other than taxpayers, and long-term investment in the industry. We do not believe that there is a case for privatising this vital public asset.

Our campaign seeks to make a positive contribution to the debate on the future management of the water industry, but we look to the Parliament to resolve some of the initial problems.

The Convener: Thank you. Papers were sent out to committee members before the meeting, but since then we have received a response from the North of Scotland Water Authority, which details the role of the water industry commissioner for Scotland in reviewing charges for water and sewerage services. The petitioners probably have not seen that response yet, but we will make it available to them after the meeting. Members received the response only today, as they arrived for the meeting.

I welcome Fergus Ewing, Margaret Ewing and Jamie McGrigor to the committee. Jamie is here not for this petition but the next. Fergus wants to participate in the questioning of the petitioners. Do any members have questions?

Christine Grahame (South of Scotland) (SNP): Are the petitioners aware that many MSPs have called for rebates on water charges similar to the rebates on council taxes?

Mr Gibson: Yes.

Christine Grahame: Paragraph 4 of your petition gives an interesting list of suggestions that you ask the Parliament to consider. It is for the committee to decide, but do you think that those suggestions should be submitted directly to the Minister for Transport and the Environment?

Mr Gibson: Yes. I see no harm in that whatsoever.

Christine Grahame: We are told in the letter of 11 September that the water industry commissioner—I am not sure whether the commissioner is a man or a woman—is holding public meetings. Would it be useful for you to speak directly to the commissioner?

Mr Gibson: We would very much like to speak to the commissioner; the problem is that access to him is very restricted. We are not at all sure what his remit is. In essence, our role is to fight the corner for the consumers, because nobody else seems to be prepared to do that. That is why the campaign was started.

Ms Sandra White (Glasgow) (SNP): Are you aware that the minister has the right to cap price increases that are proposed by the water authorities?

Mr Gibson: No, I was not aware of that.

Ms White: The letter that we all received mentions the fact that the minister can cap those increases.

You mentioned consultation, and Christine Grahame picked up on that point. The letter talks about the second round of consultation and about tendering for a four-year process. It says that the Executive will hold public consultation. Would you have much faith in that consultation?

Mr Gibson: We would have to wait and see what happens with that. We are open-minded about it. If the minister has the power to cap, that is excellent and I would be delighted to talk to her about it.

Ms White: You mention that the north of Scotland faces unique challenges. Services are being delivered to some of the most remote places. Do you not feel that, in a country with a social conscience, prices should not be so high?

Mr Gibson: I agree entirely. I would add that we may have to consider further rationalisation of the water industry to establish a fair redistributive mechanism, especially in terms of flat-rate taxes and rebates.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): You say, rightly, that water charges are unfairly high, especially for pensioners and the low paid. Are you aware that the water industry commissioner, who describes himself as the "customer's champion", thought that the charges should be even higher for both this year and next year?

Mr Gibson: I was not aware of that; it is shocking. However, I do not know whether it is in the commissioner's remit to fight the corner for the domestic consumer. He does not project himself in that way at all. In a sense, even if he had that role, we have usurped it.

Fergus Ewing: Katharine Bryan is the chief executive of NOSWA. One of the meetings that she referred to took place in Inverness. At the end of that meeting, on my instigation, four straw polls were held. Every one of the 200 plus people in the room voted that they were dissatisfied with the water industry commissioner in his role as a consumer watchdog.

Mr Gibson: I can understand that. We may well have to consider the commissioner's role.

Fergus Ewing: Do you feel that the commissioner serves no useful function and that the £1 million cost of his office might be better spent on a rebate scheme for pensioners and those on low incomes?

Mr Gibson: Let us be open-minded about this. We do not know what sort of rebate £1 million could pay for. However, if we are to have a review of the industry, as I have suggested we should, we could consider that.

Fergus Ewing: Do you feel that the chief executive of NOSWA—whose salary, I believe, is around £120,000—is paid too much? The First Minister's salary is substantially lower than that of water authority chief executives.

Mr Gibson: It is good work if you can get it. For us, the real issue is rebates for the lower paid and

the vulnerable in Scottish society.

The Convener: It would be helpful to the committee if we could stick to the petition and what it calls for.

Fergus Ewing: I am picking up on points that arise directly from Mrs Bryan's letter of 11 September.

The Convener: We can discuss those points later. At the moment, we are trying to elicit information from the petitioners.

14:15

Fergus Ewing: Are the petitioners not certain whether the water industry commissioner should be saved or scrapped?

Mr Gibson: We want to promote the rights of domestic consumers—that is, households in the Dundee and north of Scotland areas. We have to be open-minded when considering such matters as the role of the water commissioner. I would advocate the case for a review; but, personally, I would need more information before I was prepared to pass judgment.

The Convener: Thank you. We always give petitioners the chance to answer questions before we have a discussion in the committee. The petitioners are welcome to stay and listen to the discussion and to hear what we decide to do with the petition.

The letter from Katharine Bryan, the chief executive of NOSWA, was circulated only when members came into the room. It refers to the minister's capping powers, and says that the minister capped the increases in the West of Scotland Water Authority and the East of Scotland Water Authority this year, and that she intends to use the power next year for the North of Scotland Water Authority. I appreciate that members have not had the chance to take all that into consideration.

Given what the petitioners have said, and given the contents of the letter from NOSWA that deals with the commissioner's role, I feel that the commissioner is not really pertinent to the petition, as he simply carries out the powers that are given to him by Parliament. This is a political issue, to be resolved with the minister, so the recommendation is that we seek the views of the Minister for Transport and the Environment on the petition, before we reach a final decision. It is important to get ministerial input.

Ms White: When we refer the petition to the minister, will we pass on the letter as well?

The Convener: Yes.

Ms White: The part about capping should be underlined. I appreciate that the minister will be aware of that power, but we should emphasise it.

Christine Grahame: I would like to ask the minister to ask the water industry commissioner whether he will hold a meeting in Dundee in response to the petition, so that the people involved can make their wishes known. I do not know how many meetings have been held so far, apart from the one in Inverness.

I do not know whether we can do this, but I would like us to reply to the petitioners to give them an exact definition of the water industry commissioner's remit. The petitioner kept saying that he did not know what that remit was, so a definition would be useful.

Fergus Ewing: The chief executive of NOSWA, in her letter to the clerk of the committee, refers to the fact that the water industry commissioner is holding meetings throughout Scotland. To my certain knowledge, because I was there, the meeting in Inverness resulted in votes from all the members of the public who were present that indicated utter dissatisfaction with the water industry commissioner and with NOSWA. People felt that the charges were unfair to both domestic and business customers. The votes were almost unanimous. The votes were taken because I asked the audience whether they wished to vote; the chairman of the meeting—who is supposed to be on the consultative committee for NOSWA—refused to allow a vote to be taken.

Katharine Bryan knows all that. Members of my party met her last week. At that meeting, I asked what NOSWA would do differently following the consultation meeting in Inverness, at which NOSWA received what might be described as a massive vote of no confidence. The response was that nothing would be done differently. It would be helpful for the committee to ask Mrs Bryan for clarification of what has happened at all the consultation meetings to date. What is the point of having such meetings if we are not told about the views that are expressed and about the upshot?

As a point of information, Katharine Bryan states in the penultimate paragraph of her letter that NOSWA's average charge is £237. There are at least three ways of calculating that average, and she picked the one that produces the lowest figure. NOSWA's band D water charges are almost exactly £300.

As a point of clarification, it would be helpful to find out whether like has been compared with like in Katharine Bryan's comparison between the NOSWA average and that of South West Water. Did the comparison use the band D figure, or was it calculated on some other basis? That information would help the committee's further

consideration of the petition.

I am sorry to have taken up so much time, convener.

Helen Eadie (Dunfermline East) (Lab): I agree with Fergus Ewing's proposal to seek the views of the Minister for Transport and the Environment. I also want to highlight the fact that the Transport and the Environment Committee will hold an inquiry into the water industry, probably after stage 2 of the Transport (Scotland) Bill.

I met Mr Sutherland, the water industry commissioner. I found it easy to get hold of his remit, as it is readily accessible through the Scottish Parliament information centre. I had the benefit of his good offices in helping me to resolve a problem in my area that had been going on for 10 years. My constituents were delighted with the outcome. I welcome the appointment of the water industry commissioner for Scotland.

The value of commissioners is that they can become involved in dispute resolution as well as a variety of other matters for which they have a remit. I was one of only two MSPs who went to the water industry conference in July, which was jointly sponsored by the GMB union and the water industry. At the conference, those who work in the water industry called for investment. They can see at close hand the implications for people in Scotland if we do not modernise our water and sewerage services and if we do not meet the requirements of a variety of European Union directives. We should make that investment not for the sake of it, but because the health and safety of people across Scotland depend on levels of investment. We all hear that no one wants to pay for that investment: people do not want to pay for anything, through direct or indirect taxation, but the bottom line is that we must invest in the water industry.

The Convener: I am conscious of the fact that we are 20 to 25 minutes into the meeting but we have not yet dealt with the first petition. The discussion is broadening out beyond what the petitioners are calling for.

There is a consensus to seek the views of the Minister for Transport and the Environment on what the petitioners are calling for—we agree to that.

Members indicated agreement.

The Convener: As part of that exercise, we can ask the minister to give details to the committee about the role of the water industry commissioner in holding public meetings around Scotland, which we can pass on to the petitioners.

This discussion is timely: we will have time to get the views of the minister before the Transport and the Environment Committee has time to

consider the petition. We will receive the minister's views before we decide whether to refer the petition to the Transport and the Environment Committee.

We received a response from NOSWA, but we should not deal with it at this stage as it relates to a different petition. We will add that response to the correspondence that has been received about the other petition, to consider what to do with it along with PE243. Are members agreed?

Members indicated agreement.

The Convener: The second petition is PE246, from Kildalton and Oa community council, Kilarrow and Kilmeny community council, Kilchoman and Partnahaven community council, Councillor J Findlay and Councillor R Currie. PE246 is about the designation of special areas of conservation in the south-east Islay Skerries. A representative of the petitioners, Mr Ian Mitchell, will address the committee in support of the petition. Mr Mitchell, you may address the committee for two minutes, following which we shall ask questions.

Mr Ian Mitchell (Kildalton and Oa Community Council): I am deputising for Richard Grey, who is the chairman of the Kildalton and Oa community council, which is particularly affected by the proposed seal sanctuary to be located in the community council's area. Mr Grey runs the local post office and I am afraid that he did not think he could afford the time to come to Edinburgh. I wrote the objection document to the proposal, which was submitted to Scottish Natural Heritage at the time of its consultation, so I can answer questions on it.

We are against the sanctuary for two reasons. First, it has no scientific legitimacy. I hope that it is clear from the documents that I sent with the petition that the proposal was made a year and a half ago on a slightly different basis from the present proposal. The original proposal was for a site of special scientific interest so it was investigated by the Government's independent advisory committee of scientists, which looks into proposals for SSSIs where objections have been raised. That committee found that the scientific basis behind the designation proposal was inadequate. No work has been done since then, and we are still sitting with a designation proposal that does not have the approval of the independent scientists. All that SNH has done is to change a proposal for a designated SSSI, to which there is a statutory right of objection, to a proposal for a European designation of special area of conservation, to which there is a right of objection but no right of independent arbitration, which exists with an SSSI.

SNH is pushing exactly the same designation through a different bureaucratic route because the scientific basis behind the original proposal was

rejected. The fact that no new work has been done indicates to us that SNH is not serious about trying to get a proper scientific justification together for the proposal. It has had a year and a half in which further scientific work could have been done to justify the designation, but it has not done that work.

Secondly, the designation lacks any form of democratic legitimacy. As I emphasised in the little document that came with the petition, when SNH designated the area, it took steps to ensure that the local community was not aware of the designation until after the closing date for the legitimate submission of public comments. That meant that anyone who then took up their right to submit comments on the original SSSI designation proposal was told that they were out of time. Then the scientific objection was made and upheld, so the designation fell.

SNH has now submitted the other designation proposal. People feel that there is nothing they can do about it, except to write a strong objection document to the minister, which was copied to members with the petition, and to invoke the powers of the Public Petitions Committee to bring some kind of rationality to the matter.

All three community councils voted against the designation, as did both the councillors who represent the island. Argyll and Bute Council voted unanimously against the designation and the local MSP is making representations against it to the minister. Not a single democratically elected representative is in favour of the proposal, and one would be hard put to find anyone on the island who supports it, apart from a few people who might stand to gain financially from it. All the fishermen and local residents are against it. Anyone who walks in the area is against it as they are frightened that the area will be closed off, and anyone who is interested in the tourist economy of the island is also against it.

The proposal has no democratic legitimacy; that is why we hope that the Parliament might be able to shine some democratic light on what we regard as bureaucratic bullying. The seals do not need it and the people do not want it. Therefore, we do not understand why the proposal should go ahead.

The Convener: Thank you, Mr Mitchell.

Jamie McGrigor MSP is here to join the discussion about this petition. I received a note from George Lyon, who is the member for Argyll and Bute, saying that he is unable to attend the meeting as he has been called back to his constituency. He wanted to express his support for the petition, which he believes shows the strength of feeling in the community against designation as a special area of conservation. He urges the committee to take into account the scale of public

opposition to the proposal and to pass the petition to the Transport and the Environment Committee.

You said that no new work had been done since the initial scientific analysis, which indicated that there were insufficient grounds for granting SSSI designation, was carried out. However, our information is that revised scientific advice was produced subsequently by SNH, and that the Executive is using that advice.

14:30

Mr Mitchell: The scientific advice consisted of a rearrangement of the existing figures. SNH did not do any further work or present any new seal statistics. It produced a view of the figures—it put statistical spin on them. It went on to put forward an argument based on density instead of population. Because of the way it had drawn the boundaries, it arrived at a high density of seals. I go into that in detail in my accompanying document. Basically, it was statistical sleight of hand. The density of seals would obviously be 100 per cent if the special area of conservation were the size of just one seal; the density would be negligible if the SAC were the size of Scotland. It is just about manipulating the borders. It is not new scientific work; it just puts a different gloss on existing work.

No survey or count of the seals was made in 1999. I do not know why: if SNH is interested in the number of seals, it would surely count them, but it did not even commission the sea mammal research unit of the University of St Andrews to count them last year. Nor has it this year, to my knowledge. It will not tell us.

Christine Grahame: We have been told that a consultation exercise has recently been completed. You mentioned a number of democratic bodies opposed to the designation—which was impressive. Were they part of the consultation?

Mr Mitchell: They all submitted letters, which are contained as appendices to the document I submitted.

Christine Grahame: When was the consultation?

Mr Mitchell: It was carried out recently. I think that the closing date was 29 March this year.

Mr Jamie McGrigor (Highlands and Islands) (Con): I would like to support this petition. It is ridiculous that a body such as SNH can trample over the wishes of community councils and Argyll and Bute Council. The Scottish Parliament is here to stop just this sort of thing.

Did SNH make any representations to any local people before this issue arose? Did it consult

people in the area who knew about a possible shortage of seals? Did it ask any questions locally?

Mr Mitchell: No. The only direct approach by SNH was to the Kildalton and Oa community council at the time of the first designation, which was of the site of special scientific interest. SNH offered to come round and give a briefing at a community council meeting. A woman from SNH did that, but said that there was no point in our objecting because the designation would go ahead anyway.

Mr McGrigor: I asked a written parliamentary question on 30 June on this subject. It read:

"To ask the Scottish Executive whether it will give an assurance to Argyll and Bute Council and local community councils opposed to designation that the South-East Islay Skerries will not be designated as a Special Area of Conservation for common seals until the further scientific work identified in February 1999 by the Advisory Committee on Sites of Special Scientific Interest (SSSI) as necessary before the area could be designated as an SSSI has been completed."

The answer I received from the Minister for Transport and the Environment was:

"The South East Islay Skerries will not be proposed as a candidate Special Area of Conservation unless there is a sound scientific case for doing so."—[*Official Report, Written Answers*, 30 June 2000; Vol 7, p 288.]

Anyone on the west coast will say that a shortage of seals is not the problem; an overabundance of seals tends to be the problem. I rest my case on that point. I think that this petition is very powerful and I give it my full support.

The Convener: If no one has any further questions, I thank Mr Mitchell and we will now proceed to a discussion on the petition.

Members can see the suggested action on this petition: that the revised scientific advice that was produced by Scottish Natural Heritage was—whatever we might think—judged by the Executive to be sufficient to justify the consultation exercise it has now undertaken. Responses to the consultation are currently being scrutinised.

It is suggested that it would be inappropriate for us to interfere with the consultation exercise until it is completed, but that we could pass the petition to the Minister for Transport and the Environment to be considered as part of the consultation.

Christine Grahame: The Executive could also be referred to the *Official Report* of this meeting so that it may read what the petitioner and Jamie McGrigor had to say.

John Scott (Ayr) (Con): I feel that it is appropriate for us to play a role while the consultation exercise is under way. We have to consider the wider picture: huge parts of Scotland

are covered under designations as SSSIs and under the new European designations. They have been arbitrarily imposed across Scotland against the wishes of many communities. This is of fundamental importance and the case highlighted in this petition is a test case.

People are losing control of their land and their shores because of such designations being put upon them without consultation. There is a democratic deficit here.

The Convener: I can accept that, but that is not quite what the petition asks for. You have made the point clearly, John, that nowhere in Scotland should there be an arbitrary imposition of such designated areas against local opinion. I do not think that any member of the committee disagrees with you. We could pass this matter to the Minister for Transport and the Environment, to be considered during the consultation process, and refer her to the *Official Report* of this meeting and to the strongly held view of the committee that local opinion should be taken into consideration.

Members indicated agreement.

The Convener: We now come to petition PE247, from the Epilepsy Association of Scotland. I welcome Hilary Mounfield, who is here to speak in support of the petition.

Ms Hilary Mounfield (Epilepsy Association of Scotland): I am here to speak on behalf of all the people in Scotland who have epilepsy, and of their families and carers. That is a considerable number of people. Epilepsy is the most common serious neurological disorder, but it is, to all intents and purposes, invisible. It is badly served and much stigma and discrimination is attached to it.

The object of our petition is to draw this committee's attention—and, I hope, that of other committees—to the fact that because diagnosis of epilepsy is made inappropriately, by people without the correct experience, the level of misdiagnosis is at a shocking rate of up to 30 per cent. That means that there might be as many as 9,000 people in Scotland with a diagnosis of epilepsy who do not in fact have it. That is an utterly shocking statistic. It is not just a matter of their taking the wrong medication; their lives can be blighted in many ways.

On the other side of the coin are people with epilepsy who are not so diagnosed. That happens because epilepsy is not a simple condition. Realistically, we should talk about the epilepsies—there are at least 20 different types. Seizures take many forms, some of which most people would not recognise as epilepsy. That goes for most general practitioners, many registrars and physicians and accident and emergency personnel.

We would like to do many things for people with

epilepsy but, above all, we wish to campaign, at the very least, for the diagnosis to be made by somebody with experience in epilepsy, and made early on. There are huge cost benefits associated with doing that. The longer it takes for someone to be diagnosed and to get on treatment, the worse the prognosis of their epilepsy.

We are seeking to establish a standard whereby anybody who has a seizure should be seen within four weeks by someone who has experience of seizures and epilepsy. We do not do so alone, but in the company of all the epilepsy organisations and virtually every clinician in the country. We will not be swayed over that. There are many other necessary things, but if the diagnosis cannot be made correctly and if things are not correct in the first place, everything else is like trying to put sticking plasters on an open wound.

We seek the support of this committee—and we suggest referring our petition to the Health and Community Care Committee—in applying pressure, in whatever way is possible under the parliamentary system, to ensure that this Cinderella condition is no longer ignored.

Epilepsy has been around for as long as man has been on the earth. If you have a brain, you can get epilepsy. It is everywhere, and it has been ignored. It is on nobody's priority list. We know that national priorities have been set and that epilepsy is not one of them, but there must still be some place in the pecking order of resources for the condition. It is so important, as it affects the lives of many people in Scotland.

Pauline McNeill (Glasgow Kelvin) (Lab): In the first paragraph of the petition you ask the Scottish Parliament

“to ensure there are coordinated health and social services that will benefit the 30,000 people in Scotland with epilepsy.”

That is quite a wide remit. I take your point about people being wrongly diagnosed—although, I must confess, I need to know more about the condition. Do you think that it would be useful to focus on one particular point? As it stands, the petition may have too wide a scope.

There is a cross-party group on epilepsy. Have you forged links with that?

Ms Mounfield: Yes.

Today, I have spoken almost solely about diagnosis. We are trying to work on many fronts—with health boards and so on—but direction from the top adds impetus to the work that can be done in other areas.

Ms White: Hi, Hilary; it is nice to see you again. I congratulate you on your petition and your presentation. I know that you work very hard at

your operation in Glasgow, which I have visited many times.

You said that one in four patients is diagnosed incorrectly. I am not asking you to put a figure on it, but how many extra doctors and nurses would we need to put that right, in the long term rather than the short term?

Ms Mounfield: It is very difficult to put a figure on it. There is a national shortage of neurologists, which no one expects to be put right in the short term. There is much that can be done about the way services are organised, so that whatever expertise exists is used to the maximum. It is accepted that protocols need to be established so that the doctors who are seeing people with epilepsy develop their expertise further. In Ayrshire and Arran Health Board, for instance, there are some imaginative ideas afoot. Admittedly, there are poor services in that area at the moment, but the health board is seeking a cost-effective way of co-ordinating what expertise exists to make it accessible.

We are seeking a willingness to examine the difficulties and admit that the services that people currently receive are poor. An increase in the number of epilepsy specialists and nurses would make a huge difference. Wherever such nurses have been put in place, whether in a primary care group, a local health care co-operative or a neurology clinic, that has made a terrific difference, both to the number of people who can be seen and to the quality of treatment that patients perceive they are getting. If someone has diabetes or asthma, they will get help in dealing with those conditions at every level in the health service, from GPs and from hospitals. There are many nurses with specialism in those areas. That is not the case with epilepsy.

The Convener: Are you aware of the work that is being done at the moment? A major Government-backed investigation into the causes of death by epilepsy is under way.

Ms Mounfield: We were responsible for Sam Galbraith committing funds to that in the first place.

The Convener: Excellent. What about the work that is being done under the umbrella of the Joint Epilepsy Council?

Ms Mounfield: I chair the Joint Epilepsy Council.

The Convener: So referring this petition back to you would not be a good idea?

Ms Mounfield: It would not.

The Convener: You would like the petition to be referred on, rather than back to you.

Ms Mounfield: Yes. We are speaking on behalf of many people and this is a very neglected area. As the audit that is being conducted will prove, people die of epilepsy. Many of the people who are dying are young people, but that is being covered up shamefully. Twice as many people die as a result of epilepsy as die from cot death. Everybody knows about the dangers of cot death, but still teenage children are being diagnosed with epilepsy and nobody is warning their parents that there is a possibility of death if they do not take their medication, if they drink too much or if they dabble in non-prescription drugs. That is shocking. All we need is information.

Christine Grahame: Do you know what stage the audit has reached?

Ms Mounfield: It is about one third of the way through. It was meant to run for the whole of this year, but it was a bit late getting off the ground. The audit is being conducted by another group. We are hoping to get an interim report, but it should be finalised around April/May next year.

14:45

Christine Grahame: Do you have any notice of when the interim report may appear?

Ms Mounfield: I do not think that there will be an interim report with statistical findings. It will just be an update on numbers seen. There are difficulties in getting referrals from procurators fiscal and with wording on death certificates.

Christine Grahame: I asked that question because, if the petition were referred to the Health and Community Care Committee, that committee would be unlikely to do much with it until it gets the results of the audit, to avoid having to go back over old ground. Do you think that this is something the committee should put on its agenda once the report has appeared?

Ms Mounfield: The results of the audit are very important, but it relates only to 100 deaths in Scotland. I am talking about the hundreds of new diagnoses that will be made in the interim.

Christine Grahame: I want to return to the issue that Pauline McNeill raised. As your petition stands, it would tie in with the audit. If it concentrated on the specific question of investigating diagnosis of epilepsy in Scotland, the Health and Community Care Committee might be able to deal with that or the Minister for Health and Community Care might be able to respond to it more quickly. In its current form, however, the petition would not be considered until April.

Ms Mounfield: That is probably a sign of our inexperience when it comes to parliamentary procedures. We are learning as we go along. I take the point that you make. The petition is

worded in a very general way.

The Convener: As there are no other questions, I thank the petitioner.

That was a very helpful question-and-answer session, for once. Obviously, the suggestion that we pass the petition back to the Joint Epilepsy Council is of no use, as the chairman of the council has made it clear that she does not want that to happen.

Because both the Health and Community Care Committee and the Minister for Health and Community Care are waiting for the results of the audit of causes of death by epilepsy and nothing is likely to happen until they have received them, perhaps we should ask the clerk to write back to the petitioners explaining the situation and suggesting that they reframe the petition in a form that would allow for interim action by the committee or the minister.

Mrs Margaret Smith (Edinburgh West) (LD): That is one option. The other option is for the petition to lie until after the audit report has appeared. That might be an ideal time for the Health and Community Care Committee to consider the petition and to link it into the work that has already been done. The petitioners may want to come back with a specific issue or set of questions, but at the moment the Health and Community Care Committee is in no position to consider the petition. Given our work load, there is no way that we could do that during this calendar year. The best time for it would be after the audit has been completed.

The Convener: We can ensure that the petition remains on our agenda by referring it to the minister and asking her for a detailed response. The petition would then reappear on future agendas of this committee.

Ms White: I asked Margaret Smith to attend this meeting because she is convener of the Health and Community Care Committee and knows exactly what its work load is. Hilary Mounfield should be able to choose whether the petition is referred to the Health and Community Care Committee or whether it is remitted somewhere else. I say that because if the petition is referred to the Health and Community Care Committee it will lie for three or four months before it is considered. We are now in September. The petition could not be considered until early January, when the audit may be complete in any case. I would prefer the petition to be referred to the Health and Community Care Committee, as it would marry up with the audit that is being prepared.

The Convener: All committees have told us that petitions should not automatically be referred to them when there is no prospect of work being done on them. It is our job to deal with petitions as

much as we can.

One suggestion is that we could write to the petitioner to explain the different options and ask whether they would like the petition to go to the Health and Community Care Committee, or to be sent to the minister or to remain on the agenda. I am sure that the Epilepsy Association of Scotland is a democratic body whose chairman cannot make decisions on its behalf, just as I cannot make decisions on behalf of this committee.

John Scott: I think that that is a cop-out, John. We should refer the petition to the minister and ask for her detailed consideration of it. If we are not happy with that, we should refer it to the Health and Community Care Committee.

Helen Eadie: Some of what Hilary Mounfield said impressed me, particularly the part about getting information to parents. All of us who are parents identify with that. What if we were to make representations on behalf of the petitioner to the Health Education Board for Scotland? I would like to know what it is doing to promote awareness of the issue.

The Convener: Four different courses of action are being suggested. I see that Christine Grahame wants to speak again, so I suppose that we will soon have five courses of action. We could have as many as seven different views, but we should try to come to a consensus. We have already spent an hour on the first three petitions. If we carry on like this, we will be here until midnight.

Christine Grahame: I shall be terribly quick. It is our duty to decide where the petition is remitted. It is not appropriate that that choice is left to the petitioner. I am happy with Margaret Smith's comments about the work load of her committee and I think that this petition could tie in with the audit. I might be wrong, but the petitioners could be advised to raise separately the issue of the urgency of action with regard to diagnosis. That could be done either as a petition or in a letter to the minister. Obviously, something needs to be done in that regard soon.

The Convener: Shall we vote on each view in turn?

John Scott: You decide, convener.

Pauline McNeill: On balance, I support Christine Grahame's suggestion. The committee should decide where the petition should go. If we always ask the petitioners where they would like the petition to go, we will end up in a mess.

I understand what Margaret Smith says and I am conscious of the work load of the Health and Community Care Committee, but I think that the petition has to go to that committee in time. It might help the committee if we asked it to focus on what the petition says in paragraph 2, about

diagnosis.

The Convener: The suggestion is that we send the petition to the Health and Community Care Committee and ask it to focus on paragraph 2. Margaret Smith is telling us that that committee will let the petition lie on the agenda for eight months.

Mrs Smith: That will happen because of the committee's work load and because that would be the most sensible time to consider the petition, given the timing of the audit.

The Convener: If we do that, we will write back to the petitioners to explain what we have decided so that they know what is happening. Perhaps the clerk can frame the letter in such a way that I will know what has been done as well.

Are we agreed?

Members indicated agreement.

The Convener: The next petition is from Sustainable Stewartry and calls for the Scottish Parliament to undertake or commission a public inquiry to secure effective freedom of choice for those facing death or arranging for funerals and burials in Scotland. We have with us Keith Mothersson to speak to the petition.

Mr Keith Mothersson (Sustainable Stewartry): It is important that we realise how vulnerable people are when disaster strikes, especially the old and the poor, who might be terribly worried about being able to pay for funerals. People who have been bereaved are in no shape to start shopping around. That is why there has to be a responsible funeral trade. However, the cost of funerals has been rocketing and the Natural Death Centre in London has uncovered many cases of abuse, including firms refusing to itemise quotations and bills or to disaggregate services, withholding information about low-cost alternatives and boycotting those who threaten their profits, such as suppliers of cardboard coffins. Overmanning is rife, as is overcharging.

We should remember the unecological nature of most cremations. Department of Trade and Industry figures show that 12 per cent of airborne dioxins resulting from combustion come from cremations.

This issue is very much up the street of a Parliament that is concerned with consumer choice, social inclusion and sustainable development as expressed in Agenda 21. There is a qualitative dimension. The issue is about improving public mental health. Funerals are a source of anxiety. If people cannot talk about them or plan them in advance, or are being trapped by high-pressure salesmanship into funeral plans in advance, things are made much more difficult and

the bereavement process is started off on the wrong footing. Bereavement and awareness of death are important to public mental health.

Another important dimension is that of better government for older people. It is not just that older people are more concerned with death and go to more funerals, although that is the case. I am 52 and it would be hard for me to get a job in many circumstances because agism is rife in our society. Why is it that people discriminate against older people? It is because they remind people that they are going to die. It is vital, therefore, that we have open and honest discussion of death so people are not ashamed and frightened of it. That will not happen so long as a section of civil society has a stake in people not discussing death in advance because it will threaten their profit margin.

I will end with a quotation, which applies equally to my other petition. Adam Smith said:

"People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in conspiracy against the public, or in some contrivance to raise prices."

Maybe that is a slightly conspiratorial view, but I think that there is a serious worry about the situation that I describe and grounds for investigation. We count on the Scottish Parliament to help.

The Convener: Thanks, Mr Mothersson. As a fellow 52-year-old, I sympathise with everything you said.

This one is a multi-dimensional petition. Does anyone have any questions?

Ms White: Do you think that advertisements—not flashy advertisements—for different types of burial would help people to choose?

Mr Mothersson: Yes.

The Convener: The petition is comprehensive and covers a range of areas. Several committees would have an interest in the petition: because of the practices inside the funeral trade, the Enterprise and Lifelong Learning Committee would be interested; because of the environmental aspects of burials and cremations, the Transport and the Environment Committee would be interested; and the issue of living wills would interest the Justice and Home Affairs Committee.

Rather than get into a debate about where the petition should go, it might be helpful to write to the ministers responsible asking for their views on the petition. That would help us decide what would be the most appropriate way to deal with the petition.

Is that agreed?

Members Indicated agreement.

Christine Grahame: We would be able to find out whether any department has something in the pipeline already.

The Convener: We will write to the ministers and report back to the committee on the replies.

Mr Mothersson, we will now move on to your second petition, PE253, which calls on the Scottish Parliament to investigate, promote and assist in the production of cars powered by compressed air. That is a topical issue.

Mr Mothersson: Every day *The Guardian*—which is the newspaper that I read, for my sins—brings us more information about how serious global warming is and about how fast emissions of CO₂ are building up—faster than the scientists believed possible before.

Global warming sounds cosy. In a cold country, people might think that we could do with a bit of that. However, it means global climate havoc. Places such as Bangladesh, which produces tiny quantities of CO₂, are being swamped. They are suffering because of our sins of emission, as it were.

All of us are suffering a degree of moral pain. Subconsciously, we must know that every time we get into our cars, we are helping to flood Bangladesh. We are storing up trouble for future generations. It will all bounce back here; it is happening already.

The insurance industry's projections for 2020, 2040, 2050 or whatever are absolutely off the wall. The scale of the damage that is likely to be caused by climate havoc and species going out of existence is trillions and trillions of dollars and pounds. Why can we not spend the money in advance and get upstream? We should prevent the need to spend the kind of money that will be required to cope with the damage.

15:00

Denmark has responded alertly to this real crisis. In Denmark, more people are employed in the wind industry than in farming. The Danish are the world leaders in that industry, but they have a much lesser wind resource than we have. We have the best wind resource in Europe as well as terrific tidal and hydro-power. We could have zero pollution cars that run on completely clean energy, because the technology exists—it is a genie that is out of the bottle.

Normally, the multinationals suppress those things, but one powerful group is promoting that use of clean energy. It is not science fiction; the cars are being marketed already. Anyone can visit the website and put their name down for one. In France, 12 factories are in preparation for manufacturing them and in Mexico, the United

States, Hong Kong, Malaysia and so on, the technology is coming fast. However, it needs to come soon because of the scale of the crisis that we are facing.

I sent the committee a supplementary paper, which gives the results of recent tests. A test run of the compressed air vehicles was conducted, on the EU urban test circuit, using Citroen AX cars that were driven by four motors that required different fuels—diesel, petrol, electric batteries and compressed air. The test measured how the refinery output of energy—beginning at 100 per cent—was diminished and wasted. For diesel cars, the percentage of energy that was usefully delivered was 13 per cent. For petrol cars, the figure was 9.4 per cent and for electric cars it was 13.2 per cent. However, the figure for compressed air cars was 20 per cent. Even with fossil fuels powering the power stations, a massive improvement could be made, and in Scotland, we have the opportunity to move to completely clean energy.

The genie is out of the bottle. We hope that the Parliament will investigate the matter or invite Guy Negre, or members of the company, to address a public meeting in this country. A workshop seminar with financiers could be held. If the argument is pitched in seriously moral terms, and if we draw attention to the moral pain that everybody is experiencing, in the back of their minds, every time they switch on a light bulb or drive a car, the scope is there for radical political development. Because of the scale of the emergency, I believe that the Scottish Parliament would be fully justified in using its tax-levying power. The factories are for sale, and it would be appropriate to investigate the possibility of investment.

The Convener: Thank you, Mr Mothersson. Do members have any questions?

Members indicated disagreement.

The Convener: The petition is very clear in asking the Parliament to investigate, promote and assist in the production of cars that are powered by compressed air. It is not appropriate for the Parliament to use its resources to pursue what would be a matter of commercial development for various interests. However, as Mr Mothersson has made clear, this is a topical issue that will increasingly become important.

We have two options: we can send the petition to the Transport and the Environment Committee for further information, or we can write to the Minister for Transport and the Environment, asking whether she is aware of the project and seeking her views on the issue. I suggest that we do the latter. Because of the burden on committees, this committee should undertake to investigate the

matter further before the petition is passed to another committee. Is that agreed?

Members indicated agreement.

The Convener: Petition PE256, on youth crime, comes from Mr Browning, on behalf of various retailers in Polwarth. We welcome Mr Michael Browning and Mr Mark Santangeli to speak to the petition.

Mr Mark Santangeli (Polwarth Retailers): We opened a shop in Polwarth about 15 months ago. It is a family business, a neighbourhood shop. About four months ago, gangs of youths started coming into the shop and causing all sorts of problems. They are all under 16. We called the police, but there is only so much that they can do. If anyone tries to get the kids out of the shop, they become intimidating. One of them actually assaulted my father-in-law in the shop. They are repeat offenders: they are charged and their cases go before the children's panel, but the next week they are out again. Some of them have committed 20 crimes, but they are still out on the street. We have no faith in the children's panel; there is no deterrent for these youths at all.

Mr Michael Browning (Polwarth Retailers): Our issue is that the police know who these people are—they are persistent offenders—but they do not have enough resources to deal with anything other than violence. It is clear that the police need more resources and more powers to prevent these people from going out on their crime sprees.

At the same time, the sentences that those young offenders are given—when they are given a sentence at all—are clearly not effective deterrents against reoffending. Treatment by a children's panel is too lenient and often seems to be biased in favour of the young offenders. The youths know that the system can do little to restrict them.

In summary, many of the retailers in the area in which we have our shop believe that the police need more resources and more powers to prevent such offences from happening. There should be stronger penalties for those offenders, and we are strongly against the proposal in the review paper "It's a Criminal Waste: Stop Youth Crime Now" to increase the age limit for dealing with offenders through the children's panel system.

Christine Grahame: Your petition deals only with the children's report procedures—it does not ask about policing, although you have addressed that.

The petition has quite a lot of signatures. Have you sought meetings with local police, through the chief constable or assistant chief constable? Has the chief constable addressed the matter first? It

strikes me that it is a policing issue. I hear what you are saying about the sentencing, but it seems to be a matter of community policing.

Mr Browning: The police are frustrated because they know who the offenders are; they arrest them almost daily—often several times a day. Nevertheless, they are back out on the streets the next day.

Christine Grahame: Have you had a meeting with the police about the matter?

Mr Browning: Yes.

Christine Grahame: What was the outcome?

Mr Santangeli: The outcome was that they told us that they were doing as much as they could. They catch the kids and charge them. The cases are referred to the children's panel and then the kids are out on the streets again. The police are just as frustrated as everybody else.

Pauline McNeill: Similar issues have arisen in my constituency. I understand that there is another provision, and that cases do not have to go before the children's panel. However, I am not sure what the sanctions are.

I am aware that there is a problem in the fiscal service. The police may be charging people, but there should be joined-up thinking throughout the criminal justice system. The police may be doing their best; it might be an issue not of police resources, but of those in the criminal justice system not working together to a common end. Sam Galbraith has said a lot about the way in which he believes that youth crime should be dealt with.

Your petition is wide ranging. Perhaps we should clarify which sanctions are available in Scotland—do you agree?

Mr Browning: We are not experts on how all this works, but it is quite clear to us that those people are not being taken off the streets and are being left to carry on committing crime. I do not know whether that is because of the police, the children's panel or the co-ordination between the two.

Pauline McNeill: Who is your local MSP?

Mr Browning: It is David McLetchie.

Pauline McNeill: Have you discussed the matter with him?

Mr Browning: We have had extensive discussions with him.

Pauline McNeill: Does he support the petition?

Mr Browning: Yes, he does.

Mrs Margaret Smith: Some of the supporting papers refer to my constituency. I have had

meetings with senior police in my area about two similar sets of incidents. The message that I got from those senior officers is that they are also concerned about increasing the age of criminal responsibility. They feel that early teenagers are the very group that they are having difficulties with at the moment. I echo what Pauline McNeill said. It is not just about resources; it is about the options that are available to the police. Changing the age of criminal responsibility could make things more difficult for them.

All sorts of side issues, such as access to alcohol, have come into the discussions that I have had. Those matters seem rather more important than mere resource issues on occasion, according to police in my part of Edinburgh. I think that one of the things that we should be doing—

The Convener: You are supposed to be asking questions.

Mrs Smith: Have you had any meetings with your local police and schools? It is important to pull together all the different parts of the jigsaw. In the Corstorphine area of my constituency, that is what we have been trying to do. We have been trying to involve everybody, including shopkeepers, in tackling the problem, but we must find out exactly what we are able to do.

Mr Santangeli: The majority of the kids go to Tynecastle High School. We have had a meeting with the community policeman, who says that the teachers are quite happy when the kids are skipping school, because they are not disrupting classes. Half of them never go to school anyway.

Mr Browning: We know these people's names and addresses, which schools they go to, their ages and their parents' names. The police obviously know all that as well, but there seems to be little that the authorities can do to prevent them from offending.

Mr Santangeli: The boy who assaulted my father-in-law has since committed another 15 crimes. I saw him last week; he is still on the street and still doing it. The police are catching and charging him, but we feel that the system does not provide enough of a deterrent.

Mrs Smith: There is a great sense of frustration among policemen, as much police time is taken up with such matters.

The Convener: Thank you for coming to discuss your petition. This is a serious issue. I am currently involved in raising exactly the same issue in Dundee, where persistent young offenders are not being dealt with by the children's panels. It seems that the fault lies not with the children's panels themselves but with the powers that they have to dispose of young offenders who come before them. One of the problems is that there are

simply not enough secure places in Scotland to accommodate the people who need to be placed in them. As a result, they are released straight back on to the streets or into children's units, from which they can march out to do the same thing all over again.

However, that is just my own personal experience. I suggest that we seek the minister's views on this serious problem. It is something that the committee can help to highlight and force the Parliament to do something about, because the present situation cannot be tolerated.

John Scott: I support what you say. This is a Scotland-wide problem and one that is growing. This committee and the Justice and Home Affairs Committee should try to find a way of bringing the matter before Parliament. Guidelines should be issued to the police and to children's panels to address the problem.

Pauline McNeill: I am just thinking aloud, and I realise that we might not have powers to do this, but—

Mrs Smith: That has never stopped you before.

Pauline McNeill: It would be useful to find out what information David McLetchie, the local MSP, has. It strikes me that, if charges have been made by the police, the fault might lie with the procurator fiscal. It might be in order for us to write to the procurator fiscal and find out why the problems are occurring. As I understand it, cases do not have to go to the children's panel; they can go to court. It might be that the procurator fiscal's office has decided not to send cases to court. At any rate, it is worth exploring those possibilities.

The Convener: If the children are under 16, the children's panel can refer them directly to the sheriff court, but only for very serious offences. The kind of offences that are commonly terrorising people do not fall into that category. The children are not killing or seriously injuring people, but they are smashing windows or intimidating and threatening people by holding knives to their throats. It is disgraceful behaviour but, because they are under 16, they are referred to the children's panel, which cannot do anything if there is not a secure place available.

In just one week in my area of Dundee, four kids with secure orders against them could not be placed because there was nowhere to place them. The places do not exist, and that is the issue that we have to deal with. The procurator fiscal's office is only rarely involved in offences involving under-16-year-olds; it handles only very serious crimes, such as murder and attempted murder.

15:15

Christine Grahame: You are talking generally

about the children's hearing procedure. Would it be appropriate to make a specific request about this particular area, or should we address the whole system across the country?

The Convener: It would have to be this petition that we referred to the minister. In referring it to him, we could say that the committee feels that it is a national problem, not a local one, and we could ask for his views on the national system.

Is that agreed?

Members indicated agreement.

The Convener: The next petition, PE244, from the Holyrood View Residents Association, is about car clamping. I invite Mr Graeme Brown to address us.

Mr Graeme Brown (Holyrood View Residents Association): I shall keep my comments brief. The key problems relate to residents returning home to find that no parking spaces are available. For example, there is a young lady who works shifts at the airport. She comes home after 11 o'clock at night, and sometimes after midnight, to find that no parking spaces are available. We are being denied the use of our own property.

Because outsiders are coming in and parking on the footpaths, wheelie bin access is denied and the wheelie bins are being left. As the petition states, we have taken the matter up with the police and the council, but they are powerless to act, although the overflowing bins are attracting rats.

As I see it, the only thing that worked satisfactorily in the past was wheel clamping. However, there was a case a few years ago—not involving our area—in which an outsider had the backing of a powerful lobby group, the Automobile Association. He took his case to court, and clamping was deemed to be theft and extortion. It was considered theft because the owner of the car was being denied use of his property. Of course, we do not have the backing of such a lobby group, so we could not put forward the case that we are being denied the use of our property—the car parking spaces that were paid for when the flats were originally bought.

The committee might like to consider whether this is a breach of human rights under protocol 1 of the European convention on human rights, which deals with protection of property.

Christine Grahame: We have been made aware of the Road Traffic Regulation Act 1984, which gives local authorities power to act against pavement or anti-social parking. That might be a remedy. Have you pursued that?

Mr Brown: I have spoken to the council and my local councillor has looked into the matter, but I must admit that this is the first that I have heard of

such legislation. That might be worth pursuing in relation to the specific problem of the footpath parking.

Christine Grahame: If the convener agrees, we could provide you with a circular on pavement parking, which suggests various self-enforcing alternatives. Goodness knows what they might be—tethering a horse or something.

Mr Brown: It may be that because our footpath is private—it is part of the development, as distinct from the council pavement—it might not fall under the legislation.

Christine Grahame: I am just making you aware of those things. You might be able to use them.

Mr Brown: We are aware of the general points about restricting cars. Some people use barriers. However, we cannot do that because it would mean closing off part of a public road. That is obviously a non-starter.

Ms White: I was going to point out the barrier alternative, but you say that you cannot use barriers in that area.

Mr Brown: No.

Ms White: In the area that I represent, there are various places where people park, because it is near the town. However, attendants have keys to allow parking.

Mr Brown: My road is a cul de sac and the car parking is immediately off the road. Any barrier would have to go across the cul de sac. I understand that that was investigated some time ago, but the problem is that it is a public road and people such as bin men need access. I am sure that we would not be allowed to erect a barrier across a public road.

John Scott: I was going to say something similar. I have seen it work abroad—there was a gate and each car owner could press a button to allow them in and out. That was not a high-cost measure.

Mr Brown: It is a public road.

John Scott: I thought that you said that the area is privately owned.

Mr Brown: One option would be to erect bollards. However, there are not enough parking spaces for every resident to have one. In neighbouring areas where bollards have been erected, they have been vandalised and have quickly fallen out of use.

Mrs Margaret Smith: I was going to pick up the point about putting a barrier across a public road. My street is a public road and we have a barrier at the end. I was partly responsible for getting that

erected. The street used to be a rat run: 700 cars an hour were going along a residential street.

There are circumstances in which councils agree to put barriers across public roads and to change the road's designation. It depends whether the council thinks that the problem is serious. There is nothing to say that a barrier cannot be erected.

In our street, people who require access to the other side of the barrier are supplied with keys by the council. That allows people access to their homes but prevents people from using the street as a rat run to Queensferry Road. There are ways round it, but it took the residents in my area about 15 years to achieve.

The Convener: Are there any other questions?

Helen Eadie: I thought that you were never going to look in my direction, even though I am on your left and you are a man who always looks left.

Mr Brown, have you had a meeting with the transport convener of City of Edinburgh Council?

Mr Brown: No.

Helen Eadie: Do you think that that might be a useful step?

Mr Brown: Having had a lengthy discussion with my local councillor, who is a senior councillor and seems to understand the problems, I do not think that such a meeting would be helpful. My councillor has told me that the problem is widespread. We have to get to the root of the problem, rather than find ways round it. We should deal with the problem head on and allow wheel clamping.

Helen Eadie: Is there a residential parking scheme? In some parts of Edinburgh, residents pay for a parking permit, which allows them parking allocation, although they do not get a specific space.

Mr Brown: The neighbouring streets use that system. I would make the analogy of our car park being like a private driveway in a suburban house. There would be no question of a person in a suburban house being denied access to their driveway and having to park on the street and pay for a parking space. I do not see why we should be discriminated against in that way.

Helen Eadie: I lived and worked in London for 17 years. Do you accept that in London there are many flats of the sort that you describe, where bin men and other public agencies need access, which have devised barrier schemes similar to those mentioned by my colleagues? They are able to accommodate visitors because there is an agreement between the council and the residents. Have you explored alternatives such as those used in London?

Mr Brown: On a public road?

Helen Eadie: Yes.

Mr Brown: I am not aware of barriers being used on a public road.

The Convener: Thank you, Mr Brown.

Members will have read the papers and the recommendations. I understand that Mr Brown is a researcher in the Scottish Parliament. As a first step, the note that has been provided for us could be made available to him. The key point is that wheel clamping on private land in Scotland was banned by a 1992 court case. That is the problem.

It is suggested that we write to the Minister for Transport and the Environment to ask whether the Executive has any plans to introduce provisions to allow wheel clamping on private land in Scotland or any other measures to deal with illegal parking on private land.

John Scott: I want to get this straight. Are we talking about private land or public land?

The Convener: It is private land.

John Scott: If it is private land, the residents can put up a gate and allow themselves access. If it is public land, wheel clamping is allowed.

The Convener: The road is public, but the parking spaces are on private land. It is one of those difficult things. It was even worse when we had regional and district councils and they owned different pavements.

Christine Grahame: I was interested in what Margaret Smith said. I suggest that we write to the transport convener of City of Edinburgh Council and ask what remedies have been used in other areas of Edinburgh. It is a problem that occurs all over Scotland. Several remedies are available and I expect one of them to provide the solution for these residents. I understand why they are aggrieved.

The Convener: Is that an alternative to writing to the minister?

Christine Grahame: Yes.

Pauline McNeill: I support that; it is a sensible approach. A solution should be found without recourse to changing the law. The case to which the petitioner refers makes it clear that as the law stands, clamping is not allowed on Scottish private land. There are pros and cons—at least we do not have cowboys clamping cars all over the place.

We should write to City of Edinburgh Council, which should have a more hands-on approach to solving the problem.

The Convener: Do members agree to that suggestion?

Members indicated agreement.

The Convener: The next petition is from Keith Cowan of Outright Scotland, on changes to pension schemes. There is an additional paper from Outright Scotland. The petition calls on the Parliament to change Scottish public sector pension schemes to ensure that they provide survivor benefits to interdependent unmarried partners of scheme members.

The suggested action is that we copy the petition to the Minister for Children and Education, who—surprisingly—has responsibility for pensions. We will double-check that. The Executive has told us that Sam Galbraith is responsible for that issue. After we have received comments from the minister, we can consider further what action should be taken.

Are we agreed?

Members indicated agreement.

The Convener: Petition PE248 is from Mr Robert Durward, on passing places. It calls on the Scottish Parliament to introduce legislation to compel slower drivers to use passing places in specified circumstances, in order to allow other traffic to pass safely, and to ensure that there are sufficient passing places, which are adequately signposted.

It is suggested that we write to the Minister for Transport and the Environment for comments on roadside landscaping, which is also raised in the petition, and that we seek the views of the relevant UK transport minister on the proposal to compel slower drivers to use passing places. Maureen Macmillan, the MSP for Highlands and Islands, has e-mailed the clerk to the committee to point out that the law does not need to be changed in that respect. In the past, sheriffs have fined slow drivers on single-track roads who would not allow passing. All that the public need to do is make a complaint. Sheriffs need to be reminded that they can fine drivers. The sheriff who is most famous for doing it lived in Gairloch, Wester Ross. It is illegal to drive too slowly and cause traffic chaos.

15:30

John Scott: May I raise a practical problem? How do you see the car that is 10 cars ahead of you? You may never get to it to report it. As I live in a country area, I support this petition. Elsewhere in the world, if there are more than five cars behind you you are obliged by law to pull in and let them pass. Such a measure would require the provision of more passing places on roads, which might have a cost problem.

The Convener: So the recommendations are to write to the Minister for Transport and the Environment in this Parliament about landscaping

to provide more passing places, and to write to the UK minister to see what the law says and whether it can be beefed up.

Christine Grahame: When you say the law, do you mean the highway code? This issue may be addressed in the highway code.

The Convener: We can find out from the ministers. They will write back to us with an explanation.

Mrs Smith: Can we ask also whether ministers have looked at legislating on this matter? We can ask what the current situation is, but can we ask whether they have looked at the issue?

The Convener: Yes. The view of the relevant UK minister should be sought on the proposal to introduce legislation on slower drivers.

The next petition is on fuel duties and taxes, but the petitioner has phoned to make it clear to the committee that this has nothing to do with the current dispute, and in fact was submitted independently of the dispute over fuel duty. He is calling for an immediate halt to increases on excise duty or tax on road diesel derv, for the Parliament to legislate to prevent the illegal use of rebated diesel by all types of tractors, and to legislate to ensure that all tractors used on the public highway are the subject of yearly MOT testing.

The petitioner's concern is that people are getting red diesel for a cheaper price, then using it for the wrong purposes. The suggestion is that we pass this petition to the Transport and the Environment Committee for further consideration, because this petition is linked to petition PE65, which it is considering, on taxation and road haulage. The clerk of that committee has indicated that it would be happy to receive it. Is that agreed?

Members indicated agreement.

The Convener: The next petition is from Mr Frank Harvey, on bail exclusion. Members will be interested to know that he is asking the Parliament not to repeal bail exclusion in the Bail, Judicial Appointments etc (Scotland) Bill, but it is too late because the bill passed into law on 5 July and was given royal assent on 9 August. It is suggested that we write to Mr Harvey telling him of that development. Is that agreed?

Members indicated agreement.

The Convener: The next petition is on Gaelic in the Parliament. It calls for the Scottish Parliament to remove the requirement that an English translation be supplied with any petition submitted in Gaelic, and to develop a formal policy of using bilingual text on the Parliament's website to the maximum extent practicable, as recommended by the secure status for Gaelic report. There are two

sides to this. The first is that the petitioners, who are members of Comann Ceilteach Oilthigh Dhun Eideann, wish to be able to submit petitions to this committee in Gaelic without an English translation. That is not practical: I do not think that any of us speaks Gaelic, so we would be at a disadvantage if there were not an English version of a petition. We should not pursue that request.

We could, however, take up the second point: that the website should be in Gaelic and English when dealing with Gaelic issues. It is suggested that the petition be passed to the Scottish Parliamentary Corporate Body for a response on the issue of bilingual text on the website, and that the clerk respond to the petitioner, giving the reasons for the current petitions procedure for petitions in any language other than English. Are there any objections?

Pauline McNeill: What are we doing?

The Convener: The point about bilingual text on the Parliament's website will go to the SPCB and we will write to the petitioner saying why we insist that English translations accompany petitions in other languages when they are submitted to this committee.

Pauline McNeill: And on the website we are asking for what?

The Convener: We are asking the SPCB to comment on what has been suggested, as it is that body's responsibility.

The final new petition is PE254 in the name of Mr William McCormack, calling for the Scottish Parliament to introduce legislation to ensure all lottery or public-funded advice services are subject to an annual independent audit to assess the quality of advice given by staff and volunteers. The supporting information with the petition refers to the details of a dispute between Mr McCormack and Dumfries and Galloway citizens advice service.

It is suggested that the clerk establish the current arrangements to monitor the standards and performance of citizens advice bureaux and other independent advice agencies. Once that advice is available, we should take a view on whether any further action should be taken on this petition. We must be careful, as the matter touches on the issue of confidentiality and making available details that have been given in confidence to CABx. However, the issue is important and perhaps our first step should be to write to the CAB asking for information about how it is monitored.

Christine Grahame: I want to raise a wee problem about this petition. Mr McCormack refers to all lottery or public-funded advice services. However, some services receive tiny amounts of

funding from those sources and other voluntary agencies, so we are talking about a huge sweep. Furthermore, you have recommended that we talk to the CAB, which is not what the petition says.

The Convener: Our recommendation includes other independent advice agencies.

Christine Grahame: I know. However, the petition talks about all lottery and public-funded advice services. Some voluntary advice services receive only part of their funding from the lottery, part from social services, part from the Parliament and another part from the voluntary sector. The petition seems terribly sweeping.

The Convener: It is very sweeping. However, we can concern ourselves only with how public money is spent. Consideration of funding from other sources is a matter for those sources. The Parliament and the Executive have a responsibility to follow the public pound.

Ms White: Perhaps we should write back to the petitioner and ask him to be more specific. Many centres such as advice centres and money advice centres are publicly funded.

The Convener: The petitioner is concerned more with the CAB. If we can find out the monitoring arrangements for that organisation, that might help us to form a judgment.

Pauline McNeill: The point is the quality of advice. This is a good petition; I have often wondered how much people who use CABx can rely on advice given by volunteers. Although I take the point about what bodies should be examined, the petitioner asks us to assess the quality of advice by staff and volunteers, even though I imagine that doing so might take a lot of work.

Ms White: There is sweeping legislation—if that is the word—for CAB volunteers, as Pauline McNeill describes them. They are volunteers in the sense that they do not get much pay, just a remuneration, but they go on courses and learn, and any advice from the CAB is normally correct.

That said, is the petitioner targeting only the Dumfries and Galloway CAB? As you said, convener, the petition comes with newspaper cuttings and other details about the chap's experiences. Perhaps we should write back and ask him to be more specific than simply targeting all public-funded advice services. There are many publicly funded advice services, if they have not all closed down due to lack of funding. My worry is that he is concerned about this issue only because of his own experiences.

The Convener: The petition does not refer to the specific case; he has provided only back-up information to indicate his concerns. He refers more to the standards and unaccountability of advice agencies. We have to satisfy ourselves on

the general point and raise the issue with the Scottish Executive, which is responsible for the monitoring of these bodies. As significant public money goes into these advice agencies, surely there must be monitoring arrangements.

Ms White: Are we asking only about CABx?

The Convener: No. We will ask about other publicly funded agencies.

Visit

The Convener: Before we turn to the current petitions—we might not be able to deal with all of them, given our progress—I suggest that we discuss the proposed visit to Glencoe, which was agreed at the previous meeting. Are members agreed?

Members indicated agreement.

The Convener: At the last meeting before the recess, it was agreed that we should visit Glencoe to learn more about the background to the petition before reaching a view on the action to be taken. We now want the views of members on the format and timing of the proposed visit. I must however advise members of the advice that the clerk has received on the handling of the petition following consultation with the Parliament's legal team. I bring members' attention to the following points regarding the action that the Public Petitions Committee may wish to take following its proposed site visit.

First, the National Trust for Scotland is a body corporate, established under the National Trust for Scotland Order Confirmation Act 1938—which was a private member's bill—and is a registered charity. The advice from the legal team is that the Parliament therefore has no remit to examine the operation of the National Trust for Scotland or its internal policies. It may be possible for the Parliament to pursue an investigation of the public funding that the National Trust for Scotland receives from the Executive or executive agencies, either in the form of direct funding or through grant applications, but such an inquiry would seem to go further than the action originally requested by the petitioners.

It is also possible for the Parliament to conduct an inquiry into the economic and environmental impact of the developments referred to in the petition on Glencoe. The land use policies of the National Trust for Scotland in Glencoe and elsewhere in Scotland could also form part of such an inquiry. It has been suggested that this option would perhaps be most in line with the requests for action made by the petitioners.

However, the action to be taken will be agreed after we have visited Glencoe. It would therefore be helpful to reach agreement at this meeting on how we proceed with the visit. The suggestion is that we go on either a Monday or a Friday. It is also suggested that the whole committee need not attend. We would however want the members who go to be representative of the committee. Arrangements could be made to visit the sites in question and to have meetings with the petitioners and the National Trust for Scotland to hear their

respective views on the issues raised in the petition.

If members are in agreement we will try to identify a suitable date. The clerk will contact members individually over the next few days to determine their willingness to attend and their availability. Are there any thoughts?

Christine Grahame: I would be interested to see that letter. I realise that we can deal with the matter today without going into that, but it is interesting.

When we went to the Borders, the whole committee was invited, but some committee members did not go, for perfectly legitimate reasons—they had other commitments or whatever. The offer should be extended to the whole committee. We will not all be able to go in any event, which will narrow it down, and we are a small committee anyway. A couple of members were not in the Borders. Only three or four of us from the committee would be there, plus any interested MSPs. It is not necessary to have a quota. There will be a natural quota.

Ms White: I want to reiterate what Christine Grahame has said. I would like to request a copy of the letter. I presume that everyone will get a copy. I am sure that it will make interesting reading. I will reserve comment until I have read the whole letter. Everyone should be invited on the visit. I am sure that three or four of us will turn up.

John Scott: My view is, I think, the same as it was last time we discussed this—it will be a matter of record: even having visited the site, are we in a position to do anything about the situation? The petition will have to be referred to whichever is the appropriate committee. We are not in a position to make any decision on the matter ourselves. If the committee to which we will refer the petition also decides to visit the site, will not we incur unnecessary expense for the Scottish Parliament?

Pauline McNeill: I too am on record as being opposed to the visit. I still am, but I recognise that it was the view of the committee that there should be one. I have a couple of concerns. First, I am not sure that we can change anything or interfere in the matter. Secondly, if the whole committee goes, what does that mean for petitioners who would normally come to Edinburgh to speak to their petitions? Will we notify them that they will have to come to Glencoe?

Thirdly, there is the cost to the committee. What will it mean for any future visits? I am not opposed to visits to take the committee to other cities of Scotland—I have a particular objection to a visit on this petition. Will there still be scope for the committee to go elsewhere? I know that travel has to be agreed by the Scottish Parliamentary Corporate Body. Those who want to go to Glencoe

should do so, but I do not think that the whole committee should go.

The Convener: There is no question of holding a formal meeting of the Public Petitions Committee in Glencoe. We could not expect petitioners from all over Scotland to go to Glencoe to attend a meeting of the Public Petitions Committee. No member who wants to go to Glencoe is being excluded from going.

15:45

I suspect that not all members will go—there is no need for them all to do so. An informal representation of the committee will go to Glencoe to listen to the National Trust for Scotland—there will be a site visit—and to the petitioners, and will then report back to the committee, which will decide what action should be taken. The visit will take place only if the Scottish Parliamentary Corporate Body and the conveners liaison group approve the expenditure on it. We will have to apply for the authority to pay for the visit.

Christine Grahame: Thank you for that clarification. I had thought that it would be a formal meeting, but I realise now that it will not be the same as the meeting in Galashiels.

Apart from the fact that we have agreed to go, we have to go so that we can decide where to remit the petition. In certain circumstances, it is right that we should see for ourselves what an issue is. The action that we should take is not always clear from the submissions that we receive. One can get more of a feel for an issue when one hears about it from a community. We are here to respond to the public, and if the Parliamentary Bureau or anyone else is inconvenienced, so be it.

The Convener: We cannot do anything until we find out who wants to go.

Christine Grahame: Strangely, I want to go.

The Convener: There is no bar on anyone who wants to go. I suspect that three or four members will want to go. They will represent the committee and report back to it. The dates that have been suggested are Monday 25 September, Friday 29 September, Monday 2 October, and Friday 6 October. The clerk will contact members in the next few days to check on their availability. We will then have a better idea of who wants to go and will be able to make a bid to the conveners liaison group and the SPCB for approval of the expenditure that is required.

Fergus Ewing: For the record, I tell the committee that the petitioners, Mr MacDonald and Mrs Macleod, are here today. We are pleased that the committee decided that there should be a meeting. In the interests of balance, I should say

that Mary Scanlon has supported the petitioners' case at a public meeting that was held in Glencoe. I imagine that she, too, may be interested in attending a meeting there. I have spoken to the petitioners today and know that they are anxious that there should be a visit to the sites in Glencoe and are pleased that that is part of the proposal. That will be very helpful for those members who attend.

The petitioners are more concerned that a meeting should take place than that three, 10 or 15 members should attend. The petitioners were pleased by the commitment that was made and by the robust arguments that we heard from members such as Margaret Smith at our previous meeting.

Although the committee may not have the power to resolve matters that arise from the hearing, what is important is that there will be a fair hearing for all the issues. The committee is playing an important role in this matter, and I am grateful for the decision to visit my constituency to hear the petitioners' case.

I noted in the National Trust for Scotland's submission that it volunteered to provide evidence to the Scottish Parliament, presumably in any way the committee sees fit.

Helen Eadie: I am slightly worried. During the summer I went to Glencoe and Skye to check out the roads, admire the lovely scenery and have a brief break. I fear from what Fergus Ewing said that, if we hear representations but have no powers to resolve the problems, we might raise people's expectations unrealistically. I am not against going back to Glencoe and would volunteer to do so to hear the specifics. However, we should not give people unrealistic expectations.

The Convener: The committee has decided to visit Glencoe; that is not an issue. We are debating the form and nature of the visit.

John Scott: The purpose of the visit to Glencoe is to decide which committee to refer the petition to.

The Convener: I was not here when it was decided that we should go, but it was a committee decision.

John Scott: From what Christine Grahame said—

Christine Grahame: We have decided to go to get the flavour of the issues.

John Scott: I am happy to go, but we should be under no illusion about why we are going.

The Convener: We are going to determine how this committee should handle the petition, where the petition should be sent and to seek evidence

on what to do about the petition.

Margaret Smith: An issue that has continually been raised at the committee is that—rightly or wrongly—it has the reputation of having no way forward but to refer petitions to committees that are already stretched by their work load.

The feeling among those of us who supported the move to go to Glencoe was that there were a lot of unanswered questions—one was about which committee we should pass the petition to. However, this is also a chance for the Public Petitions Committee to answer some of those questions before it passes the petition on. Any parliamentary committee to which the petition was passed once the Public Petitions Committee has done a significant amount of work would take on board our findings and comments. Our comments would be based on first-hand experience of the issues rather than our having merely read about them in a petition.

Going to Glencoe was seen as a way of getting the examination of the matter up and running to get a timeous response.

The Convener: The committee is going to Glencoe. Nobody is questioning that. The issue is whether we agree that the clerk will contact members individually to discuss their availability at those times, after which we will make our application to travel.

The note that I have been given about the legal situation—it will not be discussed until we come back from Glencoe—will be circulated to all members of the committee.

Christine Grahame: For clarification, will the submissions be recorded if it is an informal meeting?

The Convener: No, because the committee would have to take everybody with it. Costs militate against that. A clerk will be present, so a written summary of the meeting will be produced, but there will be no *Official Report*.

Is that agreed?

Members indicated agreement.

Current Petitions

The Convener: We move now to current petitions. We have 15 to deal with, so we will deal with them as quickly as we can.

The first petition is PE110 from the Greater Easterhouse Council of Voluntary Organisations. It asks the Minister for Communities to intervene with the local social inclusion partnership to fund it fully. We passed the petition to Jackie Baillie, the Deputy Minister for Communities, who has replied to the committee on behalf of the Executive. The suggested action is that a copy of the letter from the deputy minister should be passed to the petitioner and that no further action should be taken.

Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE127, from Edinburgh Student Action for Refugees. The petition calls on the Scottish Parliament to take a variety of actions regarding the detention of asylum seekers in Scotland. The issues that are raised in the petition are reserved. The committee agreed to seek comments from the Home Secretary. He replied on 8 May and a copy of his detailed reply is attached to the papers.

The response deals with the issues that were raised by the petition. Members must consider whether further action is required or whether we should copy the Home Secretary's reply to the petitioners.

Christine Grahame: Asylum might be a reserved issue, but the detention takes place in Scotland's prisons. In his report, which the Justice and Home Affairs Committee considered yesterday, the chief inspector of prisons expressed concerns about the way in which asylum seekers are detained. I would like to hear the comments of the Minister for Justice on the detention of asylum seekers in Scottish prisons and to compare them with what the chief inspector of prisons had to say. It is the second time that the chief inspector has raised the issue in reports.

The Convener: So, in addition to the action that has been suggested, Christine Grahame suggests that we copy the petition and the response to the Minister for Justice and ask him to respond to the criticisms that were made by the chief inspector of prisons in his recent report.

Christine Grahame: Maureen Macmillan raised that issue in committee, so it is on record.

The Convener: Do members agree that we should take the course of action that I have outlined?

Members indicated agreement.

John Scott: I found the Home Secretary's letter, particularly the third paragraph of it, hard to understand. It states:

"many have had decisions on their application and their appeal against refusal of asylum has been finally disposed of."

The Convener: It refers to people who have been told to leave the United Kingdom, but who have not done so and have been arrested. Their MP is now appealing against their imminent deportation. While the appeal is being considered, those people are held in prison in case they abscond again.

The next petition is petition PE146 from Mr McInnes on behalf of the residents of Main Street, Golspie. The petition requests a variety of actions by the roads network maintenance and management division. A copy of the reply from the Minister for Transport and the Environment was sent to the petitioner. He replied to that, and the minister has responded again. The suggestion is that a copy of the latest letter from the minister's office should be passed to the petitioner for his information and that no further action should be taken, on the basis that most of the additional points that the petitioner raises have been answered in the minister's letter. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE148 from Mr Brian Anderson on behalf of the Organophosphate Information Network. This petition was passed to the Health and Community Care Committee for further consideration, in consultation with the Rural Affairs Committee. We also agreed to write to the Minister for Health and Community Care, to seek her comments on the fact that there had been no response to letters that the petitioner had written to her department. In her letter to the clerk of 12 May, the minister responds to many of the petitioner's complaints. It is suggested that the letter be copied to the petitioner and to the Health and Community Care Committee, to be taken into account as part of its on-going consideration of the petition, which it has been sent.

Christine Grahame: Has the Rural Affairs Committee no further role, or would it be appropriate to send the committee copies of correspondence for noting? The petition refers to a health issue that is also a farming issue.

The Convener: On its meeting of 27 June, the Rural Affairs Committee agreed to inform the Health and Community Care Committee that it supported the general principles of the petition. However, we could send the Rural Affairs Committee copies of the correspondence for information.

Christine Grahame: We should keep the Rural Affairs Committee informed of what is happening.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: Petition PE160 from Ian Allan is about health and safety. We agreed that the clerk should write to the petitioner to inform him that Cathy Jamieson has lodged a motion on that issue. We also agreed to seek the views of Sam Galbraith and we have received a memorandum from the minister. It is suggested that a copy of the memorandum should be passed to the petitioner and that no further action should be taken.

Members indicated agreement.

The Convener: The next petition is petition PE182 from William Watson on behalf of Haddington and District Community Council and concerns safety around Haddington Infant School. There has been a considerable amount of correspondence between the petitioners, the committee and East Lothian Council. The petitioners have requested that the committee assist them in persuading the council to prepare a timetabled plan for dealing with safety around the school. The issues that are raised in the petition are a matter for the local authority, but if the committee is concerned that the authority might not be taking appropriate action on physical safety measures in the area, we could write to the council urging it to take on board the concerns that are outlined by the petitioners and to engage in further dialogue with them in an attempt to address those concerns.

John Scott: Is there a council ombudsman who could be approached with a view to seeing whether that council is discharging its duties adequately?

The Convener: There is. However, such an approach would have to be made through a councillor. The petitioner would have to approach the local councillor who would have to approach the ombudsman on their behalf.

John Scott: Would it be worth finding out whether that route had been pursued?

Ms White: Convener, it is not necessary to go to the local council or councillor; a person can pick up a leaflet with the ombudsman's address on it and express his or her concerns directly.

The Convener: Does the committee think that we should not keep corresponding on this?

Helen Eadie: Convener, I would prefer the committee to take the action that you suggested. The ombudsman would simply consider issues of maladministration, but the matter is more to do with resources. From my recollection of the discussion that we had with the local authority, it

was recognised that there was a problem of resources.

16:00

The Convener: I am advised that the council has responded to the petitioners' concerns and that it is the fine detail of that response that is at issue. The council cannot be accused of not responding—it has done so. There might be political disagreements.

Christine Grahame: Are you now saying that there is no point in writing to the council? I supported that idea, because 1,375 people—not a small number—signed the petition. The council should pay attention to that.

The Convener: Do members agree that we should write to the council?

Members indicated agreement.

The Convener: The next two petitions—PE195 and PE209—are from the Irvine Pensioners Action Group and from Age Concern Dundonald. The first is about warden cover in sheltered housing in the North Ayrshire Council area, and the second is about care of the elderly in the South Ayrshire Council area. The petitions were referred to the Social Inclusion, Housing and Voluntary Sector Committee. Mike Russell addressed the committee at one of its meetings, at which I was present.

The committee took the view that there was insufficient information to make a decision on the substance of the petitions and it was suggested that they be referred back to the Public Petitions Committee for us decide whether there were national implications arising from the decisions of the two councils and whether those implications would merit an inquiry by the Social Inclusion, Housing and Voluntary Sector Committee. It has been suggested that the committee should seek the views of ministers, the Convention of Scottish Local Authorities and constituency and list MSPs. The clerk, once he had that further information, would report back to the committee.

Members indicated agreement.

The Convener: The next petition is from the Dunfermline Press Group on car parking charges in hospital trusts. We have received a response from the Executive, which deals with many of the issues that were raised in the petition. It sets out the Executive's policy in relation to car parking charges in hospital trusts. We have to consider whether the minister's letter provides satisfactory assurances that the national health service trusts involved are acting properly in charging for parking at their hospitals. If we are content, a copy of the letter would then be passed to the petitioners, with an indication that no further action would be taken.

However, if we have concerns, the minister's letter should be passed to the Health and Community Care Committee for further consideration.

Helen Eadie: I strongly oppose letting this petition go—it has 20,000 signatures. A couple of weeks ago, Gordon Brown, Henry McLeish, Marilyn Livingstone, Lewis Moonie, Rachel Squire and Scott Barrie and I put out a joint press release on the matter, lamenting the arrogance of the acute services trust in Fife. Its representatives have negated the views of elected representatives on the council, in the Scottish Parliament and at Westminster. They will negate the views of virtually everyone in Fife.

It all comes back to the accountability of quangos. I ask the committee to invite the chairman and the chief executive of the acute services trust in Fife to the committee, so that they can be called to account. They have almost totally ignored the views of everyone who was democratically elected to represent the area. I think that the minister has had the wool pulled over her eyes. They did not, as is mentioned in the minister's letter, consult any elected representatives prior to taking their decision. They took the decision first and told us afterwards. They did not contact us; we had to contact them to protest about the issues concerned.

The Convener: It would have been helpful had Margaret Smith, the convener of the Health and Community Care Committee, been here. The action that Helen Eadie suggests might be for that committee to take. In the first instance, I suggest that we refer the petitions and the minister's reply to that committee.

I know that my local trust is in clear breach of the guidelines that have been issued, but that was because it entered into a 30-year public-private partnership contract before the guidance was issued—the fools.

Christine Grahame: On a point of information, what is the guidance to trusts on this issue? Has the Dunfermline Press Group been provided with that guidance?

The Convener: Not yet.

Christine Grahame: It might be useful, while other matters are being pursued, to intimate the current position. That will assist the petitioners in pursuit of the matter. I certainly do not know what the guidance is.

The Convener: We will copy our material to the petitioners, so that they can see what the minister says. Can we agree in the first instance to refer the petition to the Health and Community Care Committee, asking it to—

Helen Eadie: I am not entirely happy with that. A precedent was set when Greater Glasgow

Health Board was called to account. This is a case in which a public body has not properly consulted the public. Even now, with the benefit of hindsight, the board is not calling community councils together to consult them; it is speaking to individual representatives from each local community health council—it is still not embarking on a proper process of consultation. There is an issue of accountability. When we called in the chairman of Greater Glasgow Health Board, everyone in Scotland was sympathetic to Parliament standing up to people who were not really exercising their democratic accountability in the way that they should.

Pauline McNeill: There was a specific set of circumstances in the Glasgow case. I am not at all happy with the response from the minister. The matter has been raised not only by representatives of hospitals in Dunfermline, but by representatives of hospitals elsewhere.

I agree with Helen Eadie in so far as I do not see why the minister's reply should end the matter. I would like the Health and Community Care Committee to address what I see as the real issue of the petition: access to hospitals and hospital visits, to which car parking charges form a barrier. I am not satisfied that this is simply a matter of local needs. We will have to find a route to return to the Health and Community Care Committee and advise it that we should address the questions whether the guidance is correct, or whether it should be removed. We should deal with the matter nationally, not merely locally.

Helen Eadie: Pauline McNeill's point is helpful. We are supposed to have joined-up thinking and joined-up government. Sarah Boyack always emphasises green transport plans. Why, despite the offer of help from the leader of Fife Council to develop a green transport plan, did the acute services trust proceed without considering one? Such a plan would take into account all the issues of getting people to hospitals for whatever purpose in a way that would help everyone, including the medical staff, and—most importantly—those who need urgent acute health care, but who are blocked from getting it.

The Convener: I agree. However, it is not a matter only for Fife Acute Hospitals NHS Trust. Tayside University Hospitals NHS Trust is in exactly the same position and I am sure that most of us could speak similarly about trusts in our own areas. It is for the Health and Community Care Committee to take the matter on board.

Do members agree with the second option: that we copy all the relevant correspondence to the petitioners to keep them fully informed and that we pass it also to the Health and Community Care Committee and ask it to give further consideration to the petition, in the light of the minister's answer?

Helen Eadie: Could the Health and Community Care Committee be given a copy of the *Official Report* of this meeting?

The Convener: Yes.

Christine Grahame: We should also encourage the Health and Community Care Committee to consider the matter nationally. That is a reasonable way to take into account the hospitals where car parking has already been charged for over a considerable time.

The Convener: Is that course of action agreed to?

Members indicated agreement.

The Convener: The next petition is PE216 from Mr Ronald McLeay on behalf of Staffin community council, on the upgrading of the road link between Staffin and Portree. We agreed to write to the Minister for Transport and the Environment, requesting her comments on the issues raised in the petition. The minister states that Scottish ministers provide Highland Council with a single block grant for capital expenditure, and it is up to the council to decide how to use that expenditure.

We indicated on 4 July that we would reach a view on whether to pass the petition to a subject committee for further consideration in the light of the minister's response. Although, given the minister's comments, it is clearly a matter for Highland Council in view of its local responsibilities, certain members have suggested that the Transport and the Environment Committee or Rural Affairs Committee should consider the petition because of the issue's impact on the economy and the area.

We have to remember the views of the Transport and the Environment Committee, which does not wish us to refer petitions to it that clearly involve local council matters. The Scottish Executive and the Parliament have nothing to do with how Highland Council spends its capital allocation. Although we can argue that we should be giving the councils more money, we cannot tell them how to spend it.

John Scott: We should simply copy the minister's answer and draw it to the attention of the Rural Affairs Committee.

The Convener: Are members agreed?

Members indicated agreement.

The Convener: The next petition is PE217, from Glenorchy and Innishail community council, on doctor allocation, asking for the appointment of an additional part-time partner to assist the single general practitioner in the area. We have received correspondence from the Scottish Medical Practices Committee, indicating that both the committee and local health board do not think that

the petitioners have a case. It is suggested that we pass the response to the Health and Community Care Committee, so that it can be taken into account in its consideration of the petition. Furthermore, a copy should be sent to the petitioner for their information. Are members agreed?

Members indicated agreement.

The Convener: The next petitions are PE221, from Councillor Rob Murray, on behalf of Angus Council and PE222, from Mr Simon Cole-Hamilton on behalf of Inverness and District Chamber of Commerce about the revised assisted area map. Copies of the petitions were passed to the Minister for Enterprise and Lifelong Learning to consider the issues and respond to the committee. The minister's response is attached, explaining why it is not feasible to include Arbroath or the parts missed out in the Highlands and Islands in the assisted areas map. The map has been finalised and no further representations are possible. It is therefore suggested that the minister's response be copied to the petitioners in each case and that no further action should be taken. Angus Council sought and lost a judicial review on the matter. Are members agreed?

Members indicated agreement.

The Convener: The next petition is PE225, from Mr William Ackland, about noise and environmental pollution. We agreed to write to the Minister for Transport and the Environment, seeking her comments on the current protection for residents near to quarrying from noise, vibration and environmental threats. The reply from Executive officials provides extensive details of current statutory provisions and planning policy guidance covering mineral operations. The response also covers possible changes in legislation, consultation and the issue whether the Parliament needs to review environmental impact assessment procedures. It has been suggested that the minister's letter be passed to the Transport and the Environment Committee and that our committee should take a view on whether existing provisions are adequate to protect the interests of people who are close to mineral working or whether there is a case for those provisions to be revised.

Christine Grahame: Adam Ingram asked about a discrepancy between the regulations and mining operations. It might be worth drawing the Transport and the Environment Committee's attention to that question and the Executive response.

John Scott: I remember the question, but I do not remember the response.

Christine Grahame: I do not remember the answer myself. However, it might be useful for the

Transport and the Environment Committee to know about that discrepancy in the regulations.

The Convener: We will check that. Do members agree with the recommendation?

Members indicated agreement.

The Convener: The next petition, PE228, from Anderston Tenants Association, is about Scottish Homes and its double-glazing programme. We have received a reply from Scottish Homes, which states that it has completed work on 43 per cent of the houses on the Anderston estate and that, depending on the availability of funds, it intends to improve on that percentage. I suggest that we pass the letter to the petitioners, and explain to them that the issue that is raised in the petition is one for Scottish Homes as landlord to deal with and not something in which the Parliament can become involved.

Pauline McNeill: I have a particular interest in the petition because it relates to my constituency. I will take up the matter with Scottish Homes. The petitioners' worry is that, if there is no commitment to complete the programme, it might lapse when Scottish Homes is transferred under the auspices of the Scottish Executive. I am not sure whether that is clear in the petition.

The Convener: The transfer will be part of the housing bill. I think that Scottish Homes will arrange for a housing association or somebody else to take over the factoring of the remaining Scottish Homes houses after it becomes an executive agency.

16:15

Christine Grahame: I have a daft laddie question, to which Pauline McNeill will know the answer: who funds that programme?

The Convener: The Scottish Executive funds Scottish Homes.

Christine Grahame: If the Executive provides funding, there is an issue for the Parliament.

The Convener: Scottish Homes has made it clear that the bid for funding for next year will include money for that programme. It is just a question of whether the Executive gives the money to it.

Christine Grahame: It is not correct to say that this is not a matter in which the Parliament can become involved, as it relates to funding from the Parliament. Is that right?

The Convener: Indirectly we can argue for more funding for housing.

Christine Grahame: I just wanted to clear up that point.

The Convener: At present, the question of how Scottish Homes spends its funding is a matter for it.

Christine Grahame: Pauline McNeill might see a direction in which the matter can be taken.

Pauline McNeill: The petitioners and I seek a commitment that the programme will continue under any new management arrangement.

The Convener: Will we write to Scottish Homes for confirmation that the commitment to complete the programme will continue even after it has become an executive agency of the Scottish Executive?

Members indicated agreement.

John Scott: Should we write to the Scottish Executive?

The Convener: Initially, it is a matter for Scottish Homes because the arrangements for the transfer will not be made until the housing bill is introduced. At the moment, Scottish Homes is in charge.

The next petition is PE230, on St Vigeans Primary School. We undertook to write to Angus Council, which has responded to the letter that the clerk sent following our previous meeting. The reply confirms that the petition will be taken into account. Members will see that there are differences between what the council and the petitioners say. It is suggested that copies of the council's letter be passed to the petitioners for their information, and to the Education, Culture and Sport Committee to be attached to the other material relating to the petition that has already been referred to that committee. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE233, on technology teachers. We agreed that the petition should be passed to the Minister for Children and Education. We have now received a response to the four issues that were raised by the petitioners. The Executive's response addresses the issues that are raised by the petitioners and we should now consider whether any further action is necessary. I suggest that we send a copy of the response to the petitioners and take no further action.

Christine Grahame: I thought that it might be an issue for the Enterprise and Lifelong Learning Committee. There are not enough apprenticeships and applied technologists out there, although there are many people studying esoteric subjects such as sociology and politics. I should be interested to know whether the Enterprise and Lifelong Learning Committee thought that there was a deficit in applied technology training in schools, which would have a knock-on effect on

universities.

The petitioners are saying that technical education is a cinderella subject. There seems to be a wide gap between the tradesman and the academic, which might be filled by the applied technologist. It might be worth passing the petition to the Enterprise and Lifelong Learning Committee for its views.

The Convener: We could copy the response to the Enterprise and Lifelong Learning Committee and ask whether it wishes to comment.

Christine Grahame: Do you mean that we should ask whether people are applying for university courses in science and technology? That is important.

The Convener: Could you make clear what you mean to the clerk?

Christine Grahame: Yes.

John Scott: I take Christine Grahame's point. We should copy the response to the Enterprise and Lifelong Learning Committee, and copy the committee's subsequent response to the petitioners.

The Convener: That would happen anyway. If the committee writes back to us, we will pass its response to the petitioners.

Christine Grahame: We are trying to identify whether there is a deficit in relation to places being taken up in universities. There are concerns about schools, and I think that there is something in those concerns.

The Convener: The second last petition is PE235, from the shop stewards of North Lanarkshire's direct labour organisation. We have received fairly detailed responses from the Deputy Minister for Local Government and from the council—both are attached.

In their responses, the minister and the council make the case that they do not accept that privatisation is taking place. They say that they are simply trying to protect services and council tax payers. The council says that it has taken

"every step possible to provide the maximum protection for employees transferring to new service providers as a consequence of the Section 19B Direction."

It is suggested that the letters from the minister and the council be copied to the petitioners and that no further action be taken. Are members agreed?

Members indicated agreement.

The Convener: The last petition, PE242, is from Action of Churches Together in Scotland, the Scottish Refugee Council and Amnesty International, on the care of asylum seekers and

refugees in Scotland.

We have received a response from Iain Gray, the Deputy Minister for Community Care, which confirms that

“under the devolution settlement, immigration and nationality, including asylum, is a reserved matter”.

The minister points to the new National Asylum Support Service, which exists to provide

“accommodation and subsistence for asylum seekers whilst their asylum application is outstanding.”

The minister also notes that the Executive

“will continue to reimburse local authorities for expenditure they incur in supporting”

asylum seekers already in Scotland prior to 3 April.

We may wish to consider whether any further action is required, or whether a copy of the minister’s letter should be sent to the petitioners for their information.

Christine Grahame: This petition is slightly different from PE127, which dealt with prisons. PE242 does not refer to prisons at all, and I see no merit in referring it to the Minister for Justice, as it does not deal with asylum seekers who have been imprisoned.

The Convener: I am advised to draw members’ attention to the fact that the minister also says that

“the Scottish Executive is committed to reviewing the operation of the 1999 Act in Scotland some 18 months after its implementation in April this year. This review will have regard to the devolved matters of housing, health and education.”

Therefore, the matter will stay on the agenda.

Ms White: I understand that some of these matters are reserved, but some are not. Could we pass the petition to the Social Inclusion, Housing and Voluntary Sector Committee for that committee to note?

Pauline McNeill will tell members that refugees have problems with translation, child care and so on—certainly, refugees whom I have met have those problems. Therefore, these matters fall more within the remit of the Social Inclusion, Housing and Voluntary Sector Committee.

The Convener: Shall we pass PE242 to the Social Inclusion, Housing and Voluntary Sector Committee for information?

Members indicated agreement.

Convener’s Report

The Convener: I have no further reports. Do members have any other competent business?

Pauline McNeill: Unfortunately, I must leave and cannot continue the discussion today, but next week I would like to have a discussion about our work. I do not think that we are much further forward in the way in which we manage the business of the Public Petitions Committee. I think that we are back to square one.

I am worried about petitions that get lost. Committee conveners are saying, “Don’t give me any more petitions,” and I know that the committees are overloaded. However, I think that we should examine where many of the good petitions have gone. What happened to them?

After spending an hour and a half on new petitions, I am exhausted and I do not think that I have paid due attention to the petitions that we have heard already and which we have passed on. I want to return to the discussion about how to resolve that situation. Two and a half hours is not a long committee meeting, but we spend that time trying to track 25 different subjects, which is mentally exhausting.

I am speaking from the point of view of petitioners—we have discussed this before 100 times, and I do not want to repeat those discussions. Is there any chance that we could have 10 minutes at the beginning of the next meeting to consider that issue?

The Convener: Certainly.

To be fair to the clerks, this meeting was always going to be difficult because of the recess backlog. Summaries of what happens to petitions are issued to members and members do not have to wait until a committee meeting to raise points—points can be raised at any time.

Christine Grahame: I support Pauline McNeill. Apart from going through the current petitions that we uplift, there are loads of other petitions. I looked through them and thought, “I’d like to know what happened here.” As part of our discussion next week, I suggest that we consider spending one meeting every so often on an audit of current petitions—like a housekeeping exercise.

Helen Eadie: In that context, could we also look at the bigger picture, to remind ourselves of some of the visitors we have had during the past year who have given us particularly good examples of good practice elsewhere? The European Commission representatives highlighted Germany as an example. It would be good if we could get a bit more information on the examples of best practice and on how other countries deal with

petitions. That could be a desk exercise, unless Christine—

Christine Grahame: No, no—a visit.

The Convener: We will set aside 15 minutes or so at the beginning of the next meeting to have a quick discussion in private about how to progress that aspect of our work. We are all tired—this is not the time to have that discussion. Are members agreed?

Members *indicated agreement.*

The Convener: I close the meeting.

Meeting closed at 16:25.

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