

PUBLIC PETITIONS COMMITTEE

Tuesday 23 January 2001
(*Morning*)

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PUBLIC PETITIONS COMMITTEE

1st Meeting 2001, Session 1

CONVENER

*Mr John McAllion (Dundee East) (Lab)

DEPUTY CONVENER

*Helen Eadie (Dunfermline East) (Lab)

COMMITTEE MEMBERS

*Dorothy-Grace Elder (Glasgow) (SNP)

*Dr Winnie Ewing (Highlands and Islands) (SNP)

*Rhoda Grant (Highlands and Islands) (Lab)

*George Lyon (Argyll and Bute) (LD)

*John Scott (Ayr) (Con)

*attended

THE FOLLOWING ALSO ATTENDED :

Scott Barrie (Dunfermline West) (Lab)

Mr Rob Gibson (Andrew de Moray Project)

Mr Duncan Hope (Blairingone and Saline Action Group)

David Johnson (Blairingone and Saline Action Group)

Mr George Reid (Mid Scotland and Fife) (SNP)

Robbie the Pict (Scottish Peoples Mission)

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Jane Sutherland

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 23 January 2001

(Morning)

[THE CONVENER *opened the meeting at 10:03*]

The Convener (Mr John McAllion): I welcome everyone to this first meeting of the Public Petitions Committee in 2001. I welcome all the old members back. Of course, I do not mean old members—

Dr Winnie Ewing (Highlands and Islands) (SNP): Careful—I am sensitive.

The Convener: I mean existing members. I also warmly welcome new members to the committee—Rhoda Grant and Dorothy-Grace Elder. I am sure that you will enjoy your time here. I was also to have welcomed George Lyon as a new member, but he has not turned up, so we will have to wait for that. I welcome George Reid and Scott Barrie, who are here to speak about today's second petition.

We have a heavy work load this morning. As well as the declarations of interests from the new members and the appointment of a new deputy convener, we have nine new petitions to consider. Three petitioners are here to speak about their petitions. We have also to consider 10 current petitions to which we have received responses. A new item on the agenda, suggested by the clerk, is on inadmissible petitions, and we have also to consider a paper on fraudulent petitions. As I said, that is a heavy work load. I ask members to be succinct and precise in their questions. If we do not try to be brief, we will be here until about 5 o'clock this evening, and nobody wants that.

Interests

The Convener: Do either of the new members have any interests to declare?

Dorothy-Grace Elder (Glasgow) (SNP): I am a member of various cross-party groups. I am convener of the cross-party group on chronic pain and convener of the cross-party anti-nuclear group. I am a member of the National Union of Journalists and a member of the Medical Journalists Association. I am a trustee of, and I raise funds for, the Royal hospital for sick children in Glasgow. I am a member of ACHE—Action on Child Exploitation—which is an international organisation. Those are all voluntary roles—apart from my role in my union, of course, which I help to subsidise.

Rhoda Grant (Highlands and Islands) (Lab): I have nothing to declare.

The Convener: There is a bit of a contrast.

Deputy Convener

The Convener: We move now to the appointment of a new deputy convener. Pauline McNeill was the deputy convener, but she has resigned from the committee. It is normal to have a Labour deputy convener on this committee, and I think that Helen Eadie is the Labour party's nomination. Would someone like to make that nomination?

Rhoda Grant: I nominate Helen Eadie.

John Scott (Ayr) (Con): I second that nomination.

The Convener: Are there any other nominations?

Members indicated disagreement.

Helen Eadie was chosen as deputy convener.

The Convener: Congratulations, Helen. Welcome to the deputy convenership of the Public Petitions Committee.

New Petitions

The Convener: The first petition today is from Stella Anderson on behalf of the Scottish Peoples Mission. It calls for the Scottish Parliament to return and restore the stone of Scone to the community of Scone. Robbie the Pict is here to address the committee on the petition.

Robbie the Pict (Scottish Peoples Mission): Should I stand or sit?

The Convener: You may sit down; we are very casual here. You have three minutes to address the committee. After two and a half minutes, I will indicate that you should be winding up. We will then move to questions from committee members, after which the committee will discuss the petition.

Robbie the Pict: I have printed out a copy of what I am about to say, which I can supply to committee members. I will have to rattle through this; I have tried to read it in three minutes and that is pretty horrific.

The Convener: On you go.

Robbie the Pict: I appreciate being allowed to speak before the three minutes start, because that has taken up eight seconds.

The Convener: They are starting—now.

Robbie the Pict: Convener and ladies and gentlemen of the committee, the Treaty of Edinburgh of 1327, known by the English as the Treaty of Northampton of 1328, bears an attached instrument that assures the return of the stone of Scone, which was “carried away”. Theft is admitted and the treaty guarantees restoration.

The stone of Scone’s humble origin can be demonstrated even today. It seems to have started life as a rough lid for a subterranean store, latterly containing sewage. The abbot seems to have hosed down the lid and placed it on the altar as a decoy. I believe that the Knights Templar have an animated graphic that alleges a perfect fit between the underside of the stone of Scone and the original aperture, now covered by a grave slab called the minister’s stone.

The real stone of destiny appears on the Kelso seal and in depictions of the coronation of Alexander III. Almost black, it is inscribed with letters and symbols and is a smooth ovato-oblong shape. It is likely to be a meteorite of basalt or hard limestone. The Sumerian, Scythian and Hittite forefathers of the Scots traditionally treated meteorites as sacred.

The real stone of destiny is unlikely to have left the Perthshire neighbourhood. That was the abbot of Scone’s wee joke. The cludgie stane of Scone, on the other hand, is 336lb of calcareous

freestone, mair frae Methven than Mesopotamia. So what on earth is it doing in Edinburgh Castle? It is guarded by the Anglo-British army, servants of the Hanoverian Queen of England. There is a charge of £4.50 to see it and of about £80 to get your car back if you did not park according to city orders.

Let the Scottish Parliament avoid mimicking the example of the Parliament in England, which has spurned polite Greek requests for the return of the Parthenon marbles with the indecency of imperialist plunderers and no good justification. However, this cultural and historical “stone of contention” has a serious legal facet. If the Parliament is not immediately minded to make proper cultural reparation, the Parliament must be reminded about legal reparation. So who legally owns the stone of Scone and under what law?

The current claimant, the English Crown, has a problem with the law under which Mr Blair might claim ownership. Any contemporary common law of England was annulled following the English Act of Union of 1706. By stark contrast, the authority of the common law of Scotland was specifically preserved by article 18 of the Scottish Act of Union of 1707. Subsequent legal frameworks deemed official by Westminster are irrelevant and impotent in the face of one simple fact of Scots common law: there is no statute of limitation applicable to theft or reset. No one other than the original owner can claim to own stolen property.

In 1327, we have an admission that the stone of Scone was stolen. The question of ownership takes us, ironically, to Moot hill in the royal city of Scone, the locus whence it was stolen. Every chief or noble who had cause to make representation to the king of Pictland, later Alba, brought with him a portion of home soil and deposited it at Scone. The area of Moot hill was a neutral, national common. Like the grounds from which it came, the stone was owned by historical Pictland and is thus now owned by the sovereign people of Scotland.

I therefore submit that to leave the stone of Scone locked up in the intramural kingdom of Lothian is not to return it to its lawful owners north of Antonine’s wall—the ancient British Caledonians. There it should be placed in the local museum in Perth as an aboriginal heirloom.

So, can we have oor Perthanon marble back, please mister?

The Convener: Do members have any questions?

Dr Ewing: The question of security arises. I do not know what security in the Perth Museum and Art Gallery is like; perhaps you could tell us. I, too, am concerned about the cost of looking at the stone. I take it that the cost that you mentioned is for an inclusive package, and that someone who

pays it will see the honours of Scotland at the same time. I object to anyone having to pay £4.50—to pay anything—to see the honours of Scotland. We should deal with that point; I am sure that the Executive has the power to do so.

Robbie the Pict: I had a meeting with Mr Michael Taylor yesterday in the museum in Perth, where I was immediately struck by the number of security guards. Mr Taylor guarantees that the stone will be well safe in the museum. Apparently, Tayside Regional Council passed a motion making an offer to look after the stone. Admission to the museum is free, by the way, and the council wants to keep it that way. It has a policy of relocating artefacts as close as possible to their point of origin.

Dorothy-Grace Elder: In 1996, when the stone was about to be returned to Scotland, I wrote quite a bit about it and the arrangements for its return. Even then, the authorities were saying that security was the reason for its going to Edinburgh Castle, where it would have armed-guard protection. I argued those points, but I did not find out what the Earl of Mansfield thought. You are talking about the museum in Perth, but what about Scone Palace itself? Have you inquired along those lines?

Robbie the Pict: Why are we worried about security? This is a 336lb lump of local sandstone. Once the joke is explained to the English, security concerns will not be nearly so serious. If it were the real stone of destiny, as opposed to the stone of Scone, I could understand the security concerns. The difficulty that Westminster is having is in accepting that the joke was on it. I do not think that there will be any problem at all with security. It will be a rare laugh. A tin could be put down for donations, which would perhaps assist the museum in Perth to build the extension that it is too strapped for funds to build. I do not think that the security question need trouble the public of Scotland and I do not think that we need to spend any more money on it. The amount that has been spent is absurd.

Dorothy-Grace Elder: The public were not troubled; I was giving the official line that was taken at the time.

Robbie the Pict: Members talked earlier about declaring interests. Michael Forsyth may see this from a different perspective.

Dr Ewing: Michael Forsyth did a good job.

Robbie the Pict: Security is a red herring, I think.

Dr Ewing: He did a good job none the less.

Robbie the Pict: It would be amusing to see someone attempt to lift the stone, which weighs exactly 3cwt—336lb. Take off with that and good

luck to you—we will find you shortly.

Dorothy-Grace Elder: It was done on Christmas eve, 1950.

I must admit that I thought that the stone should have gone to Scone—for reasons of tourism apart from anything else.

The Convener: All right. At the moment, we are asking questions. We can discuss all the matters that arise later.

It was obviously a policy decision of Michael Forsyth's to have the stone placed in Edinburgh, but we do not need to pay too much attention to that, given what subsequently happened to him. However, a consultation exercise was carried out at the time, and the majority of those who took part said that they would prefer the stone to be in Edinburgh.

Robbie the Pict: I am glad that you mention that. There were two consultations. One was a System 3 poll in *The Herald*, which sought the opinion of the usual number of people—between 1,000 and 1,100. Of those people, 68 per cent said that the stone should go to Scone.

The consultation exercise of the Scottish Office was conducted by private letters that were sent out. There were 113 responses, of which 29 said that the stone should go to Edinburgh Castle and stay there under lock and key under the protection of the British army. However, I admit that 70 of the responses said that it should go somewhere in Edinburgh. Such a consultation exercise may be open to abuse, of course. A telephone tree could be operated to encourage people to support one option or another. A cynic might suggest that.

The Convener: There are no cynics on this committee.

If there are no further questions, we will move on to a discussion of how to deal with the petition.

10:15

Robbie the Pict: I am much obliged. Will the committee consider holding local meetings? I have travelled six hours to come here to deliver a three-minute presentation.

The Convener: Absolutely. We intend to do that. Will you leave copies of your papers with the clerk?

Robbie the Pict: I will.

The Convener: The suggested action, which refers to the fact that a consultation exercise was carried out in 1996, is that, although it is unlikely that the Scottish Executive would have any plans to reconsider the matter, we could request the Executive's views before we consider the petition finally.

Dr Ewing: My objection relates to the issue of paying. It is preposterous that we should ask the public to pay to see things that belong to them, which the honours of Scotland—into which category the stone of Scone fits—certainly do. The Perth offer, backed by Tayside Regional Council, is a good one. We should contact Tayside Regional Council—

The Convener: It does not exist.

Dr Ewing: Well, whatever the relevant council might be.

The Convener: I think that it would be Perth and Kinross Council. I was a member of Tayside Regional Council, which is long gone.

Dr Ewing: Perth and Kinross Council, in that case, should be consulted, as should the museum in Perth. The responses from those bodies should be placed on record to make sure that the situation is just as Robbie the Pict has described it to be.

The Convener: Are you suggesting that, in addition to contacting the Executive for its response to the petition, we could ask Perth and Kinross Council and the museum in Perth what they think? The council owns the museum, of course.

Dr Ewing: Could we do that before—

The Convener: We will do it before we dispose of the petition.

Dorothy-Grace Elder: I still wonder why we are not contacting Scone. I can understand why one would want such a relic to be shown in Perth, but that would mean that the stone would still not be returned to Scone. Will somebody contact the Earl of Mansfield to ask his view? He operates a museum at Scone Palace.

John Scott: Are we still going to contact the Executive?

The Convener: We will contact the Scottish Executive and the petitioners have suggested that they have an offer from Perth and Kinross Council. We have had no contact with the Earl of Mansfield. If we contact the Executive and the council, the Earl of Mansfield's attention will no doubt be drawn to the issue and, if he feels strongly about making a rival offer, he can get in touch with the Public Petitions Committee.

Dr Ewing: I have a feeling that, if the Executive is contacted first, the issue will be washed away. If we get information from the council in black and white, the Executive might pay more attention to it.

The Convener: Are you suggesting that we do not contact the Executive until we have contacted the council?

Dr Ewing: Yes.

The Convener: I see nothing wrong with that. Before we contact the Executive, we will contact Perth and Kinross Council to get details of what it is offering to do in relation to the hosting of the stone. Is that agreed?

Members indicated agreement.

The Convener: The next petition, PE327, is from Duncan Hope on behalf of the Blairingone and Saline action group. It calls on the Scottish Parliament to request that legislation be revised to ensure that public health and the environment are not at risk from the current practice of spreading sewage sludge and other non-agriculturally derived waste on land in Scotland. Mr Hope is here to address the committee; George Reid and Scott Barrie also wish to speak to the petition. Mr Hope, you have three minutes.

Mr Duncan Hope (Blairingone and Saline Action Group): I am the chairman of the Blairingone and Saline Action Group. I have with me David Johnson, a member of the group.

We are grateful for the opportunity to bring to the committee's attention the degree of public concern over the spreading of sewage sludge and other non-agriculturally derived waste. As the explanatory memorandum in support of our petition makes clear, the Scottish Environment Protection Agency concluded in 1998 that the current approach to the regulation and management of organic waste that is spread on land is inadequate and inconsistent and leads to practices that could pose risks to the environment, to public health and to animals and plants. Since that time, there has been no change to the regulation or management of the activities, and the risks remain undiminished. We believe that there is now increasing pressure to spread more such waste on land, given that landfill is a stopgap measure and incineration is strongly resisted.

Three issues are of particular concern to us: first, the fact that conflicting scientific opinion on the treatment required to remove the pathogenic viruses and bacteria in such waste remains unresolved; secondly, the fact that no regulations prevent the waste from being spread in close proximity to the public; and thirdly, the fact that the absence of a licensing scheme for such waste prevents regulatory action until a pollution incident has occurred. Those and other outstanding issues relating to the waste need to be addressed now.

Many people living close to the operations are offended by the foul odours that are produced, but of more concern are the health effects on them and their children in the short and long terms. People need relief from those concerns without delay and we seek the support of the committee to ensure that that happens.

The Convener: Thanks. That presentation was well within the three-minute period and you should be commended.

We will now hear from the MSPs who have requested to speak on the issue.

Mr George Reid (Mid Scotland and Fife) (SNP): Since 1997, I have been called to Blairingone many times. I have smelt the noxious odours and I have talked to villagers who believe that their health is being affected—I know their concerns about the application of sewage sludge and blood and guts to the land and their fear of contaminants. I was pleased when Lord Sewel commissioned a SEPA report on the subject. However, I was concerned about its conclusions, as I am concerned about the fact that, more than two years later, we are still awaiting an Executive response.

The Blairingone villagers are not NIMBYs; they know that dumping the stuff elsewhere is not the answer. They have studied and analysed the matter and, as part of the process, we have facilitated a colloquy in this building between the group, MSPs of all parties, East of Scotland Water and SEPA. Now we have submitted not only the petition but an explanatory memorandum of eight pages that sets out the arguments at some length.

The Public Petitions Committee is the link between the Parliament and the people. In submitting the petition, the group hopes at least to spur the Executive on to action and to help to inform the decision-making process. It might be appropriate to take further evidence from the Executive, East of Scotland Water and SEPA and, further down the road, it might be appropriate to examine the situation in Blairingone and in other similar communities in Scotland.

There are no big battalions in Blairingone, but neither is it a little backwater on the road from Kincardine bridge to Kinross. The villagers recognise that the problem is local, but the issue is national and affects every one of us. You, convener, I and every member of the committee will each produce some 28kg of dry solids of sewage sludge in the next year. That is the equivalent of 880 pint glasses full of raw sewage sludge. It has to go somewhere. Quite rightly, it cannot continue to be disposed of at sea and all the evidence is that the volume of spreading will double in the next four years.

It is in all our interests—including the interests of the sewage contractors—to ensure that we have regulations that are proactive, not reactive, and a system that is demonstrably safe, environmentally sustainable and clearly enforceable.

The Convener: Thanks very much for that valuable information.

Scott Barrie (Dunfermline West) (Lab): There is not much that I can add to the comments of George Reid and the petitioner. It is important to realise that the issue is not simply to do with the complaints of a group of people about a local problem. It is true that the immediate problem relates to them but, as George Reid said, the issue is nationally significant. We will have to do something about our sewage problem. What we are discussing today may or may not point the way forward, but there are huge concerns about the impact that the pollutants in the soil and in the water can have on communities. It is important that the Scottish Parliament discusses the issue and that the Executive takes the issue on board.

John Scott: I thank every one for their graphic descriptions. Mr Hope, are there existing guidelines? There must be.

Mr Hope: There are guidelines in the code relating to the prevention of environmental pollution from agricultural activity, but they are not statutory.

John Scott: You rather graphically say that blood and guts are being thrown out on to the land. I cannot believe that.

Mr Hope: Apart from sewage sludge, all the waste matter that I talked about is classed as exempt waste and no licenses are required before it can be spread.

John Scott: Is not the waste pelletised?

Mr Hope: No, it is put on raw, although I expect that some works have pellet-pressing facilities.

John Scott: My understanding was that such products were pelletised or injected into the soil. I find it hard to believe that in this day and age raw chicken guts are put on to the land.

Mr Hope: They are injected into the land.

John Scott: As raw chicken guts?

Mr Hope: Yes. Furthermore, if they are injected into land that has field drains, the chicken guts come down those drains and into the water courses, as has happened at Blairingone.

John Scott: In honesty, I would be more concerned about the heavy metal aspect of this type of pollution, but I am interested in what you have to say.

Dr Ewing: When was Lord Sewel's review? Someone said that the Scottish Executive had not responded to that review. How long has it had—a year or two? It seems to me that an action in court would clarify everyone's minds wonderfully quickly. I suggest that someone in the area who would qualify for full legal aid raise an action on the ground that their enjoyment of their property has been affected by deliberate nuisance. A good

case for that could be made. As a test case, the Law Society of Scotland would probably be rather sympathetic. Having said that, convener, I always find that, when one gives free legal advice, no one ever takes it.

The Convener: The point of this part of the proceedings is for you to question the petitioners, not to offer them free legal advice, Dr Ewing.

Mr Hope: The SEPA report was published in October 1998 and nothing has been done with it since.

Rhoda Grant: I want to ask about the use of waste from abattoirs. I was under the impression that, because of BSE, that was covered by legislation. Is that the case or is there a loophole?

Mr Hope: That kind of waste is classed as exempt waste. It may be that the waste from the BSE-related cattle cull has to be treated differently and might not end up on land, but ordinary abattoir waste—blood, guts and the paunch contents, which is where scientists have found the E coli 0157 bacteria—goes on to the land.

Dorothy-Grace Elder: Is there any concern about health in the area arising from the blown dust? I know about a case in another part of Scotland in which parents who moved to that area claim that their child's health was devastated by dust blown off the fields. We do not know for sure whether the dust caused the child's health problems. Is there any indicator of such a problem in the local public health?

Mr Hope: One child in the village has had scarlatina on four occasions in the past two years. Children have had rashes. Last October, a boy of 13 was so badly affected by weeping blisters on his backside, which were the size of 50p pieces, that he had to lie on his stomach for a week—he could not put his trousers on.

Another child almost died, having become ill less than 24 hours after playing in a field next to his home into which, unknown to his parents, thousands of gallons of human sewage sludge had been injected. That child succumbed to rubella, measles with encephalitis, viral meningitis with photophobia, general metabolic breakdown, rashes, blisters and seven other viruses including E coli 0157 all at the same time. We cannot say that that came from the field, because no one has gone out to investigate. People in the village have suffered eye infections and other problems that their doctors have said could be viruses.

Since 9 August 1999, a composting operation has been under way six days a week. Nobody has tested the mixture that is stirred up daily and the clouds of steam and odours rising from it to see whether it contains viruses or bacteria. I have been inquiring through SEPA and no one can tell

us because no one has been there to test it.

10:30

Dorothy-Grace Elder: Have you called in the local authority public health department?

Mr Hope: Not to my knowledge. We called in the environmental health department and SEPA.

Dorothy-Grace Elder: Ah, SEPA.

Mr Hope: There is a word to describe SEPA in Blairingone, but I will not mention it here.

Dorothy-Grace Elder: We have had the SEPA experience.

The Convener: I welcome George Lyon to the committee for the first time.

George Lyon (Argyll and Bute) (LD): My apologies for being late. The traffic was terrible this morning.

The Convener: No problem.

The background note to the petition indicates that SEPA cannot take decisive action because it does not have the appropriate powers.

Mr Hope: SEPA does not have the necessary power—it can act only when a pollution incident has occurred.

The Convener: Is it right that the problem emerged after the sale of the site to Northern Hydroseeding?

Mr Hope: Yes. Before that it was an opencast coal site; we never experienced the illnesses when the coal was dug. We put up with an opencast coal site on our doorsteps for eight years. We were told that it would be returned to nice green fields and that a bypass would be built—we got nothing.

The Convener: Was it the application of sludge and sewage to the fields that started the health problems?

Mr Hope: That is called beneficial waste, which is supposedly intended to reinstate the site. In our opinion the site is being used for waste disposal.

Dorothy-Grace Elder: Whatever the new company is doing, the dates are important. The operation of sludge boats was stopped on Hogmanay 1998. It would be after that that the people of Blairingone and other parts of Scotland started experiencing the problem—when we started landfilling human sewage.

Mr Hope: No. We began experiencing problems in March 1997—one month after the site was taken over.

Dorothy-Grace Elder: So the company was landfilling before the sludge boats were stopped.

Mr Hope: There was a trial plot in 1996 for Scottish Coal.

Dr Ewing: Can we find out more about SEPA's attitude? SEPA says that, under current regulations, it can act only after a pollution incident, but surely it can make recommendations.

The Convener: At this stage we are questioning the petitioner. We can discuss the petition afterwards. Perhaps the petitioner has an answer to that question.

Dr Ewing: If SEPA does not make recommendations, what is it there for?

Mr Hope: It has taken SEPA four years to substantiate that there are odours in Blairingone.

David Johnson (Blairingone and Saline Action Group): It is worth returning to the SEPA review, which was commissioned by Lord Sewel. The review was published in 1998 and contains some powerful recommendations and conclusions. I am not saying that those are entirely in line with what the action group seeks, but they come close. The problem is that nothing has happened since the publication of the review.

The Convener: SEPA recognises that the current regulations are inadequate.

David Johnson: Yes, it does.

Rhoda Grant: What has been the response of the owner of the land to your campaign?

Mr Hope: He is opposed to it. He is a waste disposal contractor.

Rhoda Grant: Are you saying that he has been hostile, or that he has not responded?

Mr Hope: Back in April 1997, we had a meeting with the landowner through the community council. That was when the complaints started. We said that the solution was in his hands—he should stop spreading sewage sludge next to our homes. His parting words were: "I am here to stay. I will be here a long time so you had better get used to it. I'll do whatever I like."

The Convener: That is clear enough.

David Johnson: It is worth pointing out that we are not saying that the Snowie group or the contractor are operating outside the law. The law is lax. There is no doubt that his operations are tightly controlled—in our view, they are more tightly controlled than they used to be—but he is a commercial operator, who is operating to the limit of what he is allowed to do for commercial purposes. We cannot blame him for that; it is what he is allowed to do that gives rise to our concerns.

The Convener: Thank you. The discussion has been useful and informative.

Members will have read the suggested action in the papers that they received before we heard from the petitioners. The situation appears to be more serious than we anticipated. I suggest that we pass the petition to the Transport and the Environment Committee and ask for further investigation. I take George Reid's point that we should be a spur to action. It is a serious problem.

Dr Ewing: I would like to read the SEPA review.

The Convener: We can obtain copies of it for all members.

Dr Ewing: I agree with the convener's proposal.

John Scott: Can we find out whether the Executive intends to introduce relevant legislation?

The Convener: It has been suggested that that would be a matter for the Transport and the Environment Committee to address, as part of its investigation. We pass the petition to the committee. It then becomes its responsibility to take the matter further. Our responsibility is to ensure that the committee acts on the petition.

John Scott: I am happy with that.

Dorothy-Grace Elder: Is it possible to direct the petition to the Health and Community Care Committee? Saline is a national issue.

The Convener: We could recommend to the Transport and the Environment Committee that it involves the Health and Community Care Committee in any investigation.

Dorothy-Grace Elder: There is desperation in finding somewhere to put sewage since the stoppage of the sludge boats in 1998. Contractors are making large sums of money. In the interim, until the new sewerage stations are built—they are not ready yet, although Europe gave us 10 years—we could be setting up enormous health problems for the future.

The Convener: Is it agreed that we pass the petition to the Transport and the Environment Committee and suggest that it involves the Health and Community Care Committee?

Members indicated agreement.

The Convener: Before I call the next petitioner, I ask George Lyon whether he has any interests to declare.

George Lyon: I have no interests to declare.

The Convener: The next petition is PE330, from Mr Rob Gibson on behalf of the Andrew de Moray Project. The petition asks the Scottish Parliament to urge Historic Scotland to give greater publicity, interpretation and investment to sites and buildings of national importance and, in particular, to erect directional signs to key places of interest associated with Andrew de Moray, William

Wallace, King Robert the Bruce and the wars of independence. Mr Gibson is here to address the committee.

Mr Rob Gibson (Andrew de Moray Project):

The Andrew de Moray Project works closely with the Society of William Wallace. We are both small charities. We are seeking an urgent investigation into the priorities and investment policies of Historic Scotland. The Scottish Parliament has taken over responsibility for that agency. We feel that there is a need to review the co-ordination of the assets that Historic Scotland has at its disposal in order best to interpret the heritage of Scotland, for both Scottish residents and visitors.

We are concerned that there are many sites of major national importance that require far greater publicity and interpretation. I do not want to go into too much detail, but we think that some of the materials that Historic Scotland produces are not up to scratch in terms of taking account of the latest research and ensuring co-ordination between different sites associated with the same story in an area. We note the multimillion-pound expenditure on the visitor centre at Urquhart Castle, which is creating what is, in essence, a viewing platform for the Loch Ness monster—I do not know what that has to do with our history. In the meantime, the nation's story is left in relative obscurity, despite the well-attested ruins and documents that paint a picture of stirring events at key times in our past.

Historic Scotland's priorities should be urgently reviewed to address the glaring gaps in its coverage of the wars of independence sites. For example, there is a link between a battle in Aberdeenshire at Culblean near Kildrummy Castle, Dunfermline Abbey, Ormond Castle on the Black Isle in Ross-shire, and many other sites. There has been no co-ordination of the information about those sites to allow people to tour Scotland and get a feel for the overall story. We have a specific interest in the wars of independence, but there are other aspects of Scottish history for which the same could be said.

Ormond Castle at Avoch in the Black Isle has a key place in the national independence struggle of the 13th and early 14th centuries. Andrew de Moray raised an army there, cleared the north of Scotland, joined up with William Wallace and achieved a stunning victory at Stirling bridge. As Andrew de Moray was killed at that point, he was much forgotten in later writings. However, current historians have rectified that. Although there are only traces of the structure of Ormond Castle—because Cromwell took away the stonework to build his citadel in Inverness—there is still a need for interpretation and signage. People can walk on the hill. Historic Scotland has a management agreement with Rosehaugh estate. The only

interpretation that has taken place was carried out by the Andrew de Moray Project and, in a small way, the Rosehaugh estate. Like many other sites in Scotland, Ormond Castle deserves a better deal from the public purse.

The agencies that overlap, such as Historic Scotland and Scottish Natural Heritage, should co-operate to interpret fully the built and natural landscape together. That might save money. We are asking the Education, Culture and Sport Committee to take up its responsibilities in that respect and give a steer to Historic Scotland.

The Convener: Thank you.

Dr Ewing: Has your society met Historic Scotland to discuss your criticisms of its priorities?

Mr Gibson: We have met Historic Scotland at a local level. The hill at Ormond Castle was covered in conifers, which were removed in 1997 under the management agreement. We had considerable discussions with the Historic Scotland officers who were responsible for the area at that time. The management agreement was only to safeguard and preserve the site. There is no investment in interpretation and signage.

Dr Ewing: Has your society been in touch with the Scottish Tourist Board, perhaps with a view to creating a cultural tour? They have wonderful cultural tours in Ireland.

Mr Gibson: That is the kind of thing that we would like to happen. We have approached the issue from a community perspective. Over the past 70 years, the community has dealt with the potential represented by Ormond Castle, near the village of Avoch. The local knowledge is there. The site has national importance and Historic Scotland should be doing more at it and several related sites, so that people have a proper picture.

The erection of signage is far beyond our means. There is already a plethora of brown signs that guide people to wildlife parks and Hugh Miller's cottage in the Black Isle. We are aware that it is difficult to introduce many more signs without the countryside being littered with them. There is a need to prioritise. Historic Scotland should grasp the issue. There are many aspects of work of that kind that require reprioritisation. We have spoken to the Highlands of Scotland Tourist Board and it is sympathetic to our interests, although aware of the road sign problem. It is a national issue.

John Scott: What is the cost of signage? I have a figure in my head. I have a feeling that signage would be prohibitively expensive.

Mr Gibson: I can confirm that it is very expensive. Decisions were taken about particular types of attraction, which were appended to the brown tourist sign initiative. No overview was

taken of which were the most important sites in the area. It was a case of serving the interests of current attractions, which were organised on a commercial basis.

John Scott: Would I be right in saying that the decision was made on the ability to pay?

Mr Gibson: Yes, there was an element of that. Our problem has been that discussions with the estate have been helpful to a limited degree. We are well aware that the estate's management agreement with Historic Scotland restricts what the estate can do. The initiative must come from Historic Scotland.

We are aware that the people employed by Historic Scotland are excellent at speaking to children in schools in the quiet period and interpreting issues. However, no one is responsible for spreading the word about places such as Ormond Castle in the Black Isle. Various jobs have to be done on interpretation and signage, which currently are not being done.

10:45

The Convener: Is part of the problem the fact that, although Historic Scotland provides comprehensive signage and interpretation for the properties for which it is responsible, it is not responsible for all historic properties in Scotland?

Mr Gibson: I am well aware that it is not responsible for them all. We must make the most of our built heritage, which is attractive to people from abroad and is essential to allow our citizens to understand their past. I think that the Scottish Parliament is missing a trick if Historic Scotland is not given instructions to get out and review that. As far as I know, the matter has not been the subject of debate at the Education, Culture and Sport Committee. Historic Scotland is a major agency—a public face of Government in Scotland—and the issue should be debated.

There is plenty of evidence to show that many places require far more interpretation than they are getting. At the same time, Loch Ness in our area is known around the world, yet it is receiving a multimillion-pound investment, which cuts across the interests of the local village and deprives other areas of the investment that Historic Scotland should be making in far more important matters.

The Convener: It has been suggested that the Education, Culture and Sport Committee will consider examining the investment policy of Historic Scotland as part of its 2001 programme. Have you received an indication that that will not happen?

Mr Gibson: We approached Mary Mulligan in May 2000. She said that the committee had been busy; we respect that. She suggested that there

might possibly be a debate, but we have heard nothing since then. We understand that the committee has a new convener.

We are concerned that the matter could go on and on. We are aware of the part that Urquhart Castle plays in the story in which we are interested, but we are concerned about large amounts of money being spent in an unbalanced fashion. The issue must be pinned down quickly.

Dr Ewing: I was one of the people who tried to stop the investment at Loch Ness because I thought that it would be dreadfully damaging to the economy of the surrounding district. All the communities in the surrounding district opposed it bitterly. It is just a place for people to try to see the monster.

The recommendation is excellent and we should press the committee—

The Convener: We have not reached that stage yet. We are still on questions.

Mr Gibson: I am not trying to do down one investment, but we are aware of the excess at Loch Ness and of the underinvestment in interpretation and signage. Scottish Natural Heritage puts up interpretation boards, which are paid for by the same agencies that Historic Scotland taps into, but the two agencies do not cross over. Money could be saved by interpreting the landscape and the natural heritage. Many sites could receive some interpretation.

The Convener: There are no more questions. Thank you for answering our questions in such an open and informative way. We will now consider the petition.

Winnie Ewing has said that she thinks that the recommendation is excellent. The recommendation is that we pass the petition to Historic Scotland and ask it to comment on the general issues raised in the petition and for specific information about the publicity, interpretation and investment in the sites that have been referred to, which relate to Andrew de Moray, William Wallace, King Robert the Bruce and the wars of independence. We will also ask for details of Historic Scotland's policy on providing assistance to sites with such associations that are not in its care, such as Ormond Castle. We will pass the petition to the Education, Culture and Sport Committee for its information. I do not think that the matter is on its agenda.

Helen Eadie (Dunfermline East) (Lab): I have taken an interest in this issue since I was elected to the Scottish Parliament. Although I agree with the recommendation, I suggest that we could take some additional action. The issue is not for Historic Scotland alone; signage is a much bigger

issue. We must consider tourists who come to Scotland. We should write to the Scottish Executive to ask for its views on road signage. My understanding, from the inquiries that I have carried out, is that there are eight different policies across Scotland; there is no national cohesion. That is a matter of concern.

The issue affects places of interest in the care of Historic Scotland and important places for travellers, who need to know where to find facilities for their daily needs when they are in Scotland. Many of our best facilities are hidden down small country lanes. The current policy in Scotland is to restrict signage on motorways and the trunk road network. I know from work that I have done in my constituency that there is exasperation on this issue. The matter warrants referral to the Education, Culture and Sport Committee and a response from the Minister for Enterprise and Lifelong Learning, because she has responsibility for tourism policy and its co-ordination.

The Minister for Transport also has an interest. Until now, only the safety aspect of road signage has been considered; the broader picture has not been examined. Can we write to both ministers to ask them what the Scottish Executive's view is on the general issue and—as the recommendation suggests—on the petition?

The Convener: I have been advised that to do all of that would be to spin away from the core of the petition, which concerns Historic Scotland and the sites associated with the wars of independence.

Helen Eadie has raised important issues, but her suggestion could lead to the committee using the petition as a stepping stone to pursue its own interests, which is not what we are here to do. We could write to the minister who is responsible for Historic Scotland to find out about the Executive's policy. The Executive is responsible for replying on issues related to Historic Scotland anyway.

John Scott: I hear what you are saying, but I have sympathy with Helen Eadie's comments. Signage for many of the historic and tourist attractions throughout Scotland is woefully inadequate; you need travel only a small distance on the continent to see that. The cost of signage is prohibitively expensive. That should be reviewed. Given that the minister is trying to encourage tourism, we should ask her to examine the issue and produce a co-ordinated policy on signage throughout Scotland.

The Convener: I am advised that the minister responsible for Historic Scotland is Sam Galbraith, who is not responsible for road signage or tourism.

I am uneasy about using a petition on Historic Scotland and historical sites relating to the wars of

independence to go into the wider issue of the cost and inadequacy of signage for tourists. Those are important issues, which members can pursue in their own right, but we are here to pursue the petition. I would be happier if we sent the petition to Sam Galbraith to ask him to ensure that Historic Scotland responds to the points that have been suggested and to set out the Government's—or the Executive's—policy.

If the majority view is that we broaden our approach, we will do so, but I think that that would be to move away from what the committee is meant to do.

Dorothy-Grace Elder: I agree, but in another way I disagree. Even if we come to a successful conclusion on the Andrew de Moray Project, a large number of people will still not be able to find the site because they are not being correctly pointed off major roads. I have asked the Executive a number of questions about this. I am a Scot, born and bred, but I find it difficult to find some towns and villages. As soon as you come off the motorway, you realise that you have been following the wrong sign. Heaven help our tourists; I do not know how they find half the places that they manage to find.

Through the convener's good graces, we should, if possible, ask the Executive, second to the petitioner's concern, to consider the wider picture. We should have a simplified system, which would encourage more tourists to come in the future. The current situation is infuriating.

The Convener: If we write to Sam Galbraith to ask him to address directly the issues raised in the petition and to respond on behalf of Historic Scotland, it has been suggested that we could also ask him to consult colleagues about the general issue of signage to direct tourists to such sites and about its cost.

Rhoda Grant: I agree. When I travel around I see a lot of historical sites, which local people have told me about; nothing is written about them. It is up to Historic Scotland to work with the other agencies that can give backing and funding. Someone has to take responsibility. We should make it plain that Historic Scotland must deal with the matter and that the minister must speak to his colleagues to pull the work together.

Dr Ewing: When we write to the minister, could we ask him to examine the investment policy of Historic Scotland?

The Convener: Yes. That is part of what he will be asked to do.

Is it agreed that we write to the minister to ask him to respond to the points in the petition—especially those associated with the wars of independence sites—and to consult colleagues on

the cost and inadequacy of tourist signage?

Members indicated agreement.

The Convener: I should point out to members that it has taken almost an hour to get through three petitions; I hope that we can make better progress.

The next petition is PE321 from Mr Alexander Good about a change to local taxation methods. It calls on the Scottish Parliament to abolish the council tax and to replace it with another method of local taxation. Mr Good suggests that it would be fairer to fund education, police and fire centrally than it is to fund them through local government.

It was suggested that it was highly unlikely that the Local Government Committee would want to consider the petition further. However, since then we have realised that the Local Government Committee is carrying out an investigation into the financing of local government services. It is suggested that we should pass the petition to the Local Government Committee for it to consider as part of that investigation. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE323 from Mr R Watkin. I should declare an interest, as the petition comes from Montague Street, Dundee, which is in my constituency. I have not been involved in the planning decision to which the petition relates up until now.

The petition is about third-party right of appeal on planning decisions. It calls on the Parliament to change current legislation in such a way as to give equal rights to developers and objectors to developments and to take appropriate action to prevent any development at 8a Montague Street, Dundee. As members will see from the suggested action, it is not for us to interfere in the decisions of Dundee City Council on a planning application.

On the general point about third-party appeals in planning cases, the suggested action is that we pass a copy of the petition to the Transport and the Environment Committee for it to consider as part of its proposed inquiry into planning law, which will examine third-party rights of appeal.

John Scott: I agree with the recommendation.

I would like to know how soon the Transport and the Environment Committee will be examining those issues. Does anybody know?

The Convener: The inquiry is on the back burner.

John Scott: Can we do anything to bring it nearer the front? This issue comes up in petitions time after time. It is a burning issue throughout Scotland.

The Convener: Do we have information on the number of petitions that we have received on the matter? It is a large number.

We will come back with the number and tell the Transport and the Environment Committee that we are dealing with a lot of petitions on the matter and that we think it should deal with the issue.

Dr Ewing: Would not the right of appeal be covered by the European convention on human rights?

The Convener: That has been raised in previous petitions.

We have passed a series of petitions to the Transport and the Environment Committee, which is meant to be considering the matter. As I said, it has the inquiry on the back burner. We should get details of how many petitions we have received on the matter and write to the convener of the Transport and the Environment Committee to suggest that it should address the issue sooner rather than later.

Dr Ewing: The ECHR is often a catalyst for getting matters put on the front burner.

The Convener: Perhaps we could draw that to the attention of the Transport and the Environment Committee. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE325, from Catriona Windle, on behalf of the Stafford Centre mental health project, which calls on the Parliament to investigate how the level of funding that is provided to the Stafford Centre might be increased to allow for the re-establishment and expansion of its services, thus enabling the provision of essential support to those who are most at risk of suicide and self-harm.

Members will see from the information that has been provided that resources to the centre have been reduced in real terms, so its services to people who are at risk of suicide have had to be cut. The committee cannot become involved in the funding decisions of centres, but it is suggested that we could seek comments from the Executive on whether the funding that was announced in the recently published Scottish health plan will have implications for centres such as the Stafford Centre. Is that agreed?

Members indicated agreement.

11:00

The Convener: The next petition is PE328 from Mr Mohammed Younus Shaikh on the review of water and sewerage charges. The petition calls for the Parliament to review arrangements for the billing and collection of water and sewerage

charges to ensure that they are affordable for those who claim income support permanently.

Members will know that the Minister for Environment, Sport and Culture has announced the establishment of a scheme that will cap the amount that people on council tax benefit pay in water charges. He has said that the Executive does not propose to devise another means of identifying those who need help. Instead, it will work on the basis that eligibility for council tax benefit is a broad indication of low income and represents a reasonable qualification for benefiting from the cap on charges. The details of the scheme's operation are being considered in a consultation exercise that was launched in November. I suggest that we pass the petition to the minister for inclusion as part of that consultation.

Helen Eadie: Would it be appropriate for the petition to go to the Transport and the Environment Committee as well, in the light of its inquiry into the water industry?

The Convener: Yes, we could pass the petition to that committee for information.

Is that recommendation agreed?

Members indicated agreement.

John Scott: How close to a conclusion is that consultation? I presume that people pay the increased charges at the moment. That is an anomalous situation, because the charges are now significant. The sooner that the results are received and acted on, the better.

The Convener: When we pass the petition to the minister, we will ask when the consultation finishes and when recommendations will be presented to the Parliament.

John Scott: We could also ask when recommendations will be implemented.

The Convener: The next petition is PE329 from Mr William Christie. It calls on the Parliament to amend the relevant legislation to make licensing board procedures fairer and more equitable.

On 7 December, the Parliament debated alcohol misuse. The Deputy Minister for Health and Community Care said that

"the time has come for a comprehensive review of licensing laws. An independent committee with a fairly wide-ranging remit will conduct the review. Full details of the membership of the committee and how the review will be conducted will be announced in due course."—[*Official Report*, 7 December 2000; Vol 9, c 789-90.]

Therefore, we could agree to seek the views of the Scottish Executive on whether the issues that the petition raises will be considered by that independent committee.

Helen Eadie: I am content with that suggestion.

The Convener: Is that recommendation agreed?

Members indicated agreement.

The Convener: The last new petition today is PE331, which comes from Tricia Donegan. It calls on the Parliament to investigate why drivers who have made deliberate decisions that cause risk to the lives of others are classed as careless drivers when prosecuted, even in the event of a fatality.

Long-time members of the committee will know that Ms Donegan submitted petitions PE55 and PE299 on closely related issues. The committee agreed to pass them to the Lord Advocate and the Justice and Home Affairs Committee for responses. A response was received from the Lord Advocate and was copied to the petitioner and the Justice and Home Affairs Committee for further consideration. The Justice and Home Affairs Committee agreed to suspend consideration of the petition, pending publication of research by the Department of the Environment, Transport and the Regions into road traffic legislation. The Justice and Home Affairs Committee also agreed to write to the Lord Advocate about guidance that has been issued to the procurator fiscal.

It is understood that the DETR's research has recently been published. As PE331 is closely related to the other petitions that Ms Donegan submitted, it is suggested that we do nothing more than link PE331 to the previous petitions, on which a response from the Lord Advocate is awaited. All the petitions could be reconsidered when we have that response.

I have just been handed new information, hot off the press. The Lord Advocate's response to PE299 has been received, but because it is detailed and because the committee has not seen the Lord Advocate's response, it is suggested that we reconsider PE299 and PE331 at our next meeting.

Dr Ewing: I do not think that what the petitioner says is accurate. I do not think that it follows that a charge of only careless driving would be made in such circumstances. It is for the Crown in its various forms to decide whether the charge is careless or dangerous driving or homicide. The petitioner has not been accurate in fact.

The Convener: That may become apparent when we read the Lord Advocate's response, which will be distributed to members and considered at our next meeting.

Current Petitions

The Convener: We move now to current petitions, which are petitions for which we have received responses.

The first petition is PE244, from Mr Graeme Brown, on behalf of Holyrood View Residents Association. It asks the Parliament to reduce illegal parking by reintroducing wheel clamping with a charge for release. Members will remember that we wrote to City of Edinburgh Council, which suggested that properly controlled wheel clamping could provide an answer to the residents' problems. However, that suggestion conflicted with advice from the Scottish Parliament information centre that wheel clamping has been illegal in Scotland since a court ruling in 1992.

The committee agreed to seek the Scottish Executive's views on whether wheel clamping is illegal. The Executive has written to say that wheel clamping on private land has been illegal in Scotland since 1992, despite Donald Gorrie's attempt to change that position when the Transport (Scotland) Bill progressed through Parliament. Parliament decided not to change the situation. It is suggested that we agree to pass a copy of the Executive's letter to the petitioners and take no further action, as the Parliament has already discussed wheel clamping and it is clear that no further action can be taken. Is that agreed?

Members indicated agreement.

The Convener: Petition PE246 came from several community councils and councillors. It concerns the designation of special areas of conservation and asks the Parliament to persuade Scottish Natural Heritage and the Scottish Executive not to proceed with the designation of the south-east Islay Skerries special area of conservation. A copy of the petition was sent to the then Minister for Transport and the Environment and we asked for it to be considered as part of the consultation process. The committee considered a letter that it received from SNH, which countered the petitioner's claims that the consultation had been inadequate. SNH's letter also provided background information on the designation of an SAC.

The committee agreed to ask the Scottish Executive for its views on whether the recent designation of several sites around Scotland was fully justified or whether it was an exercise that was designed purely to meet the requirements of the European Union's habitats directive. The Executive has written to say that the EU asked the United Kingdom to review its list of SACs because it was dissatisfied with it.

That response also points out that the UK's

response is vital, because Scotland and the rest of the UK could face severe penalties if the UK does not fulfil its EU responsibilities under the habitats directive. Action against the UK Government in the European Court of Justice is possible, as is the imposition of daily fines on the Government. If any criticisms related to the Scottish element of the UK list, a portion of the fines that were imposed would be passed to the Scottish Parliament. Therefore, the justification for the proposed SACs in Scotland is to meet the requirements of the habitats directive and the Scottish ministers' commitment to protecting Scotland's biodiversity.

We passed the petition to the Scottish Executive to be taken into account as part of its consultation process. It is suggested that we agree to pass a copy of the Executive's letter to the petitioners and take no further action other than awaiting the outcome.

Dr Ewing: Have we received many petitions on the same line or is PE246 the first?

The Convener: We have received two such petitions.

Dr Ewing: The description of what Europe would do seems a bit of a scare story. I do not believe for a minute that immediate court action and daily fines would happen. I assure members that if we are fined, so will be all the other countries that break the law much more than we do. Countries such as Ireland and Italy spring to mind. I have doubts about the paragraph in the Executive's letter that makes those suggestions.

Many members will have received much correspondence about the subject. In designating SACs, those involved must deal only with scientific evidence and ignore all social and economic considerations. That is the flaw, and new legislation would probably be the only way of dealing with that. I say that simply to alert members to the preposterous situation. For instance, the whole of Berneray was recently made an SAC, against all the information that the islanders could give. That designation will enormously restrict what has been quite a successful crofting island.

I wonder whether we should get in touch with the European Committee and ask it to find out whether it is true that the European legislation does not allow social and economic considerations to be taken into account when designating SACs.

George Lyon: I would like some clarification. I have been involved with some of the community groups, as I represent Islay. Ian Mitchell and I, and one or two others, have met the relevant minister to discuss the issue. The Executive's letter is rather disingenuous, to say the least. The comments in the letter are true, but it is not made clear that several sites could be considered for

designation. More than one site is available for designation in the south-east Skerries. As I recall from conversations with the minister and the lady who sent the response to the committee, a choice of six or seven sites was available.

The local community was hostile to the designation of the chosen site, and that should have weighed in ministers' minds when choosing the site to propose to meet the requirements under the habitats directive. The Executive's letter is truthful, but it is disingenuous in not pointing out that choices are available. Ministers choose which sites to propose. I suggest that we write back to the Executive and say that ministers have choices when selecting the number of SACs that they propose. Hostility in the local community should be taken into consideration at least before final decisions are taken.

It is worth while pointing out that public bodies such as SNH control almost all Islay, because the island hosts huge amounts of endangered geese. The people on the island put up with 50,000 geese every year, and stringent controls are placed on what people can do there. The conservation agencies regulate the area heavily. The feeling in the local community is that the SAC is one step too far. I have a great deal of sympathy for what the community says. We should point out their comments to the minister.

John Scott: I agree with and reinforce what George Lyon said. All the representative bodies in that area unanimously oppose the proposal, which raises a wider issue. We spoke about ECHR considerations. The implementation of the habitats directive must cut across human rights. The ECHR and the directive are almost contradictory. The imposition of the SACs as a result of the habitats directive is often an infringement of people's human rights, and that point should be made. I welcome Winnie Ewing's comments.

The Convener: Does anyone disagree with the comments that have been made?

Dr Ewing: Are you talking about the suggestion to refer the petition to the European Committee?

The Convener: No, I mean the general comments. I want to check whether the whole committee backs the comments that have been made.

Dr Ewing: I support Mr Lyon's points, but I add that the geese that he mentioned are no longer endangered. That is a matter of fact. I met a head of one of SNH's predecessor bodies, who said that the unoccupied swards around Islay could have been used for the geese if the right plants had been put there. Instead, however, land was unnecessarily taken from the crofters of Islay. We should not have too much sympathy with those who are trying to impose the SAC on the good

people who have petitioned us.

The Convener: The petition has been passed to the Scottish Executive for consideration as part of its consultation. We can now ensure that the committee's unanimous view is also passed to the Executive in support of the petition.

George Lyon: The crucial point to make is that the ministers have a choice. They are required to nominate sites, but they can consider several other sites.

The Convener: We can send the Executive the *Official Report* of the committee's discussion of the petition to ensure that the committee's view is clear.

George Lyon: I have another point for clarification. The announcement about the SAC was due to be made in September, so it is obvious that the petition and the lobbying that has taken place have had some effect and created some further delay.

The Convener: That is good news. If we approach the European Union, should we contact the European Commission?

11:15

Dr Ewing: We have a European Committee. Surely it can investigate the matter for us.

The Convener: We could refer it to that committee too.

Dr Ewing: We need to ascertain whether it is necessary to ignore the social and economic consequences of a site of special scientific interest.

The Convener: Is an SSSI the same as a special area of conservation?

Dr Ewing: Whatever they call it.

John Scott: I think that they are all the same thing.

George Lyon: We are talking about SACs, not SSSIs.

The Convener: We could ask the European Committee for information.

Dr Ewing: Arguments that are based only on scientific grounds ignore people.

The Convener: We want to know whether only scientific grounds are considered, or whether social and economic issues are brought into consideration.

Dr Ewing: That is what causes much of the agitation.

John Scott: The fundamental issue here is the right of individuals, farmers and landowners to do

what they want with their land. Between 10 per cent and 15 per cent of Scotland's landmass is covered by these sites, all of which are enormously restrictive. People are no longer able to do what they want with their land.

The Convener: It has been suggested to me that the European Committee might not be in a position to give us the information we need, and that it might be better to get it from the Executive. The Executive wrote to us to indicate its position. We could write back to say that what it outlined in its letter is unlikely to happen and to ask for the information that Winnie Ewing wanted on why social and economic factors are not taken into consideration when the areas are designated.

Rhoda Grant: Might it be an idea to refer this to the Transport and the Environment Committee, to consider the wider issue of SSSIs and SACs? There are aspects to the way in which they are designated that are totally stupid, which is why there is so much mistrust. You hear stories of people having been told to take action to protect something, then a few years later being told to reverse it because the action is not having the result that was hoped for. That makes people very wary of SACs and SSSIs. Someone may need to consider the issue, to establish whether we need to work with local communities more, to ensure that the aims of SACs are adhered to. Rather than riding roughshod over what people need, it is better that people are involved.

The Convener: There are two problems with that. First, we have already passed the petition to the Executive for consideration as part of the consultation. Secondly, you would not know about this, Rhoda, but there was a clash with the Transport and the Environment Committee some time ago because it resents the number of petitions that we are sending to it. We should not send petitions to the Transport and the Environment Committee unnecessarily, because of the nippy response from it in the past. It is an important issue, but we should not use the petition to broaden the issue out to the Transport and the Environment Committee when that committee would probably not respond anyway, but would put the issue on the back burner.

Helen Eadie: I did some work last year for the Transport and the Environment Committee on the raptor working group, in relation to a petition from the Scottish Homing Union. One issue that arose was the EU habitats directive. The men and women who participate in pigeon racing were concerned that there was no clarification in information from Rebecca Badger in the Scottish Parliament information centre on whether the EU directive included recreational aspects. Apparently the EU directive contains a qualification relating to recreation; the detail of the directive seems to

allow for social, economic and recreational use. It might be worth highlighting to the minister that we are aware that a qualification in the EU directive takes account of the wider issues. What other members are saying is that we must aim not only to meet the full requirements of the EU directive but to balance that with the other aspects of life in Scotland. George Lyon is right—the EU directive allows for that, and we must ask the minister to take that into consideration.

The Convener: This information will be passed to the Executive, to be included in its consideration of the petition. We will challenge the line the Executive has given us about European penalties being imposed and ask it to respond to the issue of taking social and economic considerations into account. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE266, from Mr and Mrs Currie, on switching off vehicles after two minutes' rest. We agreed to request comments from the UK Minister for Transport. In November, we considered the response to that, which indicated that a number of steps had been taken and that a trial scheme was under way in selected areas of the UK, including Glasgow.

We agreed to send a copy of the DETR response to the petitioners and to take no further action, as the DETR's response had addressed the petitioners' concerns. However, the committee also agreed to seek further information from the Scottish Executive on the trial scheme that was under way in Glasgow. It appears that, due to a lack of staff resources, Glasgow City Council did not participate in the trial scheme. The Scottish Executive is awaiting the trial results from the DETR.

All that we can do is to note the response and to take no further action, as the petition on the issue has been disposed of. However, we could request a copy of the results of the trial scheme from the Scottish Executive, once it has received that information.

John Scott: I support the second suggestion.

The Convener: We will pass the information to the petitioner anyway, but we will also ask the Scottish Executive for a copy of the results of the scheme.

Members indicated agreement.

The Convener: The next petition, PE271, is from Mr Andy Gibb, on behalf of Westfield community council. It asks the Parliament to investigate and make recommendations on the upgrading and completion of the A801. It is clear from the responses that we have received that the Executive has no plans to include the road in its trunk road programme but that the local authorities

have agreed to give it priority. They jointly funded a feasibility study, which reported in August 2000. The councils are now believed to be proceeding to a full transportation study. There is extra money for local authorities as part of the transport spending review. It is suggested that the committee should agree to pass a copy of the Scottish Executive response to the petitioners and that we take no further action, as the Parliament cannot take the actions that the petitioners are calling for while the councils are progressing with plans to improve the road.

Members indicated agreement.

The Convener: The next petition is PE274, from Mrs Patricia Drysdale, asking the Parliament to ensure that there is an inquiry into the safety and welfare practices in operation at Jessiefield prison, Dumfries. A number of members of the committee would not have been here when we first considered the petition, which was prompted by the circumstances surrounding the death of Mrs Drysdale's son, Graham, while he was in custody in the prison. The petitioner questions whether the practices in place at the prison to combat drugs use are effective. She is also of the view that inconsistencies between the timings in the autopsy report of her son's death and in the standard sequence of checks on inmates in their cells points to a problem with such procedures.

At our meeting on 24 October last year we agreed to seek the views of the Scottish Prison Service on the issues raised in the petition and to copy the petition to the Deputy Minister for Justice, for information only. We agreed to keep him informed of the subsequent progress of the petition. We now have a response from the SPS, which details the actions taken by prison officers during the incident, responds to the points raised in the petition about the inconsistencies in the recorded time of death and provides information on the steps taken by the SPS to combat drug misuse. It also indicates that routines at the prison and the young offenders institution in Dumfries have been subsequently amended to ensure that, at the 7 am cell check, all prisoners are awake.

This is a serious petition—we should take time to consider it. The SPS has taken steps to ensure that similar tragedies do not occur again at Dumfries. It is suggested that a copy of the SPS response should be passed to the petitioner and that no further action be taken, although the petitioner may wish to respond to the information from the SPS.

John Scott: It would be sensible to ensure that the SPS action with regard to Dumfries is circulated throughout the Prison Service in Scotland, so that similar incidents do not occur elsewhere.

Dorothy-Grace Elder: Anyone would wish to commend the mother in this tragic case for pursuing the matter. However, I wonder whether conditions have improved overall. We have an assurance from the SPS that prison officers will not only check the cells, but that the person in it is all right. In this case, the prison officers had checked the cells twice, but because everyone appeared to be sleeping they did not do anything. When it was eventually suspected that something was seriously wrong, the prison doctor was quickly called for. Within about three minutes the doctor had certified that the chap was dead.

At Christmas, I was involved in an emergency situation regarding prison doctors. The assurance from the SPS was written at Christmas time. I was told that three doctors had walked out of Dumfries prison alone and that others were contemplating resignation. The prison doctors service has come up against great difficulties since it was privatised on 1 November 2000. We need to check what the situation is for doctors. The situation in Dumfries has been righted, and there are now checks, including touching someone who looks as though they are sleeping to confirm that they are still alive.

However, would the prison doctor appear as quickly nowadays? Under the terms of the contracts that a private company in Yorkshire is trying to impose on the prison doctors service, some doctors would have to serve several prisons and would be unable to meet their commitment to get to a prisoner in an emergency; they are supposed to be there within half an hour. Many doubt whether they could, for example, run from Greenock prison to Dumfries prison. Dumfries is especially highlighted as being of concern to prison doctors. At Christmas time, the peak time for suicides, there were two suicides in Barlinnie alone.

Helen Eadie: I read a report on Sunday night on visits by the moderator of the Church of Scotland to prisons throughout Scotland in the past year. I was impressed by a number of his points but the most important one for the Scottish Parliament to address is how we bridge the gap between ourselves and the Prison Service. It is clear from what the moderator says in his report that there are different practices in different prisons throughout Scotland. I have only ever been inside the walls of a prison; I have not seen a prison cell. I have not seen what it is like to be a prisoner—there but for the grace of God go each and every one of us.

The subject of the petition is one instance. We need to consider the wider policy issue of what we can do to ensure that there is a level standard of service across Scotland, so that we never again hear of something like this happening. I am not sure of the best way to go about that, but could we

ask one of the justice committees to undertake an investigation into how we might regulate the Prison Service. I had representations at a meeting on Friday night and I have received letters about the issue of privatisation of prison services. The moderator is right—I agree with him 100 per cent that it is reprehensible that we should have to privatise prison services. It is a matter of serious concern that any individual or company should be able to benefit from another person's imprisonment. We, as parliamentarians, need to take on board those issues.

I have no problem with the recommendation that is stated here. We should ensure that the petitioner receives a note of it. I would have concern only if no further action were to be taken—that might be right for the specific petition, but I am concerned that we should address the wider policy issue.

Dr Ewing: I was impressed by the moderator's report. I have always taken the view that private prisons are illegal under Scots law—probably under English law too. Think back to childhood visits to castles with dungeons, when we realised that some individuals felt that they had the right to deprive others of their liberty. We thought that that was an extraordinary idea. What is the difference? The state alone should be able to deprive someone of their liberty. To follow up Helen Eadie's excellent point, no one should benefit from someone being in prison. There is a fundamental issue here about private prisons.

We must bring in what Dorothy-Grace Elder said. These private prisons apparently are applying a different standard—

11:30

Dorothy-Grace Elder: No, I am sorry Winnie. That may apply to private prisons, but I meant that the privatisation of the prison doctor service happened in every prison in Scotland, including those that are still state prisons.

Dr Ewing: I am concerned by what Dorothy-Grace said about how the alert time is now impossible to achieve. That is part of the situation that the petitioner highlights, although in her case the doctor came quickly.

Dorothy-Grace Elder: Yes, the doctor came when he or she was called. There has been a change in circumstances, and people will be properly checked, but that happens only in Dumfries prison. We need a national standard. If inmates are properly checked and one is found whose life has not ebbed away completely, even although it would still be possible to save that inmate, a prison doctor will not arrive in time in some areas because he or she is working at another prison and is not on the spot. That is

because of privatisation and the fact that we are losing prison doctors because they will not accept the terrible contractual positions that they are being offered.

The Convener: There are two parts to the suggested action. The first is that we send the petitioner a copy of the SPS's response and I suggest that we ask the petitioner for her comments. Secondly, we are supposed to send a copy of the response to the Minister for Justice. In doing that, we should ask him for assurances that the steps that have been taken at Dumfries young offenders institution are being applied nationally. We should also ask him to give the Executive's view on the implications of incidents of this kind on the privatisation of medical service in prisons. Thirdly, on Helen Eadie's point, we can ask the Minister for Justice how service standards are monitored in prisons and who is responsible for doing that. This might be an issue for the Parliament—I am not sure what democratic input there is into how prisons are run.

George Lyon: Is not Her Majesty's chief inspector of prisons responsible? I do not know whether HMI reports to us.

The Convener: I do not think that there is a democratic element. HMI does not report, for example, to either of the justice committees.

Rhoda Grant: I think that the Justice and Home Affairs Committee held an inquiry into the prison service, and it examined privatisation. Perhaps we should get that information.

The Convener: We could copy the letter to the Minister for Justice to the justice committees for their information only. Is that agreed?

Members indicated agreement.

John Scott: I presume that the SPS monitors the quality of service that it gets from the privatised prisons, and that it will in effect be the regulator in this instance.

The Convener: The minister should be able to tell us what we want to know.

John Scott: Indeed. The SPS must report directly to the Minister for Justice and the SPS chief executive—Tony Cameron—must report directly to the justice committees. None the less, we must make sure that an adequate standard is being provided.

The Convener: Yes, we can ask who is responsible, whom they report to, and who monitors the private medical service.

The next petition is PE281 from Mrs Isobel Brydie—once again it is a petition about dangerous driving prosecutions. At one of our earlier meetings we agreed to pass the petition to the Lord Advocate, the Law Society of Scotland

and the Scottish Law Commission for their comments, and to the Justice and Home Affairs Committee for information only. We have received replies. The Scottish Law Commission's response did not really say anything; it indicated merely that this is a matter for the Crown Office and the criminal justice division of the Scottish Executive justice department.

However, the Lord Advocate's response is fairly detailed. I think that it addresses some of the points that Winnie Ewing raised about an earlier petition. It points out various matters; for example, the fact that sheriffs do have the power, if they find that a sentence is not severe enough, to pass the case on to the High Court for more severe sentencing.

Dr Ewing: As they do regularly.

The Convener: Yes. The Lord Advocate's response also provides some information and statistics on the situation and clarifies the current position on the issues that were raised in the petition. There are no plans to take the action for which the petitioner called, which was automatically to refer all cases to the High Court. Previous legal advice from the Scottish Parliament legal team indicates that an amendment to the relevant act to make provision of the nature that is called for in the petition is outwith the Parliament's competence, as it is a reserved matter.

It is suggested that the committee should agree to pass copies of the responses to the Justice 1 Committee for its information, as it is considering the petition, and also to keep the petitioner informed of the responses, but to take no further action.

Dr Ewing: It is a cornerstone of our constitution that the judiciary is independent.

John Scott: It is important to note, as I said when the petition was first considered, that sheriffs are not imposing the maximum sentences that are open to them, as is detailed in the Lord Advocate's letter. It is fundamentally important that sheriffs do not feel that they are unable to impose adequate sentences.

The Convener: That is a fair point. We will pass the responses to the Justice 1 Committee and the petitioner.

The next petition is PE290, from Mr Frank Harvey, and is about the safety of amphibious vehicles on the Clyde. We wrote to Glasgow City Council, which has passed a response to us that clearly indicates that safety conditions are applied to the use of those vehicles on the Clyde. It is suggested that we pass the response to Mr Harvey, and that we take no further action, as the response answers the health and safety concerns that he raised in his petition. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE300, from Mr Andy Scott, on behalf of the Tay access group. He was concerned about wardens and warrant cards. He wanted to cancel the warrant cards of all wardens who were appointed under the Freshwater and Salmon Fisheries (Scotland) Act 1976, to protect women and children from convicted sex offenders. He was concerned about the unregulated nature of the way in which such wardens are appointed—mainly by landowners.

We have received a detailed response from the Scottish Executive, which points out that it is now open to anyone, including employers or landowners, to apply for a criminal conviction certificate. In any case, the Executive intends to apply full Scottish Criminal Record Office checks on people who are nominated as wardens. I do not know whether that is in response to the petition, or whether the Executive always intended to do that, but it goes some way towards addressing the petitioner's concerns. We should simply copy the Executive's response to us to the petitioner and take no further action. Is that agreed?

Members indicated agreement.

The Convener: Petition PE309 is from Mrs M Whitehead. It is about the Victoria infirmary, and calls on the Parliament to ask Greater Glasgow Health Board to produce detailed plans—as part of an investigation into the existing Victoria infirmary site and associated grounds—during consideration of the site for the proposed acute hospital in the south of Glasgow. There has been a debate in the Parliament on this, and a range of activities has taken place. An option appraisal is under way, which addresses many of the issues that the petitioners raise.

It is suggested that the issues in the petition are for GGHB, rather than the Parliament, and that it is not for us to intervene. The petition has been taken into account as part of the consultation on the matter, and the health board has agreed to carry out an option appraisal in recognition of local concerns. It is suggested that we pass to the petitioners a copy of the material that we received from the health board, that we take no further action, but await the outcome of the option appraisal. Is that agreed?

Members indicated agreement.

The Convener: That is the last petition.

Document PE/01/01/2 lists changes to the progress of petitions since the previous meeting of the Petitions Committee. For members who have just joined the committee, such a document will be made available regularly to members, and any member who wishes to check up on a particular petition should contact the clerks to find out about

its progress. I do not know whether any member has issues that he or she wishes to raise on this group of petitions. The paper merely sets out the latest position of each petition. Normally, members should check the document before they come to the meeting, and they should indicate to the clerks whether they wish to raise an issue.

Inadmissible Petitions

The Convener: The next item is inadmissible petitions. This is a departure for the committee—we have never had this item before—and we agreed to it only recently. We have received a number of petitions that, in all honesty, are not admissible under the criteria for submitting petitions to the Scottish Parliament. It was agreed that the clerks could sift such petitions before they came to the committee, rather than send them to the committee. It was also agreed that in doing so they would, for the committee's information, provide a paper that indicated the reason why a petition had been ruled inadmissible. As members can see, the clerks have decided that there are four inadmissible petitions. We will go through them one by one.

The first petition is on behalf of Refugees Welcome Here, and calls on the Parliament to accept its duty under international law to provide for asylum seekers a refuge that is safe from prejudice and so on. The paper explains the clerk's reasons for deciding that the petition is inadmissible. It is partly because the issue is reserved to the UK Parliament, but also because the Social Justice Committee is already investigating petitions about asylum seekers in Scotland. Other than passing the petition to the committee for its information, it is suggested that we take no further action. Is that agreed?

Members indicated agreement.

The Convener: The second petition from Mrs Mary Speirs. It calls on the Scottish Parliament to instruct One 2 One to re-site a mobile phone mast at an appropriate site. That is outwith the powers of the Parliament or the Executive—it is a matter for local authorities. Therefore, it is recommended that the petition is inadmissible and that no further action be taken.

Dorothy-Grace Elder: Perhaps it is a matter for the UK Government, because local authorities pass the buck by saying, "It's not our fault. It is forced upon us by Government that we must accept these masts within our city boundaries." People are tremendously concerned about such masts, because we do not know how much of a health risk they are. Like most MSPs, I have had a considerable number of cases of people complaining and saying, "We don't want a mobile phone mast here." They are sick of going to councils and being told that they must accept it. It is all part of the deal that Gordon Brown won to gain the Treasury tens of billions of pounds, but wherever such masts are sited, local folk are sincerely worried.

The Convener: We have had a series of

petitions on mobile phone masts and they were referred to the Transport and the Environment Committee, which conducted an inquiry into the issues and produced a report. We are not ignoring the issues, but the Parliament has already taken action as far as it can.

John Scott: The Parliament is slow in taking action. The Stewart report was published in May last year, if not earlier. Supposedly, legislation was to be proposed as a result of that report, but that has not happened. In the meantime, many people in Scotland feel that they are disadvantaged because masts are being put up where they do not want them. I suggest that the Parliament and the Executive get their acts together and address the issue as a matter of urgency.

The Convener: I am told that the Executive, rather than the Parliament, has been slow to respond to the report.

John Scott: Indeed.

The Convener: The Parliament awaits a response—which has not been forthcoming—from the Executive.

Helen Eadie: As members know, I was a member of the Transport and the Environment Committee and I attended its meeting last week, although I am no longer a member. I am glad that that is allowed under standing orders. I have a close interest in the matter. There are two reports: the Stewart committee report, which was produced at a UK level; and the Transport and the Environment Committee's report, which was sent to the Minister for Transport and the Environment. Thereafter, the Executive published a document, which is out for consultation. That document was discussed by the Transport and the Environment Committee last week. That committee welcomed a number of the issues that the Minister for Environment, Culture and Sport will take action on, for example every mast that is erected will have to come under national planning policy guidelines.

The other issue that came up was health, which concerns every member around this table. The committee's unanimous view last week was that it was not happy that the onus would be placed on local council decision makers to determine whether health is a material consideration in the planning process. The Transport and the Environment Committee is in the process of sending that view to the Minister for Environment, Sport and Culture in the hope that, when the minister comes to the Parliament with the final document, it will reflect clearly that committee's view.

The Convener: Obviously, action is being taken. The Scottish Parliament has been active on the issue. There is the Stewart report, the Transport and the Environment Committee has

produced a report, and the Scottish Executive will have to produce proposals. However, the petition is asking us to re-site an individual mast. We cannot do that, which is why the petition is inadmissible.

Helen Eadie: That point came up last week, when some members asked for retrospective planning permission. It was pointed out that that would not be possible. However, the point was made that under the new proposals, every local authority would be required to produce a development plan with the developers. It was suggested that at that point it would be appropriate for local authorities to include in the negotiating process a discussion about masts that have caused unhappiness locally. It will be up to local authorities to have such discussions, but people could make representations to their local authorities if they wished their views to be taken into account. As part of the negotiated outcome, some of the masts might be re-sited.

11:45

John Scott: By the time the Executive gets round to taking action, horses bolting and stable doors closing will be springing to mind. The Executive needs a kick up the backside to get this done.

The Convener: I am not sure whether we are in a position to do that.

John Scott: Perhaps not.

The Convener: In any case, the Transport and the Environment Committee dealt with the relevant petitions, which we referred to it.

Helen Eadie: Today's discussion has been quite timeous. The Transport and the Environment Committee's report was published in May or June last year. The then Minister for Transport and the Environment acted very swiftly and brought out her report by November. That report is out for consultation now. It is only January. By the time the Parliament breaks for the summer recess, we hope to have a final outcome.

The Convener: This may be a good subject for a parliamentary question—perhaps next Thursday. The minister could be pressed on the matter.

Dorothy-Grace Elder: Has the Health and Community Care Committee been involved? I am a member of that committee, and I do not remember the issue coming before us.

The Convener: The Transport and the Environment Committee is dealing with it exclusively.

Dorothy-Grace Elder: It is also a health issue.

The Convener: I am not sure about this, but the

Transport and the Environment Committee may have taken advice from the Health and Community Care Committee.

Helen Eadie: The Transport and the Environment Committee took advice from health advisers during its inquiry. That was what finally led us to the view that the health issues should be of material concern for planners. There was a unanimous view on that; there was no dissent at any stage in the discussion.

Dorothy-Grace Elder: The convener and deputy convener might consider writing to the convener of the Health and Community Care Committee, to intimate to her the number of petitions that have been received on the matter. Would that be appropriate?

The Convener: Apparently not. I understand from the clerk that, given that consideration of the matter is now the responsibility of the Transport and the Environment Committee—

Dorothy-Grace Elder: Exclusively?

The Convener: We cannot interfere in that committee's on-going consideration.

Dorothy-Grace Elder: I was thinking only of sending notification.

The Convener: Policy committees get very upset if the Public Petitions Committee starts to trample over their work.

Dorothy-Grace Elder: We could send just a notification, stating our interest in the subject.

The Convener: Both you and I, Dorothy, as members of the Health and Community Care Committee, can indicate our thoughts on the matter.

Rhoda Grant: Has not the Transport and the Environment Committee responded to the consultation process in a similar vein? There is no point in our flagging up the health issue again anyway.

The Convener: We can do so as individual members, but I agree that we should not do so as a committee.

I am trying to get members to agree that we cannot accept the petition because we cannot move individual mobile phone masts.

Members: Agreed.

The Convener: Inadmissible petition IP3 concerns a licence for a proposed bar/restaurant in Imrie Place car park, Penicuik. That is a matter for the local authority, not for us. We cannot accept the petition.

The final inadmissible petition, IP4, requests that "Glasgow District Council" install a water point at

the Linn cemetery. The Scottish Parliament cannot involve itself in that matter; it is a matter for Glasgow City Council.

Fraudulent Petition Signatures

The Convener: Agenda item 6 is a paper on fraudulent petitions. We discussed petition PE319, which first came before us when we met in Glasgow on 4 December, at our previous meeting. At the time of submission, it was claimed that the national petition against poverty carried 50,000 signatures. On examination, only 8,000 of those signatures were found to be legitimate. The rest were simply photocopies, blank papers and so on.

The clerks were asked to produce a paper on the matter and to make recommendations. Although we have had assurances from the promoters of the petition that the falsification of signatures was done without their knowledge—we believe that those assurances were genuine and that the promoters were as shocked as we were to discover what had been done—and that they will resubmit the petition in due course in a proper and legitimate fashion, we have been asked to accept two recommendations in the meantime.

The first recommendation is:

“that the Clerks should carry out checks on all signatures submitted in support of petitions to establish that these are not photocopied, contain large numbers of duplicate names or are completed in the same handwriting.”

Dr Winnie Ewing: Poor clerks.

The Convener: The recommendation continues:

“Where there is evidence that an attempt has been made to submit fraudulent signatures, the Committee may wish to consider taking quite a hard line. In such cases, it is suggested that the Clerks would contact the Convener and bring the matter to his attention. If he is satisfied that there has been a clear attempt to mislead the Committee about the level of support for a petition, a letter should be issued to the petitioners informing them that their petition will not be considered by the Committee. The petitioners will be invited to submit comments on the circumstances surrounding the submission of fraudulent signatures, should they wish to do so.

Each case of this nature would be discussed at a meeting of the Committee. Whilst, in general, there should be a presumption that any such petition would not be considered by the Committee—even in a resubmitted form—the Committee may wish to consider the individual circumstances, including the comments made by the petitioner, before reaching a final view in each case.”

The Convener: Do members have any comments on that suggested procedure?

John Scott: This is a serious matter. Perhaps the Parliament should consider whether the submission of fraudulent petitions should be made an offence.

The Convener: We would need legal advice on that.

John Scott: Perhaps we would, but it is

something that we could consider.

Dr Ewing: We could say simply that we will not consider the petition at all. That would put the onus on the petitioner.

Helen Eadie: I do not disagree with the clerk's recommendations. This case highlights the fact that many people do not understand that just one person can submit a public petition—so why go to all the trouble of having a zillion fraudulent signatures? It does not make sense.

This case perhaps brings to our attention an educational or awareness-raising issue. People ought not to be quite so troubled.

Dorothy-Grace Elder: I agree. In addition, if the submission of fraudulent petition signatures were made an offence, that would put the long-suffering clerks under even more pressure. They would have to check out who had learned to write lines at school with two biros simultaneously. We do not want to get into that level of detail. Clearly, the petitioners were going for the macho line of proclaiming that they had the most signatures. As Helen Eadie said, they do not actually need all those signatures. The Parliament should be publicising the fact that a petition with one signature is treated with the same respect as a petition with 25,000.

John Scott: I was only pointing out that there is no deterrent: if people get away with it and can dupe the clerks, they will do so if they want to.

The Convener: I think that the view of the majority of members is that we do not want to make the submission of fraudulent signatures a legal offence. That would lead to problems, such as what could be submitted as evidence before a court, and would put tremendous pressure on the clerks. The suggestion is that we consider each case and that we can decide not to accept petitions. If the petitioners submit another petition, the first petition will be held against them—on the record.

The point about individual petitions is not quite so clear cut. The petitioners who submitted PE319 issued a press release and tried to gain publicity for—allegedly—having obtained 50,000 signatures. We have to discourage that kind of thing in a big way.

Can we agree that, in future, the clerks will inform me of relevant cases as they occur and that we will discuss each such petition that we receive?

We must also consider what to do about the national petition against poverty. We have spoken to the principal petitioner, and he has written to the committee, explaining the position. We honestly believe that he did not know what was happening. As a result, it is recommended—exceptionally—that

“the Committee should agree to accept this resubmitted petition in due course but, in doing so, should . . . send a clear message that . . . the submission of any future petitions containing fraudulent signatures”

will be dealt with very severely.

Dr Ewing: Can we record our appreciation of the clerks’ diligence?

The Convener: Absolutely. They do a marvellous job. They are the real Public Petitions Committee—they do all the work. We just come here and grandstand when the committee meets.

Is the suggestion agreed?

Members *indicated agreement.*

John Scott: Should the sanction be that we will not allow the next petition from the poverty group to be submitted until the next session of Parliament?

The Convener: Apparently the new petition will not be ready until the summer anyway. We could consider John Scott’s suggestion—it is a possible sanction, but is something of a nuclear one.

Helen Eadie: I understand, from clarification that I received last week, that the “next session of Parliament”, in the Scottish sense, means after the next election for the Scottish Parliament, in 2003. In Westminster, session means something different.

John Scott: I meant in the autumn.

The Convener: We can still consider that idea. John Scott has only just suggested it, so we could think about it and return to it at the next meeting.

Dr Ewing: It is a good idea.

The Convener: We do have to say that this is a serious matter. We will not accept fraudulent petitions that people have just joeyed.

John Scott: There should be an onus on petitioners to check the signatures themselves. It should not be left up to the clerks.

George Lyon: It should be made clear to those who take responsibility for presenting the petition that the onus is on them to guarantee it by checking that the signatures are genuine.

Dorothy-Grace Elder: We should have a press release, along the lines of “You Don’t Need to Fake It.” We are still in the early stages.

The Convener: The guidance that is issued to anyone who is considering submitting a petition indicates that it must be submitted in good faith. When we come to revise that guidance, we should point out specifically that any fraudulent petitions will be dealt with very severely. People should be warned.

The final agenda item is the convener’s report, but I have nothing to report. If there is no other competent business, I thank members for their attendance and declare the meeting closed.

Meeting closed at 11:55.

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