

PUBLIC PETITIONS COMMITTEE

Tuesday 6 February 2001
(*Morning*)

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PUBLIC PETITIONS COMMITTEE

2nd 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 :

John Ainslie (Scottish Campaign for Nuclear Disarmament)

Mr Duncan Hamilton (Highlands and Islands) (SNP)

Ivan Middleton (Humanist Society of Scotland)

Mr Walter Stewart (Retained Firefighters Union)

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Jane Sutherland

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 6 February 2001

(Morning)

[THE CONVENER *opened the meeting at 10:02*]

The Convener (Mr John McAllion): Welcome to the 2nd meeting in 2001 of the Public Petitions Committee. I am glad that so many members have made it safely through the weather to be present.

We have apologies from Helen Eadie, who is unable to be here because she is ill, and from Dorothy-Grace Elder.

New Petitions

The Convener: The first item on the agenda is consideration of new petitions. Does the committee agree to take petition PE333 before petition PE332? A petitioner is present to answer questions on PE333, although he does not want to make a statement.

Members indicated agreement.

The Convener: Petition PE334 is from the Scottish Campaign for Nuclear Disarmament and calls for the Scottish Parliament to ask the Executive to initiate a review of emergency planning measures for nuclear submarine accidents in Scotland to ensure that there is adequate protection for the local population and the environment.

I should declare an interest. I am a member of Scottish CND; I am sure, however, that that will not prejudice my attitude towards the petition.

John Ainslie from Scottish CND has three minutes to make the presentation. Members may then ask questions.

John Ainslie (Scottish Campaign for Nuclear Disarmament): The petition arises from an incident that happened in the Mediterranean on HMS *Tireless* in May 2000, although the full consequences of the incident became public only in December.

The navy has 12 Trafalgar and Swiftsure class submarines, of which only one is operational at the moment. We now know that there was a failure at the manufacture stage in a critical component of the submarine reactors, which the quality assurance process failed to pick up. Over 35 years in service, that critical component was never properly inspected on any submarine.

The methods that are used to inspect submarine reactors are inadequate. In the case of HMS *Tireless*, the normal inspection process, which was carried out in Gibraltar after the accident, indicated a 2mm horizontal crack. However, when the reactor was cut open, two cracks that were 10 times that size were discovered. The whole understanding of the problem was wrong. The problem is not simply to do with a particular component. Fundamental failures in the way that the navy checks welds on all submarine reactors have been revealed.

Other areas of the reactor could be affected and cracks could develop. The nature of submarine reactors is that they use pressurised water. The system is at 170 times atmospheric pressure. Therefore any small crack could trigger off a series of events that could lead to a catastrophic accident, possibly even on the scale of Chernobyl.

Emergency plans for the protection of the population and environment of the Clyde estuary from the effects of a submarine accident are covered by the Clyde public safety scheme. There are similar schemes for Rosyth and other areas. Those safety schemes are based on assessments that the navy has made of the probability of particular types of accident occurring. We argue that the HMS *Tireless* incident shows that the navy's assessment methods are fundamentally flawed, as they have not been able to check for cracks in welds in the reactor system.

There are other basic failures in the safety scheme. First, the scheme is based on accidents happening at berths; it does not properly deal with an accident occurring at sea. Secondly, it does not comply with the World Health Organisation guidelines for potassium iodate tablet distribution. Thirdly, the scheme is designed to deal with a less serious accident, not with the worst case.

The Convener: Please wind up.

John Ainslie: For example, under the current scenario, measures would be taken within a 10km radius. If the scheme used a worst-case scenario, an accident at Faslane would mean that those measures would have to be carried out in Edinburgh.

For all those reasons, I request that the committee and the Parliament ask the Scottish Executive to carry out an urgent review of the measures in the Clyde public safety scheme and other schemes of that type.

The Convener: Thank you, Mr Ainslie. I apologise for not warning you in advance that you would have three minutes and that I would give you notice to wind up when you had 30 seconds left. That is my fault, not yours.

The floor is open for members of the committee

to ask questions. Perhaps I can ask the first question. Who is responsible for drawing up the plans—the Scottish Executive or local authorities?

John Ainslie: They are drawn up jointly. A committee, which has representatives of various bodies, including local authorities, draws up the Clyde public safety scheme. I am not certain about the position of the Scottish Executive; the papers that I have are pre-Scottish Parliament, although they show that there was Scottish Office representation.

The Convener: Does every area need to have a scheme in place to deal with accidents to nuclear-powered submarines?

John Ainslie: The schemes are berth related. There are schemes for where there are berths.

The Convener: Other than the Clyde estuary and Rosyth, where else are there berths in Scotland?

John Ainslie: There are Z-berths around Skye and Loch Ewe. Although there have previously been other berths further afield, those are the only ones outwith the Forth and the Clyde at the moment.

The Convener: Are the plans open to public scrutiny?

John Ainslie: Yes. The plans are publicly available.

The Convener: Do you know whether the plans have been reviewed in recent times?

John Ainslie: I am pretty sure that they have not been reviewed.

The Convener: There is talk of HMS Renown being decommissioned at Rosyth. Would that be a problem in the light of the kind of incident that you are talking about?

John Ainslie: In a sense, decommissioning is a separate issue. There is a question over what happens to decommissioned submarines. The Babcock proposal may well result in more submarines being decommissioned at Rosyth.

John Scott (Ayr) (Con): Have you any suggestions on how the safety procedures could be improved? What needs to be done to make the situation safer?

John Ainslie: At the moment, there are pre-planned counter-measures for out to 2km from the berths. Apart from taking the Scottish CND line that we should not have nuclear submarines, I suggest that, if the chance of a serious accident is greater than previously estimated, the public protection measures must be prepared for a wider area. The protection measures need to reach further away from the berths.

John Scott: You say that the radius is only 2km at the moment?

John Ainslie: There are pre-planned counter-measures to 2km from the berths. There is then an extendibility zone out to 10km. The extendibility zone is mentioned in the scheme, but detailed provisions do not have to be in place for it.

George Lyon (Argyll and Bute) (LD): Can you clarify whether there are any other measures that the Ministry of Defence would take outwith the 2km zone around Faslane? I live not that far from Faslane and am aware that the MOD regularly monitored the background radiation levels on Bute and similar areas.

John Ainslie: There is still a Z-berth at Rothesay bay, so there will be a 2km pre-planned counter-measure zone around that berth. Detailed plans for specific measures, such as distribution of potassium iodate tablets to the public, exist for within the 2km zone only. The plans for distributing tablets out to 10km, if that had to be done, are a bit vague.

The Convener: Thank you. As there are no further questions, we will discuss how to dispose of the petition. The suggested action is that we agree to pass the petition to the Executive and ask it to comment on the issues that the petition raises. The Executive should have the opportunity to clarify its position. After we have had a reply, we can consider the petition further. Are we agreed?

Members indicated agreement.

The Convener: We move to petition PE337, which is from the Retained Firefighters Union. The members' briefing paper said that there was only one signature on the petition, but in fact we have now received 1,600 signatures.

Mr Walter Stewart is here to speak to the petition. I notice that Duncan Hamilton MSP is in the audience; perhaps he will also come forward to speak to the petition.

Mr Stewart, the rules are the same as for the previous petitioner. You have three minutes to make your presentation. At two and a half minutes, I will indicate that you have 30 seconds to wind up.

Mr Walter Stewart (Retained Firefighters Union): Thank you. The background is that the public requested the petition and the RFU implemented it for them. Strathclyde fire brigade proposes to change the status of Oban fire brigade, which is a two-pump retained station. The brigade wants to make one pump in the station whole-time and one pump retained, doing away with 10 of the retained firefighters through natural wastage, under notice served to the Minister for Justice under section 19 of the Fire Services Act 1947.

The reason behind the change is that, for Strathclyde fire brigade, all front-line appliances that are road rescue units are covered off stream. That will free up 72 whole-time firefighters, who will be surplus to requirements. Strathclyde fire brigade proposes to redeploy the majority of those firefighters into retained units, of which Oban would be the first.

To do that, Strathclyde fire brigade has stated that Oban has changed from a C-risk to a B-risk category, which requires a whole-time fire service. That is flawed. We have had an independent survey done on Oban by a bona fide consultant on fire brigade matters, who maintains that Oban is still a C-risk and predominantly D-risk area, not a B-risk area.

Under the auspices of best value, Strathclyde fire brigade should have consulted, compared and challenged. It failed to do so. It did not consult the stakeholders, who are the local retained firefighters. It did not consult the public, nor did it consult the elected members in the area. The new proposal came to light only because the retained firefighters challenged Strathclyde fire brigade about it.

Bolted on to the proposal to change the status of Oban fire brigade is a proposal for capital investment in a new, £2.5 million fire station up Soroba Road, half a mile from the existing station. The firemaster has made it clear that the decision on the change of category hinges on Oban fire brigade's failure to meet response times. I should say that Strathclyde established in 1985 that Oban was in the B-risk category, yet has done nothing about that to date.

10:15

On the choice of location, again the brigade has failed blatantly. The position of the new station will not allow crews to respond within the empirical times that the fire brigade has produced for B-risk category incidents. The brigade has neither made comparisons, nor done test runs to substantiate its choice.

Another problem will arise if the restructuring goes ahead, in that a retained unit and a whole-time unit would have to work together. If three retained firefighters arrived at the station and whole-time firefighters were present, the pump would not mobilise, as Strathclyde's restrictive practice of not mixing crew would not allow the second pump to mobilise.

The consultation process was flawed as the result of lack of consultation, including failure to consult the local firefighters, who are the stakeholders. The public are concerned about the onerous burden of the £2.5 million capital investment that is required to reposition the

station, and I therefore lay petition PE337 before the committee.

The Convener: Thank you. Two MSPs who represent the local area, George Lyon—also a member of the committee—and Duncan Hamilton are here to speak in support of the petition.

George Lyon: I want to thank Steve Farrell for arranging for the petition to come before the committee today at short notice. I do not have a lot to add to the evidence that has been given by Walter Stewart, other than to say that real questions are being asked by the Retained Firefighters Union and that public concern is demonstrated by the 1,600-signature petition that has been submitted.

Graeme McCracken and I visited the site last week to look at access on to the main road, which leads down to Greenock. The road is so busy that at certain times of the day—in the early morning and at five o'clock in the afternoon—it is at a virtual standstill. Strathclyde fire brigade has not managed to give a substantial answer to questions about response times from the proposed new site. The brigade has to provide answers before the Minister for Justice can proceed.

The Public Petitions Committee ought to challenge Strathclyde fire brigade to answer some of the questions that have been raised by the RFU. The brigade has ridden roughshod over the stakeholders and the general community. It has not come clean and put its case in a coherent manner, and that is why there is such strong public backing for the RFU case.

There is the added worry that many local retained firefighters would lose their jobs as a result of the plans. Local expertise would be lost and others would be transferred in from outside the area. That is of concern to the community and to the firefighters.

Mr Duncan Hamilton (Highlands and Islands) (SNP): I, too, add my support to the petition. There is no need for me to reiterate the specific issues, as those have been made clear. One of the points that will no doubt be made, quite correctly, by committee members, is that the parliamentary process is slow to pick up on specific local problems. However, I will make three points that demonstrate why I think the petition is important. First, the petition is indicative of the wider process in Scotland. Oban may be the first case, but there will certainly be further examples and it is important to get the process right at the beginning so that it can be rolled out in different areas.

My second point concerns consultation. Although I am fully behind the petition, I recognise that it may not be a parliamentary committee's role to take a hard and fast view on a consultation process such as this. However, the petition makes

clear that access to answers needs to be facilitated. Not only was there no consultation at the right stage—prior to the proposals being produced—but it has been difficult to get answers to the specific concerns that have been raised throughout the process and again today.

My third point is to impress on the committee that the Minister for Justice's decision, under section 19 of the Fire Services Act 1947, is imminent. On-going discussions are taking place at different levels of the Executive, but it is timeous for the petition to come before the committee today.

Rhoda Grant (Highlands and Islands) (Lab):

As a local member for the area, I am surprised that the only information I have been given on the matter is from the Retained Firefighters Union. I still await a response from Strathclyde fire brigade about some of the issues.

You said that MSPs and elected members have not been advised. Have any of the councillors been involved? Some of those councillors may sit on Strathclyde fire board.

Walter Stewart: Strathclyde fire board would definitely be aware of the proposal. The elected members of the fire board in Rhoda Grant's area—Argyll and Bute—would also know about the proposal, but the local elected members who carry out other business in the community would not necessarily know about it. I think that the fire board was privy to the proposal and hoped that it would slip through without being challenged. The proposal came to light only when the RFU challenged it.

Rhoda Grant: You talked about job losses for the 10 retained firefighters. Will they be able to transfer? You said that there are 70 surplus whole-time firefighters in Strathclyde. Has any move been made to allow the 10 local retained firefighters whose jobs are at stake to transfer?

Walter Stewart: No. They cannot transfer directly. Although new directives for part-time workers are coming in, there is less favourable treatment for part-time workers.

Strathclyde fire brigade operates a policy under which it will not accept direct transfer from retained to whole-time firefighter status. Any firefighter in Oban who wishes to become whole time has to go through the same full procedure as would any member of the public—they are all in the big melting pot together. The chances of becoming whole time are very slim because the vast majority of applicants apply for whole-time positions in the fire service.

Rhoda Grant: Would the whole-time firefighters whom Strathclyde fire brigade plans to transfer parachute in and out of the area or would they

become locals? Would they move to the area or would the process be worked in some kind of shift system?

Walter Stewart: They would have to commute locally, otherwise they would not get to work in inclement weather, for example. As the committee knows, Oban is fairly remote. Strathclyde fire brigade would have to try to redeploy people to the Oban area and rehouse them so that they would be in close proximity to the fire station and could get to work. The nearest whole-time unit is 96 miles away in the Clydebank area. It would be very hard to commute and sustain that type of establishment.

John Scott: What size of area do you serve around Oban? How far do you go?

Walter Stewart: The Oban area is vast and runs right up to Fort William; it runs to Inveraray and Lochgilphead. There are other retained fire stations within the area.

We still say that Oban itself is a C-risk area that requires predominantly C-risk and D-risk retained pumps. Other retained pumps come into the area. The centre of Oban, however, is not big.

Only 0.43 per cent of Scotland has A-risk and B-risk areas; that includes major cities such as Edinburgh and Glasgow and large towns such as Hamilton and Motherwell. Oban should definitely not be in the B-risk category. I am a retained firefighter and say that Oban is definitely a C-risk category. There is no doubt that there are some special risks in Oban that require a heavier firefighter attendance, but that is all. Strathclyde fire brigade has hinged its proposal on Oban being changed to a B-risk area. That is the reason for proposing a whole-time pump.

John Scott: Did the independent report that the RFU commissioned find that Oban is still a C-risk or D-risk area?

Walter Stewart: Yes.

Strathclyde fire brigade carried out its own assessment and classified Oban as a B-risk area. We brought in a consultant from down south. I have the papers with me; they are available to the committee if need be. Our independent report was done by a bona fide consultant who is an ex-chief fire officer. He is a fellow of the Institute of Fire Engineers and has similar status to Dennis Davis, the chief inspector of fire services. He spent five days in Oban and surveyed the town. He found that Oban is predominantly C-risk and D-risk.

The Convener: Are there any local members who sit on the Strathclyde joint fire board who would be party to the decision?

Walter Stewart: Yes, there must be. The member for Argyll and Bute on the fire board

would have to be party to the decision.

The Convener: Did he or she support the changeover?

Walter Stewart: I believe that such members are commissioned to support it. If the fire board go along with the proposal, they have to support it—there is no doubt about that. Some elected members will support the idea of a full-time unit.

The Convener: Is the Retained Firefighters Union separate from the Fire Brigades Union?

Walter Stewart: It is completely different. The RFU was formed in 1976 as a breakaway union because members felt that the FBU was not doing enough to support retained firefighters in Scotland and nationally.

Rhoda Grant: Obviously, Strathclyde fire brigade's argument will be that it is trying to improve the service. As part of that argument, has the brigade talked about having more retained firefighting crews? You talked about crews from Oban meeting up with crews from anywhere between Fort William and Inverary. If the idea is to provide a better service, one would have thought that an allowance would have been made for having more retained firefighters in the smaller surrounding villages.

Mr Stewart: That would have been a good logistical idea. If the local volunteer units were upgraded to retained standard, the network in the community would be tightened up. Local volunteer units are not trained to the same standard as retained and whole-time firefighters, who are at the same standard. Rhoda Grant has rightly touched on the fact that it would be a great advantage, as well as a logistical support, if the local volunteers were upgraded to retained status. There would be a tighter and more secure fire service with a heavier weight of delivery within the rural community.

The Convener: If there are no further questions, I thank Mr Stewart for an excellent presentation.

We shall now consider how to dispose of the petition. Members can all see the suggested action. Let me deal first with the bit that we can all agree about. Shall we pass the petition to the Minister for Justice, asking him to note the concerns and to ensure that they are taken into account in the context of his consideration of Strathclyde fire brigade's proposals? When we do that, we should highlight all the concerns that we have heard about this morning: the lack of consultation, the non-involvement of MSPs, local opposition, and the failure of Strathclyde fire brigade to answer the questions. We expect the minister to raise the issues with Strathclyde fire brigade.

I am, however, reluctant for us to approach

Strathclyde fire brigade directly, since the matter is for elected members at joint police and fire board level rather than for this committee. We could inform Strathclyde fire brigade of our action in sending the petition to the minister. If the brigade wants to respond, so much the better. We must ask the minister to respond to the concerns that we have heard this morning, rather than give a response ourselves.

I know that that suggestion is not what George Lyon wants.

George Lyon: We should ask Strathclyde fire brigade to answer the questions that have been asked today. Strathclyde fire brigade is clearly the driving force behind this. We should accept that the RFU submitted the petition because it expected that the Scottish Parliament could give some added weight to the questions that it wants answered. We should write directly to Strathclyde fire brigade and ask it to furnish us with some explanations for some of the points that have been made today.

Rhoda Grant: The convener is saying that we cannot instruct other elected members, since that would be outwith our remit, but could we not ask them nicely? Could we say that it would be helpful if we were given some information? I think that the convener's problem is that we cannot—

George Lyon: I understand that, but I think that we are entitled to ask the question.

Rhoda Grant: Yes. Could we ask the question, and it would be up to Strathclyde fire brigade to respond?

The Convener: As always on such occasions, advice is being whispered in my ear.

I am concerned that the committee does not ride roughshod over an elected body elsewhere in Scotland. There is an elected body to which the Strathclyde fire brigade is accountable. However, we can certainly approach Strathclyde fire brigade, highlighting our concern about the issues that the Retained Firefighters Union has raised, and ask for a response. That would help us in our response to the proposals. We should also pass the petition to the minister as a matter of urgency because, as was pointed out, the decision may be taken in the near future. We cannot wait for Strathclyde fire brigade's response. We shall send the petition to the minister immediately and ask him to take it into consideration.

George Lyon: On that very point, I have written to Jim Wallace enclosing details of the RFU case and asking him to take that into account before any final decision is made. I know that Ray Michie, too, has written to Jim Wallace and I am sure that Duncan Hamilton has as well. I am sure that other elected members have also done that. The sooner

we can get the petition across to him the better, but it has been flagged up to him already.

The Convener: Okay. We shall pass the petition to Jim Wallace immediately and we shall write to Strathclyde fire brigade asking it to respond to the comments that we have heard this morning.

George Lyon: Agreed.

The Convener: Does Duncan Hamilton want to add anything?

Mr Hamilton: Thank you for the right of audience, convener. What will happen to the impending decision while we wait for answers on those points? Obviously, it would be better if the decision were not taken until we have the answers. Would it be possible to add to the letter that we send to the minister, or when we pass the petition to the minister, the fact that we would appreciate having the answers before the decision is taken?

The Convener: Yes. We can also point out to the minister that we have written to Strathclyde fire brigade and that we would be grateful if this information could be considered before any final decision is taken. Is that okay?

Members indicated agreement.

The Convener: As was agreed, we now jump a petition and deal with PE333, which is from Mr Charles Douglas on behalf of the Humanist Society of Scotland on the legal status of humanist and secular marriage ceremonies in Scotland. Apparently, a non-religious marriage ceremony can be performed only in a registry office. In Scotland, there is no other possibility.

Mr Ivan Middleton is present to answer questions on the petition. Do you want to make a brief statement?

10:30

Ivan Middleton (Humanist Society of Scotland): I will make a very brief statement.

We married 104 people last year in Scotland. The figure is increasing every year. People who have humanist weddings incur double expenses, as they have to be married at a registry office as well. We are concerned that, under the present law, only religious groups can conduct ceremonies. Members of intolerant, almost racist, religious groups are regarded as reasonable people to conduct ceremonies, whereas humanists seem not to be regarded as reasonable.

If everybody in Scotland could choose the way in which they got married, the situation would be inclusive. We would like the changes that are proposed in the petition to be made, so that

people could make a free choice.

Rhoda Grant: I do not pretend to be an expert on humanism, but in Inverness, where I stay, the registry office is in the bottom of a multistorey car park, and that is an awful place for anyone to get married. As a result, a lot of people who want a civil wedding want the registrar to be able to go out of the registry office and conduct marriages in another place. Would that be useful for people across Scotland?

Ivan Middleton: The position in Scotland at the moment is that it is the person—the registrar or the person ordained by a religious group—who is registered, not the place. In Scotland, people can go to the top of Ben Nevis and get married, whereas in England, it is the place—the church, mosque or registry office—that is registered. I do not know all the details of what a registrar can do, but if someone wanted a humanist wedding ceremony at the top of Ben Nevis, or wherever, we would be willing to provide that—as long as we had someone fit enough to go there.

The Convener: Can someone from the Church of Scientology be authorised to hold weddings outside of registry office ceremonies, but a humanist cannot?

Ivan Middleton: That is my understanding. We cannot conduct a legal wedding; a registrar's ceremony has to be involved as well. I married my son a while ago. He and his wife did what a number of people who want a humanist wedding do. They go to a registry office a couple of days beforehand, usually dressed in fairly informal clothes, and regard the whole thing as a bit of a nuisance—something that has to be done. They then dress up, as other people do, and have a nice wedding, where they can decide what vows they want to say to each other in front of their friends and relations. They can make a commitment to each other that is real and personal and much more meaningful than something that they are told has been said for several hundred years.

If the change that we propose could be brought about, it would probably increase the overall number of marriages taking place in Scotland. I hope that that might help to stabilise family life.

The Convener: That sounded almost like new Labour—no insult intended.

Ivan Middleton: I thought that all parties were meant to be doing that.

The Convener: The problem is that the law specifies that ceremonies conducted by religious groups are the only exemption from the requirement for a registrar.

Ivan Middleton: Five years ago, I think, we took counsel's opinion to see whether we could be

regarded as a religious group. I do not have the written evidence with me, but I gather that the opinion was that even if that view was found to be correct, the registrar would not be happy to have non-religious people conducting ceremonies. The prejudice goes back a long way.

The Convener: No doubt it interferes with your rights under the European convention on human rights.

Ivan Middleton: That is exactly what we think.

John Scott: Have you done any research into how the ECHR affects the situation?

Ivan Middleton: Yes. We mention in the petition that we think that, in contravention of article 14 of the convention, the situation discriminates against the exercise of rights under article 12.

I gather that the position in some other European countries is that everyone who wants to be married has to have a civil wedding. Whether they have a Christian, Muslim, Jewish, humanist or other wedding after that civil wedding is a matter of choice. At least that position is a level playing field, which we do not have. It would be nice to have that in Scotland before England and Wales have it.

The Convener: Absolutely. Thank you for coming along and answering our questions.

The suggested is that we pass the petition to the Executive to seek its views, particularly in relation to the ECHR. I understand that the Executive is preparing to introduce a family law bill. Perhaps the issues could be considered as part of that process. Are we agreed?

Members indicated agreement.

The Convener: Petition PE332, which is from Mr Steve Ratcliffe, concerns controls for MSPs when recruiting staff. It calls on the Parliament to create controls that would require MSPs to declare details of members of their staff to the Standards Committee to ensure that, if an MSP recruits a relative, the most suitable person for the post has been hired.

There have been two previous and similar petitions from the petitioner, not about this issue, but about lobbying in the Scottish Parliament and the need to publish a full and concise report on the cost of the new Scottish Parliament.

The clerk to the Standards Committee has said that, although the committee has a register of MSPs' staff, it does not and would not tell MSPs who to recruit or how to recruit new members of staff. The Scottish Parliament personnel department has indicated that, as the MSP is the employer, the personnel department has no official interest in whom the MSP employs or how the member appoints their staff. The personnel

department provides informal advice if approached, but has no authority to intervene. The personnel department has advised that it would be for the Parliament itself to decide whether any controls should be in place to prevent MSPs employing members of their own families, and, if so, what those controls should be.

The suggestion is that we pass the petition to the Scottish Parliamentary Corporate Body and request that it responds directly to the petitioner and considers whether there is any need to introduce controls on the recruitment of MSPs' staff. We could agree to take no further action after that.

Is anyone of any other mind?

John Scott: I have no other suggestions. We probably have to do as suggested out of fairness to the petitioner, but the situation as it stands is probably adequate. It should be up to individual members whom they employ and how they appoint their employees.

The Convener: The Equal Opportunities Committee recently submitted to the conveners' group a paper about how committee advisers should be recruited to ensure that that process does not contravene equal opportunities legislation in any respect. We could pass the petition to the Equal Opportunities Committee for information and ask whether that committee wants to comment on it, as well as passing it to the SPCB.

Rhoda Grant: That might be a good idea. I think that legislation exists that allows that, if an employer has recruited somebody, and somebody else feels that they would have been able to do the job, they can take the employer to an industrial tribunal. I was certainly very aware of that when I was recruiting staff, so I ensured that adverts were posted.

The Convener: We could do both or either: we could send the petition to the SPCB or to the Equal Opportunities Committee and ask for comments.

George Lyon: It must go to the SPCB as a first step.

The Convener: We could then send it to the Equal Opportunities Committee for information. It would be up to the Equal Opportunities Committee whether it wanted to respond to the petition.

George Lyon: I agree with that.

The Convener: Are we agreed?

Members indicated agreement.

The Convener: The last new petition this morning is from Mr Lou Howson on behalf of the Confederation of Scotland's Elderly. The petition is

on a subject that has become dear to all our hearts: the full implementation of the report of the Royal Commission on Long-term Care. The petition is supported by 19 other old-age pensioners' and senior citizens' groups and was submitted as a result of the debate at the meeting of the Parliament on Thursday 25 January and the subsequent statement by the Minister for Parliament that

"the Executive will bring forward as soon as practicable after consideration of the development group's report in August 2001, proposals for the implementation of free personal care for all".—[*Official Report*, 25 January 2001; Vol 10, c 695.]

The suggestion is that we pass the petition to the Scottish Executive and ask it to provide a written statement about what its proposals for personal care for the elderly are. That is probably what the petitioner is looking for. Perhaps it is what everybody is looking for.

George Lyon: That would mean that we would not receive anything back until August, when the implementation group has reported.

The Convener: No. We will not have the detail but—

George Lyon: We will certainly not get detailed proposals back before then.

The Convener: We can request a written statement of the Executive's intention in setting up the implementation group. We can ask when the implementation group will report. The proposals are that implementation would not start until April 2002 at the earliest, so there is no great urgency. However, we should get the Executive to respond in writing.

John Scott: That would give the Executive the opportunity, which I am sure it wants, to clarify the position even further. The situation is not entirely clear even now.

The Convener: Absolutely. Is it agreed that we pass the petition to the Executive and ask it to provide a written statement?

Members indicated agreement.

Current Petitions

The Convener: We shall now consider the responses that we have received to current petitions, the first of which is a response to petition PE205 from Fred and Maureen Collie about sentencing for murder and other crimes. New committee members will not remember the petition, which related to a particularly foul murder of a relative of Mr and Mrs Collie. The petition asked for a number of steps to be taken to toughen up the law on the handling of murders and murderers.

We have received a detailed response from the Executive to the petition. The petition raised four different points; I will take each in turn.

The petitioners' first point was a request for an increase in the minimum sentence that murderers must serve as well as a minimum amount of time before murderers could qualify for parole. The response is that it is not for the Executive to lay down such things, that it believes in the independence of the judiciary and that, although it sets the limits for sentencing, judges are entirely free to make the decision within those limits in each case, since each case is unique, which is something that the court must take into consideration.

The Executive also points out that the way in which adult mandatory life prisoners—that is, those who commit murder when aged 18 or more—are dealt with for parole will be brought into line with the treatment of other life prisoners, in that Scottish ministers will no longer have a role in recommending when a prisoner should be allowed parole. Once the Convention Rights (Compliance) (Scotland) Bill is passed, ministers will not have that role, since it will be entirely for the judge to decide.

The suggestion is that we take no further action on the petitioners' first point, other than to inform the petitioners of the Executive's position. Do members have any other views on that specific point, which was about increasing the minimum sentences that are set for those who are convicted of murder and increasing the minimum amount of time that must be served before qualifying for parole?

Are we happy to pass on the Executive's position to the petitioners?

Members indicated agreement.

John Scott: I, too, recall that this case was particularly horrific. However, as the Executive points out, the independence of the judiciary is fundamental to Scots law and, as such, we must respect that.

The Convener: The petitioners' second point was a request that automatic consecutive sentences be imposed for serious crimes that were committed at the same time as the murder.

Again, the Executive's response points out that the matter is for the court to decide. The court considers each case on its merits. In the case of a person who is serving a life sentence for murder, or a discretionary life sentence for another serious offence, a further sentence running consecutively would be redundant, since there is a mandatory life sentence in such cases.

Again, the suggestion is that we pass that information back to the petitioner. Is that agreed?

Members indicated agreement.

The Convener: The petitioners' third point was that, when the parole board considers the release of prisoners who have been convicted of murder, increased information—particularly the views of the victims' families—should be made available to the parole board.

The Executive's response points out that by statute the parole board may take into account a wide range of issues, including the views of victims' relatives. The problem with this part of the Executive's response is that it is not made clear whether the victims' relatives are told automatically that they have the right to put forward their views to the parole board, or whether it is left to the families to take the initiative and ask.

George Lyon: On that point, the Executive makes clear that its policy is not to initiate contact with the victim's family, because those concerned may not wish to be reminded of the crime or may not want to know what is happening to the person who was convicted. Unless the family have let the parole board know, or have indicated at the time that they wish to be kept informed, there is no mechanism to allow them any input to the decision-making process, or even to be notified.

In my constituency, I am involved with the case of a victim—of something that happened not in Scotland but south of the border—who is kept informed by an active victim support unit, which contacts victims as a matter of course. It even advises the victim when the person who was convicted is coming up for parole and when the convicted person is moving from a closed prison to an open-prison system. The victim support unit allows for the victim's views on those things to be fed in. Would it be worth our while raising that issue with the Executive?

The Convener: The suggested action on this point is that we write to the Executive to ask whether there is an established procedure to make known to victims' families the arrangements that are in place to allow notification to them of the

review of cases and to allow their involvement. It is not clear from the Executive's response whether the arrangements are made known.

10:45

George Lyon: The way it reads to me is that, unless the families have indicated at the time of the court case that they wish to be kept informed, they are not informed at all. In the case with which I am involved, the fact that the convicted person is being shifted around is causing huge distress, but at least that family have some input into the process and their views are being taken into account.

Rhoda Grant: It would be wiser to inform families through Victim Support Scotland. When I read in the Executive's response that the parole board informs only those people who have said that they want to be informed, I imagined a letter arriving out of the blue on somebody's doormat to tell them something about the crime. If they had gone on with their lives, such an event would bring the crime back to them in an awful way. That would be horrible. Having a contact in Victim Support Scotland, with whom the connection could be personal, might be better than receiving a letter, which could be horrific.

John Scott: We need to treat the matter delicately. There may be many people who, as Rhoda Grant said, do not want to be reminded of the crime. I am not sure what the best procedure would be. Two separate issues are involved.

George Lyon: The issues are the manner in which the convictions are dealt with and whether the victims' families have the right to be notified and their views fed into the system before any final decisions are taken. Rhoda Grant's point was about how that contact should be handled. That issue is serious, as it can cause great distress to the families.

The main issue is whether victims' families have the right to be notified and their views taken into account when decisions are taken. I certainly support that principle.

The Convener: It is not clear from the Executive's response whether victims' families have that right. We need to write to the Executive and ask it to clarify how victims' families are made aware of their rights.

John Scott: And if indeed they have such rights.

The Convener: Yes.

George Lyon: It is not clear whether they do.

John Scott: Was the petitioner seeking rights?

The Convener: The third part of the petition

requests that the Parliament

"Allow parole boards to consider all information, including all police case notes, held on serious offenders of previous offences and receive personal submissions from victims or, in the case of murder/manslaughter, their relatives at hearings".

So the petitioners want victims' families to have the right to go to a parole board to make a case when a prisoner comes up for release. It is not clear that the families have that right or, if they do, how that right is communicated to them. The Executive has to clarify that.

George Lyon: I agree.

The Convener: Is that agreed?

Members indicated agreement.

John Scott: Is the Justice 1 Committee considering the petition?

The Convener: We sent the petition to the Justice and Home Affairs Committee for information. Perhaps we could send the Executive's response to the Justice 1 Committee for information, which is the action suggested in the briefing paper.

Before we come to that, we will deal with the final part of the petition, which asks for automatic restitution of any money stolen in the commission of a murder or any other serious crime. Such a theft, of course, was part of the case with which Mr and Mrs Collie were involved. The response points out that compensation payments are available, but not in cases of murder, because the victim has been killed. However, in such cases, compensation may be payable in the form of a fatal award that is granted under the provisions of the criminal injuries compensation scheme. The petitioners may also have the right to pursue compensation by the civil route. That would be a matter for them and their legal advisers.

We do not need to take any further action on that point, because that is the law, but we need to inform the petitioners of the law in that regard. Are we agreed?

Members indicated agreement.

The Convener: I suggest that we pass the Executive's responses—other than on the third point—to the petitioners. On the third point, we will write to the Executive seeking clarification on the issues that have been raised. We will also pass a copy of the petition, and of the Executive's response, to the Justice 1 Committee. That committee will shortly consider the Convention Rights (Compliance) (Scotland) Bill at stage 1 and the bill may have an affect on what the petitioners are looking for. Are we agreed?

Members indicated agreement.

The Convener: The next petition is PE270, which was submitted by Andrew Baker on behalf of the A1 East Linton steering group. The petition called on the Parliament to review proposals for the A1 expressway between Haddington and Dunbar, to ensure that the expressway provides a direct access to and from East Linton in both directions.

That was subject to the strategic roads review, and we have now received a response from the Minister for Transport indicating that she will accept the proposals for the A1 expressway but, now that she has decided to include that within the Executive's proposals, she is under obligation to consider representations from the public about those proposals. The minister suggests that we remit the petition to her for consideration and discharge, in line with the procedures that are set out in schedule 1 of the Roads (Scotland) Act 1984.

In other words, the minister will deal with the petition on access to East Linton as part of her consideration for the A1 expressway. I propose that we pass the petition to the minister, asking her to take the views of the petitioners into account. I further propose that we pass a copy of the Scottish Executive response to the petitioner, and take no further action. Are we agreed?

Members indicated agreement.

The Convener: The next response relates to a series of petitions that we have received from Tricia Donegan concerning the inadequacies of the law in respect of prosecutions for dangerous driving. Petition PE331 called on the Parliament to investigate why drivers who have made deliberate decisions when driving, which caused risk to the lives of others, are classed as careless drivers when prosecuted, even in the event of a fatality.

We passed a copy of the petition to the Lord Advocate for his comments, and a response was received from him. That was copied to the petitioner and to the former Justice and Home Affairs Committee for further consideration. The committee was waiting for a Department of the Environment, Transport and the Regions inquiry into the application of road traffic legislation, which has now been published but which the committee has not had time to consider. We agreed to defer consideration of Tricia Donegan's petition PE331 until today's meeting, and to consider it along with the Lord Advocate's response to her petition PE299. Members have copies of both petitions, which are attached to committee paper PE/01/02/2.

The Lord Advocate's response indicates that specific separate offences exist for driving without a licence, driving without insurance and driving without an MOT certificate. If the accused is found

guilty of such offences, the court will necessarily take those offences into account. The Lord Advocate makes clear that his responsibility is for the prosecution of offences and not the formulation of the substantive law in that area which, in any case, is reserved.

The Lord Advocate is of the view that a new offence of causing death by dangerous driving without a licence might be regarded as unnecessary reorganisation of existing statutory offences.

The suggestion is that we pass a copy of the Lord Advocate's response to the petitioner and take no further action in relation to either of the petitions from Tricia Donegan. It is clear from the response that current prosecution procedures are considered to be adequate and that there is no gap in the law in relation to these offences.

If members are so minded, we could refer both petitions and the Lord Advocate's response to the Justice 1 Committee, so that they can be linked with Tricia Donegan's previous petition and other related petitions, which are being considered by that committee.

John Scott: In fairness to the petitioner, I would have thought that that would be the least we could do.

The Convener: The petitions would be passed to the Justice 1 Committee for information only. That would allow them to be seen in the light of the other petitions on the same issue that we have referred to that committee, and which are under consideration. All those petitions, which ask for substantive changes in the law, have not yet received a proper response.

George Lyon: I agree with that action.

Members indicated agreement.

The Convener: The next petition is Mr Hugh Devine's petition PE313, on a dispute about land maintenance. At the time that it was submitted, a number of members took a particular interest in the petition, as the land in question is in Glasgow. Pauline McNeill, Sandra White and Kenny Gibson attended a meeting of this committee, and all three members felt that some action should be taken in respect of the dispute between the petitioners and Barratt Homes, which concerns 27 acres of common land in Glasgow.

We passed the petition to the Executive for comments. The Executive's response states that it is not appropriate for it to become involved in the dispute. The Executive points out that it is carrying out a consultation exercise in the spring, on the recommendation of the Scottish Law Commission's report on real burdens, which has annexed to it a draft bill and title conditions.

The response suggests that the petitioners' legal advisers consider the relevance of the commission's recommendations to the problems that exist at the land in question at Deaconsbank. The Executive's response indicates that, following the consultation process, it will consider the generality of issues relating to the enforcement of real burdens within housing estates. The Executive will introduce proposals for legislation in due course.

As agreed at a previous meeting, the suggestion is that we pass a copy of the Executive's response to the petitioners and that we take no further action. I also suggest that pass a copy of the response to the Justice 1 Committee for information.

John Scott: The convener's comments are fair, and, from my recollection at the time, it seems that the dispute needs to be tested in a court of law. That is the bottom line. We are not in a position to interfere; it is for the courts to decide.

The Convener: Are we agreed?

Members indicated agreement.

The Convener: The last part of agenda item 2 is consideration of changes to progress on petitions since our previous meeting. Three petitions are listed in the committee paper. Do members want to make points on any of those petitions?

John Scott: I welcome the establishment of an inquiry as a result of PE96. There are a number of matters that require to be looked at with regard to fish farming and I hope that the inquiry will be wide ranging.

The Convener: It is good to see the petitions process operating as it should in the Parliament.

Inadmissible Petitions

The Convener: The final agenda item is inadmissible petitions, under which we have one petition to consider. Petition IP5 was submitted by Mr Donald McFadden on behalf of Southside against closure, calling for the Scottish Parliament to investigate Glasgow City Council's proposed closure of Govanhill swimming pool. It is not for the Parliament to interfere with, or otherwise get involved in, the executive decisions of elected local authorities.

The recommendation is that we advise the petitioner that the petition is inadmissible, but that due to the high number of signatures—10,000—we forward the petition to Glasgow City Council and ask that it takes the petition into account as part of its decision-making process on the proposed closure. Are we agreed?

Members *indicated agreement.*

Convener's Report

The Convener: The final agenda item is the convener's report, but I have nothing to report. I thank members for their attendance, and for finishing within an hour, which is a record for the committee. Well done.

Meeting closed at 10:56.

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