

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 8 May 2001  
(*Morning*)

Session 1

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## PUBLIC PETITIONS COMMITTEE

7<sup>th</sup> 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)

\*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

\*John Scott (Ayr) (Con)

\*attended

### THE FOLLOWING ALSO ATTENDED :

Brian Adam (North-East Scotland) (SNP)

Mickey Ball

Angus Brown (Scotland Against Crooked Lawyers)

Alex Fergusson (South of Scotland) (Con)

Councillor Edward Harris (Aberdeen City Council)

Councillor Len Ironside (Aberdeen City Council)

Richard Lochhead (North-East Scotland) (SNP)

Paul Martin (Glasgow Springburn) (Lab)

David Mundell (South of Scotland) (Con)

John Murray (Scotland Against Crooked Lawyers)

Mr Douglas Paterson (Aberdeen City Council)

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Elaine Thomson (Aberdeen North) (Lab)

Stuart Usher (Scotland Against Crooked Lawyers)

### CLERK TO THE COMMITTEE

Steve Farrell

### ASSISTANT CLERK

Jane Sutherland

### LOCATION

The Hub



## Scottish Parliament

### Public Petitions Committee

*Tuesday 8 May 2001*

*(Morning)*

[THE CONVENER *opened the meeting at 10:06*]

**The Convener (Mr John McAllion):** I welcome everyone to the seventh meeting in 2001 of the Public Petitions Committee. I ask those who have mobile phones or other electronic equipment with them to turn them off, as they interfere with the recording equipment in the room.

We have a busy agenda, as members will see from the packed public gallery. We have six new petitions to consider and the petitioners are present to speak to three of them. We must also consider eight detailed responses to previous petitions.

There are no apologies from members.

## New Petitions

**The Convener:** Without further ado, we move to the first new petition, PE357, which is from Mr Douglas Paterson on behalf of Aberdeen City Council. The subject of the petition is investment in the transport infrastructure in the Aberdeen area. I understand that three petitioners would like to speak: Councillor Len Ironside, who is the leader of the council; Councillor Edward Harris, who is the chair of the council's environment and something committee—I cannot read the writing; and Douglas Paterson, who is the council's chief executive. I invite the petitioners to come forward.

Four MSPs from the north-east are also present: Elaine Thomson, who is the member for Aberdeen North; and Mike Rumbles, Richard Leonard and Brian Adam, who are North-East Scotland MSPs—[*Interruption.*] Sorry—I mean Richard Lochhead.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Actually, convener, I represent West Aberdeenshire and Kincardine, but it does not matter.

**The Convener:** This is a good start—I am getting it all wrong this morning.

I will explain to the petitioners our usual practice. You will have three minutes to make a short presentation. At that stage, we will allow the members from the north-east of Scotland to contribute to the discussion, following which I will open up the discussion to members of the committee in order to allow them to question you on your petition.

Councillor Ironside, would you like to begin?

**Councillor Len Ironside (Aberdeen City Council):** Thank you for the opportunity to present our petition, which covers an issue that is of vital concern to all people in Aberdeen and the north-east. Our petition carries all-party support in the council and support from our neighbouring authority and the business community.

Councillor Harris and Douglas Paterson join me at the table. In the public gallery are leaders of the other political parties and representatives of the wider community. The deficiencies of our transport infrastructure in Aberdeen and the north-east and the need for a clear financial commitment from the Scottish Executive to start to redress those deficiencies bring together all political parties and the business community.

Decades of underinvestment have resulted in a trunk road network in the north-east that is extremely poor. It is symbolised by the fact that while motorways and dual carriageways run from south of the city to the south of Italy, the trans-European network comes to an abrupt end at the

Bridge of Dee as one enters Aberdeen city. Scotland's third city is constrained by a trunk road that is incapable of carrying vehicles that are more than 7ft wide.

The city has made a huge contribution to the national economy and it is the acknowledged oil capital of Europe. However, it still lacks a bypass and channels heavy traffic through the city centre. Those problems not only frustrate commuters and businesses, but severely prejudice future economic development in Aberdeen and the north-east.

The north-east of Scotland economic development partnership has been developing an integrated and costed transport package for the area. The package is balanced and integrated and includes a western peripheral route, rail enhancement measures, cycle track schemes and park-and-ride services. It is in line with national policy and has been fully tested. It has overwhelming community endorsement and has been commended by the Minister for Transport and Planning. What is missing is the Executive's funding commitment towards the estimated £247 million cost of delivering the strategy over the next 10 to 15 years. Despite the fact that both the First Minister and the Minister for Transport and Planning indicated a willingness to support our work, the case for Aberdeen has never been confirmed by a decision of the Parliament or by an appropriate committee.

The Executive is preparing a 15-year programme for developing Scotland's strategic transport priorities, and the time is right to give a firm commitment to transport infrastructure improvements in the north-east. We noted the Executive's recent decision to fund the M74 extension at a similar cost to that of the north-east transport package. We are seeking a clear commitment to provide similarly for the transport needs of the north-east.

We seek the support of the Public Petitions Committee in ensuring that the Parliament requires the Executive to give due priority and a funding commitment to transport in Aberdeen and the north-east.

**The Convener:** Thank you, Councillor Ironside.

I will call the MSPs from the north-east of Scotland next.

**Elaine Thomson (Aberdeen North) (Lab):** As the MSP for Aberdeen North—the northern half of the city—I am pleased to support Aberdeen City Council's petition. Improving the transport infrastructure in Aberdeen has been the subject of much discussion and debate over the past two years. I endorse Councillor Ironside's comments: considerable progress has been made and a plan for a modern transport system has been

developed by the north-east of Scotland economic development partnership. That plan meets environmental criteria and will help the economic development of the city, which is vital.

There are a considerable number of aspects to the issue of transport in Aberdeen. The infrastructure needs to be upgraded and improved in relation to both public transport, such as rail links, and the western peripheral route.

I am pleased that there has been considerable discussion with the Scottish Executive ministers over the past two years. I look forward to those discussions continuing. We are already seeing some movement, with a recent investment of £1.25 million in the city, to make progress on a number of studies on transport modelling and to develop the strategic case that is required for transport infrastructure in Aberdeen.

I repeat my support for the petition.

**Mr Rumbles:** I will be brief.

I agree entirely with the petitioners that the necessary investment in transport infrastructure in the Aberdeen area should be provided as a matter of urgency.

As the north-east of Scotland economic development partnership has pointed out time and again, the north-east has been an economic powerhouse for the Scottish economy for the past 30 years. We need a modern and integrated transport system around the city, involving commuter rail services and a much-needed bypass.

As I represent West Aberdeenshire and Kincardine, one might assume that I would be opposed to a bypass through my constituency. However, I am not—I am vigorous in advocating that bypass, as it would benefit the economy of the whole of the north-east of Scotland and the nation.

It is absolutely essential that we make progress on transport in the area as soon as possible. I hope that the Public Petitions Committee will agree to pass the petition to the Transport and the Environment Committee or to another suitable committee.

**The Convener:** I call Richard Leonard—I mean Lochhead.

**Richard Lochhead (North-East Scotland) (SNP):** I must find out who Richard Leonard is.

**The Convener:** Richard Leonard is one of the leaders of the GMB union in Scotland.

**Richard Lochhead:** I am sure that we will have a lot in common.

**The Convener:** My mistake—I apologise.

**Richard Lochhead:** Thank you very much.

I welcome the petition. This is an enormous political issue in the north-east of Scotland, as can be seen from the number of MSPs representing the north-east who are here. While we welcome the politicians and officials who have brought the petition, we must remember that there is enormous public support in the north-east of Scotland. Motorists—and everybody else who comes across the problem day in, day out—are enormously frustrated by what they perceive as a situation whereby the city has been forgotten by central Government when it comes to road improvements, especially on the issue of the bypass.

The problem affects not only people living in the city: north of the city, Aberdeenshire has major problems, as the A90 is single carriageway. The petition refers to roads in and around Aberdeen. We must remember the importance of fishing, agriculture and the oil industry to the environs as well as the city itself.

I urge the committee to support the petition and to pursue it vigorously. I give it my whole-hearted support.

10:15

**Brian Adam (North-East Scotland) (SNP):** This is a very imaginative scheme, which has been produced by the north-east of Scotland economic development partnership. It involves not only the two councils in the area, but representatives of a wide range of interests across the community. As I drove down last night, very late, I came across 14 sets of traffic lights on North Anderson Drive, which is currently the trunk route; I did not pass another set until I came to Edinburgh. It is a piece of nonsense that the major route into one of the most significant areas of the Scottish economy is subject to those hold-ups because we do not have a proper bypass for the city of Aberdeen.

This is not just about a bypass; it is about the transport infrastructure. Significant improvements need to be made to our rail links to the south. It is not only about people getting to and from their work. We have significant difficulties in getting proper access for freight because of the poor quality of some of the bends, bridges and tunnels between Aberdeen and the south. The proposed scheme would address that as well.

As well as relieving some of the traffic pressures on the city, there is potential for the western peripheral route to open up land that might be suitable—and would be essential—for economic development. Aberdeen City Council has found it difficult in recent years to maintain an adequate supply of land for that purpose.

With the success that the city and its environs

have had in the previous quarter of a century, and given the opportunity to open that land up, it would be remiss of the councils and the Parliament if we did not whole-heartedly support the petitioners so that we can continue to reinforce the success that already exists.

**The Convener:** For the information of the committee, we have received letters of support from Alan Campbell, the chief executive of Aberdeenshire Council, which also supports the petition, and from David Halliday, director of competitive place, Scottish Enterprise Grampian, indicating its support for the petition. Aberdeen and Grampian chamber of commerce has attempted to fax a letter of support, but it has not arrived. It has indicated that the fax will arrive in due course.

It is excellent to see such a cross-party consensus on the eve of a general election; I do not think that it will last. Certainly, everybody has written in support of this one issue in Aberdeen.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** On a point of clarification, in the presentation that we heard, it was suggested that there was a restriction for vehicles in excess of 7ft wide. Is that correct?

**Councillor Ironside:** Yes, that is absolutely correct. As those vehicles enter Aberdeen from the south, they must take a detour because they cannot cross a bridge that has loading and width restrictions: that is the key gateway in and out of the city from the south.

**Rhoda Grant (Highlands and Islands) (Lab):** A lot was said about a proposed bypass, but not an awful lot was said about alternatives, for example, public transport for commuters and the like. Could you expand on the proposals for public transport in the plan?

**Councillor Ironside:** The transportation strategy covers benefits for pedestrians and cyclists as well as rail enhancement and park-and-ride schemes. The difficulty is that the western peripheral route, which we are keen to have, is seen as the key aspect, but it is not; it is only part of the strategy. People see it as an issue on which they can focus.

The strategy—we have a copy of it with us if members would like to see it—covers all the aspects of transport, not only the bypass.

**Dorothy-Grace Elder (Glasgow) (SNP):** Do the proposals include a plan for electrification of the rail link? I still keep a close eye on the matter, as I was involved in gaining the Turbostar deal. Is electrification of the rail link included?

**Councillor Edward Harris (Aberdeen City Council):** Yes, it is. We are looking for an enhanced rail network from Edinburgh up to

Aberdeen and to the north. We are also considering a suburban rail link that runs from south of Stonehaven to north of Inverurie, which is the main commuter route into Aberdeen.

Aberdeen is the gateway to the north. As the MSPs from the rural areas north of Aberdeen know, Aberdeen is not just about oil. We have a huge food industry and fish industry, and we feed the whisky industry from the Highlands and Islands. Those goods come down inadequate roads, down the A96 and A90, through the centre of Aberdeen, across the 400-year-old bridge—that is the restriction—until they hit the dual carriageway that goes all the way to the south of Italy. That is the major restriction that we have.

**Helen Eadie (Dunfermline East) (Lab):** I revert to the issue of public transport. Are other partners in the community, such as the railway companies, willing to engage in combined or partnership investment with Aberdeen City Council? Am I right in thinking that that part of the world is not eligible for European funding?

**Councillor Harris:** Unfortunately, everybody sees Aberdeen as being awash with money. We do not receive any European funding. We do not even qualify under objective 2 match funding.

We have a good partnership with FirstGroup, which is the main bus supplier in Aberdeen. We have four bus lane routes, which are the four arterials into the city. Three other bus lane routes will open up in the next 18 months. More than a million passengers are now being carried on the bus lane routes.

We are working with the rail companies on the suburban link from the south to the north of the city. We are working hard to get people out of their cars and on to public transport and trains. It is working, but it is a slow process. This year, Aberdeenshire has also introduced park-and-ride to come into the city, which will help to take car traffic off the main roads. The problem is that we have a medieval structure with a Victorian city overlay. We have no space to widen roads or anything like that.

Unless we want total gridlock for the next 20 years, we will have to take the cars off the road. We cannot widen the roads any more.

**John Scott (Ayr) (Con):** You said that the overall cost of the project was £247 million. You have also said that the key element is the western peripheral route. What is the cost of that element?

**Councillor Ironside:** The western peripheral route could cost anything from £80 million to £150 million, depending on the development land that would be freed up round the route. We want to invest in the whole transportation strategy, not only a peripheral route.

**John Scott:** If Government, with its ability to, shall we say, prioritise, went ahead with only one element of the strategy, would you want it to choose the western peripheral route?

**Councillor Ironside:** We would accept that. We would accept anything that was going.

**The Convener:** When Elaine Thomson asked the Minister for Transport and Planning a question last March, the minister indicated that she would visit the north-east of Scotland economic development partnership to discuss the issues. Has that visit taken place?

**Councillor Ironside:** The minister carried out the visit and spoke with members of the economic development partnership. She plans to make another visit in June. I am not sure whether she will be available to meet the partnership then. A further meeting is planned.

**The Convener:** Perhaps the minister will be more readily available after 7 June.

Has there been any indication of the Executive's position on the transport strategy document? You mentioned that the First Minister and the Minister for Transport and Planning have been supportive in their comments. Have they made a detailed response to your strategy document?

**Mr Douglas Paterson (Aberdeen City Council):** The status of the Executive's response is that it is supportive of the overall strategy. The Executive has allocated senior civil servants to work with our officers on the plans, and has provided small levels of support for the development work. At the moment, the Executive is providing human resources and financial support to develop the plans further. However, the indication is that we are still some way off a firm commitment to a major injection of funding.

**Councillor Harris:** In March, the minister met the north-east of Scotland economic development partnership. She went through the plans and said that the Executive needed more information on certain aspects. She gave us £1.25 million, in three packages, to look at more modelling, the suburban rail link and some other things that we needed to do. She said that we were presenting the plan in a format that was not compatible with the one used by the Scottish Executive. The minister asked us to get our information and data into a format that the Executive could model in the same way as it has done with the M74. We are in the process of doing that for her, with the £1.25 million capital injection.

**Dorothy-Grace Elder:** The £247 million figure seems reasonably moderate for a transport plan. Does that figure include rail, or is it purely for the road element of the plans? The figure is about one quarter of the price of the dome.



**Councillor Ironside:** The figure is for the entire programme.

**Dorothy-Grace Elder:** Rail and road?

**Councillor Ironside:** Yes. The entire transport infrastructure programme is costed in the document.

**Dorothy-Grace Elder:** The plan is quite cheap, by today's standards.

**Councillor Ironside:** In that case, it should be easier to give us the money. [*Laughter.*]

**Dorothy-Grace Elder:** However, I am not a minister.

**The Convener:** I have to point out to Councillor Ironside that the Public Petitions Committee does not have the authority to grant £247 million.

**Dorothy-Grace Elder:** Unfortunately.

**The Convener:** Yes, unfortunately. The committee would have a different membership if we could.

Does anyone else have a point to make before the committee itself moves on to discuss petition PE357?

**Councillor Harris:** What happens now?

**The Convener:** We have to consider how the petition should be dealt with. We decide whether to send it directly to the Transport and the Environment Committee or to seek a response in the first instance from the Scottish Executive.

I am not trying to pre-empt the committee's decision—committee members can overturn what I am saying—but, to ease the burden on the Transport and the Environment Committee, we will try to find out what the Executive position is. By the time we send the petition to that committee, we will be able to send it your case and also the Executive's response. We cannot deal with individual petitions; it is our job to refer them to the appropriate part of the Parliament.

I thank the witnesses for their excellent presentation.

As I have just indicated, the suggested action is for us to agree to seek the comments of the Scottish Executive on the issues that have been raised in petition PE357 and on the status of talks with the north-east of Scotland economic development partnership. Do members agree with that?

**Members indicated agreement.**

**The Convener:** It is agreed that we seek the comments of the Scottish Executive on the issues that are raised in the petition and on the status of the talks with the north-east of Scotland economic development partnership.

I thank the witnesses for their attendance. I have to say to the members of the public who were here for petition PE357 that it would be helpful if they could leave now. [*Laughter.*] We have another group of petitioners waiting outside to come in for the next petition.

**Dorothy-Grace Elder:** Will the convener send us a copy of the letter that is sent to the Executive?

**The Convener:** Yes, that will happen.

The second petition is PE361, from Mr Stuart Usher on behalf of Scotland Against Crooked Lawyers, which deals with alleged corruption in the Scottish justice system. The petition has 15 signatories and three of the petitioners are here to speak to the committee and answer questions. I welcome Mr Stuart Usher, Mr Angus Brown and Mr John Murray to the committee.

The same rules apply to all petitioners: you have three minutes to make a short presentation and thereafter the session is open to questions from members. The committee will then discuss the petition and decide what to do with it.

10:30

**Stuart Usher (Scotland Against Crooked Lawyers):** Thank you for giving us the opportunity to speak to our petition. A minute is not long, so I will cover the ground as fast as I can.

I want to read from a typical newspaper article. The article is dated 5 April and is headed, "Legal mafia is failing public". It reads:

"The Law Society was yesterday accused of protecting the interests of its members rather than those of the public.

Several MPs complained that the system of self-regulation for solicitors had failed.

The Law Society is both the representative and the regulatory body for solicitors in England and Wales".

The article is referring to the Westminster Parliament, but the same applies in Scotland in respect of the Law Society of Scotland, except that the situation is even worse. The article continues:

"However, George Stevenson (Lab, Stoke-on-Trent S) said it was more interested in protecting its members' interests than the public's ... Austin Mitchell (Lab, Great Grimsby) said the self-regulation of solicitors was failing consumers.

'In law, the practice of the mafia regulating the mafia has failed, is failing and needs to be abolished."

Members will have read our petition. The problem is that the Law Society is—to use a bit of legal mumbo-jumbo, as our legal brethren so love to do—auctor in rem suam. I do not imagine that anyone in the room who is not a lawyer would know what that means. It means "actor in its own cause". Therefore, the Law Society will not look

after the public's interest, because its function is to look after its members' interests.

I know one politician who has no difficulty with our proposal: the head of the Tory party, David McLetchie—he is a lawyer. However, many other lawyers are dead against our proposals.

Thank you for allowing me the opportunity to speak to the committee.

**Angus Brown (Scotland Against Crooked Lawyers):** SACL submitted its petition on 25 April 2001. On 5 March 2001, the group mailed an open letter to all MSPs. Together, the petition and the open letter will show the Public Petitions Committee the significance of such an undertaking by a group of people determined to fight for true justice against a system that has been perfected by the legal authorities to get rid of genuine complainers who have the necessary documentation and concrete evidence that would stand up in court. Those complainers are classed by the Law Society as high risk and all avenues to justice are blocked. I ask the committee, in its wisdom, to research the similarity of persecution imposed on unsuspecting complainers, past and present, who have knocked on the door of the Law Society. At this time, there could be 300 to 400 new complainers, who would take the same perilous journey that our group has already taken. That journey could have serious effects on their health, families and finances because of the horrendous stress that is unlawfully imposed on them.

In following the necessary procedures—through the Law Society's complaints committee, the ombudsman and the troubleshooter scheme—we have found that people have no right of appeal against decisions taken by the complaints committee. Moreover, the ombudsman has no powers to overrule a complaints committee decision. That perfected, corrupt system will allow no redress against an offending crooked lawyer.

I ask the committee to consider those statements in relation to the European Court of Human Rights, the Solicitors (Scotland) Act 1980 and the Scottish Consumer Council's 1999 survey and report, "Complaints About Solicitors", copies of which were sent to all MSPs indicating that changes should be made in relation to the self-regulation of complaints procedures.

**John Murray (Scotland Against Crooked Lawyers):** If society deems that I have done something against society, society takes me to the High Court and a judge, a defence lawyer and a procurator fiscal will put the evidence to 12 jurors, who are members of the public. Those jurors will decide whether I have acted against society and they will give a verdict. If necessary, the judge will then sentence me on behalf of the community.

If I complain about a solicitor, I have to do so to the Law Society, whose complaints committee is made up of eight lawyers and four lay members. There is no equality in relation to a verdict on my complaint against the solicitor. It cannot be fair that eight solicitors can cajole four lay members whereas, in the rest of society, we have 12 jurors and the system is open. Law Society meetings are held in private; we do not have access to meetings at which verdicts are passed on us. Self-regulation has been deemed unfair in other parts of the country and I believe that the petition should be used to abolish it in Scotland. Our collective experience has been that we have been excluded by self-regulation. The Parliament has a duty to right a wrong and self-regulation is a wrong.

**The Convener:** Thank you. Could you tell the committee how your group came into existence? How did you find out about one another?

**John Murray:** We collectively bumped into each other—

**Stuart Usher:** I will answer that question. SACL came into existence last September as a result of a common cause—we all suffered from the same disease of having been done by crooked lawyers.

**The Convener:** So you got to know one another through the court system.

**Stuart Usher:** No. None of us can get to court—that is the main problem. I have tried for four years, although I am getting somewhere now, by the look of things. The failure to get to court is another facet of the same diamond or magic mirror, if you prefer. I started protesting against crooked lawyers who had done me—a firm called Brodies in Edinburgh—and then people joined me. We thought, "My God, this is a very good thing. We'll continue and make ourselves into a group."

**The Convener:** I know that feelings run high and that people feel aggrieved, but we cannot refer to individual cases, as what is said in committee is not covered by parliamentary privilege and may be subject to court action.

**Stuart Usher:** I would not worry too much. I do not think that the lawyers would move against you; they certainly will not move against me, which is why I am moving against them.

**The Convener:** Members of the committee have to be careful about what they say, as we do not have the protection that members have at Westminster.

**Dorothy-Grace Elder:** My old English teacher said that the phrase "crooked lawyers" was an example of tautology: "Don't repeat unnecessarily. Just call them lawyers and everyone understands the rest." I believe that the problem lies not just with crooked lawyers but with massive incompetence, which the law is the outstanding

profession at covering up. Do you wish to include the word “incompetent” in the title of your organisation?

I could not agree more with what you are saying. In my 25 years in journalism before I entered the Parliament, I found that no other profession brought such a weight of misery to the public, especially when they tried to get redress, which could drive people almost insane. I agree with what Dickens said in “Bleak House”, more than 100 years ago, that the law is a beast that feeds on human misery. There is no redress in Scotland and we should not be proud of such a system, which leaves the Law Society sitting in judgment like the devil sitting in judgment on sin. Would you please include in your title the word “incompetent”, which I believe covers a lot of the issue? A lawyer does not need to be on the take to do you down.

**Stuart Usher:** That is perfectly acceptable to us.

**Angus Brown:** Self-regulation cannot work. It is against the principles of a democratic society. The medical profession has proved that it cannot work. The Law Society may be a statutory body, but it must realise that it is abusing its powers. Unless they have been to the law, members of the general public—and of the committee—will not know that people are sucked into the system. I could not believe that these things could happen in Scotland. I thought, “I’ve got a good solicitor, a good representative of the Law Society and a good representative of the troubleshooters.” I was told that my lawyers were negligent, but I was dropped at the court door.

That is where there is no redress. The lawyers have the system perfected. You go away and you find out that you are up against such a large body of crooked—perhaps I should use the other word that has been suggested—people that you turn away and you cannot win until you find a group of people such as us, who are trying our damndest. We can prove our 15 cases without a shadow of a doubt. We have tried to get the names of the 1,200 to 1,400 people referred to in the SCC report, but we cannot get them. We asked the Law Society whether we could have the names of the complainers, but we were told, “No, they might not want to belong to your group.” We have been given all the excuses under the sun, but we cannot find out the names. There would not be a hall big enough to hold all those people. As I said, some 300 or 400 people are knocking at the doors of the Law Society; they will go through exactly what we are going through.

**John Scott:** My question is the age-old one, “Who guards the guardians?” There seem to be no tribunals or procedure to question the actions of the Law Society. Is that what you are seeking?

**Angus Brown:** There is a complaints

committee, but complainers have to assume that it has looked at all their documents and all the details, just as we have assumed with the petition. If that committee throws the case out, the complainer cannot appeal.

I had a meeting with the ombudsman. Certain changes are supposed to be made, but they are for the benefit not of the complainer, but—as always—of the legal profession. I ask the Public Petitions Committee, the Parliament and the Lord Chief Justice to tell me in writing how I can get a lawyer into a Scottish court of law in a civil action, with proper representation under the European convention on human rights. That is all that I am asking.

**The Convener:** Self-regulation does not usually get much support in a democratic society. An independent body or person should oversee what any profession gets up to. What kind of body would you like to oversee the legal profession? You say that it should be a

“body of respected persons of proven probity”,

but what does that mean?

10:45

**Stuart Usher:** In this day and age, it is probably difficult to find such people.

**The Convener:** Certainly among politicians.

**Stuart Usher:** My experience of SACL shows that, whatever else we are, we are all honest to the core. We envisage that the supervisory or regulatory body of the legal profession would comprise such people—people who are respected in the communities in which they live.

**The Convener:** Are you talking about lay people?

**Stuart Usher:** Yes. We want the body to consist of lay people, with lawyers in an advisory capacity only.

**The Convener:** You would have legal advisers but a lay committee to oversee the profession, unlike the current complaints committee, which is dominated by lawyers.

**Stuart Usher:** Yes. That would answer Mr Scott’s question, “Who watches the watcher?” The body that we propose would watch the watcher completely independently of the legal profession.

**The Convener:** You are saying that the Lord Advocate would have no power of appointment.

**Stuart Usher:** Yes. The Lord Advocate would have no power of appointment. We are open to this or that suggestion—we are not trained lawyers and we might have to continue with certain aspects of the current system—but we are looking

for root-and-branch reform.

**Helen Eadie:** I hear what you are saying about the appointment of a body of respected persons. However, in Parliament, there is a feeling of opposition to the appointment of more and more quangos. Might not the body that you propose end up as a quango?

When I was on the health service's complaints committee, its membership included an equal number of laypersons and professionals and its chairperson was appointed by the Secretary of State for Scotland. Is that the sort of arrangement that you have in mind?

**Stuart Usher:** Yes, and your second question answers your first. The inclusion in the process of the Secretary of State for Scotland would ensure that the body was acceptable—as long he was not a lawyer.

**Helen Eadie:** In the health service, the professionals on the complaints committee tend to be doctors, so the assumption is that the professionals on the body that you propose would be lawyers.

**Stuart Usher:** The chairperson should be a respected person and there should be a panel to whom names of possible members could be put. We have not worked out the mechanics of the process, but it is not beyond the wit of man to achieve something of that nature.

People laugh when I talk about how many lawyers there are around, but think of the figures in the Scottish Parliament: the late Donald Dewar was a lawyer; the leader of the Tories is a lawyer. The head of the Liberal Democrats, who is also the Minister for Justice, is a lawyer. The same unhealthy situation pertains in Westminster, which is partly why there has been no movement on the subject.

**The Convener:** I must stress that I am not, nor have I ever been, a lawyer.

**Dorothy-Grace Elder:** The last time I checked on the situation with regard to the legal ombudsman was about 5 years ago. At that time, only a tiny percentage of cases were being investigated. Do you know how small is the number of cases that are even taken up by the legal ombudsman?

**Stuart Usher:** We do not, because, every time we ask for substantive information from the Law Society, the ombudsman or the Scottish Executive's justice department, we are told that it is confidential. That is another reason why there has to be a body of the sort that we are suggesting. Secrecy breeds crime. The set up is like the Mafia or the situation in Stalin's Russia.

**Dorothy-Grace Elder:** Lawyers make money

representing the Mafia.

**Stuart Usher:** Yes—exactly.

**Angus Brown:** The issue does not affect only people like us; it also affects the morale of the police and the prison services. Two and a half years ago, the papers reported that £9.5 million was wasted by having police sitting in court rooms waiting to take part in trials that were later abandoned by the lawyers. Today, the papers report an attempt to stop such a waste of police time. The issue is important because the Government is trying to cut crime. Having policemen wasting their time sitting in court rooms, knowing that they are there only because the lawyers want to make hundreds of pounds an hour from the Scottish Legal Aid Board, damages their morale. The Parliament must take notice of that.

**The Convener:** I accept that point. Are there any other questions?

**Stuart Usher:** I have one more brief question. In essence, we—

**The Convener:** We are meant to be asking you questions, but go ahead.

**Stuart Usher:** I am terribly sorry but a note was passed to me by one of our supporters in the gallery.

In essence, we require the abolition of the right of the Law Society to consider our complaints. It can issue licences and play games like that, but we want the important job to be done by the body that we are talking about.

**The Convener:** We understand that. I thank you for answering our questions. The committee will now discuss how to deal with the petition. I hope that the committee will come up with a constructive response, but that is up to the members.

The petition raises important and wide-ranging issues such as the Lord Advocate's powers, self-regulation, the role of the Law Society and so on. The committee will need more information before we can progress the petition any further. It is suggested that we should agree to seek the views of the Scottish Executive, to find out its response to the petition; the Law Society of Scotland and the Faculty of Advocates, who will be able to respond on behalf of the legal profession; the Scottish legal services ombudsman, who will be able to comment on the standard of the investigation of complaints by the Law Society; and the Scottish Consumer Council, which has produced a report on complaint handling by the Law Society.

While we await those responses, we should pass the petition to one of the justice committees for information. We could take a decision on

whether formally to send the petition to the committee when we have received the responses.

**Dorothy-Grace Elder:** We should set a deadline because the bodies could delay the matter. We should ask the Law Society and the Faculty of Advocates specific questions not only about the number of complaints, but about the type of complaint, which is just as important.

**The Convener:** I am sure that that would be possible.

**Dorothy-Grace Elder:** We will not get straight answers unless we ask straight questions and preface those questions with a statement to the effect that we do not want broad-brush answers but specific details. You know who we are dealing with, convener.

**The Convener:** I do not know them that well. We will preface our questions in the manner that you describe. The bodies involved have to realise that the Scottish Parliament oversees the legal profession now and that they must respond to it honestly and openly.

**John Scott:** First, we must decide whether there is a case to answer. If there is, and a justice committee was to conduct an inquiry into the matter, would not that mean that the Parliament would be inviting the bodies to duplicate the work that would already have been done? In the course of its inquiry, the relevant justice committee would be seeking the same information that we had already received from those bodies. Are we exceeding our powers by asking for these people's responses? Would it make more sense to refer the matter directly to one of the justice committees if we believe that there is a case to answer?

**The Convener:** The petitioner's evidence shows that there is a case to answer. In the early days of the committee, we tended to refer petitions immediately to the various subject committees, but they did not like that. They said that we should do some of the spadework to begin with, and come to a judgment based on that spadework, about whether there was a case to answer, as that would result in an informed decision and would save them from doing a lot of the work.

If we sent the petition to one of the justice committees, it would, in any case, ask for responses from all the groups that were mentioned. If we do that work, that will lighten the burden of the subject committee and will help to establish a good relationship between this committee and the subject committees, which would otherwise think that we are just palming off the work on them. It would be wisest, therefore, to establish what the different responses are and then to come to a conclusion from an informed position, before we refer the matter to a justice committee.

**Dorothy-Grace Elder:** We would be doing a most useful job in addressing the issue. This is one of the biggest grass-roots issues, whether the grass roots are in rich areas of Scotland—they rapidly become less rich if there are bad encounters with the law—or with the poorest of the poor. People are living in mental agony for years because of bad legal work. In future, a full inquiry should be launched by one of the justice committees or the Parliament. However, members of this committee, as non-lawyers, should first ask some searching questions.

**The Convener:** Do we agree to take that action?

**Members indicated agreement.**

**The Convener:** PE362, from Miss Jane Sargeant, on behalf of the People's Protest, calls for financial assistance for self-employed people and small businesspeople who have been affected by foot-and-mouth disease.

We welcome Mickey Ball to speak on behalf of the petition. Alex Fergusson MSP and David Mundell MSP are also present. After Mr Ball has made an initial presentation to the committee, those members will have the opportunity to speak. Mr Ball, you have three minutes in which to make an opening statement, after which I shall open the debate to questions.

**Mickey Ball:** Good morning. My name is Mickey Ball and I am here to represent the petition, which was lodged by Jane Sargeant. The petition asks the Scottish Executive to establish immediately and with the utmost urgency a rescue fund for small businesses and self-employed people in Dumfries and Galloway who have been affected by the foot-and-mouth crisis.

I am qualified to make this representation, because I am a farmer. Half my stock has been killed. My sheep, goats, deer and pigs have been killed, but I still have cattle and llamas. I own a tourism business, running self-catering accommodation, and a small portable toilet business, so I have a foot in each camp.

I thank the committee for the opportunity to present the petition. The matter is clearly urgent—we are bleeding to death in Dumfries and Galloway. I will give the committee some facts and figures. A recent survey that was conducted by Dumfries and Galloway Enterprise showed that 50 per cent of all businesses in the area are at risk; that 25 per cent of businesses expect to close within three months if no assistance is given; and that 60 per cent of businesses in the area expect to make redundancies, which equates to about 3,500 people.

The Scottish Agricultural College research from two years ago confirmed that 30 per cent of the

gross domestic product of Dumfries and Galloway derives from forestry and agriculture. Agriculture has been devastated—I do not need to tell members that. However, what people do not realise is the effect that the outbreak has had on tourism. One does not have to be a master in economics to understand that, if an economy relies on agriculture, forestry and tourism for its existence—there is no other source of income in Dumfries and Galloway—and its agriculture and tourism industries are devastated, there will be no alternative income for any business or individual in the area.

We have a very fragile economy that has taken a long time to evolve. Twenty-five per cent of the people who are employed in Dumfries and Galloway are self-employed or work in small businesses—a figure that is much higher than anywhere else in the country. We are not talking just about a guy being laid off; we are talking about an entire family losing their income, their place of residence and everything.

The other problem that is specific to Dumfries and Galloway is the fact that our tourism business is a summer business from June to September. If we do not get that business between those months, we cannot and will not expect any income until this time next year. Any businessman or individual who faced the prospect of little or no income between now and next Easter would be screaming for help.

11:00

The other side of the coin is that our farmers have been compensated for the loss of their stock that has resulted from foot-and-mouth disease. That is fine—the Government had to provide that compensation. Nevertheless, there is a question about the morality of compensating farmers while leaving out to dry all the small businesses and self-employed people who have been put in a precarious situation for exactly the same reasons. The Government cannot do that. If the economy in Dumfries and Galloway breaks down, as looks likely, it will take much more money to rebuild it. The people who live and work in Dumfries and Galloway do not live there because they want a lot of money; they live there because they like that part of the world. There is no fat there—we cannot stand losses.

I conclude with anecdotal evidence from my experience. The summer bookings for my self-catering business are down by 80 per cent, which equates to £65,000 that I will not get this year. That is a fairly typical example of the kind of loss that we will not be able to stand. We need some sort of emergency fund to assist us.

**Alex Fergusson (South of Scotland) (Con):** I

draw the committee's attention to just two of the many cases that have been brought to me. I am sure that David Mundell will have encountered similar problems. A self-employed individual who has always made his living as a molecatcher—one of the more traditional occupations in rural Scotland—has been frugal all his days and has managed to put a little aside for his retirement. However, for the past nine weeks he has been unable to get any income, because he is not allowed to set foot on any of the farms from which he derives his living. Because he is self-employed and has a small amount of savings in the bank, he has no access to benefits and he receives no benefit from the rates holiday that has been granted by Dumfries and Galloway Council, because he pays council tax rather than rates. His plight is typical of the individual self-employed person throughout Dumfries and Galloway.

The second case involves an agricultural contracting business that is based near Thornhill, called Dykes and Company. It is an extremely efficient and forward-looking business that also works in the forestry sector. It has up-to-date machinery and works to the high standards that are expected in today's agriculture. Part of the company's forward planning was to introduce a machine that would be the first of its type in the south-west of Scotland. On the basis of that machine's arrival, the company received a considerable amount of interest and further business. That further business now sadly only replaces the business that the company has lost following the foot-and-mouth catastrophe. The company's financial planning had allowed a down payment of £18,000 to be made on that machine next week, but its lack of cash flow means that it cannot make that down payment. It is therefore in danger of losing the business that it received on that basis—which is now merely replacing the business that it should already have had.

Those are two extreme cases of the type that are coming to our attention. Judging from the cases that are being brought to me, it is the best businesses that are in the most need, as it is the businesses that have taken out loans to invest in the future that have been caught out by this tragedy, through no fault of their own. Those businesses and individuals are not asking for charity and they are not asking for something for nothing; they are asking for loans that would be repaid.

Mr Ball mentioned the urgency of the situation and I cannot stress that more. The situation was urgent two months ago; it is now absolutely vital that something be done, otherwise, to be frank, there will not be many businesses left, as the figures show.

I think that the petitioners are looking for an

urgent response from the Executive to address an absolutely desperate problem. That is certainly what I am looking for. The response needs to be urgent because it is no secret that we are facing a general election and the time for such announcements is nearly over—the Government will not be able to make such announcements during a campaign.

I do not wish to be over-dramatic, but the employment situation in Dumfries and Galloway is our Motorola. We have no employment alternatives to turn to.

**David Mundell (South of Scotland) (Con):** Convener, I thank you for accepting the petition last Thursday when a delegation of several hundred small businesspeople came up from Dumfries and Galloway. A representative group from the delegation had the useful and welcome opportunity to meet Ross Finnie, the Minister for Environment and Rural Development, and Alasdair Morrison, the Deputy Minister for Enterprise and Lifelong Learning and Gaelic, and to make their points forcibly. They and all MSPs who represent Dumfries and Galloway were grateful for that.

Dumfries and Galloway Council and all the other affected agencies have proposed a recovery plan. However, it has become increasingly clear that, unless there is a mechanism in place now to allow businesses simply to survive the crisis, the business infrastructure that would allow recovery to take place will not exist.

The reality of the situation has in some ways been masked by the cull. During the operation of the 3km and contiguous culls, up to 1,000 people every day have been involved in the cull activity. That activity involved a number of people and contractors who are now without work. The Government also had a contingency vaccination programme for which it trained a number of people to vaccinate in case that option was used.

Several hundred people have been absorbed into activities that are related to the cull. Those people have obviously required accommodation and have been in the pubs and shops. This week, the cull is winding down. The number of people who are involved is already down from 1,000 to about 200 or 300. Within a couple of weeks, it will be less than 100. All the self-employed contractors, all the agricultural workers and all the hotel workers will be back in the employment pool.

The period will be particularly difficult. We want to build for recovery. People have been resilient and positive about making progress towards a recovery. If we do not have a mechanism in place that allows existing businesses to survive and allows skills—particularly those that relate to agriculture and tourism—to be retained during the

barren period, we will not have a base from which to progress.

That is why the matter is urgent and why there is a need for the petition and the action for which we hope.

**The Convener:** Is anyone in a position to tell us what happened at the meeting last Thursday with the ministers?

**David Mundell:** There was a full and frank expression of views by the petitioners. The four representatives made a clear case, which Ross Finnie and Alasdair Morrison took on board, but to which they made no formal response.

**The Convener:** So you are still awaiting a formal response from the Executive.

**David Mundell:** That is right. Likewise, there was a meeting on Wednesday last week with Wendy Alexander. Again, all MSPs from the south of Scotland and Dumfries and Galloway attended and the points were made forcibly. The minister noted those points. She raised some technical difficulties that she thought might exist, but she took the points away.

**Alex Fergusson:** One of the reasons for the petition is that the council, the local enterprise company and the area tourist board have not managed to get much of a response from ministers. Frustration on the ground has led to the petition. It has been put together quickly, it is fair to say. I thank the committee for accepting the petition for discussion so quickly. That shows some of the urgency that we are looking for from the Executive.

**Mickey Ball:** I would like to comment on that. I spoke to Andrew Campbell, the convener of Dumfries and Galloway Council. I spoke to Mr Williamson, the deputy chief executive of Scottish Enterprise Dumfries and Galloway. I spoke to the chairman of the Dumfries and Galloway Tourist Board about 10 days ago. I asked them what they could do. They said that they had gathered all the information and put their strongest possible case for assistance to the Scottish Executive and that there was nothing further that they could do. At that point I was told by two of those to whom I spoke that the only thing left to do was for the people to make their problem known to the Scottish Executive, which is why the petition was put together. I point out that the petition was put together in less than a week. I hope that the response will be similarly quick.

**John Scott:** I back up what Alex Fergusson said. Before he likened the situation to Motorola, I had written that down. There are 3,500 jobs at risk. In its simplest form, the problem is one of cash flow.

There is some doubt in my mind about what the

petitioners are seeking. Are you seeking loans or grants? A loan would still have to be paid off. You ought to be seeking a rescue or reinvestment grant, based—to take figures out of the air—on 40 or 50 per cent of last year's turnover or the average of the last three years' turnover. A cash sum should be handed out to see you through, because the problem is one of cash flow. Am I right in assuming that that is the case that you are making?

**Mickey Ball:** I cannot speak for every individual but, as was pointed out earlier, the more progressive and forward-looking businesses probably have loans enough. A loan would therefore be another noose and would create a bigger problem that would have to be sorted out in future.

I believe that the solution is along the lines that John Scott suggested. As he said, we all have audited accounts and we all know what our turnover has been in the last two or three years. A cash injection is really the only way of sorting out the problem. There have been many proposals for a recovery plan, but the truth is that we have a delicate economy. If it is tinkered with, it will falter. The only way to solve the problem is to put the money into the economy in the same way as it normally goes in and let it filter through. That would keep the jobs going.

A grant would be based on historical turnover. I am sure that, if somebody approached me and asked how much I need, I could tell them. I can tell the committee how much I would need per month to survive until this time next year if I shut down all my properties, cut off all my electricity and did not pay my insurance and rates. Perhaps that is the figure that we need. I am sure that all businesses that have been affected by the foot-and-mouth outbreak could also give that figure.

**John Scott:** If it is a question of saving 3,500 jobs in the long term, the Executive should seriously consider a grant.

**Mickey Ball:** A grant would be a fairly small price for the Executive to pay. If those 3,500 jobs are lost, it will be very difficult to regenerate them. People will not flock to Dumfries and Galloway because they could make a big quid. The businesspeople in Dumfries and Galloway are there for reasons such as that they have family businesses or have been there for a long time. Such businesses cannot be replaced. They just develop.

**Helen Eadie:** I noted the various statistics that you gave us this morning. One was that your own bookings were down by 80 per cent, which equated to £65,000 of your business. You also said that there would be 60 per cent redundancies. Can you tell me what impact that would have on

your business? How many redundancies will there be in your business?

**Mickey Ball:** I have already laid off two people.

**Helen Eadie:** How many do you foresee laying off if the situation continues as it is at the moment?

**Mickey Ball:** I have only one and a half employees left. I will be quite frank and honest. I have not been home for two weeks because my only source of income is to work for Dumfries and Galloway Council power-washing sheds where cattle have been culled. Because I am doing that, I cannot go home because I still have cattle at home. I am running three or four businesses from a mobile phone and my wife is doing all my work. I have had to do that. There is not much else that we can do.

11:15

**Dorothy-Grace Elder:** Thank you for coming today. We saw from the demonstrators last week the point of exhaustion that many people have reached. Moreover, we know that Dumfries and Galloway did not have a good employment situation before this tragedy happened.

I have one or two questions. You mentioned that, because a general election is about to be announced, the UK Government cannot be in its usual decision-making frame of mind. I doubt that. However, as the Scottish Parliament will be in session, our ministers can still make decisions.

As for the issue of emergency aid, I wonder whether any of your MSP supporters have thought about pushing for an emergency debate if they have an Opposition half-day coming up soon.

Do you have any information about the direct comparison with Ireland, which is blessedly free of our problems? Ireland has linked the development of tourism and farming for the past 10 years. For example, people can get grants of up to IR£50,000 if they attach some tourist attraction such as a shop or cafe to their farms. Is it possible to ask for grants from the Scottish Executive on the basis that some of that money would be invested in future growth along Irish lines?

Finally, are there any comparisons with previous emergencies in which aid was given out? One can think of historical examples such as war damage repairs, which had to be done like Winky. Might some useful comparison be made with the typhus outbreak in Aberdeen in the early 1960s, when the city had to be sealed off? Although we have had horrible emergencies before, I cannot remember whether any aid was put in. It is screamingly obvious that you have to be bailed out in the interim, but you should not have to take a loan that has to be repaid.



**Mickey Ball:** There have been opportunities for future development and diversification through objective 5b funding and other European funding mechanisms. However, the committee must realise that the ability for farmers in Dumfries and Galloway to diversify is extremely limited. I am fortunate in that my property lends itself to diversification, but that is a fairly unusual situation. Furthermore, for every £50,000 that we would receive, we would have to find £50,000 ourselves, because we usually have to match any funding. Not many can do that.

**Dorothy-Grace Elder:** The stakes might not be as high as £50,000.

**Mickey Ball:** That is correct. However, any funding for a proposal still has to be matched by the individual.

**John Farquhar Munro:** I have listened with great interest to your comments. Although the country north of the Forth and Clyde has not been affected to the same extent as Dumfries and Galloway has, the economy of that area has also been damaged. I accept that the whole economy of a particular area is interlinked; if one element begins to fail, the butcher, the baker, the joiner, the plumber and everyone else are affected. We must therefore ensure that any support is given before the disaster is over.

Although the committee would be encouraged to support the view that there should be some emergency funding, the question then is how one accesses the fund. It is fine to suggest that people who have been in business over a number of years could receive an agreed percentage of funding by producing regulated accounts and highlighting their turnover and profit margin, but I am sure that many small businesspeople do not have such regulated accounts. How could they access emergency funding and what proportion would they receive?

**Mickey Ball:** This is not my specialist area. However, as a layman, I can think of several people who come under such a category. Perhaps they have just started up their own businesses and do not yet have accounts; they might be married with a couple of kids; and they might not employ anyone else, so no other jobs are at risk. Off the cuff, I would have thought that someone like that could receive some income assistance under existing structures to keep his business afloat. As for someone who employed two or three people, a farm worker retention scheme has been proposed that would contribute £70 to farmworkers' wages. There could be a similar scheme for a small business with two or three employees.

I cannot stress enough how every business has been severely affected. No, I can think of one business that has not been—West Skelston

Services has made a packet hiring out generators, power washers, trailers, you name it. However, I cannot think of any other business that has not been severely affected.

Scottish Enterprise Dumfries and Galloway has already put in place a framework for handling the situation and coming up with ideas. For example, it has drawn up a recovery plan that is about 20 pages thick. I am sure that all those brains could find some way of dishing out money to keep the economy going.

**John Farquhar Munro:** The petition simply suggests that a rescue package should be in place sooner rather than later.

**Mickey Ball:** It needs to be in place very soon. As far as tourism is concerned, people are starting to think about booking their summer holidays. They will have to make a decision fairly soon and we are finding that they are deciding not to come to Dumfries and Galloway. Of course, the second problem is getting the tourists to come back again.

**The Convener:** Thank you very much. That was a first-class contribution. We will now discuss how to deal with the petition.

I should first pay tribute to the clerks. The petition was received only last Thursday and they moved very quickly to ensure that it was included on today's agenda. It has been suggested that we seek an urgent response from the Scottish Executive on whether it intends to provide support to the self-employed and small businesspeople who have suffered cash-flow difficulties because of the foot-and-mouth outbreak. I suggest that an urgent response means an Executive response in time for our next meeting.

**Dorothy-Grace Elder:** We are talking about the wipeout of key summer trade, after which folks will be plunged into winter. An hotelier was telling me last week that after May he had no bookings for the rest of the year.

**The Convener:** It is better that the committee asks for a response. If we referred the matter to the Rural Development Committee, it would probably take another week for it to be included on the agenda. We can get a response from the Executive more quickly than it can.

**John Scott:** Could the committee seek a ministerial statement on how the Executive intends to address the situation?

**The Convener:** I am not sure that we can technically ask for a ministerial statement in the Parliament. However, we are essentially asking for a response to the petition that we can consider at our next meeting, and that response will have to commit to one position or another.

**Dorothy-Grace Elder:** Do any of the Tories

have an Opposition half-day coming up in Parliament when the issue can be debated?

**Alex Fergusson:** I was waiting for an appropriate point to draw members' attention to the fact that the members' business debate on Thursday evening is about the foot-and-mouth situation in Dumfries and Galloway. All members of the Public Petitions Committee would be extremely welcome to attend.

**The Convener:** It is also suggested that we pass a copy of the petition to the Rural Development Committee and the Enterprise and Lifelong Learning Committee so that they know what is going on. Are members agreed?

*Members indicated agreement.*

**The Convener:** Petition PE358, from Mr Christopher Helson, calls on the Scottish Parliament to allocate a plot of land within the new Parliament's boundary to be defined in law as a place where any one person has the right to lay down. The petitioner is working in the community surrounding the site of the new Parliament building at Holyrood as part of Scotland's year of the artist residency programme and the petition's suggestion would be part of a conceptual art project.

It has been pointed out that, in line with the consultative steering group's recommendations on openness, accessibility and accountability, public accessibility is one of the key principles involved in the new Parliament's construction and extensive public spaces have been provided in and around the building where people can walk, sit and presumably lie down if they want. As a result, it has been suggested that we agree to note the petition and to take no further action, given that the public areas at Holyrood have already been designated. Does anyone have a different view?

**John Scott:** I suggest a modification. The committee could agree to pass the petition to the Scottish Parliamentary Corporate Body, asking whether it wishes to respond to the petitioner, but I do not think that there should be an obligation on the SPCB so to do.

**John Farquhar Munro:** Given the debate that we have just concluded, it is significant that the petitioner is from Dumfries and Galloway, so he is probably looking ahead.

**The Convener:** John Scott has suggested that we pass the petition to the corporate body asking whether it wishes to respond, but that we do not refer it as such. Is that agreed?

*Members indicated agreement.*

**The Convener:** We shall therefore pass the petition to the SPCB, which should let us know if it wishes to respond. If it does not, we shall write to

the petitioner telling him that and take no further action.

Petition PE359, from Mr Maurice Frank, relates to obligations on individuals and property law in Scotland. Mr Frank seems to be concerned that it is possible for different solicitors to give conflicting advice to clients in relation to their obligations under property law. He appears to be calling for the Parliament to enact a principle that would mean in essence that, under property law, an individual could have only one position or obligation and could not be advised of an alternative obligation by a different solicitor.

Mr Frank seems to have approached a range of bodies, and we have a copy of the response from the Law Society of Scotland's complaints office, which was not originally included with the papers relating to the petition but has now been circulated to members of the committee. It seems to give a reasonable response to Mr Frank. It states that

"the law as contained in various Statutes may be capable of interpretation in different ways and it is always open to a solicitor to use their professional judgement to advise as to what they consider the position to be."

The response from the Scottish legal services ombudsman agrees with the view of the Law Society of Scotland's complaints office.

It is suggested that the advice given previously to Mr Frank by the Law Society of Scotland appears to be sensible. Property law is a vast topic and the rights and obligations of individuals depend on the circumstances of each case. It is recommended that we agree to note the petition and to take no further action. Is that agreed?

*Members indicated agreement.*

**The Convener:** Petition PE360 is also from Mr Frank. In this petition, he calls for the abolition of inequality between the judiciary and other participants in court cases. He is concerned that judges in trials appear to be able to overrule contributions from lawyers and other participants and to prevent them from continuing to speak or from speaking at all. He believes that that is not in the public interest and that Scotland should abolish all inequality between the judiciary and other participants in the conduct that is allowed in court.

It is suggested that it would be extremely difficult for court cases to be conducted in a responsible and controlled manner if judges were not to have powers to intervene to give rulings in managed proceedings. It is therefore recommended that the committee should agree to note the petition and to take no further action. Is that agreed?

*Members indicated agreement.*

## Current Petitions

**The Convener:** We now move on to responses that we have received to previous petitions.

The first response is to petition PE205, from Fred and Maureen Collie, which relates to sentencing for murder and other crimes. We initially dealt with the petition on 6 June 2000, when we agreed to pass it to the Minister for Justice for his comments. On 8 February 2001, we considered a memorandum from the Scottish Executive and agreed to seek further information from the Executive on the rights of victims and victims' families to attend or give views to parole boards.

A response has now been received from the Executive. Although it states that there are no procedures at present for murder victims' families to be automatically made aware that arrangements can be made for their views on the release of a prisoner to be made known to the Parole Board for Scotland, the Executive is considering ways to improve the information available to those concerned. That is being done in the context of the work flowing from the "Scottish Strategy for Victims", which was launched in January of this year.

It appears that the Scottish Executive is taking steps to improve the information that is available to victims and victims' families in relation to the process of sentencing and parole. It is therefore suggested that the committee agree to pass a copy of the Executive's response to the petitioners and to take no further action. The committee could also agree to pass a copy of the response to the relevant justice committee. One of the justice committees has announced in the news this morning a major inquiry into the Crown Office and Procurator Fiscal Service. The petition could be relevant to that.

**Members indicated agreement.**

11:30

**The Convener:** The next petition is PE279 from the Kirkcaldy Area Abuse Survivors Project. The petition calls for support services for adult survivors of childhood sexual abuse.

The committee considered the petition at its meeting on 24 October 2000 and passed it to the Scottish Executive for a response. A members' business debate took place on 7 March 2001 on a motion lodged by Marilyn Livingstone on a strategy to tackle sexual abuse. Malcolm Chisholm, the Deputy Minister for Health and Community Care, replied to the motion. He has forwarded a response from the Scottish Executive that sets out its general approach to the funding of

local voluntary organisations and what it is doing to address the concerns that are raised in the petition. The letter states that the Executive

"operates a number of grant schemes to assist voluntary organisations"

and that its

"general policy is to support national organisations who provide services and advice, leaving funding of locally-based organisations to local agencies".

The Executive goes on to point out the steps that it is taking. It appears that the Scottish Executive has taken—and is taking—steps to provide assistance to support organisations. However, its response does not recognise the specific request in the petition that a central fund be provided to establish a network of support agencies.

The committee could agree that the Executive response provides a satisfactory summary of the steps that it is taking to provide support to victims of sexual abuse and that no further action should be taken. Alternatively, members could take the view that further consideration should be given to the proposals in the petition. The committee could agree to refer the petition to the Health and Community Care Committee, although I think that the Social Justice Committee deals with the funding of voluntary organisations. It is open to the committee to decide what course of action to take.

**Helen Eadie:** At the weekend, I read a consultation document by the Executive. The document proposes that funding should go directly to voluntary organisations from the Scottish Executive. In a sense, that would begin to address the paragraph in the briefing that says that the Executive's response does not

"recognise the specific request made in the petition that a central fund be provided to establish a network of support agencies".

It is implicit in the consultation document that Scottish Executive ministers would be able to determine priorities and fund directly. I emphasise that the document is just a consultation document and will be subject to views from throughout Scotland and feedback from local authorities. Local authorities and voluntary organisations might not like a centralised fund to finance voluntary organisations directly. A big debate is looming.

I agree that we should inform the petitioners of the Scottish Executive's response and perhaps ask for the views of the Kirkcaldy Area Abuse Survivors Project.

**The Convener:** It has been pointed out to me that the consultation document was not mentioned in the Executive's response, so officially we do not know that it is happening.

We can leave things as they are and pass a

copy of the Executive's response to the petitioners or we can involve the Social Justice Committee and find out whether it wishes to take a view on the matter. Funding for the voluntary sector is an important issue.

**John Scott:** It is a question of whether there are gaps in the system that are not being covered by voluntary sector or government agencies. We are not in a position to judge whether there are. Perhaps the Social Justice Committee will look into the matter to find out whether there are gaps and areas where funding should be given.

**The Convener:** The suggestion is that we refer the petition to the Social Justice Committee.

**John Scott:** That committee might want to create a report—or it might not.

**Helen Eadie:** I question the point about the Health and Community Care Committee. I have entered into quite lengthy correspondence about funding in my community in Fife. The health board gives funds directly to the Kirkcaldy Area Abuse Survivors Project. Should we advise the Health and Community Care Committee of the Executive's response and send that committee and the Social Justice Committee a copy of the *Official Report* of our discussion?

**The Convener:** Sure. We will send a copy to both committees.

**Dorothy-Grace Elder:** That is a wise move. However, the subject will probably not be accepted by the Health and Community Care Committee; it is a much better subject for the Social Justice Committee.

The Executive is sympathetic to the issue, as are all members of Parliament. The Executive's reply states:

"direct grants to voluntary organisations amounted to £35m".

The response mentions some groups that are funded, including Victim Support Scotland. However, anyone who read it quickly would think that the Executive gave £35 million to the organisations that are mentioned, whereas the £35 million is the amount of the Executive's overall grants to every kind of voluntary organisation.

Copies of the correspondence and the *Official Report* showing our views should also be sent to Marilyn Livingstone.

**The Convener:** I meant to say that we should send the petition to the Health and Community Care Committee to keep it informed and refer the petition to the Social Justice Committee, which could further consider the suggestions about voluntary sector funding. We should also pass a copy of the Executive's response to the petitioners and to the cross-party group on survivors of

childhood sexual abuse, of which Marilyn Livingstone is the convener.

Is that agreed?

**Members indicated agreement.**

**The Convener:** The next response is to petition PE333, which is from Mr Charles Douglas of the Humanist Society of Scotland. The petition wanted legal status for humanists in secular marriage ceremonies. We discussed the petition on 6 February and passed a copy to the Scottish Executive and asked about compliance with the European convention on human rights. The Executive's response states that it has no plans to change the law so that non-religious celebrants other than registrars can solemnise a non-religious wedding in Scotland.

We will pass a copy of the Scottish Executive's response to the petitioner. We can also pass a copy of the petition and its response to the relevant justice committee either for information only or for further consideration. Do members have any views?

**John Farquhar Munro:** Just leave it.

**The Convener:** The Humanist Society may have a point that humanists are being discriminated against. One of the justice committees should consider the matter.

**John Scott:** It is up to one of the justice committees to decide what should be done. I agree that it should be referred for further consideration.

**The Convener:** That makes two members in favour of referral.

**Helen Eadie:** I am happy to go along with that.

**The Convener:** That makes three.

**Dorothy-Grace Elder indicated agreement.**

**The Convener:** That makes four. The view of the majority of the committee is that petition PE333 should be referred to one of the justice committees. We will send a copy of the Scottish Executive's response to the petitioners.

The next response is to petition PE334, which was from Tony Southall on behalf of the Scottish Campaign for Nuclear Disarmament. The petition called for a review of emergency planning measures for nuclear-submarine accidents. We decided to pass a copy of the Scottish Executive's initial response to the petitioners and agreed to seek the views of the local authority that is responsible for the area to which the petitioners refer.

We have now received detailed responses from Argyll and Bute Council, from Nuclear Free Local Authorities (Scotland) and from the original

petitioner. As one might expect, Argyll and Bute Council lines up with the Scottish Executive and says that there is no problem. Obviously, Nuclear Free Local Authorities (Scotland) and Scottish CND are opposed to that.

I would like the petition to be deferred for further consideration. Many detailed points are made in all the responses. Perhaps we could leave the petition and, if members have specific points about the responses, they could inform Steve Farrell and we will deal with them at a further meeting.

**Dorothy-Grace Elder:** The cross-party anti-nuclear group will meet tomorrow at 1 o'clock and will discuss some of the issues.

**The Convener:** There is a basic disagreement between the Executive and Argyll and Bute Council, which say that the planning procedures are absolutely adequate, and the other two bodies that we have consulted, which say that the procedures are not adequate. The responses are fairly detailed, so I would like more time to go through them. If members have any points about any of the responses that they wish to bring to the attention of the committee, they should let Steve Farrell know before the next meeting.

**John Scott:** Essentially, you are deferring a decision on the petition until the next meeting.

**The Convener:** Yes. I do not feel qualified to take a decision on it at the moment.

**John Scott:** Nor do I. Nonetheless, I wonder how you expect the committee to proceed with the matter.

**The Convener:** It would be discussed at the next meeting. I would like more time to pursue the issue of category 3 accidents—I do not fully understand whether they are covered by the emergency planning procedures of the local authorities in the area.

**John Scott:** Are we seeking further clarification?

**The Convener:** Yes.

**Helen Eadie:** If we are deferring the petition, we might also want to ask the Convention of Scottish Local Authorities for its views. When I was a member of Fife Council, given that we had Rosyth naval dockyard on our doorstep, we had views on the plan—ROSPUBSAFE, which means "Rosyth public safety". The plan had to have input and agreement from the local authority, as it came under the protective and general services committee of the council. I imagine that COSLA will have a view on emergency services protection, because every local authority must have an emergency services officer, who is obliged to take a view on such matters.

**The Convener:** We have already heard the

views of Argyll and Bute Council, which is the relevant local authority, and Nuclear Free Local Authorities (Scotland), which involves about 18 different local authorities in Scotland. Would COSLA's view be any different?

**Helen Eadie:** It is difficult to say. If we want to be better informed, we might want to hear the view of COSLA on the issue.

**The Convener:** It would certainly delay consideration of the petition further—we would be unable to deal with it at our next meeting.

**John Scott:** Who evaluates the plans at Argyll and Bute Council? Is that person the sole arbiter as to what is adequate provision in the event of an incident? Does the Executive have a view or is it a matter for Westminster?

**The Convener:** It is a partnership thing. It is for the Scottish Executive and the local authority to ensure that there are plans in place to deal with an emergency arising out of a nuclear accident. The question of whether there should be a nuclear base is a matter for Westminster—but that is a different issue. We are talking about the plans to deal with an accident.

One of the problems that I have with the responses that we have received is that they wander between what is the Scottish Executive's responsibility and what is the responsibility of Westminster. It takes a while to unpick that.

**John Scott:** Can we assume that the Executive is happy with the situation as outlined?

**The Convener:** Yes. The Executive and Argyll and Bute Council say that the procedures in place to deal with accidents arising from a nuclear emergency are adequate. The other bodies say that they are inadequate. I would like more time to think about it. However, if we write to COSLA, it will delay the whole procedure.

**Helen Eadie:** I do not mind, convener; it is your decision.

**Dorothy-Grace Elder:** In the summary of CND's letter from 10 April, it says:

"The new draft safety scheme does not deal with the full range of potential accidents—only those up to a Category 2 accident ... the MoD have not provided the Scottish Executive and local authorities with sufficiently detailed information on a full range of potential accidents. The new scheme does not comply with World Health Organisation guidelines".

**The Convener:** That is why I suggest we defer the petition. I would like to write to CND to ask it to expand on that point, because I do not understand why the Executive and the local authority say that that is not the case.

**Dorothy-Grace Elder:** It is too important for us to say yes, no or maybe today.

**The Convener:** Do we agree to defer the petition for further consideration?

**Members indicated agreement.**

**The Convener:** The next petition is PE336. We heard evidence from Mr Frank Maguire of Thompsons Solicitors and Solicitor Advocates, acting on behalf of Clydeside Action on Asbestos. The petition called for a review of the procedures and powers of the Court of Session. There is some urgency attached to the petition. We have received a response from the Executive, which is detailed in the committee papers. We have also received further information from the petitioner about Chester Street Insurance Holdings, which was the employer's liability insurer of many of the companies that employed the asbestos victims. The company has gone into provisional liquidation, which has very serious consequences for the petitioners.

One of the positive aspects of the petition is that the Justice 2 Committee has said that it would welcome the opportunity to examine the issues raised in the petition. Therefore, it is suggested that we refer the petition and the response from the Executive to the Justice 2 Committee for further consideration. Is that agreed?

**Members indicated agreement.**

**The Convener:** The next petition is PE339, from Mr John Lyon, calling for farming practices to be restricted in the interests of wildlife. We have received a detailed response from Scottish Natural Heritage. The key point is that SNH has indicated that it plans to publish a wildlife and landscape code of practice that advises farmers and other land managers how to manage their land in a way that is sympathetic to the interests of natural heritage. The code will include guidance on the management of hedgerows and grasslands, including rolling, harrowing and cutting. As SNH is addressing the petitioner's concerns through its plans to publish the code of practice, it is suggested that we agree to pass a copy of the response to the petitioner and take no further action. Is that agreed?

**Members indicated agreement.**

11:45

**The Convener:** The next petition is PE340, from Mr Lawrence Fitzpatrick, on behalf of Scotland Opposing Opencast. We have received a detailed response from the Executive on the questions raised by the petitioners. It is suggested that, in view of the assurances given by the Executive, the committee should agree to pass a copy of the Scottish Executive response to the petitioners and take no further action. The Scottish Executive has already sent a copy of its response to the

Transport and the Environment Committee for information.

**John Scott:** The strength of feeling behind the petition was considerable and I am not sure that the petitioners will be entirely happy with the response.

**The Convener:** The petitioners are asserting one thing and the Scottish Executive is asserting another. It is not clear who is right.

**John Scott:** Indeed. As Burns said,

"facts are chieftains that winna ding".

There is much more opencast in Scotland than in England. Although the Executive tells us that there is no reason to interpret the national planning policy guidelines any differently, the fact is that they are being interpreted differently. Therefore the de facto case exists and is not being addressed.

**Helen Eadie:** However, the report says that the Executive believes the Scottish guidelines are tougher than those in England. This is a very emotive subject. There are procedures to allow people to raise matters with the local authorities. I know that those procedures work well in Fife.

**The Convener:** The Executive has stated that it believes

"that NPPG 16 sets a national planning framework that is robust, consistent and fair and provides significant protection to local communities and the environment from the adverse effects of opencast coal mining in Scotland."

We could write back to the petitioners to ask them to respond to the Executive's response and so leave the file open.

**John Scott:** That would be my inclination. There is strong feeling throughout Scotland about the extent of opencast mining. I am prepared to accept the views of the committee.

**Dorothy-Grace Elder:** Much opencast is very close to housing—in Airdrie, for example.

**Helen Eadie:** We must also bear in mind that local authorities set down planning conditions and criteria that must be followed by opencast developers. In my experience in the central belt, the developers have always been very willing to restore the land. The developments bring benefits in terms of jobs and the environment. Members should visit Fife to see the environmental benefit that we have gained through the restoration of areas after opencast. Some areas are far better than they were before the development took place.

**John Scott:** Improving on nature.

**The Convener:** The committee's view is not clear.

**Dorothy-Grace Elder:** The petition is worthy of

further consideration. There is much anxiety in Ayrshire and other areas.

**The Convener:** Do we agree to send the Executive response to the petitioners and ask them to respond to it?

**John Scott:** Yes.

**Dorothy-Grace Elder:** Yes.

**Helen Eadie:** Obviously I am in the minority, because I do not agree, but there you are. I will just have to go along with that.

**The Convener:** We are not disposing of the petition. We may take a decision next time to leave it and take no further action, but it gives the petitioners a chance to respond.

The next petition, PE354, is from Councillor Charles Kennedy, on the removal of acute medical and surgical services from Stobhill general hospital. I see that Paul Martin is here. This petition directly affects his area and he has an interest in it. Would you like to come to the table, Paul?

We asked for an urgent response from Greater Glasgow Health Board and it has sent us a comprehensive response, in which it details its position on the proposals for the north-east of Glasgow, which it says has changed as a consequence of wider consultation and debate. The board indicates that it was the final phase of consultation in December 2000 that elicited the greatest degree of public response, but despite that, and the obvious public support for Stobhill, no consensus on its future was revealed.

The board has confirmed that there is a reference group for the north-east of Glasgow, which is similar to but not the same as the one that is proposed for the south of Glasgow, and that it will involve a number of MSPs, including Paul Martin, Pauline McNeill, Patricia Ferguson, Frank McAveety and Sandra White. A Conservative list MSP is also expected to participate. Robert Brown MSP is keeping a watching brief due to his commitment to the south Glasgow reference group, and a similar courtesy has been offered to Tommy Sheridan.

There is to be an option appraisal process for the north-east of Glasgow, setting out four different options, which are indicated at the top of page 4 of the board's letter. One option is that Glasgow royal infirmary should close and Stobhill be rebuilt as the sole hospital for the north and the east of Glasgow. It is pointed out that, at this stage, options remain proposals, and no formal decision will be taken until the completion of the option appraisal, the preparation of the business case, which will be overseen by the reference group, and further public consultation. Full details of the consultation are available in annexe A of the

board's response.

As no decision has been made on the future provision of acute hospital services in the north-east of Glasgow, and as Greater Glasgow Health Board has taken extensive steps in recognition of the public concern, including the carrying out of an option appraisal process by a reference group including several local MSPs, it is suggested that that will ensure that local interests are fully represented. There also will be further public consultation at a later stage in the process.

In view of the action taken by the health board, coupled with the principle that it is not for the Parliament to intervene in the executive decisions of health boards, it is suggested that the committee should agree to copy the response from the health board to the petitioners and take no further action. We could also agree to forward the petition and the 45,000 signatures to the reference group, and ask it to take it into account as part of its deliberations.

**Paul Martin (Glasgow Springburn) (Lab):** The claim that no further decisions will be taken is untrue. I met Maggie Boyle, the chief executive of North Glasgow University Hospitals NHS Trust, which is responsible for Stobhill hospital. She advised me that they will be proceeding with a six-week consultation exercise on four acute services: orthopaedic services; ear, nose and throat; ophthalmology; and urology. I asked her to withdraw her proposal to proceed with the consultation exercise, given that the reference group was being set up. We were not aware of that fact until after the Public Petitions Committee addressed the issue, so I congratulate the committee for ensuring that we found out what the reference group was about. However, we are proceeding to six-week consultation on those four acute services before the acute services review is complete. My point, which has been made by others, is that the acute services process is flawed, because decisions are being taken before the process is complete.

We have a reference group, and one of the options that it will be considering is the closure of Glasgow royal infirmary. I met Maggie Boyle and I said to her, "Will we close Glasgow royal infirmary"—which I would not support—"if the reference group proposes it?" She said, "No, we will not close Glasgow royal infirmary. There would be no support for that." We are talking about setting up a reference group to consider options which, given the expenditure and commitment to the new maternity unit and the serious Scottish Executive investment, highlight the fact that this is a flawed consultation exercise.

I recommend that we ask Chris Spry, the chief executive of Greater Glasgow Health Board, and Maggie Boyle, the chief executive of North

Glasgow University Hospitals NHS Trust, to give evidence to this committee on what appears to be a flawed exchange of information, so that we can clarify where we stand.

**Helen Eadie:** I am glad to support Paul Martin's recommendation. I know that there is an issue with the remit of this committee; I heard the convener whispering that as I started to speak.

One of the issues that we have to bear in mind, which came up at the last meeting when I talked about my holiday reading over the Easter period, is that in Germany, petitions with 50,000 signatures give a mandate to the Parliament to become involved in a matter that normally would be left for local determination. I would be the first to defend local determination in regard to health boards, local authorities or whatever, but 45,000 signatures is not a kick in the teeth away from the 50,000 magic figure that I referred to, especially in the Scottish context. The committee ought to keep this as a live issue. We should not simply take no further action.

We have always said that the consultation has been flawed. Meaningful consultation does not set out the preferred options ahead of the consultation. If you have already made up your mind, what is the point of consultation? That is different from allowing the community to determine its views and come to a consensus based on that consultation. From what we have heard, the consultation has not been about going out and making presentations to the community and inviting comments. Instead, Glasgow City Council or other intermediaries have set up meetings. They were never initiated by the Stobhill team of health care professionals, who ought to have initiated the meetings. That is why we should treat this petition differently from other petitions in the past.

I support the view that, wherever possible, this committee should not intervene in the decisions of local health boards, but this is such a big petition—it draws parallels with Germany and other countries where, when a magic number is reached, a mandate is given—that it gives a mandate to the Scottish Parliament, although we have never agreed that formally.

**John Scott:** I agree with much of what Helen Eadie said, but in this case local determination is absolutely essential. Our job is to ensure that the fullest consideration and consultation take place, but I disagree with Paul Martin that representations should be made to us by the chief executives of Greater Glasgow Health Board and North Glasgow University Hospitals NHS Trust, because at the end of the day we will not be in a position to take a decision on this matter, nor would we want to be. If representations are to be made, they should be made to the newly formed

reference group, and I would expect that to happen.

Unless you accept Helen Eadie's point that the Parliament should get involved because the petition has a particular number of signatures—an action of which no mention is made in standing orders or the Scotland Act 1998—given the committee's remit, our job is to ensure the fullest consultation, and we have succeeded in that respect. We should not do much more.

**Dorothy-Grace Elder:** I agree with Helen Eadie that this petition should be a live issue. It is a remarkable petition, because it is the biggest one that we have received, but whether there are 45,000 signatures or 45, this is a national issue. It is not only a Glasgow issue, whichever way it goes. If the people get their wishes or a sensible compromise is reached, it could help many other areas that are undergoing acute services reviews. Who appointed those people to the reference group? I do not know. Perhaps Paul Martin does.

A couple of weeks ago, when I first saw the suggestion that Glasgow royal infirmary might close, I nearly fell off my chair. Who on earth thought up that suggestion? The infirmary has just undergone an extensive renovation in part. Such nonsensical suggestions are cropping up, so we must keep an eye on the board and the officials, who should have Parliament's backing for such a development in Glasgow. The decision will affect other areas, so please regard the matter as a Scottish issue, not a Glasgow issue.

12:00

**John Scott:** What about the precedent that we would set?

**The Convener:** The petition has 45,000 signatures, so it carries considerable weight with the committee. However, that does not justify our intervening in local decisions. We must be clear about that. We do not have the constitutional power to do that and it would be wrong for the committee to assume that it could intervene.

I am happy to keep the petition alive in the sense of seeking further clarification from the health board and the trust about the options that have been set out and particularly about the four services that Paul Martin mentioned, because they did not form part of the response that the committee received. We have not been given the full details.

**John Scott:** I agree. I am happy to keep the petition alive, but we must not be part of the decision-making process.

**Helen Eadie:** I did not wish to suggest that the committee should determine the decision. However, we must be sure that the consultation



process is transparent, which returns to the point that John Scott made. We all agree about that.

Difficulties arise with the Stobhill situation because the consultation process seems to be flawed. I am concerned about the standards, specifications and quality of consultation in Scotland. I know from experience in Fife that such processes have been flawed. We are beginning to address that issue more meaningfully there, and I hope that some standards and specifications can be set about how a consultation process ought to be undertaken. How the public are consulted is at the heart of the matter. The Parliament does not want to decide which option is preferred. It simply wants to ensure transparency. I agree with John Scott about that.

**John Scott:** Yes.

**Paul Martin:** I will say for John Scott's benefit that the important point is that the health board has said that it has not taken any decision. I have met Maggie Boyle, the chief executive of Glasgow North University Hospitals NHS Trust, who said that the process is not up for negotiation—four services will proceed to consultation immediately. She is under pressure from her medical representatives to do that. I entered the process of the acute services review with an open mind and I was willing to listen to a wide range of people—not just medics, but users, elected members and others. The trust is pre-empting the decision.

Information is constantly being exchanged, and it would help to have a verbal exchange that would allow examination of the issues, to satisfy the petitioners. We did that before with the petition on secure units. Members may recall that I mentioned the issues when we last discussed the petition. I asked about the issues, and the health board did not deal with them. If we cross-examine the chief executives, we can clarify the issues once and for all. As has been said, the 43,000 petitioners would be satisfied if the Parliament dealt with the petition in that manner.

**The Convener:** We can invite the chief executives to appear before the committee and answer questions on the responses that the committee received, the four services that are subject to immediate consultation and were not mentioned in the answer that the committee received and how the reference group was established. However, we cannot go into the substance of the debate. It is not for the committee to decide whether one option is preferable to another. That is a matter for local decision. We can satisfy ourselves only about our committee having received the proper information that would allow us to decide whether the issue should be referred on or noted. That is the only way in which we can deal with the petition. We cannot interfere in the decision. Is that agreed?

**Members indicated agreement.**

**The Convener:** We will invite the chief executives to attend a meeting.

## Inadmissible Petitions

**The Convener:** We received a petition from Mr Norrie McVicar calling for the Parliament to support the campaign of the UK maritime unions for the extension of the UK immigration and work permit regime to the offshore oil and gas sector and the International Transport Workers Federation's campaign against social dumping.

Immigration and the regulation of the oil and gas industry are reserved matters, so the Scottish Parliament has no power to take the action that the petitioner requests. It is recommended that the petitioner be advised that although the petition is inadmissible, the committee will pass it to the relevant UK Government minister for attention. It could also be suggested that the petitioner take the matter up with his local member of Parliament. Is that agreed?

**Members** *indicated agreement.*

## Convener's Report

**The Convener:** We submitted a paper to the most recent meeting of the conveners liaison group to suggest that the committee could go on a visit to Berlin. The group was not happy with that, and we have had to produce instead a proposal for a cross-party representative group from the committee to go to Berlin rather than the whole committee. We will submit a second paper this afternoon and I hope that we will receive a positive response.

*Meeting closed at 12:05.*

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