

PUBLIC PETITIONS COMMITTEE

Tuesday 19 June 2001
(Morning)

Session 1

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CONTENTS

Tuesday 19 June 2001

	Col.
NEW PETITIONS	1170
CURRENT PETITIONS	1212
INADMISSIBLE PETITIONS	1226
CONSULTATIVE STEERING GROUP PRINCIPLES	1226
CONVENER'S REPORT	1227

PUBLIC PETITIONS COMMITTEE

9th 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)

Tom Allchurch (Confederation of United Kingdom Coal Producers)

Eric Brown (T&G Scotland)

Scott Brown (Confederation of United Kingdom Coal Producers)

Robert Brown

John Calder

Tracy Dalling (Unison)

Michael Kayes

Richard Lochhead (North-East Scotland) (SNP)

Bill Malcolm

Lydia Reid (Scottish Parents for a Public Enquiry into Organ Retention)

Brian J Rostron (Confederation of United Kingdom Coal Producers)

Stewart Stevenson (Banff and Buchan) (SNP)

Elaine Thomson (Aberdeen North) (Lab)

Alan Wilkie (Scottish Campaign for Nuclear Disarmament)

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Jane Sutherland

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 19 June 2001

(Morning)

[THE CONVENER *opened the meeting at 10:05*]

The Convener (Mr John McAllion): I welcome everyone to the 9th meeting in 2001 of the Public Petitions Committee. Apologies have been received from Winnie Ewing. I welcome Brian Adam and the new member for Banff and Buchan, Stewart Stevenson. They are not members of the committee, but they are welcome here. We also expect Richard Lochhead and Elaine Thomson to join us at some point during the morning.

I remind members that, because of the general election, this is the first meeting that we have had in four weeks. As a result, we have a heavy work load, with 16 new petitions to be considered and seven groups of petitioners wanting to address the committee. We have also received 11 responses to current petitions, which must be given careful consideration. I therefore appeal to members to be as brief as possible in their questioning and interventions during the meeting, otherwise we will be here for a long time.

New Petitions

The Convener: Without further ado, I invite the first petitioner, Mr Alan Wilkie, to come forward. Petition PE364 has been submitted on behalf of the Scottish Campaign for Nuclear Disarmament, calling on the Parliament to investigate the adverse consequences of the location and operation of Trident and associated nuclear weapons systems in Scotland. The petition calls on the Parliament specifically to examine the Faslane safety plan and publicise its findings.

Mr Wilkie, if you have any problems in hearing us, please let us know. We understand that there is a problem with the loop system, which is not operating properly.

Alan Wilkie (Scottish Campaign for Nuclear Disarmament): Thank you, convener. I was not properly equipped.

The Convener: You have three minutes in which to make a presentation to the committee, after which the debate will be open for questions.

Alan Wilkie: Convener, ladies and gentlemen, on behalf of the Scottish Campaign for Nuclear Disarmament, I am grateful for the opportunity to address you in support of our petition on nuclear weapons, which was submitted on 22 May on our behalf by Canon Kenyon Wright. You have the text of the petition in front of you. Our petition claims that there is a widespread desire for nuclear weapons not to be based in Scotland and quotes the 8,000 people who signed individual statements calling on our political representatives to rid Scotland of Trident.

Those statements have been presented to the committee and total approximately 10,000 cards. The number collected could easily have been much larger; the only limiting factor was the time that we could allocate to their collection. As soon as people knew that the cards were about getting rid of Trident, virtually everybody wanted to sign one. Their positive actions also reflected their firm conviction that our new Parliament would take notice of their opinions and respond to the expressed will of the Scottish people.

Although the cards that are attached to our petition are an important record of the views of ordinary people, the case that I am presenting this morning derives its force from the accumulation of many public expressions of the desire for nuclear weapons not to be based in Scotland. Some of those will already be known to the committee. On Wednesday 23 May, the general assembly of the Church of Scotland passed a resolution by an overwhelming majority to

“reaffirm the sustained opposition of the Church to the possession, deployment and threatened use of nuclear weapons, call once more on HM Government to abandon

the Trident Programme now, and encourage all those who, on conscientious grounds, seek to express their personal opposition to Trident through peaceful and non-violent means.”

For the past two decades, the general assembly has consistently opposed the use or threatened use of nuclear weapons as morally and theologically unacceptable. The moderator of the Church of Scotland, the primus of the Scottish Episcopal Church and other senior churchmen were prominent at the big blockade anti-nuclear protest at Faslane on 12 February, when 385 people were arrested, including at least 20 clergy, a Queen’s counsel, a member of Parliament, a member of the Scottish Parliament and a member of the European Parliament. In a System 3 opinion poll that was carried out shortly after the big blockade, 51 per cent of Scots approved of that form of civil resistance against Trident and only 24 per cent disapproved.

The subject of Trident also appeared recently on the agenda of the Scottish Trades Union Congress. At its conference in April last year, despite opposition from some of the unions representing workers at Faslane, the STUC passed a resolution that said:

“This Congress believes that there is no longer any need for Britain to retain a nuclear arsenal based on Trident.”

During the past three years, the movement to rid Scotland of nuclear weapons has received great media interest as a result of the work of Trident Ploughshares 2000. Between 1 May 1998 and 13 June 2001, Trident activists have achieved 1,285 arrests, 116 trials, 1,243 days spent in prison and £17,352 in fines, most of which remain unpaid. If I had time, I would give many other examples.

Getting rid of Trident will define the kind of Scotland that we all want—a nation built on peace, justice and humanity, which is willing and able to contribute to a better and safer world. I thank the committee for its courteous attention.

The Convener: Thanks very much, Mr Wilkie. I declare an interest in this matter, as I am a member of Scottish CND and therefore sympathetic to the petition. However, I shall not let that interfere with the committee’s objective handling of it. Do members have any questions?

Helen Eadie (Dunfermline East) (Lab): Good morning and thank you for your opening remarks. Given the fact that defence is a reserved matter, how do you think that the Scottish Parliament could pursue this matter?

Alan Wilkie: First, my understanding is that, under the Scotland Act 1998, the Parliament has a responsibility to express the views of the Scottish people even on matters that are reserved to Westminster. Secondly, the issues that we mention in the petition include those of public

safety—for example, the question of the movement of nuclear weapon convoys. According to my information, a Trident nuclear weapon convoy will enter Scotland on Thursday morning, carrying warheads from Aldermaston to Coulport. Is that known to the Scottish Parliament? What of the emergency preparations, in case something dreadful happens? We think that such matters fall within the competence of the emergency planning powers of the Parliament, along with the other things that we have mentioned in the petition.

Dorothy-Grace Elder (Glasgow) (SNP): I take it that your line is that, although legislation regarding Trident is not devolved to Scotland, Trident itself is devolved—it is dumped on Scotland—and that that is the motivating factor behind your request for an investigation and the cancellation of the Trident programme in Scotland.

Alan Wilkie: Yes. I agree entirely.

The Convener: We will now consider how to dispose of the petition. Mr Wilkie, you are free to listen to the committee’s discussion.

Alan Wilkie: Thank you.

The Convener: We dealt with the Clyde safety plan when we considered PE334. However, there is nothing to prevent the Parliament from conducting an inquiry as requested by the petitioners, which would focus on environmental and public safety issues. Two alternative actions have been suggested. The first is to agree to seek the views of the relevant subject committees, to establish whether they would want to carry out inquiries of the type that has been requested by the petitioners. The second is to agree to take no further action, on the basis of the fact that the issue of nuclear weapons is reserved to the UK Parliament. I understand that the Justice 2 Committee is responsible for planning and policy on environmental safety issues.

John Scott (Ayr) (Con): Has the Justice 2 Committee indicated a desire to carry out an inquiry along those lines?

The Convener: It is considering the matter; it has not yet arrived at a decision. The Justice 2 Committee is also considering the Faslane-Clyde safety plan petition.

John Scott: That is fine. I would welcome it if the Justice 2 Committee decided to carry out such an inquiry. However, we run the risk of a duplication of effort. Presumably, the safety procedures and the consequences of the siting of Trident have all been reviewed by the Westminster Government in the past. Are we duplicating effort?

The Convener: As the Justice 2 Committee is already considering the issue in relation to PE334, it would be appropriate to refer the petition to that committee. The committee has not yet arrived at a

decision on PE334.

John Scott: Fair comment.

Dorothy-Grace Elder: Suggested action (b) is not an option. It would be ridiculously namby-pamby to take no further action on an issue as mighty as this one, given the huge public backing for the campaign against Trident. If we cannot even investigate the issue, we are not a Parliament at all. The petition should perhaps go to the Health and Community Care Committee and the Transport and the Environment Committee.

10:15

The Convener: The clerks have taken soundings from the different committees and seemingly—I do not understand it either—the Justice 2 Committee is the committee that has responsibility for this matter. It is the lead committee on such issues because of the legal responsibilities. We could recommend to the Justice 2 Committee to consider whether to refer the petition to other committees, but it is the lead committee on the matter.

Dorothy-Grace Elder: We do not want the issue to get bogged down in legalities. Could we not refer the petition to the Health and Community Care Committee at least?

The Convener: That would be a matter for the lead committee to decide. We do not dispose of the petition. As the Justice 2 Committee is the lead committee responsible for the issue, we should send the petition to that committee. We can make recommendations, but the final decision rests with the Justice 2 Committee.

Is it agreed that we take option (a)?

Helen Eadie: I do not disagree with that, but I want to counter Dorothy-Grace Elder's comment that no one has any regard to the matter. The Westminster Parliament has a locus and a regard for such issues. That does not stop us expressing our view. However, I would not want the public in Scotland to go away with the impression, based on Dorothy-Grace's comments, that no one has any regard to public opinion on the matter.

I agree that we should follow option (a)—it would be entirely fair to let the Justice 2 Committee take a view on the matter.

The Convener: I do not think that Dorothy-Grace was suggesting that anyone on the Public Petitions Committee was namby-pamby.

Dorothy-Grace Elder: I certainly was not impugning Helen Eadie's position. However, should I received any information on Trident from Westminster I would handle it with lead-lined gloves.

For the record, I point out that four out of the six parties represented in the Scottish Parliament are anti-Trident parties.

The Convener: That is a debate for another forum.

Are we agreed that we will seek the views of the Justice 2 Committee, to establish whether we wish to carry out an investigation as suggested by the petitioners?

Members indicated agreement.

The Convener: We are taking the next two petitions together: PE368 from Mr Robert Brown and PE371 from Mr John Calder, on behalf of Banff Academy and other Aberdeenshire parents action groups, on school transport entitlement. I invite the gentlemen to come forward to speak to the committee. You have three minutes each to address the committee.

John Calder: On behalf of the many concerned parents and pupils in Aberdeenshire, I thank the committee for agreeing to consider our petition on the issue of school transport entitlement.

We are groups of parents who are concerned only for the education and safety of our children. Our grave concerns have arisen due to changes that Aberdeenshire Council made last year to its school transport policy, which resulted in the withdrawal of free transport from thousands of children, many of whom, we contend, have no safe walking route to school. Our attempts at persuading the council to reverse that decision have been dismissed by an administration that has not even bothered to carry out any form of risk assessment. Instead, the council states that safety is not an issue, as it has created fare-paying bus services to replace the previously free ones.

We are sympathetic to the council's financial plight, but have difficulty in accepting that course of action. We believe that the safety and education of our children is worth more than the paltry pennies that the administration thinks that it can save. In February 2001, the council conceded that the savings would be a mere £40,000 per annum. Surely the life of even one child is worth more than that. Those savings could have been achieved elsewhere in the administration's budget.

Our petition requests the Parliament to take a view on whether Aberdeenshire Council and other local authorities are fully complying, both in letter and spirit, with the legislation governing school transport entitlement, namely, the Education (Scotland) Act 1980, as amended. Although we do not dispute the current maximum walking distances, we contend that the amendment made to the 1980 act by the Education (Scotland) Act 1996, which introduced a section on the safety of children, was made for a purpose. At the time, the

Scottish Office education and industry department's views on that purpose were sent to every local authority. I have a copy of those views—they make very interesting reading—that I can make available to the committee. We believe that the purpose of the amendment was to provide free transport where there is no safe walking route and that the actions of Aberdeenshire Council are morally wrong.

We request that the Scottish Parliament review and amend the current legislation regarding school transport entitlement to ensure that it fully reflects contemporary road traffic conditions. The existing maximum walking distances were set over 50 years ago and both traffic volumes and vehicle sizes have increased significantly during that time, posing greater risks to pupils walking to and from school, particularly in rural communities.

We also ask the Parliament to take a view, in today's climate of social inclusion, on whether, where there is no safe walking route, a child should be forced to pay to travel safely to and from their zoned school for their basic education. In such circumstances, basic education is not free and the payment of bus fares constitutes an education and safety tax on a minority.

The Convener: Thank you.

Robert Brown: I thank the committee for listening to our petition, which is on the same subject as that of Mr Calder. Our main issue is the safety of children travelling to and from school in Livingston. Livingston is a new town, which is a maze of underpasses and walkways—200 miles of them, to be precise. In the past two years, the media has reported 15 attacks in the walkways. A serial attacker has been at large in the town since November 2000. There have also been several reports of indecent exposure in the area, again on the secluded walkways. Lothian and Borders police does not have the numbers or resources to patrol the walkways during school hours or at any time for that matter. The only safe way for children to get to school is by bus. In most cases, that has to be a school bus, as there are no public services to some of the schools in the Livingston area.

A few years ago, the council closed a primary school next to us in Livingston and told the pupils that it would bus them to the nearest school. However, now the council has taken away the children's bus passes, meaning that five-year-olds have to walk three miles to school in intimidating circumstances. This discrimination cannot continue. The Parliament should readdress the criteria for the measurement of distance to and from school, judging each area on its merits. Livingston is different from any other town in Scotland.

The Convener: Thank you, Mr Brown. Three

MSPs who are not members of the Public Petitions Committee are attending our meeting today to speak to the petition.

Stewart Stevenson (Banff and Buchan)

(SNP): I have a few brief points. The maximum distance that a child should walk to school before qualifying for a free bus was set in 1947. At the time, that was a surrogate for safety. It was a perfectly adequate surrogate. The top speed of a lorry in 1947 was probably 40mph and the top weight of a lorry was probably less than 10 tonnes.

To take an example, I live in Whitehills, three miles from Banff, which is one of the villages affected in Aberdeenshire. The main road is the A98, and we get 30-tonne lorries travelling at 60mph along the road where we expect our children to walk. There is no pavement. Furthermore, there is no safe refuge to be had by stepping off the road on to the verges. That is just an example, which is repeated throughout Aberdeenshire. I am also familiar with Livingston, where there are many unsafe areas.

In many instances, the fares are a tax on education and rural life. When Aberdeenshire Council introduced the change, which withdrew the more liberal—compared to most of Scotland—school-bus transport policy that it had operated previously, that had an effect, for example, in the village of Longside. There, a single parent on an income of £6,500 per year, with four children, who were all affected by the change, had, at four weeks' notice, to find £600 per annum in bus fares or to have their children walk along the dangerous road between Longside and Mintlaw.

The essence of this is very simple. In 1947, we had distance as a surrogate for safety. The subsequent legislation and guidance has attempted to put safety at the centre of things. The operation—which we are told is legal—of many councils still relies on the consideration of distance. We have to consider the legislation and review it, so that safety becomes paramount, while the factor of distance becomes guidance rather than the essence.

Brian Adam (North-East Scotland) (SNP): I had the privilege of walking to school with some of the youngsters, from Sandhaven to Fraserburgh. The weather conditions were not very good, but they could have been a lot worse—it was far from being the worst time of year for weather. There was no way that it was safe for the youngsters to go along that road, which heavy traffic was using. The petitioners are absolutely correct in calling for us to review this area of law, which needs to be updated.

There is another reason for updating the law—it is not just a question of safety. Professor Begg of Robert Gordon University said yesterday that, if

we are to make a significant difference to CO₂ emissions and so on, we need to stop the school run, which is one of the alternatives to walking for those who can afford it. If we are to adopt American-style buses, which I believe is something that is being considered, that could be a meaningful step. There is a need for a general revision, not just on the ground of safety, but because it is in the best interests of our environment and our society that we do not move away from existing school bus arrangements to the use of cars. The effect of the change that has taken place in Aberdeenshire is that more cars have been put on the road, which has increased the risks around schools. I commend the petition to the committee.

Richard Lochhead (North-East Scotland) (SNP): Stewart Stevenson and Brian Adam have covered most of the issues. I joined one of the protests, which involved a walk from Whitehills to Banff. There were many kids on the march, and they told me how strongly they felt about the issue. There is not only huge public support throughout Aberdeenshire for the petition, but the children themselves feel strongly about it. Many people agree that schoolchildren should not become the victims of the most recent round of local government cuts in Aberdeenshire. Although there is all the talk in the Parliament about introducing new, safer routes throughout Scotland, we are trying to make some of our children walk more dangerous routes; there is a contradiction there. I, too, support the petition and I emphasise the overwhelming support for it in the north-east, particularly Aberdeenshire.

The Convener: I invite committee members to ask the petitioners questions.

John Scott: The petitions are self-explanatory.

The Convener: It has been suggested that your petitions are self-explanatory. What have been the reactions of the respective councils to the campaigns in the two areas?

John Calder: Aberdeenshire Council has been evasive in responding to our invitations to meetings and in answering questions, and generally in providing information. The information that it provided last summer, when the policy was rushed in, was in our opinion inaccurate. The bus fares that the council published were incorrect and, when we questioned the calculation of the bus fares, cheques started being returned in the post to parents who had had the money to send off for tickets. We believe that the whole policy was rushed in.

The policy has not even been applied consistently throughout Aberdeenshire. Four secondary schools have been the primary targets and—depending on which official in the

administration has given out the numbers—between 800 and 1,200 pupils have been affected. In February this year, Aberdeenshire Council announced that 1,200 more children will be affected. For a whole year, therefore, those children, at four secondary schools, have been bearing the brunt of the changes.

10:30

Robert Brown: As for Livingston, West Lothian Council's reaction was similar, and suggested a similar agenda. The council took away the bus passes a week before the school opened at the end of the summer break, having conducted no consultation with the parents or the school board. The matter was taken to the school board, which simply wiped its hands of it. In my area, the Government's relevant stipulation was three miles. That has been reduced to two miles, which can discriminate against some pupils who walk to the same bus stop. As I said in the petition, if two kids—one staying at No 6 and the other staying at No 7—go to the same bus stop, the one who lives at No 7 might get a bus pass, while the one living at No 6 would have to pay. That is ludicrous: the two kids are going to the same place from the same bus stop.

The Convener: There are two issues. The first is whether councils are complying with the existing legislation and the other is whether the existing legislation is adequate for modern conditions.

Robert Brown: Yes.

The Convener: If there are no other questions, we will move on to consideration of PE368 and PE317. Although the two petitions are prompted by concerns about decisions of different local authorities in relation to school transport policy, there appears to be a more general concern that councils might not be complying with current legislation. In both cases, the petitioners have questioned whether the existing legislation governing the provision of school transport is adequate and reflects the changes that have taken place in transport patterns.

It is suggested that we seek the comments of the Scottish Executive on whether it considers the existing legislation to be adequate, and its views on the legislation's application by local authorities. Comments could also be requested from the two local authorities concerned. A copy of the petitions could be passed to the Education, Culture and Sport Committee for information.

Dorothy-Grace Elder: It is a national issue.

Helen Eadie: I am sympathetic to the case that has been put by the petitioners. We might want to ask for the view of the Convention of Scottish Local Authorities. I know that each local authority

has a different policy—this area of transport is one in which I am very interested. Stewart Stevenson's point—it is nice to welcome him to the committee—was good; should we consider distance as the yardstick, or should we concentrate on the wider safety issues? I am very supportive of the idea of moving towards buses being the norm. We all know that road traffic lightens considerably during the school holidays—it almost halves. We ought to do everything that we can to encourage parents to get children to go to school on buses.

Dorothy-Grace Elder: Very few people, including members of the Executive, will realise—as Stewart Stevenson pointed out—that the legislation has its roots in 1947. He also pointed out that the maximum lorry speed used to be 30mph. Nowadays, many of us object when we hear parents being called lazy for sticking the kids in the car. In reality, the vast majority of parents are not lazy, but are frightened for their children and do not want them to be walking in areas where there is heavy traffic, or to be attacked. I congratulate the petitioners on raising a major national issue through their individual cases.

The Convener: I welcome Elaine Thomson to the committee—I hope that you are not here for the petitions that we have just finished considering, Elaine. Are you here to hear the petition about school transport in Aberdeenshire?

Elaine Thomson (Aberdeen North) (Lab): No.

The Convener: That is fine.

I thank the witnesses for their attendance. Is it agreed that we will seek the views of the Scottish Executive, of Aberdeenshire Council and West Lothian Council and of COSLA, and that we will send a copy of the petition to the Education, Culture and Sport Committee for its information?

Members indicated agreement.

The Convener: PE369 is from Brian J Rostron on behalf of the Confederation of United Kingdom Coal Producers. The petition calls on the Scottish Parliament to urge the Executive to take steps to guarantee that exploitable coal deposits are accorded positive policies within development plans; that opencast coal development is considered within the planning system like any other development proposal; that the strategic need for coal is recognised in the determination of opencast coal applications; and that energy, from a Scottish employment business and economic perspective, is recognised as an important consideration in Government development planning and guidance.

We have with us Mr Scott Brown, Mr Tom Allchurch and Mr Brian Rostron. We have received letters of support for the petition from the National

Association of Licensed Opencast Operators, from LAW Mining Ltd and from T&G Scotland. Mr Scott Brown will address the committee, after which I will open the meeting up for questions.

Scott Brown (Confederation of United Kingdom Coal Producers): The Confederation of United Kingdom Coal Producers—or Coalpro—is grateful for this opportunity to speak in support of the petition. Coalpro represents the majority of companies that are engaged in coal production in the UK.

The coal industry in Scotland produces approximately 8 million tonnes of coal per annum and employs about 1,500 men and women directly and another 2,500 people through indirect and induced employment. The annual value of sales amounts to about £300 million. The industry in Scotland presently comprises 11 companies operating one deep mine and 19 opencast sites.

The lack of planning permission for opencast sites is threatening the future of the coal industry in Scotland. A recent, independent report by DTZ Pidea Consulting—entitled “Opencast Coal Reserves in Scotland: An Independent Review of the Supply/Demand Balance”—concluded that, over recent years

“The ‘approval rate’ for planning applications and appeals was equivalent to an annual rate of 2.91 million tonnes.”

That is less than 50 per cent of current annual coal demand. The report goes on to state:

“It is therefore clear that over this period, reserves were being depleted at a far faster rate than new reserves were being permitted by the planning system.”

In order to maintain and sustain this industry within the energy sector and the Scottish economy, there is a basic requirement to plan ahead in order to provide continuity of employment and coal production, to provide for our customers confidence in the supply, and to provide a basis for the required future investment both in finance and resources. In order to achieve those aims, which are essential to any business, the coal industry looks to the planning system in Scotland to provide a consistent, flexible and robust policy and implementation background. That has not proved to be the case. Consequently, the coal industry in Scotland is rapidly depleting existing approved reserves without adequate replacement capacity coming on stream through the planning system.

Unless the coal industry is allowed to secure reserves to satisfy future energy markets and to play its proper role in providing a secure, diverse and sustainable energy supply, the Scottish coal industry will close completely within five years. That situation would be contrary to UK and European energy policy. It is incumbent on the Scottish Parliament to assist in securing the future

of the Scottish coal industry and its employees.

Coalpro would be pleased to arrange a visit to an opencast mine for members of the committee, should that be of interest.

The Convener: Before I ask committee members for questions, would the other two witnesses identify themselves for the benefit of the clerks?

Tom Allchurch (Confederation of United Kingdom Coal Producers): I am the chairman of Coalpro.

Brian J Rostron (Confederation of United Kingdom Coal Producers): I am the director general of Coalpro.

Helen Eadie: For the benefit of the committee and the public, will you describe the kinds of problems that you have in different local authority areas in securing planning applications?

Scott Brown: The industry experiences different planning problems in different authorities—both in the attitude of some local authorities in preparing their statutory development plans against which individual applications are judged, and in their interpretation of the national planning policy guideline 16, the benchmark against which all applications are judged. NPPG 16 was introduced in April 1999. It is fair to say that the industry experiences different interpretations of it by different local authorities.

John Scott: If the position is as difficult as you say, I presume that you will have asked the Scottish Executive to consider the situation. What response have you had?

Scott Brown: Yes, we have approached the Executive. Coalpro has meetings perhaps twice a year with Scottish Executive planners to discuss areas of interest. To date, the Executive's view has been that NPPG 16 is a recent document. We argue that it has been in place for more than two years. Its forerunner was in place for six months, so we are coming up to three years. The industry accepts the planning policy guideline, but our concern is over the fact that it is interpreted differently by different local authorities.

John Scott: Nonetheless, the overall effect is to reduce the amount of coal available for extraction.

Scott Brown: The overall effect is that less than 50 per cent of our required annual tonnage is currently coming through our planning system. If that trend continues, our independently prepared graphs show that the industry will disappear quite soon.

Helen Eadie: Would you comment on the UK's energy policy in relation to the coal industry? What approaches have been made to the Department of Trade and Industry?

Brian Rostron: We lobby the DTI on energy policy. We welcome the EU green paper on the security of energy supply and we have commented on it to both the DTI and the EU. We feel that, without a stated energy policy in the UK, local authorities do not have any guidance as to whether there is a need for the coal. Last year in the UK, we burned 46 million tonnes of coal and mined 32 million tonnes. This year we will burn even more coal—coal burn is up by 22 per cent. The coal is there in the ground in Scotland, England and Wales. There is demand for it; it is good quality coal and it would secure good jobs for people. However, the planning system has become very slow. The rate of applications' being processed—and their success rate as indicated by the independent report—mean that the tonnage that is being extracted annually is going down.

Tom Allchurch: Coal stocks in the UK are probably at their lowest level since 1947—about 11 million tonnes. The power generating companies have made it clear to the industry that, with the increase in gas prices, had coal not been available in such quantities over the winter, we would certainly have had difficulties with the UK power supply. Coal remains an important energy source.

Helen Eadie: What about European energy policy? I understand that there was to have been a European energy policy; has that been agreed?

Brian Rostron: The consultation on the green paper on the security of energy supply is finished. There will be a meeting of ministers later this month. On Thursday, the European Parliament is being given a presentation on the green paper by various energy sectors, including Coalpro. We hope that, following the consultation process, there will be a white paper from the EU on security of energy supply and energy policy. It should be of concern to the EU, the UK and Scotland that, unless we do something about our indigenous energy, we will end up importing from outside the EU more than 70 per cent of our energy. We will then be liable to market forces.

10:45

John Scott: Mr Allchurch said that the reserve is 11 million tonnes. In future, if that reserve falls because of our inability to produce our own energy, will we face huge fluctuations in energy prices?

Tom Allchurch: Yes. Price increases in energy are reasonably likely. Gas prices have doubled or trebled in the past year. International coal prices have increased by 40 per cent, but UK coal is significantly cheaper and more cost-effective than imported coal. Taking the wider energy view, we are all aware of the difficulties that the nuclear

industry is having. Coal has helped to prop up our energy supply for the past two winters. That is the cause of the stock reduction.

The Convener: I have a question relating to national planning policy guideline 16. The committee received a petition from Scotland Opposing Opencast, which argued the opposite of your view. It said that the situation is too relaxed and that permission for opencast in Scotland is going ahead at twice the rate of the rest of the UK, where there is a tougher regime. What is your reaction to that claim?

Tom Allchurch: The regime in England is not tougher. NPPG 16 in Scotland and planning policy guidance note 3 in England are very similar. In England, the majority of accessible reserves have been worked in terms of their stand-offs. However, a noticeable difference between Scotland and England is that NPPG 16 advises a 500m stand-off from groups of properties, whereas 250m tends to be more acceptable in England. Another example is that, if you were to drive up the M1 from Nottingham to Leeds, you would drive past more than 100 opencast sites that have been worked in the past 50 years.

The Convener: Is your complaint about the interpretation of NPPG 16, rather than its content?

Tom Allchurch: Yes. It is our understanding that more than 90 per cent of planning applications in general are permitted in Scotland, whereas in relation to opencast, fewer than 50 per cent are permitted.

The Convener: There are no further questions, so I thank the petitioners for their evidence. We will now consider how to deal with the petition. The petitioners are welcome to listen to that discussion.

It is suggested that we refer the petition to the Scottish Executive for its comments on the issues that are raised in the petition and that a copy of the petition is passed to the Transport and the Environment Committee, for information only. The petition from Scotland Opposing Opencast was referred to that committee, but it would be wise to get the Scottish Executive's response before we refer this petition to it.

Helen Eadie: I do not disagree, but I urge the committee to consider referring the petition to the European Committee, in light of the implications of decisions that were taken at the Council of Ministers meeting this week and the representations that we have had from T&G Scotland and others about job implications.

The Convener: Thank you for mentioning T&G Scotland. I forgot to mention to the committee that we have received a letter of support for the petition from Nicky Wilson, the president of the National

Union of Mineworkers in Scotland, who indicated the union's support for the petition.

Is it agreed that we pass the petition to the Executive for its response and that we pass copies to the Transport and the Environment Committee and the European Committee for their information?

John Scott: I agree to that. It is a vital issue, especially for East Ayrshire, which adjoins my constituency and where a great number of jobs are at stake. This should be a matter for the Scottish Executive, because it is of strategic importance whether we have enough coal. If we are not getting enough coal, planning inquiries ought to be called in. The Scottish Executive would have to take an overarching view of whether more planning permission should be granted.

The Convener: We will draw members' remarks to the attention of the Executive and ask it to respond to us on the matter. Are we agreed?

Members indicated agreement.

The Convener: PE370 is from Lydia Reid, on behalf of the Scottish Parents for a Public Enquiry into Organ Retention.

Lydia Reid (Scottish Parents for a Public Enquiry into Organ Retention): I would like to bring to the committee's attention this 500-page document, which was received by parents in England; it is full of information. This little leaflet is what Scottish parents received. Most of it tells us all about the people who sat on the independent review board. One page—all the information that Scottish parents were given—tells us how many organs are held in Scottish hospitals. How can parents be expected to accept that?

I could not possibly photocopy all the responses I have received from parents who want to say something to the Public Petitions Committee, so I have tried to pick out the most graphic ones. The committee must understand that I will use some very graphic language—I apologise to anyone who is upset by it.

Newspaper articles such as the one I have here are how parents in Scotland get their information—there is a copy of the article for anyone who wants it. We are told that 2,100 thigh bones were removed from Scottish children. Why Scottish children? We need to know the answers to our questions. Ms Deacon answers us in an article in the *Daily Record*. She tells us that the independent review board will undertake an inquiry. That same independent review board produced the slim document. That is how Scottish parents get their answers. In the folder I have here, the committee will find evidence from parents such as me who do not know whether their child is buried. I carried my son's coffin. It

was like a little cake box. I am telling you straight—there was nothing in it.

Do we want parents such as me to apply for court orders to open their child's grave, count the bones and find out whether their child is in the grave? I assure the committee that I will do so; I know that other parents who are here today will also do so, as will hundreds of parents out there. Surely it is better to give us a public inquiry that will get everything out in the open and answer parents' questions all at once. Once parents have had their questions answered, the issue will die.

It has been suggested that there should be an addition to the Human Tissue Act 1961. With the greatest respect to the Scottish Parliament, that act has been ignored since 1961. Babies up to five years old were having their thighs removed while the Human Tissue Act 1961 was being put into legislation—if that is the correct terminology. We need a law that tells us that pathologists will go to jail if they touch our children without our knowledge or consent.

What situation do we face? Will parents have to ask to sit in on a post-mortem to ensure that they do not remove our children's parts without our knowledge or consent? For years, procurators fiscal have used procurator fiscal post-mortems to remove our children's organs and harvest them for research and they will not admit it. I do not care if I end up in jail for saying that.

In the folder that I have provided, members will find copies of two pathology day-books. The first one is supposed to contain details of a child who died at the same time as my son did. If members check the dates, they will see that my son is not even in the book. One pathology day-book is supposed to run at a time. If members check the details of the copy that we were given, they will see that pathologists cannot even use the excuse that there is one book for hospital post-mortems and one for fiscal post-mortems, because the details show that one of the post-mortems was a fiscal post-mortem and one was a hospital post-mortem.

I worked in research before my children were born. That is why I refused a post-mortem for my son. He had gone through some horrendous medical procedures before he died and I wanted him to be left alone. They went to the procurator fiscal and asked for permission to do a post-mortem; the undertaker told me that a post-mortem had been done. I do not believe that my son was in his grave, and you can take it from me that there are hundreds of parents in Scotland who have even worse cases than mine. They used my son as an experiment and they went on using him as an experiment, even in death. That is not acceptable and we want to know where the parts of our children are.

Before she started the independent review group inquiry, Sheila McLean promised that Scottish parents would find out everything, but she has told us nothing. That group was set up by pathologists to protect pathologists. It is not good enough. Parents want an independent inquiry. They want a law that says, "Touch our children again and you'll go to jail." We cannot rely on the British Medical Association to reprimand the pathologists. It has gone on for years. We cannot rely on them to regulate themselves. We need to have the confidence of the law behind us in future.

The Convener: Thank you for that harrowing testimony. You may be aware that SORRO—the Scottish Organisation Relating to the Retention of Organs—has passed a petition to the committee.

Lydia Reid: Yes, I was the instigator of that petition.

The Convener: That petition has been passed to the Health and Community Care Committee, which is currently considering it and awaits the publication of the independent review committee report before undertaking further consideration.

Lydia Reid: Why?

The Convener: It is waiting to see what the review committee says before coming to a final decision. It is not for the Public Petitions Committee to answer for the Health and Community Care Committee.

Lydia Reid: The next part of the independent review group's report is to do with the future, not the past.

The Convener: As I said, it is for the Health and Community Care Committee to report back to us in due course. We understand that SORRO is no longer calling for a public inquiry. Is that the case?

Lydia Reid: Our information is that Geraldine MacDonald, the lady from SORRO, has been offered a job by the Scottish Executive. That is why she is no longer calling for a public inquiry, but the 10,000 people who signed the petition are. Most of the clients whose submissions are in the folder are from SORRO; some of them are in the public seats today. They are furious that that lady will not carry out the wishes of the people who are asking for a public inquiry. They are very angry. The parents got together and went to the *Daily Record* to say, "This isn't fair." That is what they think of SORRO.

The Convener: Thank you for that testimony. We shall now discuss how to dispose of the petition. You are welcome to stay and listen to our discussions.

As I said, the earlier petition from SORRO, PE283, has already been passed to the Health and Community Care Committee, which is

currently considering what to do about it. I think that it is waiting for the Executive's report to be published in the autumn before taking matters further forward. In the light of that, the best recommendation, as is suggested, is that we pass the new petition directly to the Health and Community Care Committee and ask it to take it into consideration as part of its overall consideration of the issue.

11:00

John Scott: I entirely agree. News emerged at the weekend about bones being taken from children. It is simply unacceptable in this century to discover through the columns of the newspapers that such practices go ahead, apparently without the permission of the parents. I give my complete backing to Lydia Reid's petition.

Rhoda Grant (Highlands and Islands) (Lab): I suggest that we also pass the yellow folder to the Health and Community Care Committee.

The Convener: That is a sensible suggestion. Members of the Health and Community Care Committee should have the details drawn to their attention. Do members agree that we draw their attention also to the additional request for an examination of the role of procurators fiscal in organ removal and retention?

Dorothy-Grace Elder: Can we also pass the petition to the Justice 2 Committee? When you write to the other committees, convener, will you point out that the apparent split between SORRO and Lydia Reid's new group is not quite as solid as it seems? Lydia Reid has told us that the majority of her cases involve people who were or are involved in SORRO. With many great causes, a split is built up into something greater than it is. We do not want that to happen in this case.

Lydia Reid: I was never with SORRO.

Dorothy-Grace Elder: Whatever. We do not want committees or anyone else getting off the hook by saying, "Yes, but this other lot don't want a public inquiry any more." It is essential that we point out that a large number of SORRO members are involved in the new petition.

The Convener: As well as referring the petition to the Health and Community Care Committee and the Justice 2 Committee for information, we will send them a copy of the *Official Report*, which will clearly indicate the evidence that has been given by the petitioners about the situation. Is that agreed?

Members indicated agreement.

The Convener: The next petition, PE377, from Michael Kayes, is on toxic dumping, cattle incineration and other polluting activities. I

understand that Michael Kayes and Bill Malcolm are here to address the committee.

Michael Kayes: Thank you for having us here to speak on behalf of the people of the east end of Glasgow.

Three years ago, a cattle incinerator was opened in Carntyne. A cattle incinerator is out of place in a built-up area. At the time, we were assured that there would be no smoke or fallout from the incinerator but, as the pictures I have with me show, we had nothing but smoke and fallout for 18 months.

The Scottish Environment Protection Agency has let us down. I am here to ask the committee whether it can force SEPA to do something about the situation. I understand that the incinerator will reopen under new ownership in the near future. I do not see the new owners curing the problem. I live 50 yards from the incinerator and it is close to playing fields where more than 400 kids play football every weekend.

The photographs show how residential the area is. They also show new housing developments. I ask the committee to stop the plant from reopening until an investigation has been carried out into the problem as well as into dumping in the east end of Glasgow. I do not see why the incinerator problem should be allowed to add to the dumping problem.

Bill Malcolm: The Carntyne local plan was adopted in 1991 with the aim of controlling industrial development and eliminating local industrial pollution. It has singularly failed to do so. With the help of the Public Petitions Committee, the residents of the Carntyne community would like the planning permission refused retrospectively. The ground for that is that it is not an acceptable use of land that lies so close to public housing.

In an area of about 500m around the plant, there are two primary schools, a nursery, an old folk's home and 10 football pitches where, every Saturday and Sunday, 200 to 300 kids play. The previous owners, Westcot Hides, guaranteed that no smell, smoke or vile substances would come from the plant. They failed to ensure that. On 12 occasions that we know of, SEPA had to serve the company with enforcement notices to stop its operations.

The new operator, Sacone Industries, said that it would produce a new system of burning cattle. That system will process 200 cattle on seven days of the week, for 52 weeks of the year. Smells emanate from the plant when wagons containing 20 dead cattle that have lain there for a fortnight are opened. The smell rises into the atmosphere and surrounds the area completely. Sacone Industries has assured us that that will not

happen, but we do not believe that, as the previous company also made that promise. The photographs that we have presented to the committee show smoke coming out of the chimneys. The plant is located in the area shown by the white square drawn on the photographs. The rest of the area is green fields or housing.

The Scottish Office allowed this situation to develop. Glasgow City Council planning department refused planning permission to Westcot Hides, but the Scottish Office granted permission on appeal, completely against the wishes of local people. In one day, we gathered two petitions of 1,000 names—the area has not one dissenter.

We ask members of the Public Petitions Committee to use the weight and power that the committee has been given by the people of Scotland to force the Intervention Board not to award the contract to Sacone Industries. At the moment, the company is repairing the plant in the hope that it will receive a contract at the end of this month. We do not want the plant to start up again. The last firm almost went bankrupt because it could not maintain guaranteed production due to stoppages. People do not want to have that happen again.

With the committee's assistance and its support of PE377, we hope that that will not come to pass. I thank the committee for giving us its attention.

The Convener: We do not have the power to interfere in the process of application for licences.

Bill Malcolm: It is support that we want.

The Convener: We have other powers that we can use to intervene in a situation such as the one that has been described. I repeat, however, that we cannot stop the lawful issue of licences.

Dorothy-Grace Elder: I declare an interest. I am one of the MSPs who works in the east end of Glasgow. Over some 25 years, I have been involved in places where dumping has occurred. The major problem in all dumping situations is SEPA's secrecy and the way that it works. I have dealt with quangos for many years and I have never encountered a more secretive quango than SEPA, which has been in existence only since 1996.

No consultation was held with local people in Carntyne before the licence was granted. Local people organised a recent public meeting, which SEPA attended. Its answers were evasive. The agency is not trusted in the local area. People are desperate to stop the plant starting up again, as all that SEPA will do is handle individual complaints. It will not reach to the root of the problem.

There is overdumping in the east end of Glasgow—the area is well worthy of special

investigation by the Transport and the Environment Committee and of reference to the European Committee. We have at least five major dumping and/or incineration operations in the east end of Glasgow. Paterson's dump, which is very near Carntyne, takes in 500,000 tonnes of toxic waste material each year. The recent public health report on Paterson's dump noted that smells are at times literally breathtaking.

The emissions are already in the atmosphere. To add to that, the plant will again create a belching smoke plume that will distribute ash from dead cattle over the district, especially in summer weather. The smoke plume contains noxious fumes. Children in the area see terrible sights. At times, blood from the dead and half-decapitated animals that are being trucked into the plant runs down the gutters in one or two of the Carntyne streets. A built-up, residential area such as this is no place for such an operation. Such plants must be located well outside urban areas.

I am concerned about the health of the people of the east end of Glasgow. A Department of the Environment, Transport and the Regions probe is under way in London and links in parts of Glasgow. We have not yet seen the results of that probe and we have not been able to afford a full health inquiry in Glasgow. There are undoubtedly clusters of cancer and other diseases. It is not proven that they are linked to dumping, but their incidence is unusually high.

The east end of Glasgow has had quite enough problems without this plant being reopened. I appeal to the convener to write a strong letter to SEPA asking it to justify why, in view of the plant's history, it granted the licence. Its feeble response is bound to be because planning permission was granted, but receiving planning permission does not mean that SEPA automatically has to grant a licence, particularly as permission was granted only after the application went to a Scottish Office reporter on appeal.

I ask the committee to word our communications as strongly as possible. I suggest that we pass PE377 to the Transport and the Environment Committee and to the European Committee. In view of the survey of dumping and other problems throughout the British Isles in which the Department of Health in London is a participant, I suggest that we write to that department.

The Convener: At this stage, we are meant to ask questions of the petitioners.

I welcome John Farquhar Munro to the committee. Do you have any questions at this point?

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Not yet.

John Scott: Was there a difference in the level of smell throughout the summer and winter months?

Michael Kayes: No. The smell was continuous. Whenever a load of cattle arrived at the plant, the smell was present day and night. SEPA served the past operators with enforcement orders. That led to the Intervention Board taking the contract away from Westcot Hides, which went out of business. We had the smell of the smoke, winter and summer, day and night. I had burning ash on the roof of my house and cattle hairs on my car. For 18 months, we had those problems day and night.

John Scott: How close is the plant to the majority of the housing?

Michael Kayes: If members look at the photographs, they will see a drawing of a wee blue box. That is the incinerator. My house is in the area marked by the yellow box. I live in a caravan site that has 32 residential caravans for retired show people. The incinerator is only 50yd from the site. A 9in boundary wall is all that stands between the plant and the playing fields, where the kiddies play every weekend. Just 150yd from that are green fields and the Cardowan Road housing. On the other side we have Old Shettleston Road housing and the new housing development. The plant is out of place. It is smack in the middle of 10,000 to 20,000 houses. That small industrial area should not be in that location.

John Scott: I was going to ask what the direction of the prevailing wind is, but that is irrelevant because the plant is surrounded by housing.

Bill Malcolm: The prevailing wind in Glasgow is south-westerly.

John Scott: There is no orientation on the map, but it does not matter: there are houses in every direction.

Michael Kayes: Also, we are in a valley. The plume goes up and falls down where we are, which is between Edinburgh Road and Tollcross. It has nowhere to go, bar on the people.

11:15

The Convener: Why are cattle being incinerated in the middle of a city?

Michael Kayes: The previous owner of the site was a hide company. When cattle that were older than 30 months had to be got rid of because of BSE, there was a market for the incinerator, although the planning application says that no BSE cattle are to be burnt at that incinerator. Starting next month, all cattle that go to an incinerator must be decapitated, have a brain-stem sample taken and have the spinal cord taken

out. That must be done to all cattle, not just BSE-infected cattle. While testing is being carried out, Daisy—as I call the cattle—will have gone through the incinerator and up the chimney. However, when—10 to 14 days later—the results come back that Daisy had BSE, it will not be possible to find her, because she will have been incinerated within 24 to 72 hours. The company will be burning BSE-infected cattle without our knowing—and we will never know—despite the fact that the planning application does not allow it to burn BSE-infected cattle.

Dorothy-Grace Elder: You were concerned about the heat of the furnaces.

Michael Kayes: The furnaces cannot burn hot enough. We have an independent report that says the furnaces are not designed to burn BSE-infected cattle. I am led to believe that the furnaces burn at 850 deg C. To get rid of the BSE agent, they have to burn at 1450 deg C, but the furnaces are not designed to do that. The ash, smoke and smell are not healthy.

Dorothy-Grace Elder: Can you confirm that at a public meeting the new owner of the incinerator, Mr Batty, stated that 850 deg C is as high as the furnaces can go?

Michael Kayes: That is right. I asked him about that. I also put it to him that the incinerator would be burning BSE-infected cattle. He could not confirm that he would not be burning such cattle, because the test results would be received after the cattle had been burnt.

Dorothy-Grace Elder: That moves us into an emergency situation.

The Convener: Are there any other questions for the petitioners?

John Farquhar Munro: Before the incineration of cattle started, were there objections about the emissions from the stack as a result of the previous activity at the site?

Bill Malcolm: There was no stack then. A tanning operation was on the site, from which there was an offensive smell. It was defined as an offensive trade, but that definition has been removed from legislation. No business is called an offensive trade now, but there is still an offensive smell. In the old days, when cattle were taken in and the hides were treated to make leather, there was a strong smell, but that was in the past.

For the environment and the health of people, such places should not be in areas with a lot of housing. A foundry and Parkhead forge, which was a massive employer of 30,000 people, have been closed down. All industry has been taken out of the area and only social activities take place there. However, the incinerator was allowed because, three years ago, the Government was

under a lot of pressure to get rid of dead cattle. There are still 4.5 million cattle lying around somewhere that have to be destroyed.

John Farquhar Munro: Looking at the issue objectively, it is absurd that the local authority and a public agency such as SEPA should approve an exercise such as this in such close proximity to public buildings and schools and in such an intensely built-up housing area.

Bill Malcolm: Unfortunately, the wee strip of land on which the incinerator is found, which is about half a mile wide, is designated as an industrial area because it is alongside the railway line. It is meant for light factories, such as sewing machine factories or the Carntyne knitwear factory, which are no problem. The cattle come from the Borders in refrigerated trucks and must go through the whole of Glasgow. They should be dealt with out in the countryside.

John Farquhar Munro: Although the area is classified as industrial, it is absurd to apply the designation of industrial to the function of the incinerator.

Bill Malcolm: The planning permission says that it is an industrial area, but we say that a cattle incinerator is a wrongful use of the industrial area.

John Scott: How many jobs are involved?

Bill Malcolm: Six to 10, so the managing director tells us. Two or three men will operate fork-lift trucks to put cows on to a conveyor and into the furnace and there will be a few office people. The previous firm had about 15 employees. The new owner reckons that, given the company's equipment, the number of jobs will be 10 to 20 at most. Shettleston does not need 10 jobs; it needs 10,000 jobs.

The Convener: If there are no other questions, I thank you for your evidence. We will now consider what to do with the petition. You are welcome to stay and listen to the discussion.

We must stress that we cannot interfere in the application process for licences, but we can take up the issue with SEPA. It is suggested, as Dorothy-Grace Elder said, that we ask SEPA to respond to the points that have been made in the petition and in the discussion this morning and to outline its policies and procedures for granting licences to toxic dumps and incinerators in urban areas. While we await a reply, we will send a copy of the petition to the Transport and the Environment Committee for its information. We will pass on whatever we receive from SEPA to the Transport and the Environment Committee in due course. Is that agreed?

John Scott: I agree. As Dorothy-Grace Elder, the petitioners and John Farquhar Munro have said, it is unacceptable in this day and age to have

such a plant in the middle of a residential area. New planning guidelines may have to be developed for the siting of incinerators. It is logical that they should be sited in areas where the prevailing wind will blow away unpleasant smells and potentially dangerous ash.

With regard to BSE, perhaps I am in a position to put the petitioners' minds at rest. Any cattle that are known to have BSE would not be sent to that plant.

Bill Malcolm: That is correct.

John Scott: However—and I have raised this issue with the Scottish Executive with regard to foot-and-mouth—it may be that a few cattle of more than five years old that are infected with the BSE agent are being burnt at that plant and on funeral pyres and are depositing BSE-infected material all over the country. Nonetheless, I have been reassured by the Executive that the incidence of such animals is low.

Dorothy-Grace Elder: Could we ask John Scott, as a farmer, where 200 cattle a week are coming from? They are called fallen animals. That puzzles me.

The Convener: We should ask SEPA, rather than John Scott. He is not responsible for answering such questions.

Dorothy-Grace Elder: Could we also ask about the lack of public consultation?

The Convener: Absolutely. The *Official Report* of this meeting will be sent to SEPA, which should be asked to respond not just to what the petition says, but to the points that have been raised in discussion.

Michael Kayes: May I make one more point?

The Convener: Technically, you cannot, but I will allow it.

Michael Kayes: John Scott said that the cattle would not have BSE. Mr Norman Batty said that all the cattle that go to the incinerator are checked by vets. If that is the case, why do they have to take the heads off the cattle and send them for testing?

The Convener: That is a fair point, which was also made in the back-up literature.

Helen Eadie: Like other committee members, I share the concerns that the petitioners have expressed. Not only is there an important issue about national planning policy guidelines, there is the issue of the growth in the number of incineration plants. I can remember the case of the Bonnybridge incinerator, in which Alex Falconer, our MEP at the time, was involved. You will remember that case, convener, and the concerns that were expressed throughout Scotland.

My concern is that health and safety legislation includes powers of prohibition in certain cases, but it does not include powers of prescription. It is a matter of the filters that ought to be installed when the flues are put in place. From the Westfield inquiry when an incineration plant was proposed there, I understand that research from America stated that certain dioxins get into the atmosphere because appropriate filtration is not put into plants. I would like an approach to be made to the Secretary of State for Environment, Food and Rural Affairs in London to ask whether changes will be made in legislation so that there are powers of prescription as opposed to powers of prohibition. That must be considered not only on this aspect of health and safety, but in the wider context.

The other point that I would like to make is that the Royal Commission on Environmental Pollution is in the throes of setting up a remit for an inquiry into the effects of chemicals in the environment. It might be worth your while to visit its website, as you might want to make representations to it. Organisations and communities throughout Scotland that are concerned about chemicals in the environment ought to be preparing evidence to submit to that inquiry. It is important that we tune into the work that is going on in London.

The Convener: It has been suggested that when we write to SEPA we ask it, in addition to all the other points that I have mentioned, to explain the current position in the health and safety legislation and any changes that are in the pipeline, so that we can consider that as part of further consideration of the petition. Would that be satisfactory?

Members indicated agreement.

Dorothy-Grace Elder: I have a tiny correction to what John Farquhar Munro said. He said that both SEPA and the local authority were in favour of planning permission being granted. Unusually for Glasgow City Council, it did not grant permission. That is why the matter had to go to a fight. How many more voices will it take before they are listened to? The folk in the east end are not being listened to.

The Convener: It is important to emphasise that the opening of the incineration plant was against the advice of Glasgow City Council.

Is the action agreed?

Members indicated agreement.

The Convener: We move on to PE381, from Mr Thomas Campbell, on behalf of T&G Scotland and Unison, on the closure of ambulance operations rooms in Scotland. Tracy Dalling and Eric Brown are here from the unions. I welcome Elaine Thomson and Richard Lochhead, who also have

an interest in the petition.

Tracy Dalling (Unison): The petition, which has been signed by more than 22,000 people from the north-east of Scotland, opposes the recommendation from the Scottish Ambulance Service that the Aberdeen control room should be closed.

The National Audit Office and the Audit Committee investigated and reported on the efficiency and effectiveness of the Scottish Ambulance Service's emergency functions. They recommended that a review of the provision and resourcing of the eight control rooms should be undertaken and that it should be established whether economies of provision could be achieved. However, the Scottish Ambulance Service determined that the NAO had recommended a rationalisation agenda. We contend that that was not the case, but we acknowledge and accept the need to update technology and to improve, wherever possible, the service to patients.

The product of the rationalisation agenda is a proposal to close five of the existing eight operations rooms, which includes Aberdeen. The proposals include moving the emergency operations function for the north-east to Inverness and moving the air desk, which controls the patient air transport resources for the whole of Scotland, to Dundee. The non-emergency operations function will be located within the acute receiving hospitals throughout Scotland.

The efficiency of operations rooms relies upon staff utilising their experience and knowledge of the geographic area. The closure of the Aberdeen operations room will mean that the staff's local knowledge of the area and the air desk expertise will be lost. We fear that the service will be adversely affected. We are of the view that an operations room sited in Inverness will not be able to take account of the genuine local needs of the people of the north-east of Scotland. It may be true that the introduction of new technology could enhance the service, but we contend that giving up local knowledge in exchange for technology may have little application in rural areas. Those points are acknowledged in the Scottish Ambulance Service's business case, which contains the rationalisation proposals, yet little cognisance appears to have been paid to the impact that the closure of the operations room in Aberdeen will have on the service delivery that the people of the north-east, and—in the case of the air desk—the whole of Scotland, expect and demand. In addition, the remoteness of the operations room facility may impact adversely on its ability to be accountable to the people of the north-east of Scotland.

The petition calls for the rejection of the proposal

to close the ambulance operations room in Aberdeen. We call upon the Public Petitions Committee to refer the matter to the Health and Community Care Committee, so that it may examine the Scottish Ambulance Service's proposals on the closure. We want it to satisfy itself that the proposals will not adversely affect the service that is provided to the general public and will not have a detrimental effect on the staff, the other emergency services and the medical profession, who all rely on the co-operation of the Scottish Ambulance Service.

11:30

The Convener: Thank you very much.

Before I invite Elaine Thomson and Richard Lochhead to have their say, I should indicate that we have received petitions with thousands of signatures from the west of Scotland, which oppose the rationalisation programme.

Elaine Thomson: The petition clearly shows the concern of people in Aberdeen and the wider area about the proposed ambulance review. As has been indicated, all services must operate at peak efficiency, but it is incumbent upon the Scottish Ambulance Service to be open and transparent about the rationale for the review and the resulting decisions that it is considering on the closure of the five operations rooms, including the one in Aberdeen. It is incumbent on the service, in an open discussion in Aberdeen and the north-east, to give the cast-iron reassurances, which people have a right to expect, that there will not be a negative impact on the standard of the service. Services should not only be maintained; the rationale of the proposals should be to improve the service. As the petition indicates, genuine concerns must be addressed.

I support the idea that the petition should be referred to the Health and Community Care Committee, so that it can be explored further.

Richard Lochhead: I have read thoroughly the Scottish Ambulance Service's business case, which proposes the closure of the Aberdeen control room. The control room serves the whole of the north-east of Scotland and I have come to the conclusion that its closure would be an act of vandalism.

I became involved in the issue because the staff at the ambulance control room contacted me. Two elderly sisters in the city handed in to my office a 3,000 signature petition, which forms part of the larger 22,000-strong petition. The loss of local knowledge is a real concern. In the north-east, emanating from the Doric culture in the rural areas, there are many unusual names and some places have several names. Local dialects and accents must also be taken into account. It is a

unique part of the world.

My concerns relate directly to the proposals to close the ambulance control room in Aberdeen. The statistics that have been acquired from the Scottish Executive show that the response times for the control room are the second best in the country. In many ways, the control room is a victim of its own success because the Scottish Ambulance Service wants to invest in other areas, where the response times have not been so good. According to its business case, it cannot afford to invest in all the ambulance control rooms.

Another concern that must be brought to the committee's attention is the fact that the police control room and the fire service control room in Aberdeen, which serve the whole of Grampian, are fully behind the petition and have been getting people to sign it, because they realise how closely the control rooms work together in the north-east of Scotland. If the control rooms were moved to Inverness, that working relationship would be lost.

The second key point is that the air ambulance desk for the whole of Scotland is located in Aberdeen. Staff were not consulted about the move, and they do not want to move. In the event of a move, the Scottish Ambulance Service would have to start from scratch by rebuilding its control desk somewhere else. Seven years of experience and knowledge that has been built up since the service was established in 1993 would be lost—to the whole of Scotland, not just to the north-east. The air ambulance desk has a working relationship with the aircraft manufacturers, with the coastguard, with the Royal Air Force and with the consultants in Scotland's hospitals, who use the service. Those consultants, the GPs, staff and unions in the north-east of Scotland, and the 22,000 people who have signed the petition, are united in opposition to the proposal to shut the control room.

That leads me to the issue of the consultation that is supposed to have been undertaken. The Scottish Ambulance Service has not revealed the results of that consultation. I suspect that those results showed that most people in the north-east of Scotland are opposed to closure.

The business case for the proposal is flawed and full of contradictions. It has inspired overwhelming opposition, from across the board, in the north-east of Scotland. I support the petition and urge the committee to refer it to the Health and Community Care Committee.

John Scott: Before we move to questions, I should declare an interest. Last week I received representations from people in the west of Scotland, whose concerns are similar to those that are set out in this petition.

The Convener: Their concerns are included in

the petition.

John Scott: I want to make the case for the centre in Ayr. I do not believe that that should be closed either. I support entirely what the petitioners and other members have said, but I am expressing the views of the west of Scotland.

The Convener: I have a question for the petitioners. What is the status of the business case? Is the Scottish Executive considering it?

Tracy Dalling: I understand that the outline business case is with Susan Deacon and her civil servants. If they like what they see, they will call for the full business case to be submitted. That has not yet happened. At this stage, we are dealing simply with proposals and recommendations from the Scottish Ambulance Service.

The Convener: Did those originate entirely with the Scottish Ambulance Service? Was it the service's decision to make the proposals?

Tracy Dalling: Yes. The National Audit Office and the Audit Committee undertook a review of the Scottish Ambulance Service and recommended that it re-examine how it operates. We welcome that. There are technological updates that the Scottish Ambulance Service has not, but should have, taken account of. We support anything that would help it to deliver a better service. However, the Scottish Ambulance Service interpreted the recommendations of the NAO and of the Audit Committee as a call for rationalisation. It has now proposed to Susan Deacon a reduction in the number of ambulance control rooms to three.

The Convener: If the Scottish Executive were to support the draft business case for the proposal and to request a full business case, would there be consultation at that stage?

Tracy Dalling: The Scottish Ambulance Service says that it has already undertaken its consultation. However, as Richard Lochhead noted, no one in the north-east of Scotland has seen that. I do not know what has happened in the west of Scotland, but I imagine that the situation is much the same.

The Convener: So there is no guarantee of further consultation on the proposal.

Tracy Dalling: There will be consultation with staff and recognised trade unions on the staffing implications of the proposal. However, I am not aware of any plans to consult the public.

John Scott: How would the proposal affect the viability of the operation? What would happen if the computers in one of the three new centres went down?

Tracy Dalling: According to the business case,

there would be an all-singing, all-dancing disaster centre in Dundee that would deal with the shortfall somewhere.

The Convener: As the MSP for Dundee East, I take fright at that suggestion.

Tracy Dalling: It is for the Scottish Ambulance Service to set out the technological measures that it would take to deal with anything that went wrong.

John Scott: Would the centre in Dundee be doing nothing in the meantime? Would it just be waiting for a problem to happen?

Tracy Dalling: No. The Dundee centre would undertake other work. It would be responsible for the air desk, which is currently run from Aberdeen. All the expertise relating to the air desk is held at Aberdeen.

John Scott: Would the Dundee centre be working below capacity, so that it could deal immediately with any problem that happened elsewhere?

Tracy Dalling: I do not know the answer to that question. You would have to ask the Scottish Ambulance Service.

Helen Eadie: This raises another question that has come up in the context of discussions with Elaine Thomson about the oil and gas industry. BP is proposing to cut back on its emergency rescue-response vessels and to use helicopters instead. Are you suggesting that the Scottish Ambulance Service's proposals could have an impact in that area?

Eric Brown (T&G Scotland): Not as far as I am aware. All the offshore oil companies have private helicopters that they would use to transport casualties from offshore. They would need the Scottish Ambulance Service only to move casualties from the helipad to the hospital. Scottish Ambulance Service helicopters are not involved in offshore rescue work.

John Farquhar Munro: Richard Lochhead made an important point about local identity. Local knowledge and co-operation with other local services are paramount if we are to have a good, efficient ambulance service. I know from experience that an ambulance crew can be directed to a wrong address, through no fault of its own—the information that was sent through may not have been recorded properly. If that can happen locally, how much worse would the situation be with a remote control room located many miles away from the incident? The efficiency of the service depends on local knowledge and expertise.

The Convener: As there are no further questions, I thank our witnesses for the evidence

that they have given this morning. We now move to consideration of the petition.

The petitioners and the two local MSPs who spoke said that they wanted the petition to be referred directly to the Health and Community Care Committee. However, it is suggested that we try first to get a response from the Scottish Ambulance Service and the Scottish Executive. At this stage, we should send the petition to the Health and Community Care Committee simply for information. The committee would, in any case, be unable to deal with it before the summer recess. We may be in a position to provide the committee with more information, setting out the position of both the Scottish Ambulance Service and the Executive, when the petition is referred to it.

John Scott: This is a simple case of "if it ain't broke, don't fix it". The service is working well. Richard Lochhead makes an important point, which had not occurred to me, about language. When people are agitated and calling for an ambulance, they may lapse into the Doric. Coming from Ayrshire, I would be unable to understand that. The same would be true of people from Dundee. I wonder whether that point was considered in the review.

The Convener: It is important that the Scottish Ambulance Service and the Executive respond to such concerns. That is one reason for getting a response from them before referring the petition to the Health and Community Care Committee.

Elaine Thomson: If the committee decides to seek a response from the Scottish Executive and the Scottish Ambulance Service, that will be a useful first step. It would be worth asking the Scottish Ambulance Service what discussions it has had with the local operations room in Aberdeen about the options that are available and the implications of the review. In particular, has it addressed some of the specific issues relating to the air ambulance service? I suggest that the committee ask the Scottish Ambulance Service to consider having more discussions with the local operations room in Aberdeen.

Richard Lochhead: I understand that this is the last meeting of the Public Petitions Committee before the recess. The Minister for Health and Community Care hopes to reach a decision on the outline business case before the end of July and to have the full business case on her desk three months after that. Given that time scale, it might be worth while this committee's referring the petition immediately to the Health and Community Care Committee, so that that committee can discuss it before the recess.

The Convener: I know that the Health and Community Care Committee would not do that, because I am a member of the committee. The

committee has only one meeting due between now and the recess, and the agenda for that meeting has been fixed. It is highly unlikely that the Health and Community Care Committee would be able to act on the petition before the recess.

However, we can ask the minister and the Scottish Executive not to take any decision until we and the Health and Community Care Committee have had a proper chance to consider the petition on its merits. As well as asking the Scottish Ambulance Service whether it has discussed the proposals with local operations rooms, we should ask the organisation for the full details and results of its consultation.

John Farquhar Munro: Richard Lochhead made a point about accents and different vocabularies. There is a high incidence of Gaelic speaking and place names in my area. If a call came through to a control room in Dundee, time would be lost identifying the address to the operator. Time is of the essence and no one knows whether the information will be relayed correctly.

11:45

The Convener: We should draw the service's attention to the language problem, although I hope that no one intends any slight against Dundee. The fact that I speak with a broad Glaswegian accent has never bothered anyone there; they have always followed what I say.

Are members agreed that we will ask for responses from the Scottish Ambulance Service and the Executive, and ask the Executive not to take any decisions until this committee and the Health and Community Care Committee have had an opportunity to consider those responses?

Members indicated agreement.

The Convener: That was the last of the petitioners who wanted to speak to their petitions. Perhaps we can make some progress.

PE372 is from Mr Robert Epps on behalf of a group of farmers and crofters from Islay and Jura, concerning a less favoured areas support scheme that gives priority to farmers in the most severely disadvantaged areas. The clerks have uncovered a statement that the Minister for Environment and Rural Development made to the Parliament in August 2000 setting out the Executive's position on less favoured areas. It is suggested that we agree to pass a copy of the petition to the Scottish Executive to comment on the issues that the petition raises and that another copy is passed to the Rural Development Committee for information only at this stage.

Rhoda Grant: This is a serious issue, especially in very remote areas where funding has been

withdrawn from those who suffer from the most severe permanent natural handicap, such as living on an island. Although the Rural Development Committee took some evidence on the scheme, it has not yet completed its inquiry and the petition might well form part of it. However, we should also send the petition to the minister, because we must flag up this important issue to him again.

The Convener: I should also say that we are expecting another petition on this issue from Shetland, but it has not yet arrived.

John Scott: I should perhaps declare an interest as a hill farmer.

There is a mistake in the fourth information point in the briefing note, which says that

“farmers and crofters will be guaranteed 90% of the difference between last year’s payment and the level calculated for area-based Compensatory Allowances for the spring of 2001”.

Instead, it should say that “farmers and crofters will be guaranteed 90 per cent of last year’s payment”. That is what the scheme does.

The Convener: Steve Farrell has just indicated to me that the phrase is taken directly from the minister’s statement to the Parliament. Whether the minister made a mistake, I do not know.

John Scott: I respectfully suggest that he did. Moreover, the fifth information point says:

“In spring 2003 the safety net will be set at 50%.”

That should read: “the safety net will be set at 50 per cent of the difference in year 3”.

The Convener: We will ask the Executive to clarify that point.

John Scott: As Rhoda Grant said, the petition raises a serious issue, which must be addressed not just by the Executive but by the European Committee. The new regulations do not recognise the problem of peripherality that the island communities face. We have moved away from dealing with the problem on a headage basis to dealing with it on an area basis, which means that there will be huge winners and losers when the support is redistributed. As such an approach does not take into account the difficulties of island communities, the petition is valid.

The Convener: Are you saying that the new Scottish Executive scheme does not recognise peripherality and could therefore breach the European directive?

John Scott: I do not think that the European directive itself recognises peripherality.

The Convener: So the directive might be at fault.

John Scott: Yes, although I could be corrected

on that point. We should recognise that Scotland’s terrain exemplifies the concept of remoteness and peripherality, of which the worst case is the Highlands.

The Convener: Could we ask the Scottish Executive to respond to that concern?

John Scott: Please do.

John Farquhar Munro: The sixth information point in the briefing note says that the Scottish Executive is taking the matter back to Europe to have it redefined so that it more accurately reflects the situation. However, as Mr Scott pointed out, there is much concern about how the fund has been allocated. It is certainly far less supportive of rural and peripheral areas than it was in the past. Although I agree with the suggested action, perhaps we could ask for a more accurate picture of the proposals in the Scotland Office submissions to Brussels.

The Convener: It has been suggested that, in addition to seeking clarification on the specific points that John Scott raised, we should ask the Executive to expand on the issues raised in point 6 of the briefing paper.

John Scott: I would be delighted if you did so.

Helen Eadie: There is an organisation called the Conference of Peripheral Maritime Regions of Europe, which I think John Farquhar Munro has been involved with. The CPMR has a UK secretariat based in the Dumfries and Galloway region. The chief executive of Dumfries and Galloway would be an appropriate person to ask about the representations that have been made to Brussels on this aspect of peripherality, because he is charged with that responsibility through local authorities and other organisations over the whole of Europe. Because of my work on the European Committee and in the organisation, I can certainly give the clerk details about the secretariat and the CPMR.

The Convener: We could refer the petition to the CPMR and ask the organisation to comment from its perspective.

John Scott: We might also refer the petition to the European Committee.

The Convener: We could do so on an information-only basis at this stage, because only one committee can take action. The Rural Development Committee will also receive a copy for information. Do members agree to that course of action?

Members indicated agreement.

The Convener: PE373, from Mr Raymond Dorricott, is on the issue of summary warrants by sheriffs to local authorities. He calls on the Scottish Parliament to amend current legislation

on the issue of summary warrants by sheriffs to local authorities in so far as it relates to the rights of alleged debtors to reply or comment before a warrant is issued. The current summary warrant procedure does not allow the defendants the right of reply in response to the prosecution's case presentation to the sheriff. That seems to be a real issue and it is suggested that we agree to seek the comments of the Scottish Executive before we consider it any further.

Members *indicated agreement.*

The Convener: PE374, from Dr Steve Gilbert, is on the underfunding of chronic pain management services. I think that Dorothy-Grace Elder has some interest in this petition as the convener of the cross-party group on chronic pain.

Dorothy-Grace Elder: I declare an interest as convener of the cross-party group on chronic pain as opposed to the cross-party group on palliative care. PE374 deals entirely with the people in the community who suffer chronic pain. The Pain Association Scotland has estimated the number to be between 350,000 and 500,000.

Funding is almost non-existent. The only full-time pain consultant in Scotland is based in Dundee at what I have no need to remind the convener is a flagship centre. However, the centre is grossly overstretched. The waiting time for people suffering from chronic pain who wish to see a consultant for the first time at Ninewells is about six months. The situation is stressing the staff, not to speak of the patients. It is felt that, if our chronic pain services were improved throughout Scotland, there would be a saving of many millions of pounds because people would be restored to work.

People with back pain are largely ignored by the national health service unless they have just sustained a sudden injury. Just as was the case in the 19th century, people with arthritic conditions are being told that the problem is to be expected at their age and that they should accept their suffering. However, a great many young people are affected by arthritic conditions. The number of sufferers is huge. The problem is mountainous but the NHS is not tackling it.

Blessedly, this is not a party political issue but a question of the old Scottish or British attitude that chronic pain should be dealt with at the bottom of the list. This is an international issue—even the Falkland Islands legislature has contacted the cross-party group on chronic pain. We are all proud to say that the Scottish Parliament has the only cross-party group on chronic pain. Westminster has not started one, although we intend to liaise with MPs about their doing so. Betty Boothroyd has patted us on the head, as she suffers from a twinge of arthritis and says that it is

great that the Scottish Parliament is leading the way.

The petition was submitted by an overworked doctor—all chronic pain doctors are overworked—in Dunfermline. It has been signed by about 50 doctors, nurses and representatives of health boards and charities. We want the issue to be moved up the health agenda.

Susan Deacon's answers to the questions that I asked are included in the documentation. They are not in any way full. She says that the Pain Association Scotland gets £52,000 from the Scottish Executive, which is true, but although it deals exclusively with chronic pain in the community, the other organisations that are named in the e-petition briefing deal with many other problems that include chronic pain only at some stage, such as breast cancer, brittle bones and Parkinson's disease. The funding needs to be a lot higher and I ask the committee to be sympathetic to the wishes of Dr Gilbert, who represents doctors and nurses who are stressed out by the tidal wave of patients that they are having to turn away.

The Convener: That is a clear exposition of the case for the petition. I should point out that the petition was first submitted as an e-petition via the International Teledemocracy Centre. The documentation supplied with the petition goes far beyond what usually accompanies petitions and details the dates between which people could sign the petition, the validity of signatures, full background information and a synopsis of comments on the petition. All that is helpful; it is a good way of submitting petitions to the Scottish Parliament.

I agree with what Dorothy-Grace Elder said. As suggested, we should seek the views of the Scottish Executive and send the petition to the Health and Community Care Committee for information.

Dorothy-Grace Elder: Could we ask the Health and Community Care Committee to investigate the matter?

The Convener: We will do that, but we should do some work first. One of the complaints that we received in the early days of this committee was that we were simply passing petitions directly to the subject committees. We were asked to do a bit more of the spadework, which we can do in this case by writing to the Scottish Executive. Once we get a response, we can give it to the Health and Community Care Committee and, given the information that we have received already, I assume that we would ask that committee to investigate the matter further.

Dorothy-Grace Elder: It might be possible to find an impartial member of the Health and

Community Care Committee to take on that investigation.

The Convener: I am sure that it might be. Do members agree that we should follow the suggested action?

Members indicated agreement.

The Convener: PE375 was submitted by Elaine Crawford and calls on the Scottish Parliament to carry out reviews of criminal injuries compensation procedure and policy and the sentencing policy in relation to violent crime. The petition rises out of the petitioner's personal experience, which the background papers show to be very distressing.

There are a number of issues. Part of the petition deals with the sentencing of violent offenders; members will recall the response that we received from the Scottish Executive in relation to PE205, which was sent in by Mr and Mrs Collie and called on the Scottish Parliament to review and increase the minimum sentence for convictions of murder. In that response, the Scottish Executive set out the position of ministers and the legal establishment in relation to that matter. By and large, we accepted the views that were laid out in the response.

As the Justice 1 Committee is to commission research into attitudes to sentencing and alternatives to custody, it is suggested that we pass PE375 to it with a recommendation that the petition should be taken into account as part of the external research. It is also suggested that we pass to the petitioner a copy of the Scottish Executive's earlier response. Is that course of action agreed to?

Members indicated agreement.

The Convener: I suggest that we seek the Executive's view on criminal injuries compensation procedure and policy, as the petition highlights a traumatic series of events that no one could think justifiable.

12:00

John Scott: I agree entirely. Having evaded would-be attackers in Edinburgh last week, I have enormous sympathy for what the petitioner has to say on self-defence.

The Convener: The response that was given to Elaine Crawford certainly seems to have been entirely unjustifiable.

John Scott: If we are in a position to do so, we should ask the Criminal Injuries Compensation Authority to explain how it arrived at its conclusion.

The Convener: I am not sure that the committee can take up an individual's case, although a relevant MSP can. We can ask the

authority to respond to the background to the petition.

Helen Eadie: When I raised the matter of criminal injuries compensation in relation to a constituent's problem, I was advised that the issue is reserved to Westminster. Is that the case?

The Convener: We will ask the Scottish Executive, which will tell us exactly what the legal position is. However, we need to have a response on the central point about the CICA's procedures and policy. We need an explanation of why its procedure was lacking in this case and what the Executive intends to do about it.

Dorothy-Grace Elder: I declare an interest in this matter as, coincidentally, I am dealing with many similar cases. I have met the family concerned, who brought their piteous case to me. A section of the petition deals with their wish for all aspects of CICA decision making on Scottish cases to be brought entirely under Scottish control. Could that be referred to the Justice 1 Committee?

The Convener: It could be, but we should first get the Scottish Executive's response to that part of the petition. I know that doing this sort of thing extends the time that it takes to deal with petitions, but I am conscious that the Parliament's other committees expect us to do a bit of the spadework before we ask them to act on petitions. That is only right.

Is it agreed that we seek the Scottish Executive's view on the issues raised in the petition about the CICA and that we refer the petition to the Justice 1 Committee and ask that it be taken into account as part of the external research into attitudes towards sentencing? We might refer the other part of the petition to the Justice 1 Committee once we have the Scottish Executive's response.

Members indicated agreement.

The Convener: PE376 is from Linda Simkin and calls on the Scottish Parliament to amend the Protection of Animals (Scotland) Act 1912 so that it becomes an offence to allow an animal to exist in a condition that is likely to cause it suffering. The background papers set out the circumstances that led the petitioner to petition the Scottish Parliament.

Since the petition was circulated to members, we have received correspondence from the Scottish Society for the Prevention of Cruelty to Animals, which believes that serious welfare problems could be prevented if it could inform an owner at an early stage that he or she was committing an offence or if it had legal powers to remove animals. Inspectors are in a good position to determine whether animals are likely to suffer

and are frustrated by being unable to take action. In some cases, when a situation has declined rapidly, animals have died before a case could be brought.

The SSPCA's view is that the aim of the petition is to provide new grounds for a defence under the Protection of Animals (Scotland) Act 1912 and so lower the burden of proof. It suggests ways in which that could be done. Another way of meeting the petition's purpose would be to amend the 1912 act along the lines of the Agricultural (Miscellaneous Provisions) Act 1968, which applies to livestock only and makes it an offence to cause unnecessary pain or distress. Distress is arguably a lesser welfare problem than unnecessary suffering, but it may be easier to show. The SSPCA requests the Public Petitions Committee to refer the petition to the Scottish Executive justice department for detailed consideration, so it clearly thinks that the petition has some merit.

We have received from the petitioner pictures of the horses that are referred to in the background to the petition, which I will circulate to members. It has been suggested that we initially seek the views of the Scottish Executive on the points that the petitioners raise. Given that the petition has the SSPCA's support, that would be well worth doing. We will ask the Executive to respond quickly, if possible. Is that agreed?

Members indicated agreement.

The Convener: PE378, from Mr Andrew Nelson, calls on the Parliament to take whatever action is necessary to start the process for the Scottish aboriginal people to claim status. The petitioner is concerned that the Crown recognises the aboriginal status of indigenous peoples in other countries—he mentions Canada—but not of what he terms the Scottish aboriginal people.

Members will be aware that nationality is a matter that is reserved to Westminster. The petition calls for this Parliament to start the process that would allow the Scottish aboriginal people to make a claim for status, but the petitioner provides no definition of the term "Scottish aboriginal people". He seems to insinuate that that group is denied rights and privileges that are available to others. It is difficult to understand what the petitioner is getting at, given that all those who live in Scotland—aboriginal or otherwise—have the same rights and status as those who live in other areas of the UK. In the light of that, it is suggested that we take no further action on the petition.

Members indicated agreement.

The Convener: I do not know whether any aboriginal Scottish people are present at the committee.

John Scott: I believe I am.

The Convener: For the record, John Scott believes that he is an aboriginal.

PE379 is from Mr Andrew Wood, on behalf of the Independent Farming Group. It calls on the Parliament to take appropriate action to support financially farmers who farm in areas of Scotland that have been restricted by the foot-and-mouth outbreak and who have not been required to cull their livestock, but who have nevertheless incurred high costs as a direct result of the outbreak. The farms are located in the at-risk areas and the provisionally free areas. Their livestock has not been culled, so the farmers are not receiving the compensation that is being given to farmers whose livestock has been culled.

It is suggested that we seek the Scottish Executive's comments on the issues that the petition raises and that we pass a copy of any response received from the Executive during the summer recess to the petitioners for information as soon as possible after receipt.

John Scott: I declare an interest as a farmer. I have also received representation from Alex Fergusson on the matter, particularly in relation to farmers in the areas concerned. He and I share the view that farmers are experiencing a problem that relates mainly to consequential loss. I accept that the Executive will not reimburse consequential loss, but the farming industry's situation is no different from that of the tourism industry in Dumfries and Galloway, which has received some assistance—albeit not compensation—for losses that were unavoidably incurred as a result of the foot-and-mouth outbreak. The Executive should consider ways of helping farmers who have not lost livestock.

The Convener: Would you like us to draw a parallel with the position of the tourism industry, which also suffered consequential loss?

John Scott: Yes. I believe that there is such a parallel.

The Convener: I am happy with that.

John Scott: The problem is Scotland-wide, but is worse in the areas that have been directly affected by the foot-and-mouth outbreak, which has affected agriculture throughout Scotland to differing degrees.

John Farquhar Munro: I reinforce what John Scott said. Many of the farmers in question have been unable to generate income. No marts or auctions have been held, so they cannot dispose of their stock. They have no means of earning income—that must be considered.

Another evident problem involves stock that was overwintered; in particular, stock from the west

coast that went over to the east coast. That stock is usually returned at the beginning of April, but this year—because of the movement restrictions—sheep and cattle have had to be retained on farms for an extended period and sometimes for up to two months longer. That was an additional cost to crofters and farmers and there must be some compensation for that.

Rhoda Grant: We should underline that that was an additional cost that the restrictions placed on people, and not a consequential loss.

The Convener: So is there an additional cost and consequential loss?

Rhoda Grant: Yes.

The Convener: That is fine. Do we agree to refer the petition to the Executive and ask it to respond?

Members indicated agreement.

The Convener: PE380 is from Mr David Macnab of the East of Scotland Supporters Association. It calls on the Education, Culture and Sport Committee to initiate an inquiry into how fans' participation in the decision-making process in senior Scottish football might be promoted. The petitioner follows up a recommendation in a recent report of the European Committee that parliamentary committees should consider that issue. This is another petition to have been submitted via the e-petitioner system from the International Teledemocracy Centre. It is suggested that we seek the views of the Education, Culture and Sport Committee on whether it wishes to conduct an inquiry, as suggested by the petitioners. Is that agreed?

Members indicated agreement.

Current Petitions

The Convener: The first set of petitions to which we have received a response includes PE31, PE34 and PE35. Members will remember that all those petitions asked the Parliament to review the legality of nuclear weapons in international law, consequent to the decision of Sheriff Gimblett at Greenock sheriff court in the trial of three women for malicious damage to the Trident nuclear weapons system. The Lord Advocate and the Minister for Justice delayed their responses until the High Court had dealt with the Lord Advocate's reference to elucidate the law on the matter.

The High Court has ruled and held that, having regard to the advisory opinion of the International Court of Justice on the use of nuclear weapons, there was no basis for a contention that the general deployment of Trident in pursuit of a policy of deterrence constituted a threat of force of the kind that would be contrary to international law. The advice from the Scottish Parliament legal office is that we must tell the petitioners that as the court has said that the presence of Trident did not contradict the International Court of Justice's advisory opinion, it would be inappropriate for the Parliament to conduct a review of the legal position. It is therefore suggested that, on that basis, we take no further action on the petitions.

John Scott: I accept that, but I seek your guidance on whether that is at odds with the position that we adopted on the first petition that we considered this morning—PE364.

The Convener: It is not at odds with that position, because that petition concerned the Scottish Parliament's attitude to Trident's being in Scotland and the Parliament's opinion on whether the public and the environment are put at risk. It dealt not with Trident's legality, but its consequences.

Dorothy-Grace Elder: I am sorry, but I cannot accept that position. The references to the High Court mask the fact that the matter was a referral from the Lord Advocate, which went to three judges for consideration in private. That is different from a proper High Court verdict, because the Lord Advocate is politically appointed.

We have a justice clash between the view and verdict of a totally independent member of the judiciary—a Scottish sheriff—and a later overturn by a politically appointed person's referral of the matter to High Court judges. That is most unfair. I cannot go along with saying that we should do nothing more.

The Convener: The committee has been advised by the Scottish Parliament's legal advisers that it can do nothing more because Trident has been declared legal.

Dorothy-Grace Elder: I am sorry, but I do not accept their word on the matter.

The Convener: I have reservations about the procedures that are followed in Scots law, but, unfortunately, that is how it works.

Dorothy-Grace Elder: Independent Scots law reached a verdict at Greenock, whatever is thought of the verdict. When the matter reached Edinburgh, it got into a political situation. We are going in the direction of a banana republic with this sort of decision. There was a reversal of a conclusion that a sheriff reached fairly after many days of evidence.

12:15

The Convener: The not guilty verdict stands. The women are not affected by the ruling.

Dorothy-Grace Elder: I understand that, but there was a reversal of the general principle on which the not guilty verdicts were delivered; that is, that Trident was illegal. We are dealing with a direct clash that affects the very basics of Scottish justice.

Helen Eadie: The only problem with Dorothy-Grace Elder's case is that she does not provide an alternative. The legal advisers of the Parliament have given a legal opinion. Dorothy-Grace has expressed her opinion, but we need something more to go on than that. I understand all the anxieties and concerns that people have expressed about Trident, but the matter is reserved and a legal opinion has been given. If there is widespread public concern, those at Westminster should focus on and direct their time to the issue.

Dorothy-Grace Elder: I agree that we are weak about where we should go now. That is why I would like further consideration of what we could do. Should we reconsider the European dimension? I do not agree with Helen Eadie that the matter is Westminster's concern. If the matter did not concern Trident, but was another decision that had politics behind it, I could not tolerate that.

The Convener: We are in a difficult position. I am as unhappy as Dorothy-Grace Elder with the High Court's ruling. I have declared my membership of Scottish CND and my opposition to the Trident nuclear weapon system is well known. However, as the convener of the Public Petitions Committee, I am at a loss as to what we can do about the matter. The only thing that we could do would be to refer it to the Justice 1 Committee. However, that committee will not deal with it because a ruling has already been made in Scots law. The matter has been dealt with by the courts and the courts say that Trident is not illegal. The Justice 1 Committee would not accept a referral.

The committee's legal advisers would tell it not to accept the petition.

Dorothy-Grace Elder: Why was a referral made? Why did the Greenock case not end there?

The Convener: That is a political matter.

Dorothy-Grace Elder: Exactly.

The Convener: You and I can pursue the matter through other mechanisms. However, we have come to the end of the line with the petitions. There is no room to refer them anywhere—they would simply be referred back to us. We are not in a position to carry out a review.

John Scott: The matter has been dealt with by the precepts and the concepts of Scots law as it exists and at the highest level.

Dorothy-Grace Elder: Scots law has been twisted.

John Scott: That might be your opinion, but the verdict has been made.

The Convener: It is still open to members who are opposed to the court's decisions to challenge those through Parliament, but we cannot send the petitions anywhere after the ruling.

John Scott: Dorothy-Grace Elder and others might wish to raise a court action in the European Court of Justice. That would be a matter entirely for those members.

The Convener: The matter could easily be the subject of a members' business debate, if the Parliamentary Bureau—which chooses the debates—agrees. As I know to my cost, it is not easy to get debates agreed to by the Bureau.

Dorothy-Grace Elder: Could we refer the matter to the lawyers of the European Court of Justice?

The Convener: The petitioners would have to do that, rather than the committee. We have taken the petitions as far as we can, using the mechanisms that are available to the committee. The legal advice is that the matter has been dealt with and that we can take the petitions nowhere else at this stage.

Dorothy-Grace Elder: Could we refer the matter to the Sheriffs Association? If a sheriff makes at Greenock, Haddington or wherever a decision that politicians do not like, the politicians cannot simply get it out of the road somehow.

The Convener: I have a lot of sympathy with Dorothy-Grace Elder's view, but those who took the decision are not politicians—they are High Court judges who were appointed by a political appointee, who is also a judge and is several times removed. The Public Petitions Committee is made up of politicians—that is obvious. I am

sympathetic to the petitions and would like the matter to go further, but I accept the legal advice that the petitions can go no further. I recommend that we take no further action and that we write to the petitioners to explain why.

Helen Eadie: I support that. As you rightly say, there are other tactics and strategies that can be used to handle the problem and it is right that we follow the advice that we have been given. However, that does not close the door to being creative in other directions.

John Scott: I agree.

Dorothy-Grace Elder: I am listening to members whom I respect very much and I feel that I must go along with the majority view. Nevertheless, I still think that a letter should be sent to the appropriate European Union committee, which should deal with the matter legally.

The Convener: It is not for us to do that, although the petitioners could.

Dorothy-Grace Elder: The petitioners hope that we carry a bit more clout. Could we send a letter?

The Convener: You and I could send a joint letter outside the committee, if you wish, but we cannot use the committee to do so. That would be asking members to support unanimously something that they do not support and that would be wrong.

Members indicated agreement.

The Convener: PE118 is from Dr Ronald Crawford and asks the Parliament to reverse the decision to increase North of Scotland Water Authority charges to domestic customers. The committee may remember that the letter was passed to the Executive more than a year ago and the Executive has now responded. The Executive has excused the delay in replying by saying that a member of staff in the department was on long-term sick leave.

The Executive's response is virtually the same as those to earlier petitions on the topic, which we referred to the Executive. It is suggested that we simply copy the response to the petitioner and that we take no further action.

John Scott: I want to make a small point. I welcome the decision prior to the election to release charities from water charges. I am sure that the election had no bearing whatever on the decision. Nonetheless, that decision is welcome and I hope that the relief—which means that charities will not pay any water charges in the next financial year—is subsequently extended to the most deserving cases.

The Convener: That was well put. The only problem is that there is no election next year.

John Scott: That was well put, too.

The Convener: Do members agree to pass a copy of the response to the petitioner and to take no further action?

Members indicated agreement.

The Convener: PE245 is from Keith Cowan for Outright Scotland and calls on the Parliament to change Scottish public sector pension schemes to ensure that they provide survivor benefits to interdependent unmarried partners of scheme members. We have received a response from the Scottish Executive. It states:

“In its Pensions Green Paper (Cm. 4179) published in December 1998, the Government indicated that if the general membership of a public sector pension scheme wanted it to provide survivor pensions for unmarried partners, and were prepared to meet the associated costs, the Government would consider how this could be achieved.”

I think that that relates to Westminster. Scottish ministers intend to make provision for unmarried partners in the new pension scheme for civil servants, which is expected to be introduced in spring, 2002. They have also indicated that they intend to make similar provision in the reviews of the police, fire and NHS pension schemes, which are in progress. It seems, therefore, that the Executive is addressing the issues that have been raised by the petitioner and it is suggested that we agree to pass the response to the petitioner and take no further action. Are members agreed?

Members indicated agreement.

The Convener: PE343 is from Mrs Thea Rae and concerns a review of contract law. The committee will remember that it considered responses from the Scottish Executive and the Law Society of Scotland and agreed to copy those to the petitioner. The responses said that Mrs Rae might wish to pursue her case with her local trading standards office and the Director General of Fair Trading. The committee also agreed to copy Fife Council's charter for house buyers to the Scottish Executive for comments and to copy the petition and associated correspondence to the Secretary of State for Scotland for information in relation to the consumer protection issues that were raised. We have received a response from the Executive, from which it is clear that the introduction of legislation to prescribe the content of missives would not be appropriate. The response states:

“While the Executive would certainly encourage developers to draft their missives more responsibly”,

it is a matter for

“purchasers and their legal advisers to scrutinise and reject one-sided conditions”.

It is therefore suggested that we should pass a

copy of the Scottish Executive's response to the petitioner. It is also suggested that we pass a copy to the Scottish Consumer Council, the Law Society of Scotland and the National House Builders Council and that we urge those bodies to consider the Executive's point about developing a model contract. We could also write to the Executive to thank it for its response and ask it to facilitate discussions to take the matter forward. It is suggested that we then agree to take no further action.

John Scott: I endorse the Executive's position and I encourage the Scottish Consumer Council, the Law Society and the National House Builders Council to work together to develop a model contract. I whole-heartedly endorse that position and I hope that the committee will also take that view. If we do that, Mrs Rae will feel that bringing the petition to the Parliament has been worth while.

Helen Eadie: I endorse that. Although it would have been good to go down the prescription route, I understand the reasons why we cannot. I warmly welcome the idea that all the parties should come together to create a model contract. That is a positive step. I am pleased with the Executive's response.

The Convener: Is the suggested action agreed?

Members indicated agreement.

The Convener: PE347, from Kenneth Mitchell, asked the Parliament to investigate the practice of coupling Clydesdale horses and

"to introduce legislation to make such style of shoeing illegal unless for medical reasons sanctioned by a Veterinary Surgeon."

We have had a series of responses to the petition: from the Scottish Executive; from Sylvia Jackson MSP; from the British Equine Veterinary Association; and from the Clydesdale Horse Society. We have also received a late response from the cross-party animal welfare group, which concluded that welfare concerns are associated with the coupling of Clydesdale horses. Although the cross-party group acknowledged that one way forward would be to introduce legislation, it thought that, before doing so, there would be merit in building on the progress that has been made to date by independent monitoring of the extent to which shoeing guidelines are observed.

Since receiving the cross-party group's response, we have received a letter from Kenneth Mitchell, which calls into question the quality of the witnesses who gave evidence to the cross-party group and the conclusions that they reached. The responses from the Executive, Dr Sylvia Jackson, the Equine Veterinary Association, the Clydesdale Horse Society and the cross-party group show that there is no agreement on the issue. There are

widely differing views.

John Scott: It should be placed on record that Mike Flynn of the Scottish Society for the Prevention of Cruelty to Animals made a report to the cross-party group. As I understand it, Mr Flynn made the telling remark that on no occasion has he seen an animal that has been adversely affected by the practice. That quashed all the arguments against the practice.

The Convener: Mike Flynn is one of the individuals who, the petitioner complains, is not qualified to comment on the issue.

John Scott: Nonetheless, he is the SSPCA official who gave a report to the meeting of the cross-party group. His opinion must carry some weight.

The Convener: The most important response was from the Executive, which advised that the SSPCA had formed a working group to consider the issue so that it could come to some kind of compromise position. I therefore suggest that we seek the SSPCA's comments on the progress of its working group and on any feedback that it has received in relation to the steps that have been taken. That would tie in with the cross-party group's suggestion that the best way forward would be through the SSPCA's working group to find out whether agreement can be reached.

Is that agreed?

John Scott: I would be happy with that.

Members indicated agreement.

The Convener: PE356 from Mr Hendry Williams, on behalf of Troqueer Homeowners Committee, asked the Parliament to establish

"a mechanism for the resolution of disputes between local authorities and home owners of former local authority homes".

We agreed to copy the petition to the Scottish Executive, to COSLA and to Dumfries and Galloway Council for comment. We also agreed to pass a copy of the petition to the Social Justice Committee and to the Local Government Committee for information only. We have received detailed responses from the Scottish Executive and from Dumfries and Galloway Council; we await a response from COSLA.

Members will see from the responses that a variety of avenues exist for the resolution of disputes between owner-occupiers of former local authority homes and local authorities. The Executive's response makes the important point that,

"As with any house purchase, the ultimate responsibility for repairs and maintenance work whether minor or major, lies with the owner."

The Executive's information leaflet on the right to buy recommends that a full survey of a property should be done prior to purchase. However, the Local Government Committee has informed us that it would like to give further consideration to the issues that the petition raises. It is therefore suggested that the committee should refer the petition formally to that committee and to pass—when it arrives—the COSLA response to that committee.

John Scott: I welcome that. We should pass the petition to the Local Government Committee.

The Convener: Is that agreed?

Members indicated agreement.

12:30

The Convener: PE357, submitted by Douglas Paterson on behalf of Aberdeen City Council, called on the Parliament to

“Support calls for the necessary investment in the transport infrastructure in the Aberdeen area to be provided as a matter of urgency.”

We have received a response from the Scottish Executive and we have been informed that the Transport and the Environment Committee will take evidence on issues connected with integrated transport in Aberdeen and the surrounding areas. In the light of that, it is suggested that we pass a copy of the petition and of the Scottish Executive's response to the Transport and the Environment Committee and recommend that it consider the petition as part of its inquiry. A copy of the Scottish Executive's response could also be passed to the petitioners for their information. Is that agreed?

Members indicated agreement.

The Convener: The next petition is PE358, from Christopher Helson. He wanted a plot of land within the boundary of the Scottish Parliament at Holyrood to be defined in law as

“a place where any one person has the right to lay down.”

We decided to seek a response from the Scottish Parliamentary Corporate Body on the issues contained in the petition. The SPCB's response states:

“the petition should not be in any way supported by the SPCB. It is understood from the petition that the proposed site for “lying down” is to be on a main footway. While this is in contradiction to the concept of defining the site by the size of the person, it does suggest the possibility that the proposition may be used as a justification for obstruction.”

People are entitled to their views, but there we are. It is suggested that we simply agree to note the petition and take no further action.

John Scott: Indeed. It would be inappropriate to run the risk of giving rise to any extra cost.

The Convener: If we are looking for cuts during the debate on the Holyrood project on Thursday afternoon, the petitioner's proposal might immediately spring to mind.

Helen Eadie: The newspaper cartoonists would have wonderful fun with it.

Dorothy-Grace Elder: Is not it accepted throughout Scotland that there is a public right to lie anywhere? Why does the petitioner want it enshrined in law?

The Convener: Are we agreed that we shall take no further action on the petition?

Members indicated agreement.

The Convener: PE361, from Mr Stuart Usher, on behalf of Scotland Against Crooked Lawyers, called on the Parliament to take action to deal with alleged corruption in the Scottish justice system. We agreed to seek the views of a range of bodies on different aspects of the petition. We sought the views of the Scottish Executive, the Law Society of Scotland, the Faculty of Advocates, the Scottish Legal Services Ombudsman and the Scottish Consumer Council. We have now received responses from them all, except the Faculty of Advocates.

Members may be aware that the Justice 1 Committee is conducting an inquiry into the regulation of the legal profession. It is suggested that we refer the petition and the associated correspondence to the Justice 1 Committee and request that it addresses the other issues that are raised in the petition. When we receive the Faculty of Advocates' response, we can pass it on. Is that agreed?

Members indicated agreement.

The Convener: PE362, from Jane Sargeant on behalf of the People's Protest, called on the Parliament to

“address the establishment of a survival fund to which individuals and small businesses can apply for funding to alleviate the immediate cash flow problems which have been brought about by the outbreak of foot and mouth.”

We agreed to seek an urgent response from the Scottish Executive on whether it intended to provide such support. We also agreed that a copy of the petition should be sent to the Rural Development Committee and to the Enterprise and Lifelong Learning Committee. We further agreed to seek the petitioner's views on the responses that we received. She states that difficulties are still being experienced with the distribution of the £5 million that the Executive released to Scottish Enterprise Dumfries and Galloway. In particular, problems have been experienced in completing the application forms and in getting the application forms accepted. Practical difficulties are also being experienced in

accessing the funds that the Executive allocated.

It is suggested that I write back to the Minister for Enterprise and Lifelong Learning, to urge her to ask Scottish Enterprise Dumfries and Galloway to contact the petitioner to ensure that the issues raised concerning the processing of application forms are resolved and to ensure that the system for dealing with applications for financial support operates as smoothly as possible. Thereafter, it is suggested that we take no further action.

John Scott: I agree. The application system is a real problem for the people who are affected. Every effort must be made to address the situation. If that means appointing a task force, a trouble-shooting force or even a tsar to get the disbursements made quickly, I suggest that that should be done.

The Convener: Are we agreed that, as an initial step, I will write to the Minister for Enterprise and Lifelong Learning and ask her to intervene with Scottish Enterprise Dumfries and Galloway?

Members indicated agreement.

The Convener: The next petition is PE363 from Mr Stan Gregory, on the appointment of independent consultants to examine and propose changes to the structure and operation of Scottish councils. We agreed to pass the petition to the Scottish Executive, to ask it to respond to the petition and to provide information on the progress of the leadership advisory panel and whether the panel's forthcoming report will address the issue.

The committee can see that the Executive has responded, saying that it has allocated additional money to deal with the concerns of council tax payers and that the leadership advisory panel has completed its deliberations and a copy of its report is available on the Scottish Executive's website. The panel assessed the new policy development and decision-making structures that are being introduced by Scottish councils. The Executive believes that the improvements that have arisen from the panel's assessment go some way towards responding to the petitioner's concerns.

It is suggested that we pass a copy of the Scottish Executive's response to the petitioner and take no further action, as it appears that the Executive has addressed his concerns.

I neglected to mention that the Local Government Committee is currently considering recommendations about the future form of local government finance.

Are we agreed to copy the response to the petitioner and take no further action?

Members indicated agreement.

The Convener: The final current petition is PE365 from Mr Iain MacSween on behalf of the

Scottish Fishermen's Organisation Limited. The committee will remember that the petition concerns the review of fixed quota allocations. We took the matter up with the Executive and have received a response.

The Executive points out a number of things. The committee will remember that it was suggested that quotas should be allocated only to fishermen based in Scotland. The Executive points out that, under European Community law, it cannot discriminate against nationals from other European Union member states and prevent them from owning United Kingdom-registered fishing vessels. However, mechanisms are being put in place, which have been approved by the European Commission, that would

"require those fishing against UK quotas to maintain a genuine economic link with the coastal regions of the UK."

That link would take the form of landing at least 50 per cent of their catches of quota stocks into the UK or employing crew, at least 50 per cent of whom are resident in the UK.

The Executive also states that discussions continue with the industry on decommissioning and the treatment of fixed quota allocation units from decommissioned vessels.

John Scott: I am afraid that I do not accept the Executive's view—I am doing a Dorothy-Grace on the matter. I believe that the UK Government should be able to insist that quota rights remain ring-fenced for Scotland or the UK. I want us to try to achieve that.

It is certainly the case that quota rights for animals—and headage payments; the situation is similar—can be ring-fenced for the UK. I believe that we should pursue a policy of ring-fencing the quota rights for the UK or Scotland

Helen Eadie: The European Committee has produced its report on the common fisheries policy and there was a debate on the topic last week. Had I had a chance to speak in the debate—unfortunately I did not get the chance—I would have spoken about the committee's recommendation that we support the creation of zonal management committees.

The benefit of that approach would be the ability to delegate policy making further down the line—rather than being centralised in Brussels, it would be delegated to a zonal area, for example the North sea. The North sea zonal area would embrace each of the countries that have coasts on the North sea and would involve fishermen, scientists, civil servants and other stakeholders in making decisions on a number of questions, including the issue raised by John Scott.

In general, the industry has been supportive of the recommendation, which would go a long way

towards addressing issues such as the one that John Scott raised. The industry would feel much more involved in decision making. Up till now, decisions have been based on handed-down wisdom. If zonal management committees were adopted, the industry point of view would be embraced and industry would have an understanding of all the issues that are involved in the decisions as well as being able to present its worthwhile case.

John Scott: If possible, I would like the petition to be referred to the European Committee. I take on board what Helen Eadie said.

The Convener: There are three separate paragraphs under "Suggested Action" in the paper on the petition. The first paragraph suggests that we need to consider whether the current review of the fixed quota allocation system will provide an appropriate forum for fishing industry representatives to make the points that are raised in the petition. John Scott suggests that it will not.

John Scott: I simply do not know enough about it. I would rather that the industry were able to express a view on the matter than that I sit here, saying whether such an approach would be adequate.

The Convener: Do we wish, as the second paragraph suggests, to take a view on whether the Executive's preferred approach—that the transfer of licences should be a matter for individual owners, separate from the decommissioning scheme, with various options being available to owners—is the appropriate way to proceed?

John Scott: I do not believe that. I believe that the Government should hold a national pool of quotas. If vessels were decommissioned, their quota would go back to the Government or to other owners, but—I cannot emphasise this enough—the quota would stay in the country.

The Convener: Are you challenging the Executive's view that European Community law prohibits it from discriminating against nationals of other member states?

John Scott: It is a bold thing for me to do. The Executive discriminates in other areas of Community law. It is up to the UK Government to make known the position that it wants to achieve.

Helen Eadie: I suggest that we take up the suggestion in the third paragraph. In that way, John Scott may get a clear response from the European Committee on the points that he raises. I think that he would find it informative to go through the exercise of the committee coming to a view.

The Convener: For the record, Helen Eadie has suggested that we refer the petition to the European Committee with the recommendation

that it seek the views of the Rural Development Committee as appropriate.

John Farquhar Munro: The big problem is that some fishing vessels have a surplus of quota licences. Those are extremely valuable. When a vessel owner disposes of such a quota licence, they are at liberty to dispose of it to whomever offers the best price. That is detrimental to our fishing fleet and fishing activity.

As Mr Scott was saying, there should be some control on the licensing and the quotas. I do not know whether the quotas could be held nationally, but they could be held in the locality where the fishing activity takes place. The harbour authority should hold, control and allocate the licences so that there is no trade in licences and quotas. There is currently a massive trade in licences and quotas. As I said, that trade is open to the best price, which could be offered by a foreign buyer.

John Scott: For the avoidance of doubt, I am not against such trade between UK nationals, but I am against selling for the best price if the best price is offered—as has happened all too often—by foreign buyers, particularly Spanish buyers, so that we lose the quota and licence to them.

The Convener: I suggest that, when we pass the petition to the European Committee, we pass it a copy of the *Official Report* of this meeting and ask it to address the points that John Scott and John Farquhar Munro have raised.

Helen Eadie: It is important to highlight that the Deputy Minister for Environment and Rural Development is working on the matter with the fisheries council this week. She will no doubt report to the Scottish Parliament within the next week on the outcome of the negotiations. The negotiations are a major challenge; she has to persuade all the other EU countries, so she has a difficult task.

The Convener: Are we agreed that we pass the petition to the European Committee as suggested?

Members indicated agreement.

The Convener: The final paper is a résumé of the progress of the various petitions.

If members look at the remarks in relation to PE265, from George McAulay on behalf of the UK Men's Movement, which calls on the Scottish Parliament to protect innocent men against false rape allegations, they will see that we were awaiting a response from the Justice 1 Committee. A letter has now arrived. It says that the committee considered the petition at its meeting on 30 May 2001 and took evidence from Jim Wallace MSP, the Minister for Justice. The Justice 1 Committee agreed to write to me, as convener of the committee, to note that it has some sympathy with

the petition's call for anonymity for the accused in rape cases, but on balance is not minded to recommend a change in the law. The Justice 1 Committee has therefore closed its consideration of the petition.

That is just for information. Does anyone want to respond? Does anyone want to raise anything about any of the other petitions in the paper? If not, we will move on.

Inadmissible Petitions

The Convener: Item 3 is inadmissible petitions. Inadmissible petition 10, from Ms Lynn Adams, calls on the Parliament to request that Hamilton licensing division change its policy, to grant a maximum of 24 regular extensions until 1 am on Friday and Saturday evenings in any year. In the petition and in an additional letter to the clerk, the petitioners have raised their concerns about the operation of the licensing system in the Hamilton area. It is recommended that the petitioners be advised that their petition is inadmissible on the ground that the Scottish Parliament cannot interfere with or overturn the executive decisions of local authorities. Nevertheless, it is suggested that the petition be passed to the Scottish Executive for consideration as part of the recently announced review of the Licensing (Scotland) Act 1976, which is to be conducted by an independent commission. Is that agreed?

Members *indicated agreement.*

Consultative Steering Group Principles

12:45

The Convener: Item 4 is the Procedures Committee's inquiry into the application of the consultative steering group principles in the Scottish Parliament. I have been invited to give a presentation to the Procedures Committee on the work of the Public Petitions Committee and to suggest whether it is in line with the principles of the consultative steering group. The presentation will take the form of a submission, prepared by Steve Farrell and agreed by the committee. The Procedures Committee is writing to petitioners, asking them what they think about us, so it would be a good idea for us to get our submission in first. Is it agreed that we make such a submission? Steve Farrell will prepare it for our consideration after the recess.

Members *indicated agreement.*

Convener's Report

The Convener: At the last minute, we have received an invitation to take part in a members' workshop on mainstreaming equality in the parliamentary committees, which will take place tomorrow between 5.30 pm and 7.30 pm. I cannot attend the workshop, as I will not be in Edinburgh. Helen Eadie cannot go either, as she has a prior commitment. Is anyone available to attend the workshop?

Dorothy-Grace Elder: I am going on behalf of the Health and Community Care Committee.

The Convener: Could you represent the Public Petitions Committee as well?

Dorothy-Grace Elder: Yes, absolutely. I will provide you with a wee written report over the recess.

The Convener: That would be smashing.

The second matter I want to mention is in relation to the Berlin visit. The conveners liaison group granted approval for a delegation to consist of the convener and three other members—one from the SNP, one from the Lib Dems and one from the Conservatives. The SNP has not yet indicated who its member might be. There is only one Lib Dem and one Conservative on the committee, so it is obvious whom those parties will send. We need a nomination from the SNP.

Dorothy-Grace Elder: What visit is this?

The Convener: The visit to the petitions committee in Berlin. It is up to the SNP group to nominate a delegate.

Dorothy-Grace Elder: The visit will take place at the same time as the SNP conference, will it not?

The Convener: It will take place between 24 and 26 September, so it will be after the SNP conference.

Dorothy-Grace Elder: Brilliant.

The Convener: The application will be considered by the Parliamentary Bureau this afternoon, but it is hoped that the visit will be given the go-ahead. The clerk will keep members informed. If approval is granted, we will make the necessary arrangements during the recess.

Dorothy-Grace Elder: Did you say that the visit will take place on 22 September?

The Convener: Between 24 and 26 September.

Dorothy-Grace Elder: I shall have to confer with Winnie Ewing. I might have to go to the SNP conference.

The Convener: I am informed that the SNP

conference is being held in the preceding week.

Dorothy-Grace Elder: The efficiency is stunning.

The Convener: It is down to the clerks, not me.

Our first meeting after the summer recess is likely to be on Tuesday 11 September. The clerk will confirm that in due course.

There is to be a restructuring of our clerking team, which means that we will lose two members of staff. Jane Sutherland, who has been with us since the beginning and has been outstanding in helping the committee to operate, has been relocated to the business team, so this is her last meeting. On behalf of the committee, I thank her for the assistance that she has provided to members. Diane Barr, who has also been involved with the Public Petitions Committee, is also leaving us. I thank Diane for the excellent contribution that she has made to the committee. I welcome Ruth Cooper, who is new to our clerking team and is attending her first meeting today. I assure her that we do not always have such a full agenda.

Meeting closed at 12:49.

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