

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 11 September 2001  
*(Morning)*

Session 1

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# CONTENTS

Tuesday 11 September 2001

	Col.
NEW PETITIONS.....	1229
INTERESTS .....	1264
CURRENT PETITIONS .....	1265
INADMISSIBLE PETITIONS .....	1282
PROCEDURES COMMITTEE INQUIRY .....	1283
CONVENER'S REPORT .....	1284

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## PUBLIC PETITIONS COMMITTEE 10<sup>th</sup> Meeting 2001, Session 1

### CONVENER

\*Mr John McAllion (Dundee East) (Lab)

### DEPUTY CONVENER

\*Helen Eadie (Dunfermline East) (Lab)

### COMMITTEE MEMBERS

\*Dorothy-Grace Elder (Glasgow) (SNP)

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

\*Phil Gallie (South of Scotland) (Con)

\*Rhoda Grant (Highlands and Islands) (Lab)

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

\*attended

### THE FOLLOWING ALSO ATTENDED :

Lloyd Austin (RSPB Scotland)

♦Jim Budge

Dave Dick (RSPB Scotland)

♦Ronnie Eunson

Robin Harper (Lothians) (Green)

Dr Sylvia Jackson (Stirling) (Lab)

Sandy Meiklejohn

♦Drew Ratter

Les Ward (Advocates for Animals)

♦by video link

### CLERK TO THE COMMITTEE

Steve Farrell

### ASSISTANT CLERK

Ruth Cooper

### LOCATION

Committee Room 1



## Scottish Parliament

### Public Petitions Committee

*Tuesday 11 September 2001*

*(Morning)*

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

**The Convener (Mr John McAllion):** Welcome to the 10<sup>th</sup> meeting in 2001 of the Public Petitions Committee. My welcome is beautifully timed with the arrival of Dorothy-Grace Elder.

There is a full turnout of the committee, which is excellent, and therefore no apologies. We have been joined by petitioners, members of the public and Sylvia Jackson MSP and Robin Harper MSP, who are very welcome.

### New Petitions

**The Convener:** This is a historic occasion, in that it is almost the first time in the world that a videolink has been established and a webcast has taken place simultaneously. I think that the Finance Committee was just ahead of us with its videolink with New Zealand, but this is the first time that there has been such a broadcast within this country.

The first petition is PE384, which is from Mr Eddie Nicol on behalf of those involved in the agricultural industry in the Shetland islands. Mr Drew Ratter and Mr Ronnie Eunson will make a brief presentation and answer members' questions by videolink. Members should not speak over each other—there should be one speaker at a time, otherwise the link may be prejudiced and broken. Members should introduce themselves before asking questions or making contributions, because it is difficult for us to read the nameplates in Shetland and it is difficult for those in Shetland to read members' names in Edinburgh.

Normally, speakers would have three minutes to make a presentation. However, given the nature of the videolink, we will be more generous with our time allocation.

**Ronnie Eunson:** I am Ronnie Eunson. With me are Drew Ratter and Jim Budge. Another person may join us, but they have been held up.

I thank the committee for giving us the chance to address it almost directly. Such use of technology is good for democracy as it allows groups to access our Parliament without having to endure a three-day trip away from home.

Our petition deals with a pertinent subject. It

concerns the centralised attitudes of a Government department and the effects of those attitudes on folk such as us. Like the paint in the television advert, the less favoured area support scheme is supposed to do what it says, but clearly it does not. If a trades descriptions act for Government policies existed, the LFASS would be first in court. The Scottish Executive environment and rural affairs department has been unable to publish the true figures, so evidence of the scheme's failure is difficult to quantify, but with at least 900 of the 1,100 agricultural units in Shetland losing money, the scheme cannot be judged a success in any way.

To return to first principles, under rural development regulation EC No 1257/1999, the LFASS must compensate those areas that are deemed to be less favoured for the level of permanent disadvantage. Compensation must be based on sustainable rural development and payments must be calculated on an area basis rather than on production potential. None of those principles has been adhered to. Shetland has a wide range of permanent handicaps, of which climate, latitude, soil type and distance from the market are the most obvious, but it still receives the lowest payment.

Payment levels are not supposed to be calculated on production, but they are. Put simply, Shetland receives the lowest payment because it is judged by SEERAD to produce the least in agricultural terms. That begs the question: how is the LFASS a compensation scheme if it pays out only to those who already have?

Under the rural development regulation, the LFASS is supposed to have a social dimension to protect fragile communities, but that has also been ignored. Indeed, the LFASS has placed in even greater danger the people whom it was set up to help.

The petition has support not only from agricultural bodies, but from bodies that represent a wide spectrum of Shetland society, including environmental agencies. Shetlanders realise that an injustice has been done and see a real threat to their form of agriculture and, thereby, their way of life.

Finally—and possibly most annoyingly—Shetland has always embraced the idea of area-based support, which offers us the opportunity to create a more self-supporting type of agriculture. Farmers and crofters can break the shackles of the current headage system. Shetland needs a system that rewards quality rather than numbers and which is implemented fairly throughout Scotland. Shetland is not alone in its worries. All the most disadvantaged parts of the country appear to have fared badly. The Scottish Parliament must decide whether it is happy with

that situation and must consider the long-term implications for Scotland's more distant communities.

**The Convener:** Thank you. The hard, interactive part comes next.

**Rhoda Grant (Highlands and Islands) (Lab):** What should the scheme provide? How can it provide useful assistance to Shetland?

**Drew Ratter:** I am a councillor, an agricultural journalist, a crofter and a member of the Crofters Commission. For a long time, I have been committed to area-based support. There would be huge environmental benefits and it is the kind of support that we need.

I am extremely alarmed by the almost universal dissatisfaction with the scheme as it stands. We need to move towards a scheme that benefits crofters and farmers who are suffering from permanent structural disadvantage. That is what was envisaged by the European Commission when it put the scheme together. The scheme was an attempt to get away from production support and to benefit remote communities. I would like the committee to consider that in depth and I hope that it supports moving in that direction. The will exists in SEERAD and various organisations to try to improve the scheme. I hope that the work can be done in time to get the situation straight, say by next year.

**Phil Gallie (South of Scotland) (Con):** What discussions have taken place with the National Farmers Union of Scotland? Does it support the idea? Mr Eunson said that farmers in Shetland were losing money. In many areas of Scotland, farmers, including South Ayrshire hill farmers, are also losing money. Does Mr Eunson agree that the system must be fair to the islands and the mainland?

**Ronnie Eunson:** I am sure that the NFUS would support our contentions. We are not looking for extra funds. Under the hill livestock compensatory allowance, Shetland used to receive an amount of money, which has diminished by about £330,000. Those moneys have been redistributed among mainland farmers. Any logical person who knows a little about the environment or agriculture would regard the mainland as much less disadvantaged than Orkney, Shetland, the Western Isles and the periphery. We do not wish to further disadvantage anyone. All that we want is the funds that have been taken away from us for distribution to people whom we regard as not needing them.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** Good morning, gentlemen. I am a crofter, like many of you up there, and I appreciate the difficulties that you are encountering. However, the hard fact of the matter

is that we must be fair to the whole of Scotland, as has been said. I understand that the funding allocation for the new support scheme distributes proportionately more money than before to the Highlands and Islands. The Minister for Environment and Rural Development, Ross Finnie, will make a statement to that effect shortly, if not today.

The big losers in the funding allocation seem to be in the south of Scotland, which is strange. Huge farms down there have been severely disadvantaged by the new formula. We must be careful when we agree to the distribution. I accept that there are winners and losers in the system and that some of the peripheral areas that Mr Eunson mentioned have been severely disadvantaged. That was not the scheme's aim when it was proposed. I wait with bated breath for the minister's announcement to find out whether the relevant regulations will be amended so that peripheral areas—not only the island communities, but the western seaboard—gain a little more advantage from the formula.

10:15

**Ronnie Eunson:** I accept what you say. We do not yet know the breakdown of the figures. We have not been privileged with that information. It is difficult to believe that more money has been ploughed into the Highlands and Islands. If that money has been provided, goodness only knows where it has gone, because we have not seen it.

The Parliament should dwell on the principle behind the scheme. Members seem to have lost sight of the scheme's intention. The scheme was adopted under the EU's rural development regulation, which says that such a scheme should compensate for permanent disadvantage. How does such a scheme deal with places such as Shetland, Orkney and the Western Isles by removing money from them?

**Drew Ratter:** No matter what has happened in the rest of Scotland, we have done the empirical work in Shetland that shows that approximately 75 per cent of people are losers and 25 per cent are winners. That cannot be right.

I add to Ronnie Eunson's comments about the principle behind the scheme. If the sheep annual premium, which rewards density, were changed to an area basis, people with higher stocking density would gain. It is only fair that the LFASS should fulfil its intention and benefit people with lower stocking densities, whose opportunities for earning income under other schemes and from stock sales are limited. We would like the committee to address the fairness of the situation.

**Dorothy-Grace Elder (Glasgow) (SNP):** Would you kindly give us an idea, today or by post, of the

general cost-of-living problem for those in the agriculture industry in Shetland? For instance, what are the extra costs of transportation compared with the furthestmost north part of the mainland?

**Ronnie Eunson:** I am sure that we can furnish you with those details. We can find out the figures and send you them. That would be no problem.

**Helen Eadie (Dunfermline East) (Lab):** I am pleased to see Drew Ratter. We have worked together.

**Drew Ratter:** Hello, Helen.

**Helen Eadie:** We worked together through the Conference of Peripheral Maritime Regions, which is a Europewide organisation. I know that Drew Ratter is on the bureau of the CPMR—its executive—so I ask him whether he is aware of other peripheral islands in the EU for which the EU regulation may be interpreted more favourably. Is he aware of any different formulae? We are all governed by the same regulation, but other member states may have interpreted it differently.

**Drew Ratter:** That has certainly happened. Every member state makes a proposal under the EU's rural development regulation and those proposals differ enormously. It would be a big job to do empirical work on all of them, but the exercise would probably be worth while. There is more satisfaction with the way in which the regulation has been implemented in several countries, particularly those in southern Europe, than there appears to be in Scotland.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** Good morning, Shetland. It is good to see you. Am I right to say that farmers in Shetland are almost all members of the Scottish Crofters Union rather than the NFUS? If I am right, I ask what advice you are receiving from that union, which acts for crofters from all over. Are Orkney, the Western Isles and other parts of the peripheral Highlands making the same claim as you?

**Jim Budge:** Good morning. The NFUS has about 400 members in Shetland. I do not have figures for the Scottish Crofters Union. The NFUS has been active in working with the LFA scheme.

We have not heard much from Orkney, but people there have woken up to the fact that they will be quite large losers too, because Orkney has the most intensive cattle farming in Scotland. Members will be aware that a petition has been submitted from Islay. Those petitioners clearly feel the same as we do. As has been mentioned before, the situation appears to be the same throughout the remoter areas and especially in the islands, because of the increased costs.

In Shetland, it is very difficult to diversify. We cannot plant or grow trees. Tourism is certainly

increasing, but the cost of getting here rather curtails that. We are therefore very limited. We can produce only store stock in the form of lambs and cattle.

**Drew Ratter:** Speaking as someone who is outside all the organisations on the petition, I want to say that the petition's case is not partisan. The council brings together the agricultural organisations and I attend such meetings as a representative of the Crofters Commission. The case that is being presented is very much a Shetland case. The NFUS in Shetland has done a huge amount of detailed work and has made a major contribution to the case; but the case is supported by all the agencies and organisations here in Shetland. There is nothing partisan about it.

**The Convener:** As was mentioned, the committee also received a petition from Islay and Jura. We decided to seek the Executive's views and we expect to receive those views shortly. We may be considering this petition again at our next meeting. Have you any indication of the Executive's likely attitude?

**Ronnie Eunson:** No, we do not. Some of us were lucky enough to meet Mr Finnie on three occasions the last time that he was up here. We carefully made points about the implications of the proposed scheme. We made it clear what the result would be if the Executive went ahead with the scheme, but the Executive went ahead.

When we spoke to Mr Finnie, he spoke about top-ups and add-ons that would address the problems of the losers in areas such as ours. However, we have not heard anything since then about top-ups or add-ons. They have disappeared completely. The Executive has therefore produced this scheme knowing the effect that it would have. We see it as a rather insidious move towards an abandonment of viable agriculture in the peripheral areas. We worry that the Parliament is now considering whether support for viable agriculture in such areas should be continued or not. From the move that has been made, that is the message that we are hearing. We would certainly argue that support should be continued.

**John Farquhar Munro:** This year's budget allocation is in the region of £60 million. That figure will diminish, over the next two years, to something like £50 million. Although the Scottish Executive and members of the Scottish Parliament would argue strongly that that budget should be enhanced rather than diminished, responsibility for the allocation rests with our colleagues in Westminster. People who petition the Scottish Parliament on this issue should also raise it with their Westminster MPs to ensure that there is a concerted effort. After all, the Scottish minister can allocate only the funding that is made available for

the scheme. Anything that can be done to lobby Westminster should be done, to ensure that the allocation remains at a reasonable level.

**Ronnie Eunson:** We thank you for that advice; we will certainly lobby our Westminster MP. However, Edinburgh cannot shake off the responsibility by simply saying that this is a matter for the Exchequer. Mr Munro seems to suggest that we are looking for more money. We are not looking for more money: we simply want the same allocation as before, but in a form that allows us to pursue sustainable agriculture.

**Dr Sylvia Jackson (Stirling) (Lab):** If I heard correctly, the witnesses said that 75 per cent were losers and 25 per cent were gainers from the new proposals. In Stirling, my constituency, I have heard similar comments from the NFUS. What is the difference between the losers and the gainers? What criterion distinguishes between them?

**Drew Ratter:** In Shetland it is difficult to say. We considered the issue and arrived at those figures. Some of the losers who are active in agriculture are losing in a very big way. However, to get all the detail would really require action from people who have access to all the relevant material. We do not have such access, and we never have had.

The situation is intriguing. If more money is coming into the Highlands and Islands as a whole, we would be extremely interested to know who the big winners are and where the money is going. We have not been able to put our finger on that, but we know that there are a massive number of losers in Shetland and a limited number of winners.

**The Convener:** That is the end of our question-and-answer session. The witnesses will be staying with us so that they can hear our discussion of what to do with the petition.

As members can see from their papers, we received a similar petition from Islay and Jura. As I said, we sought the Executive's views and we expect to receive those views shortly—certainly in time for the next meeting of the Public Petitions Committee. So that we can consider both petitions together, it is suggested that we wait for the Executive's response and then consider the Shetland petition and the other petition—PE372—at our next meeting. It is also suggested that we send the petition to the Rural Development Committee for information only.

**Rhoda Grant:** I agree with those suggestions. It is important that the petition goes to the Rural Development Committee. I sit on that committee, which has done a short inquiry into this matter but has yet to report. Because there are so many losers, it is important that that committee continues to consider the matter. As I understand it, a revised scheme could go to Europe in the

near future. However, I am worried that the same thing will happen as happened to the previous scheme: it will be rushed and people will not have time to consider it properly. We may end up with the same problems next year. It may be worth considering whether we should make a plea to the Executive to look after the safety net and ensure that it remains at 90 per cent. I know that Ross Finnie is keen on that and I feel that this committee should throw its weight behind the idea too, which might support the minister in Europe. Doing that would at least give people some comfort in the short term until the scheme can be sorted out so that it benefits the people whom it is supposed to benefit.

**Helen Eadie:** I support what the convener and Rhoda Grant have said, and I would like to offer another suggestion. We should also submit the petition, for information only, to the European Committee. Drew Ratter made the point that other parts of Europe are equally peripheral and I know that he has been greatly involved in, and has extensive information on, what has been happening in other parts of Europe. We could learn some lessons. If need be, we could use the vehicle of the European Committee to link up with other European organisations of which Drew Ratter and Shetland Islands Council are members. That would allow us to learn about other islands, which appear to be treated better than we treat our less favoured areas here in Scotland.

10:30

**Phil Gallie:** Sylvia Jackson asked a good question, to which we did not really get an answer, about winners and losers. We all recognise the arguments about peripherality that support the Shetlanders' petition. However, it is hard for me to understand, given the situation generally, why there should be winners at all. I would like to find a means of ascertaining why that is so.

**The Convener:** I should have mentioned for the record that petitions PE384 and PE372 have both been referred to the Executive for comment. The Executive has seen PE384 as well as the petition from Islay and Jura, and its comments will relate to both petitions. It has been suggested that we should await the Executive's response and then consider both petitions again. However, we can at this stage formally refer PE384 to the Rural Development Committee. We would pass on the Executive's response, when it arrives, together with our comments on it. We can also refer the petition to the European Committee for information. Is that agreed?

**Members indicated agreement.**

**The Convener:** Do members agree to refer PE372 from Islay and Jura to the Rural



Development Committee and the European Committee?

**Members indicated agreement.**

**The Convener:** I thank our witnesses from Shetland for their valuable contribution to the work of the committee this morning, on this historic occasion. Their contribution has been greatly appreciated by us down here in Edinburgh. It is nice to know that different parts of Scotland are no longer so remote from one another.

**Ronnie Eunson:** Thank you very much.

**The Convener:** The television screens will stay where they are for the rest of the proceedings. The people sitting behind them will just have to suffer the fact that they cannot see what is happening.

**Dr Ewing:** Can we move the televisions round a bit so that people can see?

**The Convener:** We can do that. I just hope that it does not destroy the television sets. We are visible again.

The next petition for consideration is PE386, from Les Ward, on behalf of Advocates for Animals. The petition calls for an inquiry to be held into all aspects of the foot-and-mouth outbreak in Scotland, including animal welfare. Les Ward will have three minutes in which to address the committee. That will be followed by a question-and-answer session.

**Les Ward (Advocates for Animals):** I thank members of the committee for considering this petition, which calls for an independent public inquiry into the foot-and-mouth outbreak in Scotland. As members know, the petition is supported not only by Advocates for Animals, but by a wide range of other respected animal welfare organisations, including the Scottish Society for the Prevention of Cruelty to Animals, Compassion in World Farming and the World Society for the Protection of Animals. Those organisations have a joint membership in Scotland of more than 100,000 individuals.

More than 160 members of the public have also added their names to the petition. Many of those have either personally suffered as a result of the slaughter policy or have taken a close interest in the matter. Some of them feel so strongly about what has happened that they are here today. They include: the Duchess of Hamilton; Carolyn Hoffe, whose home was broken into so that her five pet sheep could be killed; Kirsten McBride, whose goat was killed by a vet while the police distracted her mother's attention; and Juanita Wilson, who fought an extremely stressful but successful legal battle to prevent officials from the Scottish Executive rural affairs department from killing her sanctuary animals as part of the so-called mopping-up exercise. Those are some of the

faces behind the statistics. However, as we know only too well, there are unfortunately many more.

The foot-and-mouth outbreak in Scotland, as in the rest of the United Kingdom, has been an economic, social, environmental and animal welfare disaster that requires the fullest scrutiny in a public arena. The outbreak has been the longest and worst in the history of the UK. It would seem that lessons from the 1967-68 outbreak were not learned and that courses of action recommended then were not followed. Many farming communities in the south and west of Scotland could only watch as the heart was ripped out of their businesses and as well over 1 million head of livestock were slaughtered at the direction of the state. It is reported that less than a fifth of those animals came from infected premises. The remainder were caught up in the so-called 3km fire-break zone. The outbreak has cost the taxpayer millions of pounds in compensation. It has cost the tourist industry considerably more in lost revenue, as the countryside was closed with, it seemed, little thought for tourism and rural life.

Inevitably with a disaster on this scale, there continues to be anger and resentment, even bitterness, as well as distrust, deep public unease and concern about what has occurred and what SERAD sanctioned. We need answers to many questions. Hopefully, we can then move forward, putting what has happened, however difficult, behind us. This time we must learn lessons so that the nightmare is never allowed to be repeated. We believe that only a full, independent public inquiry will achieve that.

Numerous questions require answers. What was the cause of the foot-and-mouth outbreak? Was anyone negligent? Why did the disease spread so rapidly? What role did transportation and movement of animals play? What role did livestock dealers play? Why did SERAD pursue such a hardline, unrelenting slaughter policy, compared with the Ministry of Agriculture, Fisheries and Food—or, as it is now known, the Department for Environment, Food and Rural Affairs—south of the border? Why was a vaccination programme not introduced? Why is a vaccination programme still not being introduced, when foot-and-mouth is still very much active just across the border?

What effect did the views of the farming unions have on SERAD thinking about how to control the disease? Did the farming unions' opposition to vaccination and the Scottish Executive's failure to vaccinate result in the unnecessary and untimely deaths of hundreds of thousands of healthy animals? Why were the views of individual farmers, animal welfare organisations, scientists and veterinary surgeons who called for vaccination ignored? Why were so few members of the state veterinary service available to help? Why did so

many animals have to die? Was the Army competent to play a part in humane slaughter? Why was the SSPCA initially denied access to slaughter sites? Was the slaughter carried out humanely? Was it really necessary for the Army, officials acting on behalf of SERAD and the police to force their way into a woman's private home to kill her five pet sheep? Were compensation payments sometimes in excess of £1 million of taxpayers' money justified? What lessons can be learned?

I will not take up any more of the committee's time with listing further questions that require answers. Suffice it to say that many more exist.

We are, of course, aware that the Royal Society has recently announced its own inquiry. However, as I said, because the current outbreak has been such an economic, social, environmental and animal welfare disaster, in our opinion only the fullest independent scrutiny in a public arena is appropriate. Such an inquiry would allow those people directly affected to have their say and ensure full access to those who were responsible for advising and ordering the measures for controlling foot-and-mouth, whatever their position.

We will not have faith in anything but a full, independent public inquiry, and we believe that the public will not either. Furthermore, we believe that the people of Scotland do not deserve anything less.

**The Convener:** Thank you very much. As well as Advocates for Animals, nearly 30 organisations are listed as supporting the petition. It may be of interest to members to know that, since the petition was submitted, there have been eight other calls for a public inquiry into the foot-and-mouth outbreak. Each potential petitioner, bar one, has agreed to add their support to the petition.

**Dr Ewing:** The petitioner has asked all the questions that have been in my mind and that people are asking all the time. I agree that there should be a full public inquiry into the outbreak. My party is also on record as saying that, although I do not see it listed among the petition's supporters. Perhaps you could add the Scottish National Party to the petition's list of supporters, which already includes the Scottish Green Party.

Some of the information that we hear is puzzling. In one debate, a member from the Borders told us that the area's abattoir is up to EU standards and that it uses only 15 per cent of its capacity. Farmers from the area prefer to go to Newtown because, presumably, it must be cheaper to do so. Many questions arise out of that simple fact. Why did not the farmers go to the local abattoir? Perhaps if they had done so, we would not have had such terrible results.

I have been amazed at the vast movement of

animals that has been revealed during the foot-and-mouth crisis. A massive number of animals go from one end of Britain to the other—I had not appreciated just how much of that was going on. We need to get all the facts out in the open. I spent a week in the Borders and, on the advice of the National Farmers Union, never strayed from the main roads; I did not want to be the one who brought foot-and-mouth to the Highland line.

What was so sad was the effect not only on those whose animals had been slaughtered but on the hotels. I stayed in an hotel in one central town where I was the only guest. It was Easter, yet everyone else had cancelled. The same applied to caravan parks and bed and breakfasts, while shops had no customers. The whole thing is frightening not only for farmers. Nothing less than a public inquiry will satisfy the public's concerns.

**The Convener:** We are meant to be asking questions at the moment.

**Les Ward:** I agree with Winnie Ewing—I, too, was appalled to hear about the movement of animals. I went to my local vet, who has written to the Scottish Executive. I do not know whether you know, but currently tens of thousands of Scottish lambs are trundling from Scotland all the way down to the south of England to be slaughtered. That is an absolute nonsense, when foot-and-mouth is still so rife at the border. Lessons have still not been learned; the only way that they will be learned is if there is a full, independent inquiry, in which everyone can see what is going on.

**Dorothy-Grace Elder:** I inform members who have so kindly attended today that the cross-party animal welfare group meets tonight. The chair himself is sitting here—

**Phil Gallie:** Former chair.

**Dorothy-Grace Elder:** Former chair—I am sorry to hear that, Phil. You were a very good chair. Perhaps members would like to attend that meeting. I declare an interest, too. I have agreed all along with Advocates for Animals, Compassion in World Farming and others as they have consistently put their views throughout the crisis—in fact, long before the crisis—for the ending of live animal transportation en masse, except for breeding stock, obviously. We saw a video from Compassion in World Farming a fortnight before the outbreak was announced. I wish the petitioners well.

As this outbreak has cost hundreds of millions—the figures that were alluded to were rather modest—this is not a knee-jerk call for public inquiry. Many of us hold back, as public inquiries are very expensive. However, in this case, we are setting it against hundreds of millions, as well as the needless slaughter of creatures. Do you think that a public inquiry would take into account the

mass transportation that was going on before the outbreak? Is it one of your aims that, through the results of the inquiry, we might end mass live transportation, which was really the original cause of the spread of foot-and-mouth?

**Les Ward:** That may be one of the key reasons for the widespread occurrence of foot-and-mouth disease. As you know, Advocates for Animals is a member of the all-party group; indeed, we will be at the meeting this evening.

**Robin Harper (Lothians) (Green):** You did not mention European practice. Do you think that the public inquiry should consider practice in Europe?

10:45

**Les Ward:** Certainly, if the public inquiry wants to extend that far. If Britain is to tackle what has gone on here, to ensure that this nightmare is never repeated, there is a considerable amount to be examined. One issue is whether foot-and-mouth got into this country through infected meat, which was then fed to pigs. We need to get to the bottom of that to find out exactly how the outbreak happened and why the disease spread so quickly. Why were private deals, of which the auctioneers were completely unaware, going on at some auction markets? How did those animals come to be in Scotland within hours of leaving the market? Why were those animals never vaccinated?

Dorothy-Grace Elder mentioned that hundreds of millions of pounds have been lost. Our understanding is that the NFU fought long and hard to maintain its live export trade. That trade is totally insignificant compared with the amount of taxpayers' money that has been spent. In the case of the long-distance transportation to the continent, once farm animals leave our shores we have no control on how they are transported and slaughtered—that really needs to be considered. However, that is another matter.

**Phil Gallie:** My party—both sides of the border—is fully in favour of a public inquiry. However, there is a difference in the way that the operation was handled north and south of the border. Do you feel that separate inquiries should be set up? Would you support those inquiries coming together at a later date, so that we get a sustainable and sensible UK policy?

**Les Ward:** That would be a very sensible approach. It is vital that information comes through from the three inquiries south of the border. Scotland's inquiry will not be set up in the same way, but it will be full, independent and public and it will be able to call people to account for their actions, so that we know exactly what went wrong in Scotland. In Scotland, we have been foot-and-mouth free for a number of months. Does that mean that mass slaughter worked? Our response

to that would be that it may well have worked but it has taken out hundreds of thousands of animals that did not need to be killed. At the same time it has destroyed many livelihoods that will never be restored and it has cost the taxpayer hundreds of millions. The public should see the way that the money has been spent. It would be a scandal if Scotland did not have its own public inquiry.

**Phil Gallie:** The transportation of animals has been mentioned. To some extent that has come about as a result of the closure, for a number of reasons, of many local abattoirs. It is not the committee's responsibility to suggest petitions for the future. We also have to be careful not to extend inquiries too far by trying to embrace too many issues. However, might you think about the loss of those local abattoirs and future policy on them?

**The Convener:** That is touting for work, Phil.

**Les Ward:** It would have been wrong of us not to have thought about the local abattoirs before now. They have to be considered because, as you have hinted, the transportation of animals was responsible for the fast spread of the disease. Had there been local abattoirs, the disease could have been restricted to certain areas. I am sure that members are aware that many local abattoirs have closed down because the big supermarkets like to take their animals to one large abattoir. That is where one of the problems lies. We would support the NFU in calling for local abattoirs to be opened—it is a humane approach.

**Rhoda Grant:** I have a question about vaccination. It sounds as though vaccination would be reasonable. However, the Rural Development Committee, of which I am a member, took evidence on the matter, which revealed that many animals that were vaccinated contracted the disease and passed it on. The committee was told that the only reason for vaccinating the animals would be to increase the time between identification of the disease and slaughter—after vaccination, animals could be slaughtered later rather than immediately, as had been going on. We were told that vaccination would not save the animals' lives, as the animals could be infected and pass on the disease to other animals.

**Les Ward:** That advice contradicts our evidence, which is that vaccination would have worked as a fire-break. The British Association for the Advancement of Science, which met last week in Glasgow, is now putting the case that, if we had vaccinated animals in the north of England, for example, those animals in Northumberland would not now be dead, as vaccination would have worked. Vaccination has its drawbacks, but if it had been used as a fire-break to stem the tide, it would have worked well. Our advice is that vaccination would have saved the lives of

hundreds of thousands of animals and the livelihoods of many farmers.

Any public inquiry must also investigate the commercial advice that was given at the time. We were told that the public would not buy the meat of vaccinated animals. However, over the past months it has become clear that the public would have supported Scottish and British farmers even if the animals had been vaccinated. There has been contrasting advice on vaccination, but ours—which came from leading experts—is that vaccination would have been a humane and efficient course to take.

**The Convener:** Have you or any of the organisations that support the petition received an indication of the likely response of the Executive to the call for a full public inquiry?

**Les Ward:** We have seen the response of Ross Finnie to a question that was lodged by Mike Russell, which indicated that he did not intend to order an independent public inquiry into the foot-and-mouth outbreak. However, the Royal Society's planned review is unacceptable to us, as that will not be a full public and independent inquiry. In my view, the Executive would probably oppose the petition.

**The Convener:** Are not the inquiries that are being undertaken south of the border the kind of inquiry that you are calling for?

**Les Ward:** Absolutely not. Those three inquiries have been set up to investigate the problem in specific areas. We want a full independent and open inquiry in which people can see what is going on and everyone can come together to have their say.

**The Convener:** Are there any other questions?

**Dr Ewing:** I have a question about the disinfectant troughs. Were they adequate? A motorist entering Northern Ireland, where the procedures seem to be more thorough, must have their whole car sprayed.

**Les Ward:** I entered southern Ireland through the airport, where I was asked whether I had come from a farm area. As I live in the countryside, I had to be absolutely drenched from head to toe in disinfectant spray. I walked away from the airport with my feet squelching. The measures in Ireland gave reassurance to farmers that people entering and leaving their farms were thoroughly disinfected. However, some people unfortunately did not take proper precautions, as a result of which the disease spread again. The virus is especially virulent.

**The Convener:** Thank you very much for answering our questions. You are welcome to stay for our discussion on what we are going to do with the petition.

The suggestion is that we copy the petition to the Executive, asking for details of the way in which it proposes to review the handling of the foot-and-mouth outbreak and specifically how it proposes to address the animal welfare issues that are involved. The Executive is likely not to support the petition's call for a full public inquiry, so we can either wait for the Executive's response before we consider the matter further or we can send the petition straight to the Rural Development Committee, asking it to consider it.

**Dr Ewing:** We should send it straight to the Rural Development Committee. We have already received an answer to the question from Ross Finnie.

**The Convener:** We could do that, but we could write to the Executive at the same time to get its response anyway.

**Dorothy-Grace Elder:** I wonder whether we should also send it to one of the justice committees. If we could secure a proper public inquiry in Scotland, as there is not going to be one in England, that would benefit everybody. It is the biggest national issue of the year in these islands.

**The Convener:** I am not sure that the justice committees would consider the matter within their remits. We could send the petition to them for their information, however, to see whether they have any views on the proposal to launch a public inquiry.

**Dorothy-Grace Elder:** Perhaps we could also send the petition to the European Committee.

**The Convener:** It has been suggested to me that the Rural Development Committee would be the place to consider whether to involve any of those other committees. It would be legitimate for that committee to approach the justice committees on the public inquiry aspect of the petition or the European Committee on the European aspects. However, it is not our role to do so. The Rural Development Committee would be best qualified to handle the petition.

**Rhoda Grant:** I know the work load of the committees, and if we sent the petition to all three committees it may fall between two or three stools—each committee might expect the others to deal with it on account of its own work load. The petition should therefore be sent to only one committee, which can then decide how to deal with it.

**Dorothy-Grace Elder:** I appreciate what Rhoda Grant is saying. Nonetheless, we must emphasise the significance of the issue, from the beginning of the year and throughout the British isles. I am not sure whether we should leave it to the Rural Development Committee to refer the matter on.

**Phil Gallie:** There would be more value in

sending the petition to only one committee, as that would have a greater impact. However, I do not like the wording of the suggested request to be sent to the Executive, which asks for information on specifically how it proposes to address the animal welfare issues. As Dorothy-Grace Elder said, the handling of the foot-and-mouth outbreak is a massive problem and we should expect any public inquiry to be full and wide-ranging. The wording of the petition is better, as it asks for an inquiry into all aspects of the crisis,

"including those relating to animal welfare."

I do not mind those aspects being included, but the inquiry should not focus specifically on them.

**The Convener:** The suggested request contained that wording only because it is in the petition.

**Phil Gallie:** No, the petition says "including", not "specifically".

**The Convener:** The petitioners have requested that that wording be used.

**Phil Gallie:** I have no problem with saying "including", but I do not want to say "specifically", because that concentrates attention on certain issues.

**The Convener:** Because of the significance of the issue, perhaps we should refer the petition directly to the Rural Development Committee rather than write to the Executive.

**Rhoda Grant:** I am a member of the Rural Development Committee and know that its agenda is pretty full for the next couple of meetings. It may speed things up if this committee writes to the Executive, so that the Executive's response will be available when the Rural Development Committee is able to consider the petition.

**The Convener:** Okay. We will refer the petition to the Executive and the Rural Development Committee, asking the Executive to respond to it. That will speed up the process. Is that agreed?

**Phil Gallie:** Can this committee indicate its strong approval of a petition in contacting the Executive?

**The Convener:** We could give the Executive our views, but whether it would be interested is another matter. Nevertheless, the Rural Development Committee may want to know whether there were strong feelings among committee members concerning the petition and its call for a public inquiry. That is why we should refer the petition to that committee immediately rather than do the homework ourselves, as we would normally.

**Phil Gallie:** In that case, with members' agreement, I would like to record our endorsement

of the petition.

**The Convener:** We can also draw the attention of the Executive and the Rural Development Committee to the *Official Report* of this meeting, from which it will be clear that there are strong feelings in support of the petition. Is that course of action agreed?

**Members indicated agreement.**

**The Convener:** The next petition is PE387, from Mr Stuart Housden on behalf of RSPB Scotland. In the RSPB's view, the current legislation governing the protection of wildlife in Scotland is out of date. Although the RSPB welcomes the proposals for new legislation, which were unveiled by the Scottish Executive in "The Nature of Scotland", it feels that the implementation of those measures should be brought forward. Mr Lloyd Austin will make a brief presentation to the committee in support of the petition.

**Lloyd Austin (RSPB Scotland):** Thank you for giving me the opportunity to speak about our petition. I pass on the apologies of Stuart Housden, the principal petitioner and the director of RSPB Scotland, who is unable to be here. He has asked me to speak on his and the society's behalf.

Our petition calls for improved wildlife legislation in Scotland. The current legislation is 20 years old and in places it is out of date and ineffective. It is widely recognised that the Wildlife and Countryside Act 1981 needs to be renewed.

11:00

In recent years, much work has been done on ideas for improvement to the legislation. That has included the work of the Partnership against Wildlife Crime, which has produced legislative recommendations that have been accepted by ministers. It has also included the Scottish Office consultation paper on sites of special scientific interest, "People and Nature". In England and Wales, the enactment of the Countryside and Rights of Way Act 2000 addressed the issue. In March, Sam Galbraith launched the Executive's proposals for legislation in "The Nature of Scotland", which was widely welcomed by all respondents. Only four out of 225 respondents opposed its proposals outright and more than a quarter of respondents stressed the urgency of the need to move forward with legislation.

Although the Executive is proposing positive ideas, there is still no legislative timetable. We were especially disappointed that a bill was not mentioned in the Executive's legislative programme that was announced last week.

As many respondents to "The Nature of Scotland" said, this is an urgent issue because,

first, our special wildlife sites continue to deteriorate. That was shown in a recent study, "Time to Act", which was produced by the environmental non-governmental organisations in Scotland. To address the matter, the Government needs the new powers and resources that are promised by "The Nature of Scotland" to implement the new positive approach to sites of special scientific interest that all parties—conservationists, landowners, farmers and crofters—want to see. We must build on the consensus that appears to exist.

Secondly, our rarest species are being targeted by wildlife criminals. The improved legislation in England that I mentioned means that unscrupulous wildlife criminals can now be arrested and imprisoned. The first such jail sentence was passed on a repeat offender last Friday. We need improved legislation in Scotland to prevent egg collectors, plant hunters and the like from targeting Scottish wildlife. We already have evidence that such targeting is happening.

The petition draws attention to the need to improve wildlife protection as soon as possible. It has more than 9,500 signatures—I am sure that it is not the biggest that the committee has received, but I think that it is the biggest in favour of Executive policy. With so much preparatory work, with such widespread support and with the availability of expert assistance, consideration of a bill by the Parliament should be reasonably straightforward and uncontroversial. We hope that it will not be delayed until after the 2003 elections.

We ask the Parliament to introduce a bill as soon as possible—through the Executive, the committees or members. Without a bill, we will continue to lose our special wildlife and our most important sites, all of which underpin our country's image and, particularly, our important tourism industry.

I thank the committee very much for its consideration of the petition. If I or my colleagues, who are more expert on the details of the legislation, can answer any questions, we would be delighted to help.

**The Convener:** Thank you very much.

Among the 9,500 names on the petition are 737 that were received through our electronic petitioning system. An excellent report was produced on the system.

I ask you to introduce your colleagues.

**Lloyd Austin:** They are Dave Dick, who is our expert on the species protection part of legislation and Clifton Bain, who leads on SSSI issues.

**Robin Harper:** Do you agree that the advances and successes that there have been in reintroducing bird species to Scotland make it

more urgent to address the difference in legislation between Scotland and England? Targeting is likely to increase if we do not address that difference.

**Lloyd Austin:** My instinctive reaction would be to say yes, but Dave Dick might like to comment.

**Dave Dick (RSPB Scotland):** The best example is the red kite, which has been reintroduced into Scotland. It is suspected that nine red kites have been illegally killed this year; it was proved that six of those had been poisoned. There is a serious problem. What has happened to the reintroduced birds has shown what happened to the previous populations. This is an urgent matter. It may not stop the reintroductions, but it is having a big slowing effect. The reintroductions are hugely supported by the public and by public funds.

**Helen Eadie:** I am aware that the RSPB probably has more members than all the political parties in the United Kingdom put together, but that will not prevent me from asking a controversial question. I am sure that no member of the committee would disagree that it is vital to protect rare birds, but other members of the Parliament and I are concerned about the impact on other bird types that are at risk in the United Kingdom and in Scotland in particular, such as songbirds and game birds. As you will know, I have also been deeply involved with the save our sports campaign run by the pigeon-racing fraternity. How do we tackle those issues? We are striving to ensure the best co-existence of species, but how do we protect people, especially those in mining communities, who want the sport to be preserved?

**Lloyd Austin:** Co-existence is the key word. I will ask Dave Dick to comment again.

**Dave Dick:** We have a short time and Helen Eadie has raised three or four issues.

Much research, funded by Government and privately, has been done on songbirds. Most of that research shows—despite the fact that many people have difficulty accepting it—that birds of prey do not affect the populations of their prey, the songbirds. Unfortunately, at the same time as the Wildlife and Countryside Act 1981 and the people enforcing it have managed to get some populations of birds of prey back, we have, by coincidence, managed to ruin much of our environment—mainly through agricultural practices. That has destroyed a lot of the songbird populations. People consider that the two things are coincidental, but all the scientific research shows that they are not.

A lot of research has also been done on the game side, under the joint raptor study, which is sometimes known as the Langholm project. From that research, people have mistakenly concentrated on Langholm—one grouse moor that

was studied. When all the grouse moors that were studied in the research project are considered, it is shown that birds of prey have had little effect on grouse numbers. Other factors such as habitat and mismanagement of the heather have had an effect. I do not have time to go into that in much detail.

Pigeon racing is probably the most difficult issue to have a rational debate about, because it is not about science or people's livelihood. Most of the aspects of wildlife legislation with which we are involved—or certainly with which I, as an investigations officer, am involved—is about protecting people's livelihoods. In certain circumstances, people are allowed to kill certain "pest species", but that is not the context for racing pigeons. The debate is on those areas rather than on anything that I could answer quickly.

**Lloyd Austin:** The pigeon issue was also addressed by the joint raptor study, which the Government sponsored. Ministers have accepted the study's recommendations, one of which was that there should be further work on birds of prey and pigeons. I understand that Scottish Natural Heritage is leading that work.

**Helen Eadie:** That is where the controversy lies. There is a refusal to accept that in Scotland the raptor working group included participants from other groups with concerns about grouse, pigeons and songbirds. That is why I am unable to give you total support, although I broadly agree with your comments this morning.

**Phil Gallie:** That is an argument for another day. I have some sympathy with some of Helen Eadie's comments, but I will move on.

Lloyd Austin mentioned egg collectors. My recollection is that in 1993 or 1994, George Kynoch brought in a private member's bill to give greater powers to the police and others to target egg collectors. How successful has that been? What shortcomings remain?

**Dave Dick:** The change to the law to which you refer was concerned only with one narrow though important point. Scots criminal law needs corroboration: two witnesses are necessary, although there are ways round that. The amendment to the law allowed for single-witness evidence in cases of egg stealing.

That provision has not been used often, I am afraid, because most such incidents take place in remote places in which we would be very lucky to have any witness at all. The enforcement that has real effect on egg collectors is when they are apprehended by the police away from the scene of the crime or at their house. We have just heard today that, last week, a serial offender was jailed after five convictions for stealing eggs.

Most such people, although they come from England, carry out the crimes in Scotland. As Robin Harper said, our rarest birds—some of those that have been introduced—attract egg thieves from England. We need to deal with those people in our country too.

**The Convener:** Is it correct that you do not have any quarrel with the proposals for legislation that are contained in "The Nature of Scotland", just with when they will be introduced?

**Lloyd Austin:** We have no serious quarrel with the proposals. There are details on which we would like to see improvements, but we fully support the overall philosophy and principles. Our argument is that the proposals should be implemented urgently to deal with the issues about which we have been speaking.

In particular, as next spring is the next egg-collecting season for our English visitors, we would like to see progress on egg collecting as soon as possible. We stress the need for urgency.

**The Convener:** Is there any indication that that urgency is lacking on the part of the Scottish Executive?

**Lloyd Austin:** As I mentioned, we were disappointed that there was no mention of the proposals in the legislative programme last week. We have no indication from the Executive as to when it plans to implement the proposals.

**Dr Winnie Ewing:** I simply use the chance to ask why all the songbirds have disappeared. I have not heard a lark all summer although I live beside a wood in the country. It is terribly sad. Is it to do with fences replacing hedges?

**Lloyd Austin:** As Dave Dick stated earlier, research indicates that the prime cause of reduction in the populations of most songbirds is habitat change that has been caused by changes in agriculture and forestry practice over the years. That is one reason why we work in close harmony with the National Farmers Union of Scotland and the Scottish Crofters Union to find ways of moving agriculture policy towards supporting more environmentally sensitive agriculture through programmes, such as the rural stewardship scheme, that allow agriculture to support songbirds.

**Dave Dick:** If Dr Ewing wants to see skylarks, one of the best places to go to from here would be the top of Arthur's Seat, which is a non-agricultural area. There are many songbirds there. I live quite close to Arthur's Seat and I can go out in the spring and summer and hear songbirds every day. There are still skylarks about, but the numbers are going down.

More important, what we ask for in the petition is not relevant to the pigeons issue. We ask for more

powers to catch people such as egg thieves and poisoners who are killing some of our rarest birds.

**Phil Gallie:** What is the raptor population around Arthur's Seat?

**Dave Dick:** There are two pairs of sparrow-hawks. One is in the nature reserve right underneath Arthur's Seat. The other pair is in the trees close to Holyrood Abbey. There is also a pair of kestrels that nest in the hill area.

I have lived near Arthur's Seat for nearly 20 years. The songbird numbers have stayed about steady in that time. There are many songbirds in that park. It is very good for them.

**The Convener:** Thank you for that local information. I am sure that members of the committee will use it.

We move on to discuss what to do with the petition. Members can see from the petition and the discussion that we have had with the petitioners that the problem seems to be that the Executive has not indicated when it intends to introduce legislation based on the proposals in "The Nature of Scotland". It is suggested that we copy the petition to the Executive, asking it to provide details of its programme for publication of the draft legislation based on the proposals. That is the best course of action.

11:15

**Helen Eadie:** I do not quarrel with that, but I ask that a copy of the *Official Report* of the meeting accompany the representation to the Scottish Executive. I feel that one of the reasons why the Scottish Executive has not implemented the proposals as a matter of priority is that the Executive is aware that the matter is controversial. Despite what we have been told this morning, from representations that have been made to me and other MSPs who have been working on the issue I know for a fact that 6,000 pigeon rings have been recovered from peregrines' nests. That is not down to habitat and the fact that there has been a change in the system of agriculture. It is because there is a problem and we do not know how to address it.

I am happy for the petition to go to the Executive, but I want it to do so with the qualification that there is a strong body of opinion throughout Scotland that feels that its concerns on pigeons, songbirds and grouse are not being taken into account.

**The Convener:** The clerk has suggested to me that there could be a delay if we have to wait for a copy of the *Official Report*, but we could send the petition to the Executive, referring the Executive to the *Official Report* of this discussion when it comes out.

**Members indicated agreement.**

**The Convener:** The next petition, PE383, is from Mr Ken Alstaff on behalf of Dundee and Tayside Chamber of Commerce and Industry. It calls for the relocation of civil service jobs, departments and agencies away from Edinburgh and Glasgow. I understand that Pam Smith and Sandy Meiklejohn will speak to the petition.

Before we start, I declare an interest: I am a member of the campaign that supports the petition. I am therefore rather embarrassed by the situation and will keep my contribution to a minimum and simply chair the discussion.

I ask the petitioners to introduce themselves.

**Sandy Meiklejohn:** I am a Dundee solicitor and past president of Dundee and Tayside Chamber of Commerce and Industry. I am accompanied by Pam Smith, who is the current president.

**The Convener:** The normal rules apply. You have three minutes to make a presentation and then we will open the discussion up to questions and answers.

**Sandy Meiklejohn:** Happily, I can be brief. As you have said, you are well aware of the background that brings the petition to the committee. I have been fortunate to appear before the committee once before and therefore have had the benefit of seeing the committee at work.

A theme that occurs to me is that petitioners to the committee come to you against a background of winners and losers. Those words have been used more than once this morning. Typically, the petitioners perceive themselves as losers. I am happy to say that Dundee and Tayside Chamber of Commerce and Industry, the city of Dundee and the region of Tayside do not perceive themselves as losers.

Dundee has had some notable success on civil service jobs in recent months. The Scottish commission for the regulation of care and the Scottish social services council are to be housed in a new building that is emerging on Dundee's waterfront. Alastair Darling has announced that the pension service will establish an operation in Dundee that will eventually employ 500 people.

That is all excellent news. It represents a city and region that could reasonably portray themselves as winners in the allocation of civil service jobs. However, the background against which that good news must be read is one of considerable inequity in the overall distribution of civil service jobs in Scotland, certainly as perceived from Dundee and Tayside.

There have been recent examples of public sector civil service jobs being established outwith the central belt. In particular, the Food Standards



Agency Scotland is going to Aberdeen and the Office of the Public Guardian has been established in Falkirk. In an answer to a recent written question, the property cost savings of establishing the operations outwith the central belt were identified. Extrapolating from those cost savings, we note that the saving from establishing those jobs outwith the central belt is something like £3,000 per job in property terms alone.

The area is one that can have winners and winners. Yesterday, on that barometer of political opinion in the UK, the Jimmy Young show, someone observed that Scotland has no tuition fees for its people at university and that there are proposals for free personal care for the elderly. That person asked whether the Scottish Executive should not be running Westminster. I do not suggest that we go that far but those issues show that the Scottish Executive is prepared to boldly go.

We have brought the petition to the committee boldly because we believe that it offers a way of saving money for the public purse. Jobs established or relocated outwith Edinburgh and Glasgow will cost less—whether those jobs are in Dundee, Perth, Forfar, Arbroath, Montrose, Brechin, Coupar Angus or anywhere in the Dundee and Tayside region. I readily accept that the petition is from Dundee and Tayside and that similar arguments could be advanced by other regions outwith the central belt.

I also accept that the consequence of granting the crave of the petition would be a thorough consideration of where civil service jobs go. Dundee and Tayside might not emerge as winners, but we are prepared to be part of that exercise. We believe that we have a good case. All we want is a fair crack of the whip.

We believe that the Scottish Parliament could achieve savings if Dundee and Tayside have their fair share of civil service jobs. Five thousand Scottish civil service jobs at a property saving cost of £3,000 per job would equal £15 million per year. The chairman of Scottish Enterprise Tayside recently said in the press that a saving of £500 million could be achieved over 30 years. That arithmetic might be a little bit ambitious—I would not necessarily want to look that far forward.

There are clearly savings to be made. The outcome of the granting of the petition could be winners and winners.

**The Convener:** Dorothy-Grace Elder, from Glasgow, has the first question.

**Dorothy-Grace Elder:** That is the health warning before I start.

You have presented a well-argued case on the ground of cost savings. However, do you agree

with my objection to the fact that you have lobbied Edinburgh in with Glasgow in the apportioning of civil service jobs? You say that Glasgow has three times as many civil service jobs per thousand of population as Tayside. That goes some way to balancing the overall small number of white-collar jobs in Glasgow. The level of unemployment in Glasgow is also grotesque and appalling.

Do you therefore accept that Edinburgh more than Glasgow is skewing the figures and that, although Dundee has a good case, it is unfair to argue against another deprived area of Scotland? Do you agree that it is Edinburgh that is overloaded with the goodie jobs along with the traffic, pollution and all the problems that come with those jobs?

**The Convener:** Before you answer that question, I point out that no members of the committee come from Edinburgh.

**Sandy Meiklejohn:** It is difficult to deny the point that you make. Our argument is based on jobs per thousand of population. That arithmetical argument inevitably means that Glasgow and the Glasgow conurbation would end up with the largest number of jobs. The number of established civil service jobs is broadly comparable in Glasgow and Edinburgh despite the significant disparity in their populations.

I will try to be fair and act as devil's advocate for the moment. It must be accepted that, if the seat of government is in Edinburgh, there will be a pool of civil service jobs there. The ministers cannot be divorced from their departments. Nonetheless, there is an imbalance when the issue is viewed in the round. I accept the point that the imbalance has greater focus when Edinburgh rather than Glasgow is considered.

**Dorothy-Grace Elder:** Do you agree that it would be wiser to remove Glasgow from the calculation and that a straight comparison with Edinburgh and the surrounding areas would be better?

**Sandy Meiklejohn:** I am reluctant to remove Glasgow altogether from the equation. I go no further than acknowledging that the problem is greater when a comparison is made with Edinburgh rather than with Glasgow.

**Rhoda Grant:** I am sympathetic to the aims of the petition. However, I have been looking at the background papers to the petition and note that Tayside appears to be doing quite well compared with the Highlands and Islands. Do you agree that, rather than concentrating on Tayside, we must consider putting civil service jobs in all areas of Scotland where traditionally they would not have gone? Is that an aim of the petition or do you really want to stick with Tayside alone?

**Sandy Meiklejohn:** The underlying theme of the petition is that the issue should be considered properly. I acknowledge that Dundee and Tayside might not be the winners as a result. We think that we have a good case and we are not afraid to be a part of such an exercise.

One of the strongest features of the Scottish Parliament is its accessibility and inclusive attitude. It is most impressive that the committee is able to hear a petition by video link. It is a pity that Robin Cook was here yesterday and not today—I am sure that he would have been impressed by what we have seen today.

We will argue Dundee and Tayside's case but the review that we are asking for would cover the whole of Scotland, including the Highlands and Islands.

**Helen Eadie:** My instinctive reaction is to support the aims of the petition. However, there is a nagging question. I come from Fife—every member around the table seems to be putting in a bid for their area. The old Hyundai factory is lying empty and any Government department could relocate there tomorrow.

If you intend to relocate civil service jobs throughout Scotland, how do you intend to address the costs of travelling between all those different locations? Time spent travelling is obviously time not spent tackling issues, which could be done if people were congregated in one area. I am playing the devil's advocate because fundamentally I am with you, but how do we answer such questions?

**Sandy Meiklejohn:** We look forward and not back. We do not look backwards at traditional means of communication. We look forward at electronic means of communication. This morning, we have seen that they work.

**Dr Winnie Ewing:** I have a follow-up to Rhoda Grant's question. Given all the new technologies, surely anywhere is a suitable candidate—it could be Inverness, Oban or the island of Islay. If there were a suitable building, it might be cost-effective to go where jobs are scarce but there are a lot of skills. The nub of the petition was spoiled somewhat by your narrative because you are from Dundee, which, according to my information, is doing very well—everyone is saying that about Dundee. The SNP party conference is helping by going to Dundee this year. New technology should be considered when we are looking at the issue. Anywhere is a likely candidate.

**Sandy Meiklejohn:** Dundee is doing well by its own efforts, but it could do better. The rural areas surrounding Dundee might not be sharing in the benefits that Dundee is enjoying. The job picture in Angus has not been as bright as it has been in Dundee. Dundee has also had some recent

setbacks in terms of jobs. We have been successful in attracting inward investors but, unfortunately, when America sneezes, sometimes Dundee catches a cold. We have recent experience of that.

11:30

**John Farquhar Munro:** I would have a lot of sympathy with the petition were it not for the fact that it specifically mentions Edinburgh and Glasgow. I do not want to make a distinction between Edinburgh and Glasgow—I would just refer to the area as the central belt. We accept that Dundee is not within the central belt. If that wording had been presented in the petition, I would have been happy to support it and the concept of moving the jobs to the periphery of Scotland which, to be fair, seems to be happening already.

In the Highland area, which has been mentioned, the development agency, Highlands and Islands Enterprise, is undertaking that very exercise at present. It is moving jobs out of Inverness to the periphery and to some of the remote islands, which is to be commended.

There is a lot of merit in the petition. My one gripe with it is the geographical definition, identifying Edinburgh and Glasgow. I am sure that the Scottish Executive supports the movement of key jobs outwith the central belt.

Helen Eadie suggested that there might be difficulty commuting between areas, but I do not see it like that. Once the move is made, once the jobs are established and once the focus is in a specific area, there is no need for travelling. Facilities for the sort of technology that has been demonstrated today could be installed anywhere.

I support the concept of the petition, but with the reservations that I have indicated.

**Sandy Meiklejohn:** Thank you for those supportive comments. I understand that there is currently a presumption against the location of new civil service jobs in Edinburgh and that when opportunities to relocate come up, such as on the expiry of a lease, that presumption comes into operation. Our concern is that that is a somewhat reactive approach. We would rather see a proactive approach, with the issue being examined so that a fairer distribution of civil service jobs results.

**Phil Gallie:** As you know, convener, I hate to be controversial on issues such as this, but the comments that have been made, particularly with respect to Edinburgh, are somewhat ironic, as all the committee members who support the petitioners' ideas supported setting up a Parliament in Edinburgh that has boosted the

number of civil servants and the amount of bureaucracy in Edinburgh, bringing more people to the city. I wonder whether Dundee ever put in a bid for the new Parliament. That will be a matter of historical record. Would the petitioners have supported the idea of the new Parliament being set up in one of the ancient capitals of Scotland, which would have diminished the problem that has been described?

**Sandy Meiklejohn:** The convener may be better able to answer that question than I am.

**The Convener:** The Scottish Parliament once met in Dundee, at Claypotts Castle, but that was a long time ago.

**Helen Eadie:** It also met at Inverkeithing in Fife.

**The Convener:** In the old days, the Scottish Parliament was peripatetic. Perhaps we should learn from that, rather than building very expensive buildings in one place.

As there are no other questions, do the petitioners have any final comments?

**Sandy Meiklejohn:** I want only to thank committee members for their fair and interested hearing.

**The Convener:** You are welcome to stay and listen to our discussion.

The discussion was broad-ranging, but I detected an element of support for the principle of relocation of civil service jobs, wherever possible, to other parts of Scotland. As the petition comes from Dundee and Tayside, it deals primarily with that area, but it is the principle of relocating jobs throughout Scotland, to whatever region, that the committee agrees with.

It is suggested that, in the first instance, we seek an update from the Executive on the progress of its relocation policy, specifically in relation to the agencies that are mentioned in the petition, including the Scottish Public Pensions Agency, which is moving to Galashiels, the Health Education Board for Scotland and the other two agencies that are going to Dundee. We could then reconsider the petition in the context of the Executive's response.

**Dorothy-Grace Elder:** We should ask specifically about moving whole departments. Glasgow has not received all the departments that it was rumoured to have been promised before the Parliament started.

**The Convener:** Are you talking about moving existing departments from Edinburgh?

**Dorothy-Grace Elder:** Yes. That was mooted before the Parliament started. It was suggested that a large number of civil service jobs would come to Glasgow and other locations once the

Parliament was set up. It was said that whole Government departments would operate outside Edinburgh.

The petition raises a vital issue. Throughout Scotland, a lot of people find that their affairs are centralised here in Edinburgh, instead of being centralised in Westminster. Many people feel as remote from Edinburgh as they felt from Westminster. We have seen how, using the net and the sort of technology that was used earlier, we can let people express their views to Parliament, but that still does not mean jobs and prosperity outside Edinburgh.

**The Convener:** I have been reminded that the enterprise and lifelong learning department has moved most of its activities to Glasgow. In any case, we will ask for the information to be provided as part of the Executive's response.

**Rhoda Grant:** I want to add a note of caution, as the issue has to be handled sensitively. If, after restructuring, new departments are set up or formed, they should not be in Edinburgh, but I am a wee bit wary about telling people who are established here to pick themselves up and move. People have families and friends; they have their lives. We have to be careful.

**The Convener:** At this stage we are simply seeking an update on the relocation policy from the Executive, so that we can better consider the petition in the context of the Executive's response. We are not taking a position on the matter.

Is the recommended course of action agreed?

**Members indicated agreement.**

**The Convener:** I thank the petitioners for their attendance.

We now move on to discuss the rest of the petitions, to which no one is speaking. The first is PE385 from Ms Fiona Henderson, on the recognition and accessibility of the Gaelic language. The petition calls on the Parliament to ensure that appropriate access to Gaelic education is available and that Gaelic education does not become socially exclusive. Ms Henderson is based in Edinburgh and says that she has been unable to gain access to appropriate Gaelic education for her children or herself.

The Scottish Executive fact sheet "Gaelic in Scotland" has been provided. It indicates that an extra £5 million was spent on Gaelic-medium education in the five years to 2001-02. The issue has been raised in two previous petitions, both of which were passed to the Education, Culture and Sport Committee. That committee passed them to the Scottish Executive to be taken into account during consideration of the Standards in Scotland's Schools etc Bill. An Executive amendment was agreed to at stage 3, which had

the effect of placing a requirement on education authorities to include in their annual statement of education not only improvement objectives but an account of the ways and circumstances in which they will provide Gaelic-medium education and, where Gaelic-medium education is provided, of the ways in which they will seek to develop such provision. It is clearly a matter for the education authorities to make arrangements for the provision of Gaelic-medium education where sufficient demand exists, but there is also that new requirement.

It is suggested, first, that we request comments from the Scottish Executive on the general policy issues raised by the petition, with a particular request for details of the implications for education authorities of the new requirements of the Standards in Scotland's Schools etc Act 2000 and, secondly, that we seek comments from the City of Edinburgh Council on its current approach to Gaelic-medium education provision.

I understand that we have already been contacted by Colin Dalrymple, the deputy director of education in the council with responsibility for Gaelic. He says that he believes the petition does not paint the full picture and that there is more information to be had on the subject, which would give committee members a better understanding and a better chance to respond.

**John Farquhar Munro:** That might be the answer. The petition is a complaint against what is happening in the education system in Edinburgh. We could use the opportunity to hear first hand about what is happening. When the Standards in Scotland's Schools etc Bill was being considered, the requirements were clearly stated, after a bit of arguing to and fro. Let us hear from the education department what it is doing to implement the policy on Gaelic.

**Dr Winnie Ewing:** I notice that one of the petitioner's complaints relates to recruitment at a college and that the final paragraph of the Scottish Executive's letter of 7 August answers that point, so that aspect of the petition seems to have been resolved. As I understand it, the problem is a lack of teachers of Gaelic. I do not know what we can do about that. It depends to an extent on the number of people who are willing to become teachers of Gaelic. If there are not enough applicants, there is not much that can be done by throwing money at the problem. Much of the correspondence that I have had with Alasdair Morrison on the matter relates to the sheer need for a huge number of extra Gaelic teachers. The provisions are there, but I am not sure how we encourage more people to become Gaelic teachers.

**The Convener:** It is suggested that we ask the Scottish Executive for its response to the petition,

and specifically about what it is doing on the recruitment of teachers of Gaelic.

**John Farquhar Munro:** I am aware that there are incentives to encourage people who are already in the teaching profession.

**Dr Ewing:** Could we find out from the Executive how successful those incentives have been?

**The Convener:** Is it agreed that we ask the Executive to respond to the petition; that we ask it what action it is taking in trying to recruit additional teachers of Gaelic across Scotland and how successful that action has been; and that we ask the City of Edinburgh Council what provision it is making, so that we can better consider the petition?

**Dr Ewing:** I can say from bitter experience that you have to be very determined to learn the language if you are not a native speaker.

**The Convener:** At some point in my life, I shall try to do precisely that, but not at the moment; I do not think I have the time.

Is that course of action agreed? I take silence to indicate assent.

The next petition is PE389, from Mr Romano Petrucci. It calls on the Scottish Parliament to initiate a review of the provisions of the Licensing (Scotland) Act 1976 to permit appeals against refusals by licensing boards to grant regular extensions of permitted hours to be heard in the appropriate sheriff court. The current procedure involves approaching the Court of Session through a process of judicial review, which is time-consuming, expensive and allowed only on certain, limited grounds.

The committee considered another petition, PE329, which called for the same kind of thing. We passed it to the Scottish Executive to comment on whether the issues that the petition raised would be considered as part of a review of the current licensing law. The Executive's response outlined the remit of an independent commission that has been set up to review the 1976 act as part of a consultation process. A copy of the earlier petition has been placed on the Executive's review file. It is suggested that a copy of the new petition should also be passed to the Scottish Executive, with a request that the issues raised in it be taken into account as part of the forthcoming review of licensing legislation. We could also ask the Executive for its comments on the specific issue raised by the petitioner and for an update on the progress being made on the review process. Is that agreed?

**Members indicated agreement.**

**The Convener:** The next petition is PE390, from Ms Deirdre Henderson, which deals with exclusion

in higher education. The petition calls on the Parliament to take action on a number of issues considered necessary by the petitioner to ensure that students from non-traditional backgrounds are not excluded from higher education. She calls for review and evaluation of the student experience of mental health and hardship, of entry procedures and requirements, of the academic support that is offered to students, including tutor training, of the availability of flexible learning opportunities, of child care policy and support for parent students, of student fees and student funding, of the effect of university budget cuts and of the number of workers at universities who are encouraged to access higher education.

It is suggested that, initially, we pass the petition to the Executive, asking it to comment on the specific points raised. Is that agreed?

**Members indicated agreement.**

**The Convener:** The next petition is PE391, from Councillor Willie Scobie. It calls on the Scottish Parliament to consider a range of issues in relation to the adequacy of existing housing legislation in protecting tenants who have exercised their right to buy, but who subsequently have repairs imposed on them by local authorities without their consent.

The petition raises issues similar to those raised by PE356, which called on the Parliament to establish a mechanism and appropriate forum for the resolution of disputes between local authorities and owners of former local authority homes. That petition also came from petitioners based in Dumfries and Galloway, and responses to it from the Executive and from Dumfries and Galloway Council indicated that a variety of avenues are available to resolve disputes between owner-occupiers of former local authority homes and councils, notably the common repairs working group, which was established by the Executive. It was also pointed out that, in house purchase, ultimate responsibility for repairs and maintenance work, whether minor or major, lies with the owner. Full surveys prior to purchase are recommended in the Executive's information leaflet on the right to buy.

The previous petition was referred to the Local Government Committee, which asked to see it because of its members' interest in the matter. In view of the similarities between PE356 and PE391, it is suggested that we also refer PE391 to the Local Government Committee, with the recommendation that the petitions be considered together. I understand that the clerk to the Local Government Committee has indicated that the committee would be willing to consider PE391 in that way.

**Phil Gallie:** We should remember other things, for example that the Parliament has passed the Abolition of Feudal Tenure etc (Scotland) Bill and that the laws of the tenement are coming up for review. A bill relating to common repairs and other issues is to be introduced by the Executive and will be considered by one of the justice committees. To my mind, when someone buys a property, it does not matter who sold them it—whether it was a local authority or anyone else; their rights as owners of former council homes are the same as those of owners of any other properties.

Shared repair agreements, where they exist, must be fulfilled. Given that legislation has gone through the Parliament and that two further bills are to go before the Parliament's justice committees, the issue should be passed to one of those committees, not to the Local Government Committee.

11:45

**The Convener:** Petition PE356, which dealt with much the same issue, is being dealt with by the Local Government Committee. It would seem logical also to send PE391 to that committee. We could highlight Phil Gallie's point that the petition impinges on work that is being carried out by the justice committees. Perhaps the Local Government Committee would liaise with those committees when it handles PE356 and PE 391.

**Phil Gallie:** It would be wise to strike up that relationship.

**The Convener:** We will do that. I propose that we send PE391 to the Local Government Committee and draw its attention to the changes in legislation that are being pursued by the justice committees, so that the committees can liaise on how to dispose of the petitions.

**Phil Gallie:** Perhaps we should also seek the opinion of the justice committees as to whether they are happy to leave PE391 alone.

**The Convener:** Is that agreed?

**Members indicated agreement.**

**The Convener:** Petition PE393, from Killin community council, calls for the Killin area to be included in the Loch Lomond and Trossachs national park. Sylvia Jackson has a particular interest in the petition and wants to make a contribution to the debate. She has walked through the door as I am speaking, so we do not have to slow down to await her arrival.

PE393 is timely as, although the act to establish the park has been passed, I understand that consultation is under way on the orders that will be drawn up on the extent of the park boundaries.

**Dr Sylvia Jackson:** I thank the convener for arranging to forewarn me that the committee had moved on to discuss PE393. John MacPherson, the chairman of Killin community council, is with us and can answer questions too, if that is required.

Killin community council lodged PE393 because of the huge community campaign for Killin's inclusion to be reconsidered. We are in the last stage of the consultation process and it is important for the Killin community to be heard, as the community has not been represented correctly so far in the consultation process. As documented in the report, the community council does not consider that the population is split on whether the area should be in or out of the national park—a huge majority wants to go into the park. The community hopes that the petition will be passed to the Rural Development Committee, as I understand that the Minister for Environment and Rural Development will appear before that committee. The community's points could be taken on board at that meeting.

**The Convener:** I understand that the Minister for Environment and Rural Development is due to appear before the Rural Development Committee on 2 October 2001. It would be timeous to send PE393 to the committee and to ask for the petition to be added to the subject matter for questions to the minister.

**Dr Winnie Ewing:** If Killin were to be included in the national park, would that open the floodgates for other places to ask to be included?

**Dr Jackson:** Killin is the main area in my constituency that has been left out of the national park. The decision to do that has divided the Glen Dochart area in two. The community in another area around Balfron is also asking for a review of the decision, but Killin is making the strongest arguments for inclusion. The request for a review is a major issue in my constituency.

**The Convener:** As no other member has indicated that they want to speak, does Sylvia Jackson have any final points to make?

**Dr Jackson:** The petition is not fully complete. It is hoped that the final petition will be presented to the Minister for Environment and Rural Development on 19 September, before the end of the designation order consultation process on 21 September.

**The Convener:** It is suggested that we refer PE393 to the Rural Development Committee. We will recommend that it raises the petitioners' concerns with the Minister for Environment and Rural Development when it meets the minister on 2 October. Are we agreed?

**Members** *indicated agreement.*

**Dr Jackson:** Thank you.

## Interests

**The Convener:** Before we move on to the next agenda item, I should point out that I did not ask the new—or, should I say, recidivist—member of the committee, Phil Gallie, whether he would like to make a declaration of interests. As he has been a member of the committee in the past, he has made a declaration already, but he should do so again as a new member.

**Phil Gallie:** I have no interests to declare but, if one arises in relation to a specific petition, I will advise the convener.

## Current Petitions

**The Convener:** We move on to discuss responses to a series of current petitions.

The first two such petitions, PE352 and PE355, were both lodged by Mr Duncan Shields. The first petition, PE352, is about the misuse of doctors' reports by lawyers in court actions. The second petition, PE355, deals with local councillors' interests in court actions.

Members will see from the paper on PE352 that, in addition to seeking the view of the Executive, we also sought the views of Family Mediation Scotland and Children in Scotland. Those organisations have replied to say that they have no quarrel with the Executive's view. However, they are concerned about the use of adversarial court procedures to settle family disputes.

We consulted with the Scottish Executive on PE355. It has indicated that a new code of conduct has been drawn up under the Ethical Standards in Public Life etc (Scotland) Act 2000, which will affect councillors' behaviour. The Convention of Scottish Local Authorities has also responded along similar lines.

On PE352, Family Mediation Scotland and Children in Scotland hold the view that courts are an inappropriate forum for residence and contact to be explored. Neither organisation has contradicted the views of the Executive on doctors' reports. It is suggested that we copy the correspondence to the petitioner and to the appropriate justice committee for information and that we take no further action. Are we agreed?

**Phil Gallie:** The question that is posed by the petitioner was about the misuse of doctors' reports. Family Mediation Scotland has given the green light to submissions that were made by doctors. That view is correct in the great majority of cases, but each and every one of us is aware of the pressures that individual patients can bring to bear on practitioners. There is no doubt that that could lead to reports that are not necessarily of benefit to the child. FMS has failed to address that point. The petitioner might not be satisfied with the response that he receives.

**The Convener:** If the petitioner is not satisfied with the response, he can come back to us to make that point. Family Mediation Scotland and Children in Scotland concurred with the Executive's view that both sides in court should be properly represented. That would allow medical reports to be contested and it would allow for reports to be open to scrutiny. That is a safeguard against the misuse of reports.

**Phil Gallie:** The convener's comment is fair.

**The Convener:** The Ethical Standards in Public

Life etc (Scotland) Act 2000 will go some way toward ensuring that the problems that were raised in PE355 do not occur. It is suggested that we pass a copy of the responses to the petitioner and that no further action be taken. The new codes of conduct should address the petitioner's concerns that councillors who are also lawyers could take decisions in their own selfish interests, rather than in the broader public interest.

Are we agreed with the action that is proposed on PE352 and PE355?

**Members indicated agreement.**

**The Convener:** We move on to PE362, which was lodged by Jane Sargeant on behalf of the People's Protest. Members will remember that we agreed to take no further action on PE362, following our pursuit of the issue with Wendy Alexander, the Minister for Enterprise and Lifelong Learning. However, on 6 July 2001, the minister wrote to me indicating that the system for payments is now up and running, that payments are being made and that everything seems to be working in accordance with the plan.

It is suggested that the committee should agree to note the latest correspondence and take no further action, other than to send copies to the petitioner, the Rural Development Committee and the Enterprise and Lifelong Learning Committee for their information. Is that agreed?

**Members indicated agreement.**

**The Convener:** The next petition is PE366 from Dr Andy McDonald, on behalf of Craigmillar Community Information Service, which calls on the Parliament to urge the Executive to support the CCIS digital inclusion charter and to take a range of steps to tackle the digital divide. The Executive has responded by drawing the committee's attention to the creation of a dedicated digital inclusion unit as part of the digital Scotland initiative. The Executive also aims to develop a digital inclusion strategy later in the summer. The Executive has discussed the issues with public, private and voluntary sector organisations, and is interested in working in partnership with other bodies.

The petitioner is a member of the digital Scotland reference group and has the opportunity to raise issues in that forum. In addition, the Executive has arranged a separate meeting with him. He will be given an opportunity to feed into the development process of the Executive's digital inclusion strategy, so it is suggested that the committee should send the Executive's correspondence to the petitioner and take no further action. Is that agreed?

**Members indicated agreement.**

**The Convener:** The next petition is PE367 from

Mr Eric Drummond, on services for the diagnosis and treatment of those who suffer from sleep apnoea. We agreed to copy the petition to the Scottish Executive, Greater Glasgow Health Board and Lothian Health and we have received responses from them. The Scottish Executive's response describes the background and how what was originally a national service was transferred to national health service trusts and health boards in 1996.

The responses from Lothian Health and Greater Glasgow Health Board say what they are doing. GGHB has got its act together in a way that Lothian Health has yet to do, although Lothian Health is conducting a review, which it hopes will be available shortly, and which has involved consultation with other health boards.

We might wish to note that at its meeting on 27 June, the Health and Community Care Committee agreed to pass to the Public Petitions Committee its concerns about the current system of funding for small disease groups.

It is suggested that Lothian Health should be asked to provide the committee with the results of the review of the sleep service when they become available. The committee could consider the petition further on receipt of that information. In the meantime, it is suggested that the responses that have been received should be copied to the petitioner and the Health and Community Care Committee for their information. Until we get Lothian Health's review, we cannot come to a conclusion.

**Helen Eadie:** That is reasonable. We should express our concern at the on-going difficulties. I have a case-load on the issue and I am concerned. I hope that Lothian Health addresses the matter urgently.

**The Convener:** Absolutely. We will be in a better position to judge that when we get the result of Lothian Health's on-going review which will, I hope, be completed in the near future. Is that agreed?

*Members indicated agreement.*

**The Convener:** The next petition is PE369 from Mr Brian Rostron, on behalf of the Confederation of United Kingdom Coal Producers, on opencast mining planning permissions. The petition calls on the Parliament to urge the Executive to guarantee a number of things. The Executive has responded and has said that it already does everything that the petitioner has asked it to do: coal deposits are accorded positive policies in development plans; opencast coal development is considered in the planning system, as is any other development proposal; the strategic need for coal is recognised in the determination of opencast coal applications; and energy from a Scottish employment, business

and economic perspective is recognised as an important consideration in Government development planning and guidance.

A previous petition, which took the opposite view to that of the opencast mining lobby, was passed to the Transport and the Environment Committee following our meeting on 22 May. It considered that petition on 5 September and agreed to defer consideration until we agreed to action on PE369. It is suggested that the petition should be referred to the Transport and the Environment Committee to allow both petitions to be considered by the committee, because both petitions argue about the same situation from different perspectives. Is that agreed?

*Members indicated agreement.*

**The Convener:** Petition PE373 from Mr Raymond Dorricott is about summary warrants by sheriffs to local authorities. It calls on the Parliament to amend the current legislation, which infringes the right of alleged debtors to reply or comment before a warrant is issued.

We agreed to request comments from the Executive, which has pointed out the recent publication of a report called "Striking the Balance" by the working group on a replacement for poindings and warrant sales. That report recommends that the Executive should examine with local authorities the use of the summary warrant procedure by local authorities.

12:00

Consultation on that document ends on 17 October, after which ministers will, in deciding a way forward, give careful consideration to the submissions that are received. It is proposed that we agree to respond to the Executive and ask that the petition be taken into account as part of the consultation process. We could then agree to copy the Executive's response to the petitioner and take no further action or, if members think it worthy, we may refer the petition to the justice committees for further consideration.

**Dr Winnie Ewing:** We should refer the petition to the justice committees. Allegations of unfairness in an appeal procedure, or the lack of an appeal procedure, would contravene the European convention on human rights, to which we have signed up.

**The Convener:** It is almost certain that the report of the working group and any proposals that arise from it will end up at the justice committees anyway, so it would be a good idea to send the petition to those committees and ask them to consider the petition when they consider the recommendations of the working group.

**Phil Gallie:** I support Winnie Ewing's comments.



The issue has major effects on all our constituents, although it depends on the local authority areas that they are in. South Ayrshire Council regularly issues summary warrants on a mass scale about three months after the new rating period begins. The problem goes back to an argument with councils about standing orders and direct debits because, when people pay only a few days late, they get warnings that they are behind with their rates payments, although they have paid by the time they receive the letter. The council automatically moves to summary warrants and issues a huge amount at any one time. That has a terrible effect, on elderly people in particular.

As Winnie Ewing said, it is wrong that sheriffs should simply rubber-stamp mass applications by local authorities. If we pass the petition to the justice committees, I would like the Public Petitions Committee to comment strongly. I have read "Striking the Balance". It is fine and it contains many useful recommendations, but it does not go into the detail of the petition.

**The Convener:** I sense that the committee feels that the petition should be referred to the justice committees, and that those committees should take the petition into consideration when they consider the Executive's proposals that arise from "Striking the Balance". In doing so, we will draw the attention of the committees to Phil Gallie's comments and ask them to take those comments into consideration. Is that agreed?

**Members** *indicated agreement.*

**Phil Gallie:** Perhaps we should underline those comments to the Executive before the Executive produces its proposals.

**The Convener:** It would be for the justice committees to comment on the proposals, rather than for this committee. Not everybody in this committee will have read "Striking the Balance".

**Phil Gallie:** I acknowledge that I am in danger of over-committing the Public Petitions Committee.

**The Convener:** Absolutely.

We will leave it to the justice committees to arrive at conclusions, but we will refer the petition to them, draw Phil Gallie's comments to their attention, and ask the justice committees to consider them as part of their review of the Executive's proposals.

The next petition is PE374 from Dr Steve Gilbert, on the underfunding of chronic pain management services in the NHS in Scotland. We dealt with the petition at our meeting on 19 June, when we agreed that it should be copied to the Executive for comments and to the Health and Community Care Committee for information only. We have received a response from the Executive, which sets out a series of arguments from its

perspective. It is suggested that the petition and the Executive response should be referred to the Health and Community Care Committee for its further consideration or, if we do not want to do that, we can agree to copy the Executive's response to the petitioner and to the Health and Community Care Committee for information and take no further action. The issue is whether we want to accept the Executive response and leave it at that, or pass it on to the Health and Community Care Committee.

I have been told to read out for the record that the Executive notes that

"increasing effort and resource goes into palliative care, both in the NHS and in the voluntary sector; and a significant amount of that effort is related to pain relief."

The Executive also points out that

"In general, there are difficulties in having a central policy on pain management services as pain needs to be seen in the context of the individual patient's illness, in which case the pain aspect may be treated as an integral part of the patient's care."

It is a complex issue, but the question before us is whether we send the Executive's response to the Health and Community Care Committee or leave it.

**Dorothy-Grace Elder:** I declare an interest as convener of the Parliament's cross-party group on chronic pain. The problem with the Executive's response is that it seems to have misunderstood what the crux of the problem is. I am not being critical of the Executive, because petitions are being showered on it, but it concentrates on the two areas on which we did not want it to concentrate.

The first area is palliative care. There is a cross-party group on that subject, which is—quite properly—separate from the cross-party group on chronic pain. Palliative care is mainly hospice-related care in the community and is reasonably well endowed in Scotland. The Executive also concentrates on cancer pain relief, which goes to the top of the pile, even in the most over-stressed pain control unit in Scotland.

We were not telling the Executive to do more about that; we were talking about people in the community who suffer from chronic pain—mainly arthritis sufferers, back pain sufferers and so on. They form the vast majority of the 350,000 to 500,000 patients with chronic pain who have been referred to. The Executive infers that treatment for pain goes along with treatment for whatever those people suffer from. However, these days those people often do not see doctors at all. They have been virtually written off and it is considered that nothing further can be done for their condition. They do, however, need more pain relief treatment.

There are very few services in Scotland. At least two reports have been produced in the past six or seven years—whose recommendations the Government has not implemented—on the need for specialist pain clinics in Scotland. The Executive has kindly asked people to account for the pain services that exist in Scotland, but the results confirm that there is no provision in the Highlands. That is terrible. In instances in which two consultants deal with a pain clinic, we are not told how many hours a week are involved.

We are also not being told that almost all the consultants have other duties as anaesthetists. There is only one full-time pain consultant in Scotland, who is at Ninewells hospital. It is most regrettable that the Executive has gone at this skew-whiff. The one angle that we did not want the Executive to concentrate on was palliative care, which soars above all other considerations. We want people in the community to be relieved of their pain and for services in the community to be extended. For that and other reasons I respectfully suggest to the committee that the issue is worth considering in greater depth and should be referred to the Health and Community Care Committee.

**Helen Eadie:** I support referring the petition to the Health and Community Care Committee.

I should declare an interest, because I am a member of the cross-party group in the Scottish Parliament on palliative care. My concern stems from the correspondence that we have received from Dr Steve Gilbert, which points out that

“Edinburgh is the only city where a full pain management programme is provided”.

Apart from the problem of health resources in Edinburgh, we must also deal with the fact that everybody tends to congregate in the city and that, as a result, there are massive transportation problems. It seems perverse to bring more people into the city when there have been attempts to disperse them around and about and to improve the transport system. We should encourage each health board to fund pain services, as Dr Gilbert suggests. Perhaps I should also declare another interest: as an arthritis sufferer, I can understand the kind of problems that are being discussed.

**Dr Winnie Ewing:** I am a bit concerned to find that, in the Scottish Executive health department's response to this petition, Highland was the only health board to reply “No” to the question whether chronic pain management services were provided. At a meeting of Highland Health Board that John Farquhar Munro and I attended last Friday, I raised a point about hydrotherapy pools, which seem to attract a lot of money from local people. Indeed, I was involved with the pool that was set up in Dingwall.

The health board was very dismissive, saying that there was no evidence of the clear health benefit provided by such pools, and that the two existing pools received maintenance only because they were opened before the board had made a decision on the service. We were told that people could go to a swimming pool instead. However, as I said at the meeting, people who use hydrotherapy pools feel the benefit. Although the pools will not cure multiple sclerosis and arthritis, if they make people feel better, is that not a health benefit? There is no doubt that people feel the benefit; that is why so many raise money. For example, in Lochaber, £700,000 has been raised towards a hydrotherapy pool, so communities must have a strong feeling that they provide benefits. However, the health board merely said that it was not a priority. As I said, I am very concerned to find that Highland Health Board does not provide any chronic pain management services, and if I had known that fact on Friday—indeed, I should have known it—I would have mentioned it at the meeting.

**The Convener:** The Executive seems to have misread PE374. In its reply, it says that pain management treatment

“is likely to be complex, given the wide ranging nature of illnesses and disabilities that can result in chronic pain”

and that, as a result, it

“is an operational matter for Health Boards and Trusts to consider and prioritise within their resources.”

However, the petition is concerned with a distinct category of pain. People in such pain will not necessarily show themselves in hospitals.

**Dorothy-Grace Elder:** They will not. Luckily, in this case, we are not up against party politics. An old Scottish—indeed, British—attitude towards people suffering from problems such as arthritis is to say, “Oh well, we cannot do much for you, dear” and, “It's your age”. Most of us find that utterly unacceptable in this day and age, because we know that things can be done. It seems that the Executive has simply misread the petition and that is unfortunate. Perhaps it was a busy day. Let us be merciful and relieve its pain.

**The Convener:** I am always merciful to the Executive. Are members agreed to refer the petition to the Health and Community Care Committee for its consideration?

**Members indicated agreement.**

**Dorothy-Grace Elder:** We need an overall Scottish strategy.

**The Convener:** We will also refer the committee to our discussion on the matter.

**Dr Ewing:** Can we also refer the committee to the fact that Highland Health Board does not have

any chronic pain management services?

**Dorothy-Grace Elder:** Absolutely.

**John Farquhar Munro:** The statistics for the Highlands are quite disturbing. Last week, I attended the Pain Association's inaugural meeting in Dingwall. I never knew that such people existed. About 50 people in the community attended because they had an interest in drawing attention to their chronic pain problems. However, the nature and effects of their pain varied. The Executive's response perhaps highlights the fact that there is no particular cure for pain because its nature and effects are so varied and disparate.

It is fair to say that most hospital medics would send the patient away with some sort of medication and say, "Take that and it might help for a little time". However, that approach has complications as well. There were 50 people at the meeting in Dingwall; they did not know whether there was an answer to their problem, but they were prepared to come along and listen. A group has been established in Dingwall because of that initiative and I am sure that things will develop from that.

The Pain Association plans to expand beyond Inverness, up north—there was talk of going to Thurso and Wick and places such as that. It will probably develop. The Pain Association is a purely charitable organisation.

12:15

**Dorothy-Grace Elder:** The Executive gives the Pain Association some funding, but it is greatly overstressed because it does not get enough money. Last week, I was at a meeting of the Pain Association in Knightswood, Glasgow, which was attended by about 60 people suffering from chronic pain whose ages ranged from 30 to 70. Chronic pain is almost an epidemic—people say that it is getting worse because of sedentary modern life. The number of chronic pain sufferers in Scotland is put at 350,000 to 500,000, which suggests that it is the biggest single health problem in the whole of Scotland and indeed, Britain—bigger than heart disease and cancer put together. It is a neglected, non-sexxy area of medicine.

Phil Gallie has suggested that we write to the Executive giving our views on the misunderstanding that has occurred. I could find the references to the two previous Government reports, which called for national standards on chronic pain relief.

**The Convener:** We have already agreed to send the petition to the Health and Community Care Committee. We could also agree to write to the Executive, thanking it for its comments, and

drawing its attention to our discussion, as we believe that the Executive misread the petition.

Is that agreed?

**Members indicated agreement.**

**The Convener:** The next petition is PE376 from Ms Linda Simkin, which calls for an amendment to the Protection of Animals (Scotland) Act 1912. Members will recall that the petition was raised in the light of the principal petitioner's personal experience of horses located near to her home, which were in poor condition but could not be rescued as their condition was not poor enough. At our meeting on June 19 we agreed to seek the views of the Scottish Executive and a response has now been received.

The Executive's response indicates that it has long been recognised that the provisions of the Protection of Animals (Scotland) Act 1912 are rather limited in scope. The Scottish Executive environment and rural affairs department has recently consulted on changes to the act. As stated in the consultation letter that was issued in January 2001, the Executive proposes an amendment to the 1912 act, designed to meet the objectives of the petition. The proposed bill, which is currently being drafted, will for the first time permit animals that are being kept for commercial purposes and which are at risk of cruelty and neglect to be taken into care. It is proposed that the Executive's response should be passed to the petitioner for information, with a suggestion that any further inquiries be directed to SEERAD, and that no further action should be taken. Is that agreed?

**Members indicated agreement.**

**The Convener:** The next petition, from Mr Michael Kayes, concerns toxic dumping, cattle incineration and other pollution activities in built-up areas, with particular reference to the dumping and other disposals that are currently taking place in the east end of Glasgow. At our meeting on June 19, we agreed to ask the Scottish Environment Protection Agency to respond to the issues and to additional points that had been raised by members. A copy of the petition was also passed to the Transport and the Environment Committee for information. We have received a response from SEPA, which is detailed in the committee papers. SEPA appears to regard the matter as a planning issue, rather than an environmental one, and therefore a matter for the local authority to decide. However, if the local authority has decided against the activities of that unit and it was only on appeal to the Scottish Executive that the unit was allowed to operate, there are certain national implications.

SEPA believes that the company is operating within the parameters of the licence that was

granted and that several of the issues that were raised by the petitioner are planning issues. Glasgow City Council refused the initial planning application, but the Scottish Executive overturned that decision on appeal. As the committee cannot become involved in individual planning decisions such as this, we could agree to take no further action. Alternatively, we could refer the petition to the Transport and the Environment Committee with a view to asking it to consider the wider issues involved in current planning legislation. There seem to be national implications arising from the Glasgow situation, given that the local authority's decision was overturned.

**Helen Eadie:** The petition should be sent to the Transport and the Environment Committee. You are right to say that this is a national issue and that similar things have happened throughout Scotland. When I was a member of the Transport and the Environment Committee, the issue came up time and again and it was thought that the committee would, at some stage, conduct an inquiry into the matter.

**Dorothy-Grace Elder:** I declare an interest, as Mr Kayes lives in my constituency area and I have been doing work on the matter of the cattle burner for several months. Margaret Curran, who is the MSP for Baillieston, and I agree that the incinerator should not be allowed to start up again—it is not operating at the moment.

The cattle incinerator in the east end of Glasgow is the only such facility to be in a built-up area. It is next to two schools, playing fields that are used by 400 children, many houses, two caravan parks and a hospital. It operated under a different owner until September last year, when conditions for the local people got so bad that it was forced to close—it had also lost an Intervention Board contract. It now has a new owner and is due to reopen soon as part of the BSE surveillance scheme. However, the burner is not licensed to take cattle that have been proven to have BSE. The burner's top temperature is only 850 deg C and the facility does not have enough refrigeration to store the animals.

I suggest that we send the Executive an urgent letter. Only to some extent is this a planning issue. It is a shame for Glasgow City Council which, four years ago, before the burning of any BSE-infected cattle was proposed, decided that the area should not have the incinerator and turned down a planning application. However, that decision was overturned by a Scottish Office reporter. The report that was produced stated that no animal that had been proven to be suffering from BSE should be burned at the plant. However, the words in that clause can be played with, as the cattle that arrive have not been clinically proven to have BSE. We have seen Government documentation

from England and Scotland that says that there is a high risk of the cattle that are involved in the BSE surveillance scheme having BSE. Those cattle are the fallen stock that the European Union wants us to investigate in an attempt to find out how small or large the incidence of BSE is in British herds. That means that the people of the east end of Glasgow will have to suffer as a result of a European statistic-gathering exercise.

The last time the burner was in operation, the situation was horrendous. The plumes of black smoke from this virtual crematorium were going 150ft into the air. Singed cattle hair was falling on gardens, prams and children's toys all over the area. At times, blood was running down the streets approaching the incinerator as cattle trucks arrived with dead cows. That is unlikely to be prevented this time, as refrigerated transport is not being used.

I will go into the grisly details as people in the east end of Glasgow will have to live through this horror story. The results of the test for BSE—which involves the head of the animal being removed—do not come back for 14 days. The rules say that the carcasses must be incinerated within 72 hours. We will not know until afterwards whether a BSE cow has already been incinerated, and that would break the planning requirement, but retrospectively. This is complicated.

Glasgow City Council still does not want the plant. It never wanted it in the first place. The east end people, who have protested in their hundreds over another local pollution issue, do not want it and say that they will barricade the entrance to the plant if it reopens. Those are not idle threats—they have done it before at another local polluter, and 100 police had to be called to attend one street. I do not want that to happen month after month, and we cannot afford for the people in the east end to suffer any more risk to their health.

The constituencies concerned are the two unhealthiest in the whole of Britain. The site borders on Shettleston, which is the unhealthiest constituency, and goes into Baillieston, one of the next unhealthiest. What is proposed to be perpetrated is an absolute outrage, simply because it is a burner in that built-up area. I am not complaining about the BSE surveillance scheme, and realise why it has to be carried out, but it is absolutely essential that the cows are removed to another plant that is not located in a built-up area—and there are other plants in Scotland.

I appeal to the Executive through you, convener. I would like a letter to be sent, asking for an immediate investigation into where else those cows could be sent. Ministers have held off signing the contracts, I believe because we all started protesting in early July. My main plea has

been to hold off signing the contracts to avoid getting into a legal situation later.

SEPA has claimed that it helps with meetings and has been open. It was certainly not open at the public meeting that I attended. A senior representative of SEPA was on the platform, and it was declared that the burner's reopening had absolutely nothing to do with BSE or BSE cattle. We then found conclusively that it was to do with the BSE surveillance scheme.

**The Convener:** I have tremendous sympathy with everything that you have said, Dorothy-Grace, and the set of circumstances that you have described in the east end of Glasgow is quite horrific. Unfortunately we, as the Public Petitions Committee, cannot get involved in individual cases. The issues can be raised with Glasgow city councillors and local MSPs and MPs.

We are restricted to considering the national implications that arise from the situation, and to referring the petition to the Transport and the Environment Committee, asking it to consider the wider issues. Even that committee would not be able to get involved in every aspect. If we were to get involved in one individual case, the list would become endless, and the Parliament would just spend its days dealing with individual cases that locally elected people could deal with. I am sure that you have the support of every individual on the committee but, as the Public Petitions Committee, we are restricted to considering the wider implications and referring the petition to the Transport and the Environment Committee and asking it to do the same.

**Dorothy-Grace Elder:** Could we write a letter to Mr Finnie?

**The Convener:** If you organised a round-robin letter, I am sure that everybody would support it. We could not write such a letter as a committee. It is not the role of this committee to become involved in issues of this nature. There are locally elected people who may deal with it.

**Dorothy-Grace Elder:** In that letter, could we say that we are members of the Public Petitions Committee?

**The Convener:** You can say what you like as an individual, as long as it is not that the letter is from the committee.

Is it agreed to pass the petition to the Transport and the Environment Committee?

**Members indicated agreement.**

**The Convener:** The next petition is PE379, from Mr Andrew Wood, on behalf of the Independent Farming Group. It calls for financial support for farmers who have incurred high cost due to the foot-and-mouth disease outbreak. It concerns the

farmers who farm in the restricted areas in Scotland, who have not been required to cull their livestock, but who have nevertheless incurred high costs as a direct result of foot and mouth.

At our meeting of 19 June, we agreed to seek the comments of the Executive. A response has arrived, outlining the Executive's firm view. It indicated that the Executive has no power to compensate farmers or other businesses that have lost money or incurred higher costs due to the foot-and-mouth disease restrictions that were imposed.

The response states that the restrictions were necessary to limit animal movements, which is an essential part of the disease eradication strategy, and details of the current status of the restrictions were provided. The response concludes by stating that it is not only farmers in the infected areas who have suffered consequential losses. It says that, as the whole of Scotland is a controlled area, some restrictions to normal trading have affected virtually all livestock farmers at some time during the present outbreak.

The Executive's response will clearly not be welcomed by the petitioners. We have two options: to copy the response to the petitioners and take no further action; or to refer both the petition and the Executive's response to the Rural Development Committee for further consideration.

**Dr Winnie Ewing:** We should take no further action. Everybody in Scotland, from all walks of life, suffered as a result of the foot-and-mouth disease outbreak. Hoteliers in the Highlands had to deal with cancellations, shops did not get the usual custom, bus companies suffered—everybody was affected. We cannot compensate everybody.

**The Convener:** Is it agreed that we copy the Executive's response to the petitioners and take no further action?

**Members indicated agreement.**

12:30

**The Convener:** The final current petition that we will address today is from Mr Thomas Campbell, on behalf of the Transport and General Workers Union and Unison. It concerns the closure of the ambulance operations rooms in Scotland.

We dealt with this petition at our meeting on 19 June, when we agreed to seek comments on the issues that the petition raises from both the Minister for Health and Community Care and the Scottish Ambulance Service. A copy of the petition was also sent to the Health and Community Care Committee for its information. We have received a response from the Scottish Ambulance Service, which is detailed in the papers that members have

received. Yesterday we received a letter from Susan Deacon, which has been handed out to members. Both responses argue that the closures represent an enhancement of the service, which involves additional funding and the creation of jobs. They argue that the process is being properly carried out and that they feel it necessary to go ahead with preparing the business case for the proposals. However, that does not mean that the process cannot be reversed.

It is up to us to decide what we want to do with the responses that we have received: whether we want to send them to the Health and Community Care Committee along with the petition or whether we want simply to send the responses back to the petitioners.

**Phil Gallie:** I read Susan Deacon's letter this morning. It promises all kinds of good things. However, having seen the ambulance control facilities in Ayr, I cannot see where the problems lie and where the improvements are going to come from. There is a good service in the south-west of Scotland, which is provided from that centre. Local knowledge plays a part in the way that the service is operated and there seems to be a fully co-ordinated service in operation. It is great that people are making statements about the planned improvements, but what is the level of complaint and what are the problems with the service as it stands?

Once rationalisation and centralisation of the services begin, there will be no way back. I wonder whether the Health and Community Care Committee should consider the matter and try to find out what the problems are, rather than be satisfied with wild assertions about the improvements that are going to be made.

**The Convener:** The letter from the minister refers to the fact that much of the inspiration for the changes came from a report by the National Audit Office and from suggestions that were made in the Scottish Parliament's Audit Committee, which wanted improvements to be made to the system. In addition, the response from the Scottish Ambulance Service goes into detail about the nature of local provision. It makes the point that ambulances will continue to be dispatched from their existing locations and that local knowledge rests in the experience of the ambulance crews.

It is a complicated matter. I favour the suggestion to send the petition to the Health and Community Care Committee, asking it to consider it together with the responses from the service and the minister.

**Helen Eadie:** I am not opposed to that. Most of us would probably agree with what the minister has said. There is always a case to review if the main thrust of what we are trying to do is to

improve services. We all want to know how we can do something better and more effectively. That is implicit in what the minister is saying. I see no problem with referring the matter to the Health and Community Care Committee because that is one of the facts that will emerge from those discussions. There will be a full discussion because we are seeking to improve the service.

**Phil Gallie:** Of the members present in the committee, how many have had recent complaints about ambulance services and arrival and dispatch times?

**Dr Ewing:** I have had none.

**The Convener:** Not recently.

**Rhoda Grant:** I have had complaints about ambulance cover in certain areas. It goes with the territory that I cover because one can be a long way from the local ambulance service. Ambulances cannot be everywhere and that is certainly a concern in my area.

**The Convener:** Do members agree to refer the matter to the Health and Community Care Committee along with the two responses that we have received?

**Members indicated agreement.**

**The Convener:** The final part of this item is the summary of progress of petitions since the last time the committee met. If there are any questions about the summary, they can be raised with the clerks later.

You will remember PE217 from Glenorchy and Innishail Community Council about their concern about single-handed general practitioner practices. We referred the petition to the Health and Community Care Committee, which issued a report. We have received correspondence from the community council and from Duncan Hamilton complaining about the way in which the Health and Community Care Committee carried out their investigation.

I have not had a chance to look at the issue in detail. I am also a member of the Health and Community Care Committee but, as convener of the Public Petitions Committee, it would be for me to write to the convener of the health committee to straighten out the disagreements. The main problem seems to have been that the Health and Community Care Committee did not consult the petitioners. That is the principle that the Public Petitions Committee has to establish. I will correspond with the convener of the Health and Community Care Committee and report back.

You will also remember PE354 about Greater Glasgow Health Board's intention to set up a secure care centre at Stobhill hospital. We referred the petition for consideration by the

Health and Community Care Committee. We have now received a copy of the response from Greater Glasgow Health Board. It was addressed mainly to the Health and Community Care Committee and it is for that committee to respond. However, for information, the response indicates that the GGHB has changed dramatically its proposals in response to the petition and the way in which the petition was handled. It looks like the petitions process is working. There will now be full consultation with the local community before any further provisions are made.

**Dr Ewing:** I move that we accept those recommendations.

**Members** *indicated agreement.*

## Inadmissible Petitions

**The Convener:** There are two petitions under this agenda item. The first is IP12 from Mr Stanley Kerr calling on the Parliament to reject the planning application to erect three mobile telephone masts on the lower roof of the Odeon cinema in Edinburgh.

The committee cannot overturn the executive decisions of local authorities in relation to planning applications. The petitioners should be informed of the new regulations that have recently come into force that increase planning controls on masts. The petitioners could be advised to contact their local authority for advice on whether the new regulations will affect this particular application. Although the regulations are in force, they have not completed their parliamentary procedure and the lead committee is yet to consider them. That consideration will begin on 12 September. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** Petition IP13 on behalf of Blairbeth community action group calls for the Parliament to urge South Lanarkshire Council to construct the Cathkin bypass road immediately in order to reduce the volume, speed and noise of traffic in the Rutherglen area.

It is recommended that the petitioners be advised that the petition is inadmissible because the committee cannot interfere with matters for which local authorities have executive responsibility. Due to the high level of local interest in the matter, it is recommended that the petition should be brought to the attention of South Lanarkshire Council. Are we all agreed?

**Members** *indicated agreement.*

## Procedures Committee Inquiry

**The Convener:** The final agenda item before the convener's report is the draft copy of the committee's response to the inquiry by the Procedures Committee into the application of the consultative steering group principles in the Scottish Parliament. A draft has been prepared and there is a minor change at paragraph 26. It draws attention to another success story—petition PE9 about Roman remains in Cramond. A management group has been set up to oversee the protection of those remains. That followed consideration of a petition by the Education, Culture and Sport Committee and the publication of a report by that committee. Are we all agreed to submit the draft as our official response?

**Members** *indicated agreement.*

## Convener's Report

**The Convener:** The next meeting of the committee is to be held on 2 October.

The arrangements for those who are going on the delegation to Berlin on 25 September are almost complete.

Do we have any other business?

**Helen Eadie:** I have a question about the meetings programme. Is there a reason for the gap in meetings between 11 September and 2 October?

**The Convener:** It is because of the visit to Berlin.

We are starting at 11 am on 2 October because Steve Farrell and I are speaking to the Procedures Committee before that.

*Meeting closed at 12:40.*



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