

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 20 November 2001  
*(Morning)*

Session 1

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## PUBLIC PETITIONS COMMITTEE

14<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:

Sarah Brodie

Councillor Sam Campbell

Councillor Frank Ellis

Stuart Philips

Brian Smith

Wendy Turnbull

### CLERK TO THE COMMITTEE

Steve Farrell

### ASSISTANT CLERK

Ruth Cooper

### LOCATION

Committee Room 4



## Scottish Parliament

### Public Petitions Committee

*Tuesday 20 November 2001*

*(Morning)*

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

**The Convener (Mr John McAllion):** I welcome everyone to the 14<sup>th</sup> meeting in 2001 of the Public Petitions Committee. I apologise for the cramped conditions—the Public Petitions Committee has to take its turn to hold meetings in smaller rooms.

We have received apologies from Winnie Ewing and Dorothy-Grace Elder, who are unable to attend the meeting.

### New Petitions

#### Planning System (Appeals) (PE414)

**The Convener:** Petition PE414, from Mr Stuart Philips, is on planning decisions. The petition has 256 signatures. Mr Philips is here to address the committee.

**Stuart Philips:** Good morning and thank you for allowing me to speak to the committee this morning. I am here today because of a highly contentious planning application concerning Birkhill, by Dundee, and the residents of Dronley Road in particular.

The first planning application was withdrawn by the applicant because of road safety concerns that had been raised. The plans were resubmitted and the only change was that the roundabout had been moved further along Dronley Road. That will present considerable danger to my immediate neighbours and me. I draw the committee's attention to appendix A, paragraph 3.1.

**The Convener:** I should have mentioned at the start that you submitted additional information, although we have only one copy. However, it is available to members to read. I should remind everyone that we cannot consider individual planning cases.

**Stuart Philips:** Appendix A relates to the reports sent to Angus Council. The report states:

"Tayside Police have suggested that the roundabout is poorly positioned and should be developed further south opposite an area of public open space."

Appendix B contains part of the reporter's findings. He states:

"I agree that access to the existing 22 Dronley Road direct from the proposed roundabout is not ideal".

The planning application was discussed with Angus Council, which recognised the problems that were being created and therefore refused the application. The applicant then applied to the Scottish Executive, whose reporter overturned Angus Council's decision. Why should one person be allowed to overturn a decision made by due democratic process? If the planning committee had approved the plans, the residents would have had no right of appeal—we would have had to accept that decision. However, the applicants have a right to appeal to the Scottish Executive. It appears that the system is totally biased in favour of the applicant.

Appendix C is the submission that the applicant made to the reporter. The last sentence of paragraph 12 states:

"The occupants of 22 Dronley Road might experience a measure of disturbance from car headlights in the dark winter evenings".

Paragraph 14 states:

"Ninety dwellings would generate a minimal number of trips, and would not give rise to environmental problems."

Paragraph 15 states:

"The engineers advise that if there was a further access" via the previously constructed drive

"there would be an impact on the amenity of adjacent neighbours, including glare from headlights."

Appendix D is a map showing the position of the new roundabout. That roundabout would result in my property being subject to light and noise pollution, which would adversely affect our amenity. That seems to be of no consequence to the developer.

This is a case of discrimination against us and the operation of double standards. Our human rights seem to be being breached, but the cost of taking court action to defend those rights is outwith my means. I would like this committee to consider a system whereby individuals of limited means can receive the justice that is their right. We have a new Parliament in Scotland; let us have a better, more democratic and fairer system for our planning laws, which should not be ruled by bankroll accountability. There is no point in granting the people of Scotland rights if those rights are placed outwith their financial reach.

**The Convener:** Thank you, Mr Philips. Could you introduce your colleague?

**Stuart Philips:** This is Mr Frank Ellis, who is the councillor for our area.

**The Convener:** Do any members wish to ask questions? Rhona Brankin? [*Laughter.*]

**Rhoda Grant (Highlands and Islands) (Lab):** It is all right; I have been called worse.

How do the witnesses feel that the issue should be dealt with? Should you be treated in the same way as the developer or the council, or is there another mechanism that you feel you should be able to use? I appreciate that the Court of Session is outwith your reach.

**Stuart Philips:** If the council grants the developer planning permission, we have no right to appeal against that decision. However, if the council rejects the planning application, the developer has the right to go to the Scottish Executive. Objectors have no right of appeal at all. The only course left to us is through the Court of Session. My solicitor has told me that there is no point in taking that course of action because the cost is totally horrendous. It is outwith the means of any normal working person. Objectors have no redress at all.

**Rhoda Grant:** Would you like the same right to appeal to the Scottish Executive?

**Stuart Philips:** Yes.

**Councillor Frank Ellis:** There was a report recently on standards in public life. I do not have it with me, but members can check that it says that third-party involvement—that is, the involvement of objectors—could be taken into account. The only downside of that mentioned in the report was that the work load could be overwhelming. Whoever makes decisions should be accountable to objectors.

Members will be aware that the Minister for Transport and Planning, Sarah Boyack, launched a four-month consultation on planning reforms. Surely, as part of that, this kind of issue could be taken on board. Things should be transparent and people should be accountable.

**Phil Gallie (South of Scotland) (Con):** The petition raises points about the role of the Scottish Executive. Rather than giving objectors the right to appeal, should we acknowledge the role of local democracy? We elect local councillors to make planning decisions and the Scottish Executive should not be able to overturn issues that have been decided locally.

**Stuart Philips:** My objection is this: Angus Council sat round the table with elected members from the area—people who know the area—but one person seemed to have the right to overrule a democratic decision. One person has overturned a decision that was made by the Angus Council planning committee.

**Phil Gallie:** I accept that. In effect, the Scottish Executive has removed the powers of the local authority to determine the outcome. Should the Executive be removed from the scene, leaving decisions to the local authority? In most circumstances, it would be reasonable to allow an

appeal process, but should that be kept at local authority level? Should the system be changed to that extent?

**Stuart Philips:** Yes, it should.

**Councillor Ellis:** The appeals system for planning was introduced in 1947, as members will know. I am not saying that it has worked perfectly but it has worked. However, controversial issues with wide implications, including human rights implications—we have all signed up to human rights—mean that we will have to review the planning system. Mr Philips's human rights have been infringed by an Executive decision. That has to be challenged. We thought that the best people to consider how to make progress with that challenge were members of the Parliament. There has to be reform.

**The Convener:** The letter that Mr Philips sent to the committee suggested that, when Angus Council was considering the matter,

"There was, and still is, an opportunity to design a much improved road network that will ensure safety, and an improved amenity for existing, and also the new residents of the site".

I take it that that opportunity is not included in the proposal that the Executive has approved.

**Stuart Philips:** No.

**The Convener:** So the proposal interferes with your rights, your amenity and so on.

**Stuart Philips:** Yes.

10:15

**The Convener:** Thank you for your evidence. You are welcome to listen to our deliberations about what to do with the petition.

Essentially, the petition calls for something that other petitions that we have dealt with have called for: the third-party right of appeal against planning decisions. As members will know, we have passed a number of those petitions to the Transport and the Environment Committee, which currently has no plans to conduct an inquiry into the planning system or the third-party right of appeal.

As the petitioners have said, the Executive is carrying out a review of strategic planning. However, that review deals with the structure in local plan procedures rather than with processes relating to individual planning applications. We are in a bit of a bind. The suggestion is that, because no one in the Scottish Parliament is acting on the petitions, we again ask the Scottish Executive to respond to the points in the petition, particularly the point about third-party rights of appeal and planning decisions, and that we consider what to do when we get a response. We cannot simply pass the petition to the Transport and the

Environment Committee and allow it to leave it on the back burner.

**Phil Gallie:** I would like to move away from the individual case and deal with the overall principles.

**The Convener:** We are dealing with this petition. We cannot introduce new elements.

**Phil Gallie:** I know, but the petition calls for a change in the appeals procedure. That suggests that we should examine the appeals system.

I would like to know how often local authorities' decisions have been overturned by the Scottish Executive. I recognise that I could ask that question as an individual, but the request might be more powerful if it came from the committee. We could use that information to advance the petition.

**The Convener:** When we refer the petition to the Executive, we could ask that question.

**Phil Gallie:** I would like to see information for the past few years to determine whether a trend is developing.

**The Convener:** We will ask for information on the three most recent years for which figures are available. That would help us to reach a decision about what to do. As I said, many similar petitions are languishing at the moment.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** We might have to exercise a degree of caution because decisions that are taken by an area committee are regularly called in by the regional committee and are occasionally overturned. If we are critical of the Scottish Executive, we must have regard for what is happening further down the line.

**The Convener:** I agree. I do not think that we should remove from the Executive the right to reconsider local authorities' planning decisions. The petitions that we have been dealing with simply call for a third-party right of appeal against the decisions taken by the Executive. The Scottish Parliament should pursue that issue and this committee should support the calls for that right.

**Rhoda Grant:** The committee can call for a debate in the chamber. If we have had an awful lot of petitions on this subject, it might be helpful to use that facility.

**The Convener:** That is part of the point of writing to the Executive again. As well as asking for the information that Phil Gallie requested, we could point out that we are concerned that the petitions are not being addressed by the Executive or the committees and that, as we are considering applying for a debate on the subject, we would like to know the Executive's views.

**Helen Eadie (Dunfermline East) (Lab):** I apologise for being late, convener. I agree with

what you said. Given that we had European parliamentarians here the other week, perhaps we ought to encourage some of the people who come before us to explore what the European Parliament Petitions Committee would say given that all are equal before the law and are entitled, without discrimination, to equal protection under the law. That is part of the European convention on human rights. If people's issues are not addressed in this Parliament, there is another avenue to explore in the European Parliament Petitions Committee.

**The Convener:** Yes. It is open to any petitioner to pursue petitions with the European Parliament. In the letter to the Executive, we could ask whether it thinks that the fact that people in Scotland do not have a third-party right of appeal in planning decisions is consistent with the ECHR. That may help with any approach to the European Parliament. Is it agreed that we take that action, with all the various requests to the Scottish Executive as suggested?

**Members indicated agreement.**

**The Convener:** I thank the witnesses for coming here this morning.

### **Loch Lomond and the Trossachs National Park (PE417)**

**The Convener:** We move on to the second group of petitioners. We will give them a chance to change over. Mr Brian Smith has lodged a petition on the Loch Lomond and the Trossachs national park. Grab a seat, Mr Smith.

**Brian Smith:** Convener, is there any objection to my running a tape recorder?

**The Convener:** No, not from me. Do members object?

**Members:** No.

**Brian Smith:** I will sell them copies.

**The Convener:** I think that they would rather sell copies of their tapes to you.

We will follow the normal procedure, Mr Smith. You have three minutes to address the committee, then we will open the meeting to questions.

**Brian Smith:** I shall put something in your hands, then you can question me—my introduction will be very short. That is why I have these envelopes. I will give everyone a sealed envelope, because I only discovered the other day that I was not allowed to introduce maps.

**The Convener:** I am sorry, but giving sealed envelopes to MSPs is not a good idea. You will have to tell us what is in the envelopes before you distribute them. I see that you have the draft designation order for the national park.

**Brian Smith:** I am the sole survivor of the campaign to bring Bute and Cowal into the national park that is planned to include Loch Lomond and the Trossachs. I say "sole survivor", but that is accidental, because there are 628 people who have not come to Edinburgh today. I am the sole survivor in the sense that I am the representative of those people. Of the group, 488 come from Cowal, 72 come from Bute and 69 come from other places in Europe or America.

We have a substantial volume of support for the inclusion of Cowal and Bute in the proposed national park. Until last Friday night, I did not know how we were going to do what we wanted to do, because the book that I have here—"Loch Lomond and the Trossachs National Park: Consultation on draft Designation Order"—is full of maps that are absolutely incomprehensible unless one is an expert map reader, because the scale is such that one does not get an overview of what is planned.

The Friday night inspiration was, "We are going to take the perimeter of the national park and superimpose on it the road rim." The road rim is made up of the roads on which we would drive to get round the national park. The envelopes that I have with me contain maps that explain all that.

I cease my presentation and, if you will tolerate it, convener, I will hand out my envelopes to members of the committee.

**The Convener:** You may do so with the assurance that only maps are in the envelopes. I remind you that submitting last-minute information to the committee is not helpful because it is hard to take it into consideration.

**Brian Smith:** I take that point. I am prepared for you to say, "No maps." I could give out the maps afterwards.

**The Convener:** I open the meeting to questions. Members can start asking questions while the maps are being handed out.

**Rhoda Grant:** What do you see as the benefits and drawbacks of including Bute and Cowal in the proposed national park area?

**Brian Smith:** The benefits of including Bute and Cowal relate to marketing. Unless Bute and Cowal are in the national park, they will not be able to tell people to come and visit the national park through Dunoon, which is a gateway to the national park and to Cowal.

One of the benefits that is not talked about much is that there will be a unified planning committee and planning money, which will be spent on the national park. We want that money to be spent on Cowal and Bute as well as on Loch Lomond and the Trossachs. Cowal and Bute have a substantial heritage of the built environment. The park

planners are ignoring that; they are going for Scottish natural heritage—getting flora and fauna into the park—and neglecting *Homo sapiens*.

The defect is that people are suspicious of a national park and they do not have experience of the success that other national parks have brought, such as increasing property and land values.

We are insistent that we get towns into the national park. There is no reason why that should not happen. For instance, Callander, Rothesay, Dunoon, Balfon and Helensburgh are all excluded from the present plans and yet there could be economic development in the national park in those areas.

**John Farquhar Munro:** Thank you for the maps. What is the difference in acreage between the proposed national park and what it would be if it included the area for which you are campaigning?

**Brian Smith:** I think that most members now have the maps. They will see that Argyll forest park has been included. That puts a lump of land, leading down to Rothesay, into the park, which was not there originally.

Plans that Scottish Natural Heritage suggested included ground up to Tyndrum, jinking away down Glen Lochy. I know that area well because I looked after the sheep on the Ben Challum hirsell. That is why I have included Crianlarich but have dropped Tyndrum, which is not particularly important. I have not shown a black line around Callander because the area is very complex.

We can take various routes into the park. The sea gates include Rothesay, Dunoon and Portavadie. The land gates are marked on the map; they start at Balloch, Drymen, Aberfoyle, Callander, Crianlarich and Arrochar, go down into the Cowal peninsula and come out again at Helensburgh. That all fits very neatly, but the plan entered my head only on Friday night last. I have sufficient authority in the planning of the matter to put the proposal to the committee. I hope that you will be tolerant about my distributing the map today, because the map clarifies the situation.

The idea is to have an untouched core of Scottish natural heritage with a road route round it. For the road route, I have coined the name "the rim road"—not the ring road—because it will be the rim of the national park. I hope that the idea commends itself to the committee.

10:30

**Phil Gallie:** You rightly emphasise the importance to some towns of being included in the national park. Many of those towns have small groups of businesspeople that promote them. Do



all the small towns involved support your proposal? Have you made contact?

**Brian Smith:** That subject is interesting. There used to be no Cowal marketing group—that is the kind of group that you are talking about—so one was established in spring this year. It campaigned for the inclusion of Argyll forest park in the national park. That campaign was successful and the group was fairly triumphant about that.

My house is at Inverchaolain and looks out over Rothesay, which I cannot reach without going right round the roads. That group cheered the inclusion of Argyll forest park and I sat on the sidelines saying, “No, no, no. Unless we get Dunoon, Rothesay and Helensburgh in the national park, we have not won. We have not lost, but we have not won.”

**Phil Gallie:** What have the local authorities in Argyll done?

**Brian Smith:** They are in a tangled position, because every local councillor has his own fiefdom. If anything is done in Oban, the people in Campbeltown complain that they ought to have a share of it—

**The Convener:** I am smiling at the word “fiefdom”. I have heard it before this week.

**Brian Smith:** I did not use the word deliberately. You have spoiled my train of thought.

The point of my story is that local councillors are not in favour of the national park. That is why we wrote the petition, because the people support the national park enthusiastically. The identities of Rothesay, Dunoon and Callander would profit by their inclusion in the rim road round the national park. That is why 629 people, including me, signed the petition. Is that satisfactory, Mr Gallie?

**Phil Gallie:** Yes, to a point. However, I wonder whether there are concerns about development stopping in some areas of Cowal if it were included in the national park.

**Brian Smith:** I have concerns about that. Explicit in the national park proposals is the idea that there shall be economic activity in the park. We will see a new kind of park that is basically rural but has high tech. After all, one of the most successful and substantial employers in Dunoon is a call centre. Do you expect to find a call centre among the rabbits? No, but you can find one in the business park.

**The Convener:** The boundaries of the proposed national park were drawn up on the advice of Scottish Natural Heritage and campaigners such as the Argyll forest park campaigners. Has your proposal been considered by anyone in authority at any stage of the process? If not, is this a completely new proposal?

**Brian Smith:** I have sent my proposal to those people, who wrote back nice letters thanking me for my interest, but they do bu—they do nothing at all.

**The Convener:** Well recovered!—[*Laughter.*]

**Brian Smith:** I am subject to stress.

**The Convener:** I doubt that you were thinking in parliamentary language there, but never mind.

So the official response to your proposal was just to say no to you.

**Brian Smith:** Well, I got a lovely letter from the local enterprise representative, who told me that any attempt to carry on the campaign would be—to use his word—“futile”.

**The Convener:** What about the “planners”, as you described them?

**Brian Smith:** This plan only came into my head on Friday.

**The Convener:** So nobody, such as the Scottish Executive environment and rural affairs department, has considered your proposal.

**Brian Smith:** This morning I want an enthusiastic response from the Public Petitions Committee. I want the petition to be referred to the Rural Development Committee. I want it to be taken to a full vote in Parliament, because there are issues of principle involved. The national park documentation, of which what is here is but a small fraction, is lavishly produced. If I had enough money, I would have presented my proposal as nicely as that. My petition will go on, but more people will listen if it has the Public Petitions Committee’s blessing, because I operate slightly as a maverick.

I am a community councillor, however. I edited the first 10 issues of the news magazine of the Association of Scottish Community Councils. I have some experience of how committees work and how individuals work in committee. However, I cannot even get my local councillor—the well-known Dick Walsh—to sign the petition. He is a power in the land, but he is reluctant to sign the petition because the responsibility for planning permission and decisions will go from the local authority to the national park. A loss of power is always opposed by the people who will lose that power. That explains much of the local authorities’ and the enterprise companies’ shilly-shallying, but where else can I go?

**John Farquhar Munro:** You have obviously put a lot of work into the matter, Mr Smith. What is your view on the inclusion of Ministry of Defence activity in the areas that you propose to include in the national park? There are developments such as those at Glen Douglas, Coulport and other places that might not happily be included in the

boundaries of the national park.

**Brian Smith:** I take your point, but I welcome that inclusion because the national park would be the only one to include a fully fledged nuclear base.

**John Farquhar Munro:** Would that be to the advantage of the national park?

**Brian Smith:** No, but when the nuclear weapons are taken out it will be an interesting place to visit as a record of the cold war.

**The Convener:** I hope that it will also be a safe place to visit.

**Brian Smith:** Oh, yes. We will make it safe.

**Helen Eadie:** I note that Dunoon and Cowal marketing group met Ross Finnie. What was his response at that stage?

**Brian Smith:** His response was: "Don't bother me with this thing." I was not at the meeting, but I understand that the marketing group pressed Ross Finnie to adopt the concept of Cowal and Bute being in the national park. At that time, the national park proposal did not include Cowal and Bute, but that area wanted to be included. Similarly, I propose that Cowal and Bute be fitted into the current core proposal, with the rim road going round the park area.

**The Convener:** Thank you very much, Mr Smith. You may now sit and listen to consideration of the petition. Before we close questioning, I want to clarify something. Is it the case that your proposal does not have the support of the local enterprise companies or local authorities in the area?

**Brian Smith:** They are simply men of the world. They took the view that it was not worth wasting any more effort because they had got the Argyll forest park—a fully fledged functioning park—included in the national park area. Their attitude was that that was a major triumph and that they should not waste any more time because they are busy people. I am retired; I can waste my time.

**The Convener:** I hope that you are not wasting your time coming to the committee this morning.

**Brian Smith:** That is up to you, sir.

**The Convener:** Being a maverick is no disqualification at this committee.

We now move to discussion of the petition. The Rural Development Committee has considered the draft designation order for the national park and it will consider the final designation order when that order is laid before Parliament as being subject to affirmative procedure. It has been suggested that the committee should refer the petition to the Rural Development Committee for inclusion in its

consideration of the final order on the Loch Lomond and the Trossachs national park. The only consideration is that the petition does not have the support of the local enterprise companies or of local authorities. Are we happy to send the petition to the Rural Development Committee in any case and to ask that committee to consider it?

**Phil Gallie:** As part of its consideration, the Rural Development Committee should consider all sides. If somebody else has expressed a different view to that committee's view, the committee must consider it.

**The Convener:** Do members agree to refer the petition to the Rural Development Committee for inclusion in its consideration of the final draft order for the park? That order will be laid at an undefined point in the future.

**Members indicated agreement.**

**Brian Smith:** Is there any possibility of my being included in the team that discusses the petition?

**The Convener:** The Rural Development Committee will contact you directly about the petition.

**Brian Smith:** Very good, sir.

**The Convener:** Thank you for attending.

### Protection of Wild Mammals (Scotland) Bill (PE419)

**The Convener:** We move on to PE419. The petitioner is Miss Wendy Turnbull, who is petitioning about the loss of jobs in the countryside that will result from the Protection of Wild Mammals (Scotland) Bill.

The rules are the same for everyone. After you have introduced your colleagues, you have three minutes to make your presentation. I will give you a nod when you have 30 seconds to go.

**Wendy Turnbull:** With me are Jacqui Irvine, who is with the Buccleuch hunt in the Borders, and Sarah Brodie, who is with the Jed Forest hunt. I am Wendy Turnbull and I am from the Berwickshire hunt. There are another 15 grooms in Berwickshire who will all, if the bill is passed, lose their jobs. "Fifteen grooms?" I hear you say, "So what? That's only 15 people." However, we will not lose just our jobs. Six or seven of us have tied houses. We have families in those tied houses and we have our horses in stables there. Multiply that by the five other Borders hunts, and about 300 jobs will be lost in hunts throughout the Borders through no fault of ours.

We feel angry that MSPs are voting to ban hunting, which will mean the loss of those livelihoods and jobs. The industry is self-sufficient; it does not ask the Government for any grants or

moneys and the taxpayer does not get involved. Why destroy it? Consider the way that the Borders economy is going. Exacta Systems, Keltec, Signum Circuits, all the woollen mills and the fishing industry are slowly but surely going down the pan, albeit that members are trying their best to keep them going.

Various MSPs have told me that I could easily get other jobs in those industries or that I could retrain, but I am not worried about my job—I could simply go back to being a lorry driver as I used to be. The point is that, if I get a job on a lorry, the person who would otherwise have driven that lorry will still be on the dole. Somewhere down the line, someone will still be out of work through no fault of their own. If I went to Safeway, I could be a checkout assistant, but the management would not say to me, “By the way, Wendy, there’s a lovely house for you round the back. Oh, you’ve got a horse. We’ll give you a stable. We’ll get one erected tomorrow and you can keep your horse there.” There is a lot more to being a groom than the job. It is a singular way of life.

We feel that the Parliament is voting against grooms. I know that you are going to say that you are not, but some of you are. Some of you do not understand what you are voting for; you have merely accepted what your fellow MSPs have said. You ask each other how the vote will go and when you hear what might happen, you decide to vote that way, too. You have probably not read the bumf. I could not read it myself; there are reams and reams of it.

10:45

An MSP recently told me in correspondence that MSPs are obliged by parliamentary protocol not to pursue matters on behalf of a person who lives outwith their constituency, and then said that it would be inappropriate for her to meet individuals from another constituency. Why, if that is the case, are such members voting on an issue that does not affect people in their constituencies? Why are they voting when they are not prepared to meet me and hear what I have to say?

We feel strongly that we are being discriminated against because members are voting to save wild mammals’ lives. What about our lives? Is not it a human rights issue that you will rip apart our livelihoods and destroy our lives with the vote? Is not it cruel to do away with our livelihoods? You will put the fox before people—I cannot understand that.

**The Convener:** Thank you very much. I will open the meeting up to questions.

**Phil Gallie:** I have much sympathy with your arguments. My frustration is that everything seems to be done and dusted; the issues have been

debated in the Parliament and your views—which are, as it happens, my views—have not prevailed. That is democracy. I suppose that the only thing we could do now is to pass the petition on to the Rural Development Committee, where the bill is now being examined in some detail. There might still be time to register your point of view about one or two points that you raise. However, I would not be too hopeful—I would be kidding you if I said anything else. I recommend that the committee forward your views to the Rural Development Committee, although whether doing so will have any impact is another question.

**Wendy Turnbull:** Has the committee forwarded the petition to the Rural Development Committee, the Social Justice Committee and the Enterprise and Lifelong Learning Committee? Is that the next stage?

**The Convener:** The Parliament is already dealing with the proposal that your petition refers to; indeed, it has already been decided how the matter should be dealt with. That said, it will come to a vote of the full Parliament. It is likely that—because the Rural Development Committee is considering the second stage of the bill—we will recommend referring your petition to that committee for consideration as part of its examination of the bill. However, the issues will certainly come back to the Parliament at stage 3, when an amendment will no doubt be lodged on which all MSPs will be expected to vote. It is therefore still open for the petition to be considered as part of the parliamentary process.

The committee could not jump over the Parliament’s procedures and start a completely new inquiry that was separate from any consideration of the bill. The petition would have to form part of the Parliament’s consideration of the bill. However, at this stage, we are asking questions and having a debate on the matter.

**Phil Gallie:** Wendy Turnbull made an interesting comment about economic development that we could take on board in our consideration of the petition. Although I know that we are talking about rural issues and rural development, economic development is a very real issue in this respect.

**The Convener:** We can talk about that when we discuss the petition.

**Phil Gallie:** I am simply registering what Ms Turnbull said for further discussion.

**The Convener:** We have not come to the discussion yet. At this stage, we are asking the petitioner questions.

**Rhoda Grant:** Has any work been carried out into the feasibility of drag hunting as a sport that would encourage people to come to the Borders?

**Wendy Turnbull:** Drag hunting is a bit of a

difficult issue because it is a totally separate activity from hunting with hounds. I have never done it myself, so I do not know too much about it but, having spoken to fellow riders—bosses, red coats, toffee noses or whatever you want to call them—I think that it is not an activity that they would wish to pursue. It is like a cross-country race; it is dangerous and it is not a sport in the sense that in doing it, you are not watching hounds work. You would have to ask someone who works in that more specialised field; I am involved purely with hunting with hounds. However, I know that people are not keen about drag hunting and that they will just not do it.

**The Convener:** Are there any other questions? I see that Sarah Brodie wants to add something.

**Sarah Brodie:** On behalf of myself, Jacqui Irvine and all the other grooms in the Borders, I invite all committee members and MSPs to come down and spend a day with the grooms in the Borders to see what our jobs entail and to see how the bill will affect our lives.

**The Convener:** It is obviously up to individual MSPs to respond to that invitation.

**Sarah Brodie:** Yes, but the invitation stands. I am sure that all the grooms would be willing to spend a day with MSPs to let them see how we work and what we do with our lives around hunting.

**The Convener:** That invitation is now on the record. We shall discuss what to do with the petition, but we shall ensure that the committee that deals with the petition is aware of that invitation and that other MSPs are told that the invitation is also open to them.

**Sarah Brodie:** Thank you.

**The Convener:** As we know, the Rural Development Committee is currently considering the bill at stage 2. The suggestion is that, because it is doing that at the moment, we should refer the petition to it as quickly as possible and ask it to take the petition into consideration as part of the stage 2 process. I also suggest that, as Phil Gallie proposed, we ask that committee to note the economic implications of a ban on hunting as outlined by the petitioners in their evidence to us this morning. We should also ask the Rural Development Committee to note the invitation that has been issued by the petitioners to all MSPs, including the members of the Rural Development Committee.

**Phil Gallie:** The petition is different from what has happened in respect of the Protection of Wild Mammals (Scotland) Bill until now, because it suggests that we should consider other aspects of the proposed legislation, such as the social justice and economic development aspects. I understood

from the petitioners' response to my point that the petitioners would also like the petition to go to committees other than the Rural Development Committee. I see nothing wrong with that. I think that the matter has social and economic development implications. It will be up to those committees to decide what to do with the petition, but I think that we should pass it on.

**The Convener:** The issue belongs to the Rural Development Committee at the moment. We can certainly recommend to that committee that it should consider passing the petition on to the Social Justice Committee and that it should take into account economic development issues. However, we cannot send the petition to committees that are not considering the Protection of Wild Mammals (Scotland) Bill. We can copy the petition to them for information but, as you know, those committees are all burdened by big agendas and are not going to start an inquiry into something that the Rural Development Committee is already dealing with.

**Wendy Turnbull:** I have a quick question. This is the only chance I will ever have to ask things like this. We have listed committees in our petition. One MSP told me that I could easily retrain and go into some other work. I have looked into retraining, but I could not get a grant from the Scottish Executive. The MSP to whom I spoke told me that all sorts of grants would be available, but I applied for funding and could not get it. I would like to know who to apply to. Who addresses such matters? Is there a committee to which I can go to ask it what is going on and why I cannot get a grant?

**The Convener:** When we refer the petition to the Rural Development Committee and ask it to take the petition into consideration as part of its stage 2 consideration of the bill, we can recommend that that it examines social justice issues such as retraining and the economic implications of the bill. We can also recommend that the Rural Development Committee consult other relevant committees whose remits cover areas for which there will be implications because of a ban on hunting. That will have to be the Rural Development Committee's decision, because the petition is about the Protection of Wild Mammals (Scotland) Bill, which belongs to the Rural Development Committee and not to the Public Petitions Committee. For the Public Petitions Committee to start a parallel parliamentary action would not help the petitioners, because it would mean that the bill would go through without due consideration being given to the points that have been made this morning.

**Phil Gallie:** I feel that that is not right, convener. Although the bill has been allocated by the Parliament to the Rural Development Committee

for stage 2 consideration, the petition raises other issues that are perhaps side effects of the bill. I cannot see that there is any harm in passing the petition to the Social Justice Committee or to the Enterprise and Lifelong Learning Committee. Perhaps we should present the petition to those committees so that their members are aware of other factors that are connected with the bill when ultimately it comes back to the Parliament and is the property of the whole Parliament.

**The Convener:** There can be only one lead committee in charge of a bill. We cannot set ourselves up as an alternative lead committee to the Rural Development Committee and take action independent of that committee. That would not contribute to consideration of the bill in any case and, if we dealt with the matter separately, the bill would be passed without the petition having been properly considered.

**Helen Eadie:** I support the convener's view because I know that the Rural Development Committee has given other committees the opportunity to discuss the issues at earlier stages. The Rural Development Committee has always been the lead committee on the bill. If memory serves, the Enterprise and Lifelong Learning Committee heard evidence on the implications for jobs from the Fraser of Allander Institute and other organisations. At the end of the day, the validity of each report that comes before a committee will be a matter of opinions and valued judgments to be exercised by MSPs at the appropriate times.

Phil Gallie's points have been taken into account. Members who belong to the various committees that have been mentioned were in the Parliament on the day on which we voted on the general principles of the bill. I do not think that we could gain anything new because I believe—I stand to be corrected—that the issues have been considered by the committees and the Rural Development Committee has taken cognisance of the views that it has received.

I spent a day at the Jed Forest hunt to see what is involved. I therefore know about the implications for jobs and the social life of the community. I will leave it at that and support the convener's view that we refer the petition to the Rural Development Committee.

**Phil Gallie:** Helen Eadie said, in effect, that the Rural Development Committee is aware of all the issues that have been raised by the Public Petitions Committee and that all members are aware of the issues because the issues have been debated in the chamber. Therefore, we are simply chasing hares, or raising hares, if we do anything with the petition other than reject it.

**The Convener:** I do not think so.

**Phil Gallie:** I cannot see what the benefit will be

if we pass the petition to the Rural Development Committee; that committee has already found in favour of the petitioner and had its views overturned. As a favour to the petitioner, the only thing that we can do is try to prolong interest in the petition.

**The Convener:** I do not agree with that. If the petition is going to receive a sympathetic hearing in any committee of the Parliament, it is likely to be in the Rural Development Committee. If we refer it to the Social Justice Committee or the Enterprise and Lifelong Learning Committee, they will merely take note of it and no action will be taken. That is the harsh reality. The best thing that we can do to help the petitioners is to refer the petition to the committee that is dealing with the bill, with a recommendation that it consult the other committees on the social justice and economic implications of the measures to ban fox hunting. We should also recommend that the results of the consultation should form part of the recommendations that the committee makes to the Parliament at stage 3.

It is open to any member to lodge amendments at any stage of the bill—either in committee or at stage 3 in the Committee of the Whole Parliament. That would allow the issues to be confronted directly by the Parliament as a whole. It would raise false expectations if we were to start spreading the petition about. It would also cut across the policy of the Public Petitions Committee, to the effect that there are lead committees that deal with petitions and it is for those committees to consult, but not for us to run parallel to them by consulting separately.

**Helen Eadie:** Again, I support the convener. I think it is unfair of Phil Gallie to suggest that I am saying that we should reject the petition. In support of the convener, I have said clearly that we should refer the petition to the Rural Development Committee. If we want to go a stage further, the *Official Report* of this meeting could accompany the petition when we send it to the Rural Development Committee. However, that is the best that we can do; John McAllion's assessment of the reality of the situation is correct.

11:00

**Phil Gallie:** All I can say is that, in attempting to do something that the convener has said has been considered and lost, we are hiding from the issue. The Rural Development Committee considered the issues and it came to a decision, but the Parliament overturned that decision.

The only way that we will get any benefit for the petitioner is by extending the range of knowledge on the issue. On that basis, although I know that it is not the done thing, I propose that the petition be

referred to the Social Justice Committee and to the Enterprise and Lifelong Learning Committee, as well as to the lead committee, which is the Rural Development Committee.

**Helen Eadie:** I propose that the committee supports the convener's recommendation.

**The Convener:** I am advised that we must vote on Phil Gallie's proposal, which is, that the committee refer the petition to the Social Justice Committee, to the Enterprise and Lifelong Learning Committee and to the Rural Development Committee for their consideration. Are we agreed?

**Members:** No.

**The Convener:** There will be a division by show of hands.

**FOR**

Gallie, Phil (South of Scotland) (Con)  
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)

**AGAINST**

Eadie, Helen (Dunfermline East) (Lab)  
Grant, Rhoda (Highlands and Islands) (Lab)  
McAllion, Mr John (Dundee East) (Lab)

**The Convener:** The result of the division is: For 2, Against 3, Abstentions 0.

*Proposal disagreed to.*

**The Convener:** I propose that we refer the petition to the Rural Development Committee, with a recommendation that the committee consult the Social Justice Committee and the Enterprise and Lifelong Learning Committee on the social justice and economic development implications of a ban on fox hunting. I also propose that we pass on a copy of the *Official Report* of this meeting, so that our discussions on the subject can be taken into considered. Are we agreed?

**Members indicated agreement.**

### **Bus Services (Regulation) (PE420)**

11:00

**The Convener:** We will take PE420 out of order, as Councillor Sam Campbell is with us to speak to the petition, which concerns the regulation of bus services. Welcome, Councillor Campbell. You have three minutes to make a presentation before we open up the meeting to questions.

**Councillor Sam Campbell:** The communities that are identified in the petition lie to the south-west of the city of Edinburgh. Although they are adjacent to the city, they are primarily rural in character. The areas in which the communities are located are all in the green belt.

Prior to 1985, when buses were deregulated, the communities had a reasonably good bus service.

The railways had been gone for a good number of years and a number of the small villages and areas were totally dependent on public bus transport. At that time, one of the bus companies withdrew one of the bus routes. That was a problem, but the council and individuals were able to argue the case to the traffic commissioner. As a representative of the community, I did that; we won the case and the service had to continue.

Since deregulation, that option has not been available, which leads to social exclusion. Recently, FirstBus made a commercial decision to withdraw the 79 bus route along the A7 from Sheriffhall to Edinburgh. We petitioned the bus company, but did not get a response. We wrote to the traffic commissioner and received a "Dear Sam" letter, which said that, under the new regulations, the commissioner had no powers to intervene. Local communities can no longer write to the traffic commissioner in support of their case.

Edinburgh now has a bus war between FirstBus and Lothian Buses. The local authority has to pay for what the bus companies call the social routes. A survey of United Kingdom local authorities that was published this year indicated that the average increase in contract prices for social routes was 22 per cent. In Midlothian, our increase was 51 per cent. There is no justifiable economic argument for that increase. FirstBus, the main company serving the area, and Lothian Regional Transport are holding a gun to our head.

At the moment, Midlothian Council pays £700,000 to the bus companies to support social routes. In the next financial year, that figure will rise to well over £1 million. As members know, that money has to come out of taxpayers' pockets. The Scottish Parliament gives councils some help—although it is not enough—through the rural transport fund.

Petition PE420 may seem strange, in that it was signed not by individuals, but by community organisations: the churches, the miners club and our friends from the community council. If you like, it was signed by everybody, right down to the Brownies. There is a strong feeling in the community that we are losing our bus services. The petition points out that people use the services to go to the doctor and to visit relatives. We used to be able to get to all the hospitals in Edinburgh, including the royal infirmary and the eastern general, by bus. We no longer have those buses. Not everyone who wants to shop at places such as Asda has a car. In some households, one or other partner uses the car during the day. Elderly people are being forced to walk. I do not have to tell members that nowadays it is not safe to walk in many areas, even in daylight. Some of the places that we are talking about are several miles apart.

The background to PE420 is that we are losing bus services in areas such as Danderhall because the council has limited funds available. The council has been doing its best, but the bus companies insist that they want routes to run to Princes Street, the Gyle and other places that are popular and profitable. The public meeting that is referred to in the petition was attended by representatives of LRT and of the community bus services in the area. No representative of FirstBus turned up, so there was an empty chair at the top table. That is a sign of the attitude that the company takes to a community such as ours.

We are now being socially excluded in many ways. Everyday jobs and activities have been affected by the deregulation of buses in our area.

**The Convener:** I remind the petitioner to stick to the general aspects of the issue, rather than to get into specifics.

**Phil Gallie:** You referred to FirstBus. If a major bus company is not prepared to run a social bus service, is it not in the power of a local authority to bring in another, perhaps smaller, company that could do that at a lower price?

**Councillor Campbell:** That is a fair point. However, the trouble with small companies is that they will run buses only in the winter. In the summer, they do contract work. They will run services for a time, but they do not have the staff or the facilities to keep them going all year round. Small bus companies do not want to be tied down to running services for a year. They want to do other things, especially in the summer when those things are more profitable.

Generally speaking, the only company that tenders for services is FirstBus. We are trying to encourage the small bus companies to tender, but they, too, have to be paid from council funds. However, in a sense Phil Gallie is quite right.

**Rhoda Grant:** Have you considered community transport schemes? I represent the Highlands and Islands, where it is not possible to run profitable bus schemes. Through the rural transport fund, communities have been able to purchase buses and to run regular services, as well as a dial-a-bus service, which provides people who have never had a bus service with a good one.

**Councillor Campbell:** I have two answers to that question. You will probably have seen on the television news that a bus service from West Lothian to Edinburgh has been started by people who work in Edinburgh. Those people organised the bus themselves and paid £15 each for morning and evening services to Edinburgh. They did that because FirstBus withdrew the service that was previously available. As soon as those people started running their own service, FirstBus reinstated its service. That tells a story.

A Lothian community bus service is run by City of Edinburgh Council, Midlothian Council, East Lothian Council and West Lothian Council. Midlothian Council provides £100,000 for that service, which is designed to enable old people to go to the doctor and to shop through the day. The service also runs at night, but it operates on a community basis and must be supported by the community. Most drivers are volunteers. The service is good enough, but it is not a commercial service and it depends on a driver being available. Community bus services are helpful as an addition to the services that we have at the moment. They are welcome, but they are limited in what they can do. As members know, Edinburgh and the Lothians is a big area. The service that we have cannot be run as a commercial bus service—special permits are required for that.

**Helen Eadie:** Obviously, Midlothian Council is really concerned about the situation. What steps is the council taking?

**Councillor Campbell:** The council has made repeated representations to the bus company and through the joint council organisations in the Lothians. The four councils have joint policy meetings and there have been meetings involving the bus company. Rhona Brankin, myself and my colleagues from the community council, Mr Peacock, its chairman, and Mr Hadden—who both fully support the petition—met FirstBus and LRT. We got the same answer: if it does not pay, it does not run. We have argued that, as there are profitable routes in Midlothian and Edinburgh, those should balance out the bad routes. However, that does not work in practice.

Since deregulation, we have lost almost all our bus services. This year, we paid £700,000 to FirstBus and next year we will pay £1.3 million. There is a limit to what we can afford to pay. The 79 has just been taken off—that route was on the main corridor, the A7. The bus also went to Rosewell. At the moment, the service goes through Midlothian but it does not go to the north of Midlothian. The 79 was taken off without any consultation, whereas previously we had to be consulted. A company would come to the council and say what it proposed to do and we could say that we would accept the good points, but that if there was a bad case, we would oppose it. In one such case, years ago, Convention of Scottish Local Authorities members demonstrated in the street. There were banners and we had permission from the police. That was all part of the pressure. We went to the traffic commissioners and we won the case and the company was forced to reinstate the bus service.

That is the sad position that we are in with deregulation. We have lost the right to insist that we have a bus service. We want to work with the

bus company—we are all in the same business. We do not have any trains either. Perhaps the Executive will give us trains in due course, when it is prepared to spend the money. In 1962, at the time of Beeching, we were told not to worry about the closure of the railway because there would be plenty of buses.

**John Farquhar Munro:** So, in your opinion, deregulation is not to the advantage of the travelling public, although it may have been for a short time. Under the previous regulatory system, the traffic commissioners had far more local control. As you indicated, they seem to have lost any control that they had over which stage services were operated. I sympathise with the case that you have presented to us, but in my part of the world, rural is rural. To me, the rural that you talk about includes busy city life. As Rhoda Grant said, in rural parts of the Highlands and in the Borders, there are schemes that are supported by the rural transport fund. Schemes like that help, but I do not think that they would be of benefit here, in the city context.

At the same time, bus operators make commercial decisions. If a route is not profitable, away it goes. Your point is justifiable and correct. The operators cream off the busy routes and pay no attention to the routes on which they are losing money—if they are losing money. It is swings and roundabouts. I do not know whether encouraged is the right word, but the operators should be enthusiastically encouraged to serve the less-busy routes. Otherwise, more public money will go into subsidising them, and that is not to anybody's advantage.

**The Convener:** I think that there was a question in there somewhere.

**Councillor Campbell:** My mother was a Highlander, so I know the Highlands pretty well. It is surprising how rural we are, given that we are so close to the city. We were also a mining area. Monktonhall colliery, where coal was mined from the early 18<sup>th</sup> century, was in my ward. Most of the area is in the greenbelt. It is pretty much a rural area. There is quite a space between the housing—the area has a population of about 3,500 and we are talking about 1,500 to 1,600 houses and additional ones since 1985. We had a good service and we were very proud of it. We fought to retain it; we are still fighting today and we hope for your help in doing so.

**John Farquhar Munro:** How will the current situation be overcome? Should the Executive or the commissioner go to the bus operators and insist that they operate that route and make a commercial judgment on it? Should the Executive be encouraged to subsidise that particular route to the advantage of the travelling public?

11:15

**Councillor Campbell:** I hope that the committee will refer the petition to the Transport and the Environment Committee for further consideration. I know that that committee considered the Transport (Scotland) Act 2001, which partly covered such issues. The Transport and the Environment Committee is more expert in the matter than I am and would be able to consider the different options. The big problem is that we do not have the facility and ability to challenge the bus companies. The bus companies do not have to prove that the route that is to be withdrawn is a commercial route. The bus companies say, "Oh yes, Councillor Campbell, it pays." However, if that is the case, why are they taking it away?

I would appreciate having the advantage of listening to other views. I am not telling the committee what to do—it is your decision. However, the Transport and the Environment Committee might consider ways of tightening things up to allow the community or the council to have some control or influence over such issues.

**Phil Gallie:** Does the council operate subsidised service agreements with FirstBus?

**Councillor Campbell:** No. The only subsidised service is the concessionary fares for pensioners. The other services are contracts that are put out to tender. The amount that the council has to pay has increased by 51 per cent, whereas the increase across the whole country was 22 per cent.

**Phil Gallie:** Are some routes put out to tender?

**Councillor Campbell:** The routes on which the bus companies do not run a commercial service go out to tender. We go to the bus companies and say what we want, they say what they will charge and when the bids come in we pick one. As I said, that cost has risen by 51 per cent. The point is that the bus companies are able to make such increases—that is the problem.

**The Convener:** Does the figure that you gave—of subsidies that are required from the council rising to £1.3 million—apply only to Midlothian Council?

**Councillor Campbell:** That is the figure for Midlothian Council only.

**The Convener:** How much do the four councils pay in subsidies in total?

**Councillor Campbell:** I do not have the figures. However, the four councils would have a similar amount of subsidies. City of Edinburgh Council would have fewer subsidies, because it has a good service. East Lothian and West Lothian both contribute to services.



**The Convener:** We are talking millions of pounds.

**Councillor Campbell:** The figure for the other councils would be similar. People want to travel from Midlothian to villages like Fala and Pathhead, but rural areas such as that no longer have the bus services.

**Rhoda Grant:** There are two issues. First, the councils have to subsidise transport facilities. Secondly, bus companies can withdraw routes without consultation, even if those routes are profitable.

**Councillor Campbell:** There is a form of consultation, in that notification must be given that a route will be withdrawn. Previously, we could campaign against that, but now we cannot.

The 79 bus ran on the main road through Danderhall to Sheriffhall. It came from Rosewell, went through all the wee villages and was an excellent service. It was rerouted away from Danderhall and the council was told that it could not prevent that from happening. However, we could write and protest, so I got up a petition and sent it. I knew who the minister with responsibility for traffic was and wanted the minister to appreciate our problem. The response was that our problem was understood and sympathised with, but the minister had no power to force the bus company to continue with that commercial route. The route was commercial rather than social.

**The Convener:** Thank you for your evidence, which was very clear.

The briefing paper that was circulated before the meeting points out that PE420 is similar to PE409 from Mr Douglas Smart, which we considered at our meeting on 6 November. We agreed to write to the Executive about the issues that were raised by PE409 and to ask in particular about the implications of the quality contract schemes under the Transport (Scotland) Act 2001. We also sought comments from the City of Edinburgh Council and from Kenny MacAskill, who has a member's bill on a related topic. We copied the petition to the Transport and the Environment Committee for information only.

It is suggested that we wait until we receive replies from those who were consulted in relation to PE409. In the meantime, we should write to Midlothian Council for its views on the specific situation. Once we have received replies, we can consider what to do with the petition. The most likely course of action is that we will send it to the Transport and the Environment Committee. Are we agreed?

**Members indicated agreement.**

## Commissioner for Bullying (PE412)

**The Convener:** PE412, from Elizabeth and Jane Allison Edmund, calls on the Scottish Parliament to establish a commissioner for bullying. The petition proposes that such a commissioner would have the powers:

- “(a) to produce guidelines for the police and local authorities on how to effectively deal with bullying of children and bullying by children of all ages;
- (b) to intervene in cases where the police and local authorities will take no action or where any action taken is not effective;
- (c) to provide support and assistance to those affected by bullying; and
- (d) to investigate intimidation of those affected by bullying by local government authorities and agencies and by the police.”

The Scottish Executive has established an anti-bullying network and the Education, Culture and Sport Committee is holding an inquiry into the establishment of a children's commissioner for Scotland. However, the petitioners' main concern is that some victims of bullying and intimidation by children are adults and that the police and other authorities are often unable or unwilling to provide the necessary protection and support to adults who are bullied by children.

In the summer of 2000, the committee considered PE256 from Mr Robert Browning on a similar matter—persistent young offenders and how to deal with them. The briefing paper outlines in detail the Executive's response to that petition and says how the Executive is trying to deal with young offenders who cause trouble to adults.

It is suggested that we request the Executive's comments on the issues that are raised by PE412 and ask in particular for an update of the position in relation to the initiatives that were detailed in the Executive's earlier response. Given that the Education, Culture and Sport Committee is investigating the establishment of a children's commissioner, it is also suggested that that committee should receive a copy of the petition for information only at this stage and that we should request the anti-bullying network's comments on the issues that are raised by the petitioners.

The petitioners are concerned about bullying of adults by youngsters, an aspect that has not been dealt with, despite repeated attempts to get something done about such bullying.

Members should let me know if they have any suggestions on other courses of action that could be taken. However, I think that we should take the suggested action.

**Phil Gallie:** I declare a slight interest, in that I have dealt with the petitioners as constituents. I have every sympathy with them. They have

suffered and there seems to be a blank wall at the end of every line. There are always two sides to a story. We should agree to the convener's recommendation.

**The Convener:** Individual circumstances must be dealt with by local representatives, but we should take the suggested action to try to set a framework in which help could be received. Are members agreed that the suggested action should be taken?

**Members indicated agreement.**

### **Parental Alienation Syndrome (PE413)**

**The Convener:** In PE413, Mr George McAulay calls on the Parliament to recognise parental alienation syndrome as a form of child and domestic abuse. He asks for the development of intervention strategies to prevent parental alienation syndrome, to ensure that agencies that come into contact with children are given training in the early diagnosis and prevention of the syndrome and in gender neutrality. Mr McAulay also requests that the Executive commission a study into the issue by a respected and neutral academic.

It is suggested that we seek the views of the Scottish Executive before deciding which committee to refer the petition to, because, in view of the subject matter, it is likely that a range of subject committees could be interested in it. Is that agreed?

**Members indicated agreement.**

### **Local Plan Public Inquiries (PE418)**

**The Convener:** PE418 is from Gordon Clyde Ford, who calls on the Parliament to take the necessary steps to ensure that objectors are consulted on the choice of reporter in a local plan public inquiry or, in the case of multiple objectors, that the choice of reporter is made by the inquiry unit in Edinburgh rather than the local authority and that the final report is returned to the Scottish Executive rather than to the local authority for a decision. The petitioner obviously believes that the current system is heavily biased towards the developer and the local council.

As we said earlier, the Scottish Executive is conducting a review of strategic planning and it hopes to announce its conclusions in the spring of 2002. That could lead to alterations in primary legislation and substantial revision of the secondary legislation. The Transport and the Environment Committee has no plans to conduct a planning inquiry, but is likely to examine any legislation that results from the Executive's review. It is suggested that we seek comments from the Executive on the issues that are raised by the

petition and seek clarification of whether this issue is being examined as part of the review. It is also suggested that we pass a copy of the petition to the Transport and the Environment Committee for information only at this stage.

**Phil Gallie:** This petition links in with PE414, which we dealt with earlier.

**The Convener:** It deals with a separate issue. PE418 is about not the third-party right of appeal, but strategic planning and who gets to appoint the reporter. That might be part of the review, but we would need to clarify that with the Scottish Executive. Is that agreed?

**Members indicated agreement.**

## Current Petitions

### Gaelic Education (PE385)

**The Convener:** The first current petition with which we have to deal is PE385, from Fiona Henderson, on the recognition of Gaelic and the accessibility of Gaelic-medium education. We dealt with PE385 at our meeting on 11 September and agreed to raise with the Scottish Executive the general policy issues and to raise with the City of Edinburgh Council issues relating directly to it.

We have received detailed replies. The Scottish Executive informs us that it has spent just under £3 million this year on the provision of Gaelic-medium education and that £300,000 has been set aside for Gaelic-medium pre-school education. Under the Standards in Scotland's Schools etc Act 2000, local authorities are required to lay out their plans for Gaelic-medium education in their annual statement. The Executive's position is that Gaelic-medium education is the responsibility of education authorities under the education legislation and is demand led, but that that has to be balanced by the educational and economic viability of each educational unit.

The City of Edinburgh Council has responded with details of the Gaelic-medium service that it provides, particularly in the Gaelic unit in Tollcross Primary School, which has 63 pupils in four classes. A recent report by Her Majesty's inspectors of schools said that pupils in the Gaelic-medium classes have a high standard of attainment.

To summarise, the Scottish Executive's view is that education authorities should make arrangements for Gaelic-medium education where demand exists and that the Standards in Scotland's Schools etc Act 2000 requires local authorities to state how they will provide for Gaelic-medium education. The Executive points out that two similar petitions were considered as part of the discussion that led to the passage of the Standards in Scotland's Schools etc Act 2000. The City of Edinburgh Council has stated that its provision of Gaelic-medium education at Tollcross Primary School is open to any pupil in the authority's area and that it is therefore socially inclusive.

The petitioner does not accept either of those views. She feels strongly that Gaelic-medium education should be provided on a different basis and that the provision of the service should be regulated centrally, presumably by the Executive, and that it should not be left to each education authority to determine the level of provision. She is of the view that the service that is provided in Edinburgh at Tollcross Primary School is unsatisfactory.

We have two options. Either we can pass the petition to the Education, Culture and Sport Committee if it agrees that further consideration should be given to the issues in the petition, although it has already considered two similar petitions, or we can take no further action in view of the fact that similar issues have already been raised and the Executive has taken forward a positive policy initiative in supporting the provision of Gaelic-medium education where suitable demand exists.

I am open to suggestions on which of those two lines we should take. In my view, the Executive and City of Edinburgh Council have responded fairly positively. I do not see that much more can be asked.

11:30

**John Farquhar Munro:** I agree with much of what you have said. The responses have been well researched. Improvements have taken place in the provision of Gaelic-medium education. There seems to be quite a development. As you say, considerable effort and research has been done on the issue in the past few months. For my part, I think that we should be satisfied with the responses that have been presented to us.

**The Convener:** Does the committee agree to take no further action other than to write to the petitioner enclosing the replies from City of Edinburgh Council and the Executive and saying that the committee is satisfied with those responses?

*Members indicated agreement.*

### Wildlife Legislation (PE387)

**The Convener:** Petition PE387 comes from Mr Stuart Housden on behalf of RSPB Scotland. At our meeting on 11 September, we agreed to copy the petition to the Scottish Executive. After the Executive replied, we agreed to request further clarification of the types of policies, measures and incentives that the Executive had in mind for implementation of the proposals set out in "The Nature of Scotland".

We have now received the response from the Scottish Executive, which states:

"increased resources have been made available to improve the management of SSSIs ... The Executive has also established an Expert Working Group, involving land managers, conservationists and representatives of NDPBs to work up the details of the proposals contained in 'The Nature of Scotland'."

Most important, the letter states:

"the Executive now intends to come forward with legislative proposals at an early opportunity and a draft Bill will be published as soon as possible."

As the Executive's move to introduce appropriate legislation appears to meet the petitioner's objectives, it is suggested that the committee agree that a copy of the response be sent to the petitioner and, for information only, to the Transport and the Environment Committee, and that we should take no further action. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** The petition is a success, in fact.

### **Employment of Teachers (Religious Discrimination) (PE269)**

**The Convener:** At the beginning of today's meeting, two further current petitions were handed out to members. At our previous meeting, on 6 November, we highlighted the Executive's failure to respond to petition PE269, which requests the repeal of sections of the Education (Scotland) Act 1980 that deal with religious beliefs and the employment of teachers. We agreed that I would write to the Minister for Education, Europe and External Affairs to highlight our concern about the unacceptable delay in the Executive's response. We have now received the response, copies of which have been attached. The minister will write to me separately about the delay in issuing the response.

As the petition raises important issues, I am reluctant to deal with it today. I suggest that we perhaps take the petition away for consideration and bring it back to the next meeting. I know that members who are not present may have views on it and I do not want to rush into any precipitate decision. Also, the petitioner will be interested in our response to the Executive's response. Is it agreed that we consider the petition at our next meeting?

**Members** *indicated agreement.*

### **Scottish Water Authority (PE411)**

**The Convener:** We have also received a response to PE411, which was considered at our meeting of 6 November. The petition calls on the Parliament to examine the case for the establishment of a mutually owned and managed Scottish water authority. The Executive has responded very quickly. The response makes clear:

"The Executive has rejected the option of mutualising Scottish Water in the Water Industry (Scotland) Bill."

An annexe from the bill's policy memorandum, which explains the Executive's position, is also contained.

Although we may or may not agree with the

Executive's position, the important point is that the bill will shortly be considered by the Transport and the Environment Committee. It is suggested that the petition and the Executive's response be referred to that committee with the recommendation that they be taken into account at stage 2 of the Water Industry (Scotland) Bill.

**Helen Eadie:** I declare an interest: I am a member of, and am sponsored by, the Co-operative party. I am disappointed that the Scottish Executive has responded in this way, but I agree with your proposed course of action.

**The Convener:** Is that agreed then?

**Members** *indicated agreement.*

### **Post-mortem Organ Removal (PE406)**

**The Convener:** At our previous meeting, we received a petition from Margaret Doig in Dundee about the issue of post mortem without the consent of the deceased. Ms Doig has written to us saying that the *Official Report* does not represent her true position, which the committee had misinterpreted, and that she would like the record to be set straight. She points out that her petition is primarily about post mortem without the consent of the deceased; that she is not aware that individuals have no rights on post mortem and organ removal and that she has not expressed that as a concern of hers; and that she has not said that nobody can represent the wishes of the deceased. Her contention is that executors can represent their wishes; her concern is that executors will not be consulted. That is why she asked the Parliament to amend the necessary legislation.

We will copy Mrs Doig's letter to the Executive, to be taken into account as part of its response to the petition. That will ensure that it is clear about her position. Is that agreed?

**Members** *indicated agreement.*

## Consultative Steering Group Principles

**The Convener:** Item 3 is the Procedures Committee's inquiry into the application of the consultative steering group's principles in the Scottish Parliament. A draft submission has been prepared by Steve Farrell, the clerk, and it is open to the committee to amend it. How do members want to do that? Are you happy with the submission in general, or do you want to go through it paragraph by paragraph?

**Phil Gallie:** I am happy with it in general, but I have an observation to make. You refer specifically to the Bundestag, but the whole structure in Germany—the Bundesrat and the federal Governments—treats petitions in much the same way as the Bundestag does. It would improve the story if the document referred to the Länder as well.

**The Convener:** So, as well as the Bundestag, the document should refer to the Bundesrat and the Länder.

**Phil Gallie:** At least once, so that we make it quite clear that the practice cuts right across the whole structure.

**The Convener:** A further draft will be written, based on any amendments that are suggested this morning, which we will consider at our next meeting. *[Interruption.]* Sorry. The clerk informs me that we have to finalise the document this week and that it will not come back to the committee. Phil Gallie's suggestion will be incorporated in the submission. Do members have any other suggestions?

**Helen Eadie:** I am quite happy with it.

**The Convener:** I think that it is a good draft and very well prepared by the clerk. It was certainly not me who prepared it.

**Phil Gallie:** We would never have guessed.

**The Convener:** We will also report back on our Berlin visit. We agreed to produce a paper on that visit. Consideration of that draft report will be included in the committee's next agenda.

The submission on the CSG principles will be presented to the Procedures Committee on 11 December. I shall give evidence at that meeting. Committee members are welcome to come along. With the inclusion of Phil Gallie's amendment, is the draft report agreed?

**Members indicated agreement.**

## Convener's Report

**The Convener:** I have nothing further to report, except the fact that Ruth Cooper is attending her last meeting of the committee. She has been promoted to senior assistant clerk of the Audit Committee. On behalf of the committee, I thank Ruth for all her work, which has been excellent. We have enjoyed her presence here. It is a shame that she was with us for only a short time, but I am sure that she will be inspired by the work of this committee to spread good practice throughout the other committees of the Parliament. We wish her every success in her new post and hope that she gets on in it. Unfortunately, there may be a delay in replacing Ruth, and we may have even fewer staff for several months, which is not so good.

*Meeting closed at 11:38.*



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