

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 12 February 2002  
(*Morning*)

Session 1

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## PUBLIC PETITIONS COMMITTEE

3<sup>rd</sup> Meeting 2002, 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:

Bert Burnett (Scottish Gamekeepers Association)

Alex Fergusson (South of Scotland) (Con)

Christine Grahame (South of Scotland) (SNP)

Councillor Robert Higgins

Mr Paul Hyles

Peter Jeal

James A Mackie

David Mundell (South of Scotland) (Con)

Stewart Stevenson (Banff and Buchan) (SNP)

Mrs Jeanna Swan

Mr Peter Wilson

### CLERK TO THE COMMITTEE

Steve Farrell

### ASSISTANT CLERK

Joanne Clinton

### LOCATION

Committee Room 1



## Scottish Parliament

### Public Petitions Committee

*Tuesday 12 February 2002*

*(Morning)*

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

**The Convener (Mr John McAllion):** I welcome everyone to the third meeting in 2002 of the Public Petitions Committee. In particular, I welcome Joanne Clinton, who is our new assistant clerk. She has joined Steve Farrell and Franck David to bring our whole-time equivalent staff up to 1.4. Perhaps that is a plea on my part for more help, which is needed to make this committee work properly.

We have received apologies from Helen Eadie. There are no other apologies.

We have a heavy agenda, which includes consideration of nine new petitions, for only two of which we will not take further evidence from petitioners. I therefore ask members to be as precise as possible in their questioning, so that we can get through the agenda.

### New Petitions

#### Predatory Birds (PE449)

**The Convener:** The first petition, PE449, is from Mr Alex Hogg, on behalf of the Scottish Gamekeepers Association. The petition calls on the Parliament to initiate an independent investigation into the impact of predatory birds on waders, songbirds, fish stocks and game birds. Mr Hogg is not here, but Mr Bert Burnett will speak on his behalf.

I understand that you will speak to petition PE449 and petition PE455, Mr Burnett.

**Bert Burnett (Scottish Gamekeepers Association):** Yes, I will.

**The Convener:** We will deal with the two petitions separately. You have three minutes to make an address on PE449, which concerns predatory birds. After that, I will open up the meeting for questions.

**Bert Burnett:** Thank you for allowing the Scottish Gamekeepers Association to address the committee on our petition.

By the 1960s, worldwide raptor populations had reached critically low figures, so raptors were worthy of special protection. However, since the banning of organochlorines such as DDT, UK raptor numbers have increased to record levels.

For example, peregrine numbers are at the highest level ever recorded. In towns and cities across Scotland, sparrow-hawks wreak havoc at bird-tables and cause great distress to those who witness the smaller birds being eaten alive in their gardens.

Buzzards now occupy almost every area in Scotland. They attack not only private stock, such as grouse and pheasants, but young ground-nesting birds, such as plover, partridges, grouse and waders. Many of those young birds are themselves endangered species. Few people question why the numbers of crow are controlled, as crow do a lot of damage. Buzzards and sparrow-hawks also do damage, yet there is great resistance from the bird lobby to allow even licensed control of such birds. Why should the title "raptor" provide buzzards and sparrow-hawks with a status that makes them more favoured than the crow, when they do the same damage?

The Langholm report is the most notable of the various studies that have been conducted on raptor predation but, unfortunately, the involvement of pro-raptor groups in that study resulted in its arriving at no clear conclusions. Bird-protectionist groups deny that predatory birds have a detrimental effect on some prey species, but professional wildlife managers, gamekeepers and other conservation agencies and organisations know fine the damage that such birds do.

We feel that the time has come for the Scottish Parliament's Rural Development Committee to commission an independent investigation that will deliver a balanced result.

**The Convener:** Thank you for that clear presentation. Do committee members have any questions?

**Phil Gallie (South of Scotland) (Con):** Mr Burnett has called for an independent inquiry, but Scottish Natural Heritage recently set up an inquiry that involves others who are concerned about raptor expansion, such as the pigeon-fanciers and pigeon-fliers.

**Bert Burnett:** I think that you are talking about the raptor working group report, which, we feel, was not a proper report. It was biased towards the other side and had no involvement from people such as gamekeepers. The report leaned heavily towards the pro-raptors. Although I cannot speak for the pigeon guys, I understand that even they were not happy with the result. It was very one-sided and did not give a true picture.

**Phil Gallie:** Is the increase in peregrines that you mentioned regionalised, or does it occur throughout Scotland?

**Bert Burnett:** Obviously, peregrines live only in

certain areas because they nest in favoured areas. They are thicker on the ground in some areas, which is where they cause damage to winter stock. The damage is not done in the summer but in the winter. After winter is finished, the number of game birds is depleted because of the bad weather. If the area is overpopulated with peregrines, the peregrines start to eat into the stock.

As you can imagine, if there are 10 pair of game birds and the peregrines eat five birds, the peregrines are eating either the cock or the hen of a pair. The peregrines do not take the birds in pairs; they break up the pairs, which means that the birds might not get together with other ones in time to breed. In that way, the stock is being depleted at the time.

On top of that, when the waders arrive in the spring, they are tired and, having gone through winter, not in good condition. The peregrines will then attack the waders on the hill. We are seeing big declines in species such as golden plover and dunlin on the hills. There have been declines in the numbers of ptarmigan as well.

**Phil Gallie:** I recognise that, in recent times, there has been a fall in the songbird population. Are sparrow-hawks spread throughout Scotland, or are they concentrated in either rural or urban areas?

**Bert Burnett:** Sparrow-hawks are more a lowland bird. They are not found quite so much in moorland areas, although they will go into moorland if there are little patches of trees for them to nest in. Sparrow-hawks are widespread across Scotland.

Until 1954, I think, sparrow-hawks could be controlled no problem. After organochlorines kicked in, those birds were put on the protected list. Since that time, those birds—

**Phil Gallie:** Was there a number limit at the time? Obviously, we would not want the birds to be eliminated. Did a danger-limit rate apply to sparrow-hawks?

**Bert Burnett:** Until organochlorines and DDT were introduced, the birds were in no danger whatever. Gamekeepers and everybody else who had any bother with the birds were controlling them, and their number remained the same. It is noted in literature that sparrow-hawks are very resilient. Even when gamekeepers worked all across the land, nobody was able to wipe out the birds. People did their damndest, but they could not wipe them out. Today, when there are fewer gamekeepers, sparrow-hawks are in no danger of being wiped out.

**The Convener:** A previous petition from the Scottish Gamekeepers Association, PE187, which

called for a

“limited licensed culling of raptors”,

was referred to the Transport and the Environment Committee, which looked into the matter. Among the committee’s recommendations, so that the SGA could have its concerns addressed by the Scottish Executive and Scottish Natural Heritage, was

“that the SGA becomes a member of the Moorland Working Group”

Has that not worked?

**Bert Burnett:** That covers only moorland; we have other problems on the low ground. The population of goshawks is burgeoning. I do not know whether members are acquainted with the size of goshawks, but their wingspan is similar to that of a buzzard: a couple of feet, or two and a half feet. The goshawk is a more proficient killer, and they are coming up as well. They are eating squirrels, and red squirrels are in danger. There is a whole low-ground problem that will not be addressed through the moorland working group.

**The Convener:** Scottish Natural Heritage has a wider responsibility to advise the Scottish Executive on matters such as biodiversity. We are told that SNH works closely with Scottish land managers. Are Scottish land managers and the Scottish Gamekeepers Association not the same thing?

**Bert Burnett:** I assume so.

**The Convener:** Is working with Scottish Natural Heritage not a sufficient means of addressing your problem?

**Bert Burnett:** We feel that Scottish Natural Heritage is heavily influenced, and infiltrated, by sympathisers of the pro-raptor groups. We get listened to, but that is all. Anything we say seems to be discarded. We are so frustrated that we cannot get anybody in the SNH groups to listen to us. RSPB Scotland has a very heavy influence in such groups, although it is said that it does not.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** According to the petition, you are generally of the view that a high population of raptors is detrimental to the birds that you mention, in particular songbirds and waders. I am not sure what evidence you have in support of that view, but do you not think that other elements, including high usage of chemicals and pesticides, have an adverse effect on the birds that you are concerned about?

**Bert Burnett:** We do not have any chemical analyses; we have no idea about that kind of stuff. I have no reason to disbelieve that certain kinds of chemicals affect bird populations in certain places. What one has to think about is that if those

chemicals are having a detrimental effect on the birds, and if the number of birds is dropping, the increasing population of raptors will have even less of a population to work on. The raptors will therefore do more damage.

**John Farquhar Munro:** The argument could be made that contamination from chemicals or pesticides would also have a detrimental effect on the raptors.

**Bert Burnett:** From what I understand—although I was not old enough to be there at the time—when DDT was introduced, the small birds ate the DDT; the raptors then ate the small birds and ended up dying, or their eggs were thin-shelled because of the DDT. One would have to assume that the small birds that ate the DDT wurnae feelin too bright themselves. There must have been a drop in the number of small birds, although that does not seem to be documented anywhere.

10:15

**Dorothy-Grace Elder (Glasgow) (SNP):** I apologise—on behalf of ScotRail—for being slightly late in arriving. I know your situation fairly well. We have heard protests about raptors since the start of this Parliament, particularly from pigeon-fanciers.

First, do you think that raptors, or birds of prey, have an inordinately large lobby on their side? If so, why is that? Secondly, I want to ask you about the evidence that was given to a working group last year—I think that it was at Westminster, under the former Department of the Environment, Transport and the Regions. I believe that gamekeepers got very short shrift on that occasion. They had travelled huge distances from Scotland, but the meeting lasted for no more than an hour or so and was abandoned.

**Bert Burnett:** Yes.

**Dorothy-Grace Elder:** Could you expand on that?

**Bert Burnett:** Could you remind me of the first bit of your question?

**Dorothy-Grace Elder:** Throughout the lifetime of the Parliament, various lobbies who have been against raptors have approached us, yet I have sensed that raptors or birds of prey have an inordinately large lobby on their side. Why is that?

**Bert Burnett:** Let me make it plain that I am not here to decry any other organisation. The RSPB has 1 million members, who have been told that birds must be protected at all costs. In that context, for the RSPB to turn round and say, “We must do something about the raptors” would be detrimental to its income. Its members have been brainwashed—for want of a better word—about

the way that things should be. When it has suited the RSPB, it has actually killed birds to save other birds. It is making a double standard: we are not allowed to do that, but the RSPB is.

The RSPB is of course a huge organisation and, because of the financial pressure involved, it has, in one way or another, infiltrated the various groups concerned. I do not know how things work in such organisations, but there is definitely infiltration, which is working against us.

**Dorothy-Grace Elder:** I will return to my second question. What were the circumstances that prevailed when you went to Westminster? You did not get much of a hearing, did you?

**Bert Burnett:** When the raptor working group was set up, we were never consulted. Even the gamekeepers in England were never really consulted. The pigeon people in Scotland were not approached, although some in England were contacted, despite the fact that there is not really a problem there, because the biggest population of raptors—especially peregrines, if we take the example of pigeons—is from the Borders north.

We had never been involved in the working group, but we made such a noise that we were asked to come to a meeting. We went down to ask a few questions—we travelled 700 miles—and, when we got there, we were told that the meeting would have to be cut short because somebody wanted to go home early. No consideration was given to the fact that we had travelled 700 bloody miles. We were quite angry—and we have been angrier since.

**Dorothy-Grace Elder:** I wrote to you at that time, and I think that Dr Ewing might wish to make a comment about the RSPB.

**Bert Burnett:** I am sorry for swearing, ladies and gentlemen.

**The Convener:** You can justify the use of unparliamentary language.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** I am sorry I was late. I was half an hour in the air and half an hour waiting for a taxi at the airport. Something must be done. It takes longer to get a taxi than to fly from Inverness. I apologise.

**Bert Burnett:** Submit a petition. [*Laughter.*]

**Dr Ewing:** I am sorry to have come into the middle of this discussion. I am a member of the RSPB—in order that I can keep an eye on its depredations.

You mentioned killing birds to save birds. The prime example of that must be on Fair Isle, where the RSPB asked the locals—who had, for generations, climbed the cliffs to take the eggs from the skua birds’ nests—not to do that for 20 years, and they agreed to stop doing it. Fair Isle is

a great bird-watching place, because birds going in all directions cross it. The result was that the skua birds took over and eliminated a lot of the birds that the birdwatchers liked to go and watch. The locals were right in their long tradition, and the RSPB was totally wrong. That is a classic example.

A lot of RSPB members are nice old ladies, who just believe everything that the RSPB tells them. The RSPB tried to stop the structure plan for the Western Isles—I am referring to the first plan, which was a long time ago—on the ground that 50 birds would be endangered. Bird experts pointed out that that was simply not true. One of the species involved was the laughing gull, which, like the albatross, should never have been there anyway. You have to take everything that the RSPB says and then get your own bird adviser to check whether the information is correct.

**Bert Burnett:** That is why we have come to you today. We are being outfinanced and out-spoken. We have no place to turn except the Parliament to try and have the matter considered without the interference of the bird lobby. I do not know how we will do that. We are up for suggestions. We might have a few suggestions at a later date oorsels.

You only have to go out into the country and look up in the air to see buzzards. As I have said to folk, it is like being in a western: you look up, see the vultures and you wonder where the burnin wagon is ower the hill.

The buzzards do not catch adult lapwings or dunlin, but they come doon and eat the chicks. The chicks run aboot on the ground for three weeks of their life before they even start to flutter and those things juist come doon and steal them. We kill crows because they eat eggs but we do not—or cannot—kill the buzzards, and they eat the chicks. Surely that must be addressed somehow.

**The Convener:** The Scottish Parliament is more used to vultures of the human kind circling with press tags on their wings.

There are no further questions. Before Mr Burnett speaks to PE455, we will discuss what to do with this one. The Scottish Gamekeepers Association is saying clearly that its involvement in the process up to now has been token and that, although it is listened to, no actions have ever followed on its being given that voice.

First, we must try to get a response to the SGA's position from SNH, which is the adviser to the Scottish Executive, and to get the Executive's position. In the meantime, we will copy the petition for information to the Transport and the Environment Committee and the Rural Development Committee. We will wait until we get responses from SNH and the Executive before we

refer the petition to those committees formally.

**Phil Gallie:** We should consider SNH's performance. All-party groups have examined the issue with SNH. The reports that SNH gives us time and time again are similarly worded, and I suspect that it will come up with nothing different to what is already well recorded.

Perhaps, given the content of the petition, we should simply write to the Rural Development Committee and ask it to consider whether an independent inquiry should be held. That would be bang in line with the petition. We would leave the Rural Development Committee to contact SNH if it feels that that is appropriate.

**The Convener:** One of the problems with that suggestion is that, because the other committees of the Parliament have other responsibilities, they are keen that this committee do a lot of the spadework before we refer petitions to them. It would be helpful if we do the initial spadework by getting the Executive and SNH responses. We can then form a judgment on whether referring the petition to the Rural Development Committee and the Transport and the Environment Committee is justified. Otherwise, petitions will just pile up and not get acted on. It is important that we do as much initial work as we can to try to ensure that petitioners are given a fair hearing and that the other committees are involved at the appropriate stage.

Now is not the appropriate stage to involve the other committees. SNH should be asked specifically to respond to the concerns that Mr Burnett expressed and the points that he raised about token involvement and not being listened to. It would be helpful if we were to do that before we referred the petition on to other committees.

What are other members' views?

**John Farquhar Munro:** We have also heard evidence that the SGA has not been given the opportunity to present its factual evidence. It may be appropriate for the committee to suggest that the Transport and the Environment Committee or the Rural Development Committee take evidence from the SGA.

**Dr Ewing:** Hear, hear!

**The Convener:** That is the kind of thing that we will do when we refer the petition to those committees.

**Dorothy-Grace Elder:** Could we also state in our letters to SNH and the Executive that the various homing pigeon bodies in Scotland have precisely the same views as the SGA?

**Phil Gallie:** I agree with that.

**The Convener:** We have not taken evidence from them. The committee could not say that the



Scottish Homing Union has the same view as the SGA, because it has not told us that that is its view.

**Dorothy-Grace Elder:** It has.

**Phil Gallie:** It is well recorded in parliamentary circles. I go along with Dorothy-Grace Elder's suggestion. Let us contact the Scottish Homing Union and ask for its views on the merits of the petition.

**The Convener:** We can do that. It is perfectly feasible for the committee to write to the Scottish Homing Union and ask for its views on the petition.

**Dorothy-Grace Elder:** The Scottish Homing Union has given presentations in the Parliament, convener, appealing to us to help.

**The Convener:** It is important that we do not formally state something that we do not know to be true. The Public Petitions Committee has not taken evidence from the Scottish Homing Union, so we do not know. I am sure that the Scottish Homing Union would support the petition, but we will write to the union first and ask it to indicate whether it supports the petition.

Is that agreed?

**Members indicated agreement.**

### **Animal Welfare (Red Deer) (PE455)**

**The Convener:** The second petition is PE455, on animal welfare in the countryside, which calls on the Parliament to initiate an independent inquiry into the cruelty and animal welfare implications of shooting red deer out of season.

**Bert Burnett:** Throughout Scotland, there is growing unease about and revulsion towards the policy of shooting deer out of season. The closed seasons for red deer were fixed by the Deer (Scotland) Act 1959 for welfare and sporting purposes. Red stags are usually well run following their exertions during the rutting season towards the end of October, whereas hinds are heavily pregnant by spring and have dependent calves at foot after mid-June.

The current fashion for extending the hind season by issuing licences into mid-March presents us with our first dilemma. How are we supposed to dispatch a five-month-old foetus after removing it from the safety of its mother's womb? The red deer hind calves in late May and early June. For roughly 10 days after the calf's birth, the hind leaves it when she goes off to find food, returning to suckle her calf three or four times a day. Any hind seen in forestry will be shot. That will leave the calf to die of slow starvation.

That cruel and barbaric practice has no place in deer management and is not acceptable to our

members. The allocation of out-of-season and night shooting licences and escalating numbers of dependent mothers that will be culled because of fence removal are direct results of the Deer Commission for Scotland's failure to formulate and dictate policies that are based on fact.

Contract stalkers are paid per head shot, have no interest in long-term management and are prepared to kill heavily pregnant hinds. The SGA has considerable misgivings about the acceptability of that practice and wonders what view the Parliament takes, given its interest in animal welfare.

Deer forests and woodlands make a major contribution to our landscapes and create employment in remote rural areas. The hind season ends in just one week and the carnage on our hillsides and in our woodland will be set to start again. In the interests of animal welfare and sheer human decency, we ask that the Public Petitions Committee send the petition to the Rural Development Committee for its urgent consideration.

I was drafted in to speak to petition PE455 at the last minute. I am not an expert on deer matters; it is not my field in gamekeeping, but I have a fair grasp of it. Please bear with me if there is anything that I do not know.

**The Convener:** I am sure that your grasp is better than ours. I would not worry about it.

**Phil Gallie:** Animal welfare will be very much in the minds of members of the Parliament this week in particular. The picture that you paint is of the most horrendous, cruel situation that I could imagine. It comes with the approval of the Scottish Executive and its appointees. Can you give me any examples of any crueller activities than those that you have explained today?

**Bert Burnett:** No. No matter what we do in our job, it does not please everybody when we have to shoot animals and birds. That is what we do. However, we certainly never deprive anything of its mother and then leave it to die. Leaving an animal to starve to death because its mother is not there is just abhorrent to us.

If we were going to do the job on a hind and a calf, the first thing that we would do would be to shoot the calf. Then we would shoot the mother. That way, the mother has no problems when she loses her calf. That is just a natural phenomenon; it could happen any time. It is very cruel to leave the calf. We would kill the calf first and the hind next.

**Phil Gallie:** Gamekeepers are involved in so-called blood sports. Are there any circumstances with any species in which gamekeepers would create a situation in which the offspring of an adult

would be left to starve or they would kill a heavily pregnant adult?

**Bert Burnett:** No. The Protection of Wild Mammals (Scotland) Bill is going through the Parliament at the moment. We have made a big issue of the fact that we need our terriers for controlling foxes simply because, when we shoot the mother on the top and cubs are down the hole, we need the terriers to go down there and dispatch the cubs quickly. It is like a dog killing a rat. The cubs are small. It is not a fight; it is just a quick couple of bites and a shake down the hole and the cubs are dead. That is one of our main problems with the bill. We do not want to leave those cubs down the hole. We are not involved in any activities that deliberately leave offspring to die.

10:30

**Phil Gallie:** I do not want to go down that line; we are supposed to be discussing deer. You have answered my first question and I have no further questions to ask.

**John Farquhar Munro:** As we have heard from Phil Gallie, the current situation seems to have the support of the Scottish Executive, as the proposals for deer culls are promoted and sanctioned by the Deer Commission for Scotland. That has happened because the Deer Commission is of the opinion that there is an overpopulation of deer. Based on your own experience, do you think that that assumption is correct? Is the deer population out of control?

**Bert Burnett:** I agree that, in certain areas, there are too many deer. I come from the Angus area, where there is certainly a big problem with deer, which is being addressed at the moment. The keepers are trying to kill as many of those deer as possible to satisfy the requirements of the Deer Commission, but they do not want to have to shoot them out of season. The Deer Commission is encouraging everybody to shoot deer by handing out licences willy-nilly and saying, "Get these deer killed."

One reason why there are so many deer running around is that they are disturbed by people trying to shoot them and by hillwalkers. We have no objection to hillwalkers, but they add to the problem simply because the deer, which are already wild because we are trying to kill them, see the hillwalkers and start to run again. Everywhere they turn, there is danger. The deer have become so alert that a stalker who might have shot two or three deer before can now get only one shot before the animals are off. However, that still does not justify extending the season so that deer can be shot at the end of the season.

The policy on deer fencing must be changed.

Deer fences are being taken down to allow the capercaillie population to grow. In our opinion, that is a waste of time, and the £700,000 that is being spent on taking down the fences is going down the drain. That policy will not save the capercaillie population; it will save only one capercaillie every now and again. The fences are being taken down to encourage the natural regeneration of trees and to prevent capercaillie and black grouse from being killed by the fences. Removing the fences lets the deer come into the forest, so the deer eat the trees. The deer then have to be killed, and that is done out of season because no one can get them once they are in the forest. Shooting deer in the forest is worse than shooting them out on the hill. If a hind is shot in the forest, nobody will have any idea where her calf is. Out on the hill, they might be running together, but you will not see the two of them in the wood together. That adds to the problem. There are problems within problems.

**John Farquhar Munro:** So much effort has gone into reforestation and regeneration that the natural winter habitat of the deer has been eroded over the years, so that they are forced to congregate in areas where they were not accustomed to go in the past. Do you agree that that has aggravated people, because they are now seeing a new phenomenon in their area?

**Bert Burnett:** The Deer Commission for Scotland has estimated the total deer count. I do not know what that figure is offhand, but the commission has a deer count figure. The guys on the ground do not know where that deer count has come from.

When the Forestry Commission started planting the trees 50 years ago, it took up the grazing of the deer and fenced it off to plant Sitka, which is no use for anything and cannot even be sold nowadays. The deer have nothing to eat, so they are forced through little channels between fences, which keep them hemmed in until they reach the main roads in the Highlands and cause car accidents. That has been bad policy for 50 years. I am sure that there is nobody alive today who could be held accountable now, but that is what was done and we can see the end results today.

**John Farquhar Munro:** Gamekeepers and estate managers in the past were selective in culling deer and adhered to the closed season.

**Bert Burnett:** That is correct. That is why the closed season was introduced.

**John Farquhar Munro:** Are sanctions available against land managers and estate proprietors who do not comply with the cull requirements of the Deer Commission for Scotland?

**Bert Burnett:** As I said, I am not a deer man. However, I am led to believe that if, for example, a guy has a quota of 200 hinds to kill and does not

reach that quota—perhaps because disturbance means that he cannot get near enough to kill them—the Deer Commission reserves the right to come in and shoot those deer. That is where the problem lies, because those people have no interest in deer management and are just going for a head count to get those 200 beasts.

**John Farquhar Munro:** So it is not selective. It is simply the case that whatever comes in front of the rifle is shot.

**Bert Burnett:** That would appear to be what happens.

**Dorothy-Grace Elder:** You talked about contract stalkers. What sort of people are they, compared with people such as yourselves, who actually know the Highlands? Where does the Deer Commission get those people from?

**Bert Burnett:** I do not know where the commission gets them. Perhaps they are guys who started out as gamekeepers but are no longer gamekeepers. There are some good guys out there—do not get me wrong. There are some good contract stalkers who try their best to do a proper job, but there also appears to be a bunch of cowboys, some of whom are getting paid by the head, and as far as I know they are happy with that. I do not know how it all works, but it appears that they are happy to go out thinking, “Oh look, there’s a deer—bang!”, regardless of what might happen next.

**Dorothy-Grace Elder:** Are some of those people being drafted in even from the cities?

**Bert Burnett:** I honestly could not tell you.

**Dorothy-Grace Elder:** Roughly how many calves will be left to starve to death? Are you talking about scores or hundreds?

**Bert Burnett:** Hundreds. One of our colleagues was on television last night talking about this. The guy from the Deer Commission—Dykes, I think his name is—said that of the 30,000 deer that were killed in Scotland only 2 per cent were killed out of season. We do not believe him, but that is what he says. I am not a mathematician, but at least half of that 2 per cent of 30,000 will be hinds with calves.

**Dorothy-Grace Elder:** Politicians can get away with many things, but they cannot get away with approving killing Bambi’s mother.

**Bert Burnett:** I remember going to see “Bambi” with my plus-fours on. I felt really guilty when I came out the door. [*Laughter.*]

**Rhoda Grant (Highlands and Islands) (Lab):** There seem to be a couple of issues, the first of which is that people are killing deer out of season and the second of which is that those people may not have animal welfare as their first concern. What do you suggest is the best way round those

problems? If no licences were granted out of season, would that solve the problem, or should the people who kill out of season have a special licence to prove that they take animal welfare seriously?

**Bert Burnett:** Either of those solutions would work. I do not know which would be the better route. If out-of-season killing were stopped altogether, that would not solve the problem of there being too many deer that need to be killed. Better training and more guidance for those leaving the Deer Commission’s office with a licence to shoot deer would be in order.

**Rhoda Grant:** If the deer are not killed and there are too many animals on the hill, that also raises animal welfare concerns, because there is not enough food for all the deer and there is a risk of starvation.

**Bert Burnett:** As I said, there is not enough food because the Forestry Commission and farmers have taken away the deer’s feeding grounds. That forces the deer to come down into farmland, which was not a problem 30 years ago. The animals are being forced to do that because they have nowhere else to go. Imagine it. The deer are kept out on the hills, with 5ft or 6ft of snow on the ground. They trudge all the way through the Highlands, following the snow down. By the time they get to the edge of the snow line, they are bloody hungry, so they will raid turnip fields every night. It is not their fault; they are only trying to get food, because their food has been taken away from them. We cannot turn the clock back, but we have to find a solution that allows us to kill the deer without doing it out of season and leaving calves without their mothers. That is our biggest concern.

**Dr Ewing:** I am interested in the fact that, according to the clerks’ note on the petition, the Deer Commission for Scotland’s annual report for 1999-2000 highlights incidences where estates were able to apply for authorisation beyond the normal season. I would like to read that report and find out how many estates applied for such authorisation and why. The note also says that the frequency of such extensions in the past is not known. I would like to find out from the Deer Commission for Scotland how often the closed season has been extended in the past and why that is allowed when the practice is obviously cruel.

The commission’s job is to cull the deer in sufficient numbers. John Farquhar Munro asked whether there is some kind of sanction on estates. I doubt it.

**The Convener:** To be fair, we cannot ask the petitioner because he does not know. He is not the Deer Commission for Scotland.

**Dr Ewing:** But we should follow this up—

**The Convener:** At this stage we are asking questions only of the petitioner.

**John Farquhar Munro:** I do not think that the commission can impose a sanction but it will come on to the estate and do the cull itself.

**The Convener:** The Deer Commission for Scotland report, which was referred to by Winnie Ewing, says that the estates are applying to the commission for permission to cull. You seem to suggest that the commission is encouraging estates to carry out the cull, to achieve quota targets and so on.

**Bert Burnett:** The commission is carrying out deer culls on Forestry Commission land. From what I can gather, Forestry Commission stalkers also have to get licences to shoot deer. As I said, this is not my field.

**The Convener:** Is the Scottish Gamekeepers Association saying that the driving force behind the practice of killing out of season is the Deer Commission for Scotland?

**Bert Burnett:** It encourages guys to kill more deer—

**The Convener:** Out of season?

**Bert Burnett:** It sets a quota of 200 for an estate, which estates try hard to reach. Estates will shoot deer out of season, but the keepers shoot the calves first and the hinds second. When the estate cannot reach its quota, the Deer Commission for Scotland has the right to put on contract stalkers.

**The Convener:** Outwith the estate?

**Bert Burnett:** Outwith the estate, so that the quota can be reached. I am just about as confused as the committee on the issue, but the same guys also do contract stalking for bodies such as the Forestry Commission. They can get extension licences for shooting deer within forestry. That is where things are going wrong.

**The Convener:** As there are no further questions, I thank you for your evidence.

As Winnie Ewing pointed out, we need to know the Deer Commission for Scotland's position in some detail. For example, how many such incidences happen out of season? We could write to the commission first, to ask for its views on the petition and to ask it to provide us with the information that was referred to by Winnie Ewing, in order that we can decide what to do with the petition.

**Dr Ewing:** And how often the closed season has been extended in the past.

**Phil Gallie:** I would go further than that. The

Parliament is quite obsessed with animal welfare. What we have heard about today is probably as cruel a practice as we could come across. I do not want such a situation to continue. There is time for us to get the information that Winnie Ewing mentioned. However, we should put it to the Scottish Executive straight away that the recommendation of the committee is that the practice should be stopped. After that, we will gather all the information we want to try to get to the bottom of it.

**The Convener:** I am in the hands of the committee. However, if we write to the Executive and the Deer Commission for Scotland, asking for information, we can say that, on the basis of the evidence that we have heard, this is a practice that should be stopped. We can ask for their responses to that.

**Phil Gallie:** We should be more forceful and insist—or at least say that it is the recommendation of the committee—that the practice be stopped. We should then ask for the information. That would give the Deer Commission and the Executive time, and would be quite a reasonable thing to do.

**The Convener:** The Deer Commission for Scotland may tell us that the practice is not happening. We have to give it the chance to respond. All we have is the petitioners' case. Before we come to a decision on the petitioners' case we have to hear from the Executive and the commission. I agree that if the practice is going on it should be stopped, but let us give the commission a chance to respond first.

10:45

**Phil Gallie:** You say that we do not know whether it is happening. If it is not happening, we are not doing any harm by insisting that it should be stopped.

**The Convener:** I do not see the point in a committee insisting that something should stop when it does not yet know whether it happens.

**Rhoda Grant:** I can understand where Phil Gallie is coming from, but we have to be sure of the other side of the coin, which is the animal welfare issues. There are too many deer and there is not enough food. Stopping the practice could result in more deer starving to death. Nobody in the committee is happy with the practice—we are all quite distressed about it—but we need to get the facts and put a procedure in place that will stop the practice.

**The Convener:** We can use the kind of wording that I used earlier, and say to the Deer Commission for Scotland that, on the basis of the evidence that we have here, this is a barbaric

practice that the committee feels should stop. However, we should say to the commission that we are giving it an opportunity to respond before we come to a final decision on the petition.

**Phil Gallie:** I fully understand what Rhoda Grant said—other issues are involved. However, if we were to ask for an instant stop to the practice, we would be talking about the coming season, not the season that follows. We are talking about a temporary halt; any justification will come along afterwards. Other methods—training for the gamekeepers and others—could be taken into account. We are in the calving season now, and the animals could find themselves in the situation that we have heard so much about from the gamekeepers. Nothing will stop us getting the information, but we should stop the practice now and consider the information in future.

**The Convener:** The problem is that we do not have the power to stop the practice now.

**Phil Gallie:** We can ask for it.

**The Convener:** There is no difference between our positions. I am saying that we should say that, on the basis of the evidence that we have received, we think that the practice is barbaric and should stop now.

**Dr Ewing:** Also, the late spring is fast approaching.

**The Convener:** We should ask for an urgent response so that we can make a final decision about what to do with the petition. At the end of the day, all that we can do is to pass on the petition. It is not for the committee to recommend that the practice stops; it is likely that it will be for the Rural Development Committee to take that decision. We want to expedite the petition, to ensure that it gets a response.

**Dr Ewing:** When is late spring?

**John Farquhar Munro:** It might be appropriate to pick up on Phil Gallie's suggestion. My information is that the closed season starts on 15 February.

**The Convener:** Starts or ends?

**John Farquhar Munro:** Ends. No more deer can be shot until, I think, 15 July.

**The Convener:** So it starts on 15 February?

**John Farquhar Munro:** It starts on 15 February, and continues until 15 July. That means no shooting of male and female deer in that period.

**The Convener:** So there is no shooting at the moment.

**John Farquhar Munro:** No. Unless there is a sanction by the Deer Commission for Scotland.

**The Convener:** In that case we have time to get an urgent response from the commission and to get the petition moving.

**Phil Gallie:** We have two or three days. What John Farquhar Munro is saying—

**The Convener:** Did John Farquhar Munro not say that there is no killing from 15 February to 15 July?

**Phil Gallie:** Yes, but we are talking about stopping the licensing that allows deer to be killed during that period, so there is a degree of urgency. I move that we push this—

**The Convener:** We are pushing it as fast as we can—the Deer Commission for Scotland will receive our letter on or before 15 February.

**Phil Gallie:** I want the practice stopped.

**The Convener:** We do not have the power to stop it. You do not seem to understand that.

**Phil Gallie:** Let us ask for it.

**The Convener:** All we can do is to refer the petition on.

**Phil Gallie:** We can refer the petition on, but we can ask—

**The Convener:** I have suggested that we say that the practice should be stopped, on the basis of the evidence that we have heard.

**Phil Gallie:** If you are putting it in those terms I am quite happy.

**The Convener:** That is what I said at the beginning.

**Dorothy-Grace Elder:** We should also say that the practice should be stopped immediately. We can draw attention to the dates that John Farquhar Munro mentioned.

**The Convener:** By all means we can do that. Is that agreed?

**Members indicated agreement.**

**The Convener:** I remind members that there are still seven petitions for which we have speakers. It has taken us 50 minutes to get through two petitions. I ask members to focus their contributions as much as possible.

### **Stranraer (Protection of Jobs) (PE451)**

**The Convener:** The next petition is PE451 from Mr Malcolm Fleming, on the survival of the Loch Ryan ports. Several of the petitioners are here to speak. Councillor Robert Higgins will address the committee in support of the petition. He is accompanied by Mr Peter Jeal, editor of the *Galloway Gazette and Stranraer News*, who has co-ordinated the collection of signatures for the

petition. David Mundell MSP and Alex Fergusson MSP are here in support of the petition.

**Councillor Robert Higgins:** Convenor, members of the Scottish Parliament, and ladies and gentlemen, there are a number of reasons why the petition is important to the Parliament and to the people of Scotland. First, the A75, which is part of Euroroute E18, is the only Scottish trunk road in the high-priority Essen 14 group of trans-European projects. That demonstrates the importance of Scotland and the Scottish-Irish link in Europe. Secondly, the ports of Cairnryan and Stranraer make an important contribution to the Scottish economy as a whole, and the transportation and tourism industries in particular.

Loch Ryan is a vital gateway to Scotland; only Glasgow and Edinburgh airports carry more passengers. A recent study by independent consultants identified that more than 6,000 jobs throughout the rest of Scotland are dependent on those links, and the tourism potential has by no means been fully developed.

The petition is prompted by the specific problem of jobs in the local area. More than 1,100 jobs are directly dependent on the ferry ports. They are under threat. If they do not survive, the employment situation in Wigtownshire will be the worst in Scotland, as the unemployment rate will rise to an estimated 16.7 per cent, against a Scottish average of 4.6 per cent. That will compound the difficulties facing a very rural part of Scotland and will increase the problems of social exclusion and recovery from foot-and-mouth disease.

Investment in the road network is directly related to those jobs. Substantial investment of more than £200 million by the ferry companies means that the quality of the port facilities, the reliability and frequency of the ferries and the very short crossing time make the south-west Scotland-Northern Ireland link very attractive. What is letting us down is the land transport links to the ports. If the situation is not rectified urgently, there is a danger that the companies will move to channels further south in the Irish sea. That would be a loss not only to south-west Scotland but to the whole of Scotland.

An inter-agency north channel partnership, which has support from all political parties, has been campaigning for investment in the A75 and A77 over the past two years. Although some additional investment has been secured, the present Scottish Executive proposals fall far short of the £125 million estimated as a minimum to bring the roads up to an acceptable standard and to allow them to compete with routes such as the A55 and the A5 from Chester to Holyhead, which has received £800 million in Government investment over the past 10 years.

The petition is not just about investment in our road network in the south-west. It is about the economic prosperity of Scotland and our place in Europe. It is about the development of the key industries of transportation and tourism, particularly in the aftermath of the foot-and-mouth crisis. It is about the Government balancing investment by the private sector, thereby fulfilling its commitment and pledges to true partnership working. Ultimately, it is about supporting the people of Scotland.

**The Convenor:** Thank you. David Mundell and Alex Fergusson would like to ask questions.

**David Mundell (South of Scotland) (Con):** I shall let Alex speak first, as I know that he is under a time constraint.

**Alex Fergusson (South of Scotland) (Con):** Thank you—I am indeed under a time constraint. I agree with every word that Councillor Higgins has said. Having been born in Stranraer and having lived in that part of the world, I am well aware that the A75 and A77 are the arteries that carry the life-blood to the south-west of Scotland. Frankly, integrated public transport initiatives do not have a great effect in that part of the world. We are talking about an area that perfectly fits the definition of rural Scotland. It is interesting that one of the highest levels of car ownership in Scotland is to be found in that part of the world, and yet the area has one of the lowest wage structures that you could find. The reason for that level of car ownership is simple: if someone does not have a car, they cannot get to work.

Roads in the south-west are vital, and the two most vital roads are the A75 and A77. Successive Governments have underinvested in those roads. I am making no political point whatsoever when I say that. Those roads have been underinvested in for far too long. The vast majority of jobs in the extreme south-west are dependent upon those roads and, as Councillor Higgins correctly said, those jobs are under threat because the ferry companies are starting to make noises already. The situation is desperate and urgent measures are required. I fully support the petition.

**David Mundell:** I reiterate what Alex Fergusson and Bob Higgins have said. The A75 is a vital route for the whole of Dumfries and Galloway. That is why Dumfries and Galloway Council has identified it as the key strategic requirement for the whole area, not just for the Loch Ryan ports. Representatives of all parliamentary levels and the north channel partnership, which has involved organisations in Northern Ireland, have worked closely together. The future development of the A75 is crucial to gaining the benefits of the peace dividend in Northern Ireland because it is the obvious route from Northern Ireland to Scotland and the north of England.

One of the serious difficulties that the A75 has faced relative to the alternative A55 route is that it has not been able to secure European funding that is available for links between one member state and another. A large amount of European money has gone into the A55 to Holyhead because that route is seen as a link between two member states. Although the A75 has been identified as one of the strategic corridors in Europe, as Councillor Higgins rightly said, it has been positioned as a route that links two parts of the United Kingdom and therefore it has been unable to attract the funding required to bring it up to standard. The route attracted some funding but, inevitably, that was match funding. It is regrettable that some recent European funding had to be knocked back by the council because Scottish Executive funding was not in place to dovetail with that funding.

So far, the A75 is the only road in Scotland that has been the subject of a debate in the Parliament. This strategic route is an issue not just for Dumfries and Galloway or for Stranraer but for the whole of Scotland, and it deserves to be treated as such by the Executive.

**Christine Grahame (South of Scotland) (SNP):** I usually bang my drum for the Borders, but I lived in Newton Stewart in Galloway for 15 years, so I know about the A75. Everything that has been said by my colleagues Alex Fergusson and David Mundell is true. The route has been completely neglected as a link in the national network. If one is travelling on the A75, one can get stuck and trail along for miles behind a convoy of lorries. It is an inefficient route, but it is the only one across the country. There is a train route from Glasgow to Stranraer, but that is it—one is otherwise left with the A75.

I fully support the petition. The A75 is an interlocking part of the commercial transport network that has been completely neglected, never mind how bad it is for travel by private car. Aside from the commercial aspects of the route, the biggest hospital in the area is at the end of the A75. If one has to travel the 60 or so miles from Stranraer to Dumfries, one has to use the A75. As a major route, the road is simply inadequate.

**The Convener:** I invite members of the committee to question the petitioners.

**Dr Ewing:** This might not interest anyone, but there was a time when all Irish MEPs, from both the north and the south, and all MEPs who were interested in Scotland agreed that the route between Campbeltown and Northern Ireland should be extended to include visits to the Republic of Ireland and Dumfries and Galloway. They wanted a four-cornered route, which would have attracted cross-border funding—that is where the big money is. However, that money cannot be

claimed for the A75 because, as David Mundell pointed out, the route links two parts of the same member state. That is a tragedy, because the extension could have been built. Did the ports never offer a route to the Republic?

**Councillor Higgins:** No, there has never been a direct route to the Republic. The Loch Ryan routes have always been to Belfast or Larne.

**Dr Ewing:** Did no one ever propose such a route?

**Councillor Higgins:** No, because such a route has never been thought viable. If you know your geography, you will know that parts of Eire, such as Donegal, are further north than Ulster. The Belfast and Larne routes serve a lot of Eire, from Inishowen to around the Limerick area—people funnel through that way.

Because Eire is getting so much funding, it is pouring a lot of funding into the Belfast to Dublin route. The big danger is that, if that route becomes more attractive to those in the north of Ireland, it will take traffic away from the Stranraer-Belfast and Larne ferries. The wee place down at Stranraer has 23 sailings per day. It is the second busiest port in the UK after Dover.

**Phil Gallie:** I have some knowledge of the matter as I lived in Kirkcudbright for a number of years. I recall some developments in that time: the Dumfries bypass was built, work was done at Glentworth and there were some minor improvements. What work has been done on the A75 in recent times?

**Councillor Higgins:** In 1989, the Glenluce bypass was built. The only work that has taken place since then was the work that was done in the glens of Dumfries just before the last election but one. That was an £8.5 billion project. Less than £120 million has been spent in the past 10 to 15 years, other than on side-verge improvements. Virtually nothing has been done in comparison with what has been done to the Holyhead-Chester route.

**Phil Gallie:** If we accept the comments that my three colleagues have made and acknowledge that it is unlikely that you will get improvements all the way from Stranraer to the M74, on what areas do you consider it necessary to concentrate?

**Councillor Higgins:** Do you mean specific places?

**Phil Gallie:** Yes.

11:00

**Councillor Higgins:** A number of documents on that topic have been presented to various ministers. Those documents include some agreed with the private operators Stena Line and P&O,

which are partners in the north channel partnership. They are looking for reasonable overtaking opportunities close to the south-west corner to counter the platooning effect.

Although the total traffic on the road may fail on counts against other roads, the high-speed Stena can discharge over 1,000 passengers, about 350 cars and about 65 articulated lorries. It loads and unloads in less than 20 minutes. Just think of the effect of that on the road. That is the problem with the road. As I have said, there are 23 sailings a day. A number of those sailings are in the middle of the day—around 12 o'clock, 1 o'clock and 2 o'clock—at Cairnryan and Stranraer. There are floods of traffic on the road. That happens 24 hours a day.

**Phil Gallie:** The A77 is also mentioned in the petition. There are proposals to upgrade the north end of the A77 between Fenwick and Malletsheugh. I suspect that that is not of particular interest to you and that you probably want improvements between Ayr and Stranraer. It therefore seems to me that the real bottleneck and danger area lies in Maybole. Do you see a Maybole bypass as essential?

**Councillor Higgins:** In my time? I would be delighted if there were to be such a bypass. I would like a bypass not only for Maybole but for Girvan. However, we live in the real world and I know that there are strictures on funding. The A77 has been part of the partnership's submission. The partners have considered it closely with Scottish Executive officials. The issue is how we can progress that.

Probably about 60 per cent to 65 per cent of the traffic on the A75 is southbound and the rest is northbound. I know that one haulage operator moved further north to Troon, but the rest of the operators—the just-in-time supply traffic—will not do that. The DTZ Pida Consulting study that was presented to the Executive showed that around 6,000 jobs in warehousing and distribution in the central belt are likely to disappear. If the ferries for just-in-time supply traffic—primarily the high-speed Stena and other high-speed craft—disappear, there will be no point in Tesco, Sainsbury's and other companies coming to Bellshill or elsewhere in the central belt when they can go straight from Welwyn Garden City to Liverpool or Holyhead.

**Phil Gallie:** I take your point. According to what you have said about the A77, the proportion of traffic on that route is still about 35 per cent, so it is important to you. My concern is that, given the size of lorries nowadays and the large concentration of vehicles in Maybole, buildings will end up collapsing into the middle of the A77 unless something is done fairly urgently. That would be a disaster. Will you at least rethink and make further comment?

**Councillor Higgins:** You are moving into another area. We have been in touch with South Ayrshire Council, but the situation has not moved that far yet. The submissions by the partnership have referred more to areas south of Girvan, but there is no question but that Ballantrae would be a priority. I have gone through it two or three times every couple of weeks, including this morning.

**Dorothy-Grace Elder:** Thank you for your evidence. Most people would agree that the route to Belfast is an excellent one for P&O and Stena Line. Can you provide us or the committee to which we will pass the petition with some evidence from Stena Line and P&O? I think that Stena Line put on a new ferry service just a couple of years ago. Both those firms have pretty good ferries. What have they said to you directly? The information that you have given us talks about job losses connected with ferry services. What have the ferry operators said to you directly?

**Councillor Higgins:** The 1,100 jobs are primarily connected with ferries and the majority of them with Stena Line. You are right that about two years ago Stena Line introduced the high-speed sea service ferry—the HSS—which cost £65 million and is the size of a football pitch. Boarding it is more like stepping into an airport lounge than stepping on to a ship. P&O have also introduced the EuroExpress high-speed ferry. There has been a massive investment.

Those companies are part of the partnership and are named in the petition. They have had individual meetings with ministers. That is the kind of pressure that they are trying to exert. They are desperate. They are considering a three-way link. Stena Line has proposals before us just now to develop, at a cost of £50 million to £100 million, a new port just north of Cairnryan, further up the loch from Stranraer but still in the Loch Ryan basin. Belfast harbour is also considering moving further up the lough, because that is where time is lost. However, that development is dependent on the improvement of roads.

If the company gets to that point, it will be able to put on an extra sailing of the HSS in a 24-hour period, which will provide a much better service for the just-in-time traffic. It will also make the service more viable because of the short sea crossing. It would not be viable for the company to move anywhere else.

**Dorothy-Grace Elder:** So, the companies have not let you down. That is a massive investment. I did not realise that the new ferry had cost £65 million. Were the companies given political promises that have not been fulfilled—perhaps a few years ago, when they made those major decisions?

**Councillor Higgins:** I do not know. There was



probably a hint of a promise in the £250,000 that we had to give back to the European Union because nothing developed although we were looking to create a southern link to bypass Stranraer to the terminal. We have all been made many promises, yet nothing has happened over many years. The only development has been the Dumfries bypass, and that has been going on since 1989. The Glenluce bypass was the last development prior to that. There has been no investment in the area since then, except for £100-odd million. The ferry companies have invested millions of pounds. They keep hoping. I do not know whether they have been made any promises, but they are certainly seeking guarantees now because they are under threat of not being able to go on any longer.

**Dorothy-Grace Elder:** The unemployment rate and poverty in your area have always been a mystery to me. Have you obtained any facts about border or near-border areas in Europe? They are normally areas of prosperity and the roads usually get better the closer they are to a border. Can you explain why you have been left out on a limb?

**Councillor Higgins:** Quite simply, it is because we are part of the UK and there is no international border.

**Dr Ewing:** You are singing our song.

**Councillor Higgins:** I am stating an absolute fact. As a former MEP, Dr Ewing may remember the name of the funding for cross-border links that was available, which we tried hard to get. However, we could not get it, because the link was from the UK to the UK. Holyhead to Dublin got it, as did Liverpool to Dublin, but we were ineligible. We tried everything that we could to bend that ruling, but without success.

**Dr Ewing:** Is there any way of finding out how many ferry passengers are going to the Republic of Ireland? That statistic may help to bolster another application to the European Union.

**Councillor Higgins:** Such information is part of the trawl of tourism statistics by DTZ Piedad Consulting.

**Dr Ewing:** Is that information available?

**Councillor Higgins:** Yes. I understand that I am not allowed to leave information here, convener.

**The Convener:** No—you can leave any information that you want to.

**Dr Ewing:** Do we know the proportion of people whose destination is the Republic?

**Councillor Higgins:** I do not know off the top of my head, but it is a surprisingly high percentage. It depends whether you are talking about business or tourism. Between these four walls, and the television—

**The Convener:** That is not very secret.

**Councillor Higgins:** Commercial sensitivity puts a limit on the information that the ferry companies will reveal about where their customers come from. We understand that. A lot of traffic comes from the south—or the north of the south—and from the Fermanagh direction.

**Dr Ewing:** If you could argue that the proportion was more than 50 per cent, it would make for a stronger argument for getting funding from Europe.

**Councillor Higgins:** We would be struggling to say that it was 50 per cent. Off the top of my head, I think that the figure is around 30 per cent for heavy goods vehicles and around 15 per cent to 20 per cent for passengers. Further study may be required.

**The Convener:** The last time I went over, I was heading towards Donegal.

**David Mundell:** The Executive has produced some investment proposals, although they are over the long term and involve less money than all of us who have campaigned on this issue would have wished. However, it is important to stress the strong feeling that exists that proposals should be geared round the western end of the A75. The current timetable and list of priorities is not quite right. For example, we want to ensure that, between Newton Stewart and Stranraer, there is development to stop platooning—when all the lorries come off the ferry together and form a convoy. If you are behind that convoy, you do not get past it till you are almost on the M74.

**Councillor Higgins:** The ferry operators want to concentrate on both the A77 and the A75, at their end. They want to break up traffic. There are not too many slow heavy goods vehicles, but if one goes out at the front, other vehicles cannot get past. Dual carriageways to lift lorry speeds from 40mph to 60mph would make a big difference. The Dunragit bypass between Stranraer and Glenluce—within 10 miles of Stranraer—and the associated works at Planting End that the ferry companies are requesting, would open up more than seven miles of good road just out of Stranraer. If part of that was dual carriageway, it would make a big difference and would break up the traffic coming off the boat.

**The Convener:** You will be aware of the announcement that £22 million is to be invested in the A75 between now and 2004. I want to understand clearly whether you believed that that is completely inadequate.

**Councillor Higgins:** It is completely inadequate and we would rather it was 2002 than 2004. This is urgent. We need more investment and faster.

**The Convener:** Mr Jeal, I am conscious that

you have not said anything this morning. Would you like to make any points to the committee?

**Peter Jeal:** I would simply like to endorse the comments that have been made and to mention the real strength of feeling among the people of Wigtownshire, who see this issue as very important to their livelihoods.

**The Convener:** Obviously, the petitioners are welcome to listen to the discussion about what to do with the petition.

Again, as members will see, the suggested action is that the committee request of the Executive details of the timetable for the announced proposed investment in the A75 and A77. However, based on the evidence that we have heard this morning, we should say that the petitioners have questioned the adequacy of the investment, given what is required in the area.

**Rhoda Grant:** Can we also ask the Executive to explore the point that Winnie Ewing made about attracting European funding?

**The Convener:** Do you mean some kind of survey of the use of the ferries?

**Rhoda Grant:** Yes.

**Dr Ewing:** If 50 per cent of people are going to Dublin or Donegal, that might be an argument for the port's special circumstances.

**The Convener:** We can certainly draw that to the Executive's attention and ask whether it plans to respond. Do members agree with the suggested course of action?

*Members indicated agreement.*

### **West of Scotland Water (PE456)**

**The Convener:** In order to help David Mundell, do members agree to discuss petition PE456, on West of Scotland Water, before petition PE452? If we do, David Mundell—who wants to speak to the petition—will be able to attend another committee meeting. Is that agreed?

*Members indicated agreement.*

**The Convener:** The principal petitioner is Mr Paul Hyles and he has Mr Mike Stevenson with him. The usual rules apply; you have three minutes to speak to your petition, after which the meeting will be open to questions from committee members.

11:15

**Mr Paul Hyles:** Convener, members of the Scottish Parliament, ladies and gentlemen, thank you for listening.

The petition I am speaking to today is, in effect,

a vote of no confidence in West of Scotland Water's stewardship of water and sewerage services in Dumfries and Galloway. In 1996, responsibility for those services passed from the regional council to West of Scotland Water. Since then, many management and administrative functions have been withdrawn from the local office and centralised in the Glasgow headquarters.

Inevitably, there has been a measurable deterioration in local customer service. At the same time, water and sewerage charges have risen steadily.

One of the stated aims of the Scottish Parliament is the decentralisation of public sector jobs. The need for local responsiveness has been highlighted by the water industry commissioner and Ross Finnie, the Minister for Environment and Rural Development. Those aims, along with the announcement that the three water authorities are to be merged into a single water authority in April 2002, led us to believe that the steady trend of local job losses and centralisation would be halted or even reversed.

However, before the new water authority takes over, West of Scotland Water has closed another three professional sections at Dumfries and is acting in direct contradiction of Parliamentary aims. The loss of the laboratory there is a potential threat to public health in the region. The closures mean that, since 1996, there has been a permanent loss of more than 60 skilled jobs for people living in the region and contributing to the local economy.

Further evidence of the havoc that West of Scotland Water has wreaked in Dumfries and Galloway has recently come to the fore. The letting of work to local firms has all but stopped. That work now goes to larger firms from outside the region. Large and small planning applications from local and national builders are being refused on the ground that sewerage works are functioning at maximum capacity. That represents a development embargo. Investment levels are set to drop dramatically—the list goes on.

Our campaign is an attempt to retain local jobs and to make West of Scotland Water more accountable for its actions in south-west Scotland. The campaign, which was initiated by the staff, has full cross-party support from every Dumfries and Galloway councillor, MP and MSP. The campaign is backed by professional associations and community groups and more than 2,000 members of the public have signed the petition.

I will summarise. At the beginning of 1996, Dumfries and Galloway had its own regional office that was committed to providing water services in the area by utilising local contractors and by

liaising with the council's local plans. The water and sewerage department was able to benefit the local economy and its development. Now we have a diminished satellite office that has no laboratory. There are 70 per cent fewer staff and there is remote management that has no interest in supporting the local economy or in planning development. We have a public authority that is operating in direct opposition to rural regeneration, which is a stated aim of the Parliament.

I urge the committee to read our document and to give its contents your fullest consideration.

**The Convener:** Thank you. David Mundell wants to speak to the petition.

**David Mundell:** I speak in support of the petition. I do so on behalf of Elaine Murray, MSP for Dumfries, and Alasdair Morgan, MSP for Galloway and Upper Nithsdale. We have all been closely involved with the issue to which the petition relates and we attended a public meeting in Dumfries on the matter.

There are two aspects to the petition. The first is the issue of jobs, which we have raised repeatedly with Professor Alexander, the chairman of West of Scotland Water, and with Mr Cornish, the acting chief executive. We have also raised the issue with ministers. We are told repeatedly that the policy in relation to West of Scotland Water and the new Scottish Water is that jobs should be spread around Scotland. However, while those policy pronouncements are being made, notices are being issued to staff in Dumfries telling them that their jobs are being moved. I find those two facts to be totally contradictory.

In the context of Dumfries and Galloway, the jobs that we are discussing are particularly important. As PE451 indicates, earned income in Dumfries and Galloway is among the lowest in Scotland. When Dr Elaine Murray and I met Professor Alexander, no coherent and verifiable financial reason was offered for why the jobs would be done better in Glasgow. Indeed, when we met the water commissioner for Scotland, he said that the most efficient water companies in England—regardless of how one views them—are those which disperse jobs around the area and to communities for which they are responsible, not the companies that are centralised. It has never been explained to elected representatives or to employees why it is better to move the jobs from Dumfries to Glasgow.

The second issue is that, because of the way in which West of Scotland Water chooses to channel its investment in services it holds, in effect, a veto on all new housing and other development in Dumfries and Galloway. That is a very serious issue, which prompted me this week to lodge an amendment to the Water Industry (Scotland) Bill.

Recently, Loreburn Housing Association in Dumfries informed local MSPs that a sheltered development of 80 houses in the centre of Dumfries, for which all other funding is in place, has been vetoed by West of Scotland Water because it is a new development and the authority is not willing to support it. Even more concerning is the fact that there is a veto on new development in virtually every small rural community in Dumfries and Galloway because of West of Scotland Water's current investment policy. The authority must be called to account for that.

I have outlined the basis on which I and the other MSPs for the area support the petition.

**The Convener:** Most members will know this, but I should say for the record that, as well as being the chair of the West of Scotland Water Authority, Professor Alexander is the shadow chair of Scottish Water, the establishment of which is proposed by the Water Industry (Scotland) Bill. A stage 3 debate on the bill will be held this week.

Members may now put questions to the petitioners.

**Dr Ewing:** In the petition, you suggest that in Dumfries and Galloway response times are slower and that

"local knowledge is being lost".

However, it is argued that the laboratory and engineering services functions at Dumfries should be closed in the interests of efficiency. Have you ever been given evidence to show in what way moving those services to Glasgow would be more efficient than the current arrangements? According to your evidence, such a move would be less efficient.

**Mr Hyles:** West of Scotland Water flung figures at us about the lab. Initially, it was claimed that £250,000 would be saved. However, the fact that the lab is quite efficient and brought in work from outside made those savings negligible. The authority has since come up with a new figure of £320,000, but we managed to demonstrate that savings from closure of the lab would still be negligible. The figure was not broken down in any way—management has never provided us with the detail of efficiency savings.

**Dorothy-Grace Elder:** Unfortunately, the veto to which David Mundell referred applies in other parts of Scotland, according to what I have heard from the building industry. It is a result of the antiquity of the Scottish sewerage system. The European Union gave us 10 years to clean up, but we still have not done that.

I am particularly concerned about the matter of the laboratory site. Can you spell out how many—or possibly how few—people were employed in the local laboratory? We all know that if a major

problem develops, people in Edinburgh, Glasgow or wherever can refer locally to any risk agency. People are concerned not only about the purity of water, but about what is going into sewerage systems and their safety and danger levels.

**Mr Hyles:** Ten people are employed in the local lab. I reiterate that the samples are currently getting shipped up the road, but last week's gales blew the roof off the Glasgow lab. After a U-turn, the samples were sent back down to Dumfries. That night, the staff in Dumfries worked until 10 pm or 11 pm to get the samples processed. That shows what can happen.

The samples get picked up in Dumfries at 3.30. A tank was getting cleaned the other week—I do not know what day it was—and the inspector brought a sample in at a quarter past 3; however, the guy who picks up the samples had left at 3 o'clock. That shows the sort of processes that West of Scotland Water has put in place.

We had only 10 staff. They could have specialised in certain subjects, and could have backed up the work in the Glasgow and Edinburgh labs.

**Dorothy-Grace Elder:** Centralised laboratories can sometimes take weeks to respond on essential matters.

**Rhoda Grant:** Have the cost savings that might be made if work was transferred from Glasgow to Dumfries been considered? I allude to property and housing costs for staff, which would be much lower in Dumfries than in Glasgow.

**Mr Hyles:** The terms and conditions for staff include a £10,000 removal package, but that would mean people upping and leaving with their whole families. Many of the people from the lab are family people, some of whom moved from the central belt because they liked the rural area. The package of £10,000 is peanuts when we consider the cost of housing in Glasgow compared with Dumfries and Galloway. People would have to contemplate dramatically lowering their lifestyle if they moved to Glasgow.

There is also the cost of parking and so on. A while back, I read in the newspaper that the cost of parking and office accommodation in the central belt is extortionate compared to Dumfries and Galloway. We own the office in Dumfries, where there are no overheads. There are now more consultants from English companies in that office than there are staff. That is the way that things seem to be going.

**Rhoda Grant:** That is my point: would not it be cheaper for West of Scotland to transfer more jobs to Dumfries because property costs, parking costs and so on are lower there, and to disperse the jobs that do not require to be centralised?

**Mr Hyles:** We have asked the Dumfries office to be built up; that is what David Mundell and other MSPs have been trying to promote. There is nothing to stop our engineers working and being based in the Dumfries office, rather than working from Glasgow. They might have to travel to Glasgow and then return to Dumfries to work on a project there. That is just not feasible. The people who are based in Glasgow have probably been passing each other on the road, while the people from Dumfries have been looking for jobs elsewhere in Scotland. That does not make sense to us, and was one of the points that we tried to put across strongly.

We now have a university in Dumfries, from which graduates come looking for employment. However, there is no employment. We used always to have students visiting the offices and the labs in the summer for work experience, which they need and which helps them get jobs when they finish university. All that has gone since West of Scotland Water took over.

**Phil Gallie:** That is a point well made. It seems that the Scottish Executive would do well to take an interest in such paths of dispersal and the related improvement in rural communities.

I am based in Ayrshire. It has been of benefit there that West of Scotland Water has been able to concentrate resources. People in Ayrshire have received great benefits with respect to major infrastructure improvements to the water supply and the relaxation of blocks on water and sewerage developments. Does the fact that water authorities such as West of Scotland Water can centralise their operations encourage greater concentration of resources on urban areas, with the aim of keeping more people happy?

11:30

**Mr Hyles:** We got a copy of the investment programme for the next four years, and investment in Dumfries and Galloway will drop considerably. I do not know what the situation is like in other rural areas, but in Dumfries and Galloway investment will drop from about £12 million to £5 million in four years. As David Mundell said, we basically have a development embargo in Dumfries and Galloway. If you speak to members of the Federation of Master Builders who are on our action group they will tell you that local builders cannot even build one or two houses in small rural areas. The development embargo is hitting major towns in Dumfries and Galloway, such as Castle Douglas and Dalbeattie. There is a knock-on effect and we will lose jobs throughout Dumfries and Galloway. We are not talking only about West of Scotland Water staff, but about local builders and builders' suppliers. From looking at West of Scotland's programme for the coming four years, I do not

think that it will be investing in Dumfries and Galloway.

**Phil Gallie:** Looking to the future, West of Scotland Water will be merged into one large water authority. Are you concerned that the situation will get worse rather than better, given that rural communities in, for example, the Highlands will have a far greater say than those of you in the Borders and Dumfries and Galloway?

**Mr Hyles:** I had the chance last week to speak to Jon Hargreaves, the new chief executive designate of Scottish Water. He obviously sees the difference between rural and urban areas, which is of benefit, because he will be in charge. He also does not see the point in centralising everything, given the new technology—such as e-mail, computers and videoconferencing—that we have in Dumfries. I hope that there is a wee bit of light at the end of the tunnel, because there certainly was not with West of Scotland Water; it was just centralise, centralise, centralise to save their jobs in Glasgow.

**The Convener:** The water commissioner for Scotland has placed demanding efficiency targets on West of Scotland Water and on the other water authorities. Is not centralisation a response to that? West of Scotland Water is trying to reduce costs, which is why it is closing down regional offices, doing away with local jobs and using national contractors instead of local contractors. Is not making savings behind the issue?

**Mr Hyles:** It is, but as I said, we have not seen the figures to back that up. The figures that we have seen are negligible and we have countered them. West of Scotland Water gave the five design engineers 90 days' notice to move to Glasgow. West of Scotland Water was willing to pay relocation packages of £16,000 per person per year for four years, so you cannot tell me that that would result in efficiency savings. In addition, the lab brought work to Dumfries and Galloway. It did not go out looking for work; rather, people came to it with work. If the lab had looked for work, I am sure that it could have got more. In addition, the lab is a back-up for a rural area. I do not think that much of the efficiency savings that West of Scotland Water says it is making are coming from Dumfries and Galloway.

**The Convener:** I was interested in your comments about Jon Hargreaves and how he is not necessarily in favour of centralising everything. However, he is in favour of making huge cost savings as a result of the merger of the three water authorities. They are talking about saving hundreds of millions of pounds every year. In that kind of climate are not there likely to be more job losses in areas such as Dumfries and Galloway?

**Mr Hyles:** We all know that it is reckoned that 1,000 jobs will go already, but another 1,000 might go. Many people will go from our office in 2003. If not for outside contractors and consultants giving free accommodation, telephones, printers and free this and that, I do not think that our office would be viable. The convener is right that further job cuts will come. However, I hope that in future—with Jon Hargreaves's understanding of the needs of rural areas—it will not be possible to provide services that take more jobs away from Dumfries and Galloway, which is at its limit at the moment.

**The Convener:** So the jobs in Glasgow could be at risk.

**Mr Hyles:** Yes.

**The Convener:** You say that almost with relish. As I was born in Glasgow, I am concerned about that.

**Mr Hyles:** I think that the figure that was quoted for savings in office accommodation and car parking fees in Glasgow was in the billions. It will be hard to sell the office in Dumfries and Galloway because of the situation there. There are virtually no overheads in that office. The consultants should be charged. Is the public aware that they have free accommodation?

**The Convener:** I am not aware of that, nor are other members of the committee.

**Mr Hyles:** Various consultants are taking over the office. We cannot get a car parking space at the back of the office because of their vans.

**The Convener:** Are those consultants preparing for the single Scottish water authority?

**Mr Hyles:** West of Scotland Water brought them in to do certain aspects of the job. They are not preparing for Scottish Water.

**The Convener:** Are they taking over existing jobs?

**Mr Hyles:** The maintenance lot that have just moved in are from Morrison Construction, which has taken over the maintenance and the mechanical and electrical work. Those jobs used to be done by local firms, but Morrison Construction won the contract. I do not understand why central belt companies are brought in; they are not cheaper. Local companies have proved that they can do the job much more cheaply, but West of Scotland Water continues to use central belt companies.

The contracts' wording put local contractors out of work because they had to complete strict pre-qualification documents. I do not agree with that because local firms know the job and the area and get on with the people.

**The Convener:** Thank you for your evidence.

**Mr Hyles:** Thanks for listening.

**The Convener:** The suggested action is that we write to West of Scotland Water and to the water industry commissioner for Scotland to ask them to comment on the petition and on this morning's evidence, particularly the reference to the allegedly false nature of the efficiency savings and the advantage that is offered to outside contractors, which are taking over jobs. Is that agreed?

*Members indicated agreement.*

**Rhoda Grant:** As the situation is counter to Executive policy, can we write to the minister to ask him to examine the contracts for contracting out work for all Government funded agencies? The minister should ensure that the contracts do not hamper small local companies. It is a big issue; when big companies are involved, they have overheads because they must find staff or put up staff in the community. We must ensure that there is no discrimination.

**The Convener:** Is it agreed that we write to the minister?

*Members indicated agreement.*

### **Autistic Spectrum Disorder (PE452)**

**The Convener:** The next petition, which is on autistic spectrum disorder, is from Mr James Mackie. Mr Mackie is here, but before he begins his presentation, I advise members that we have received notification that one of the people with autism to whom the background material on the petition refers is involved in a court action. I ask members not to refer to that case during questioning of the petitioner and the subsequent discussion. Mr Mackie has agreed not to refer to the individual by name, nor to the medical details. I am grateful to Mr Mackie for his co-operation. With that proviso, he has three minutes to make his submission. I thank him for his patience in waiting for such a long time.

**James A Mackie:** My petition is the voice of a number of families in Scotland who have adult children who are treated in psychiatric wards despite the fact that they have been diagnosed as autistic. Across the board, the families are frightened publicly to raise the issues because they feel that they are threatened and intimidated by members of staff and by the system. It is a difficult area in which to operate for the families. Most of the cases with which I am involved—and which I have discussed with the families—are cases of Asperger's syndrome or higher spectrum autistic disorders. There is no question that the measles, mumps and rubella vaccine is involved, because the petition is concerned only with adults.

The age group with which I work ranges from 15 or 16-year-olds to a 55-year-old, who is the oldest person involved. The petition sets out the major problems with those peoples' treatment.

I want to make the committee understand in layman's terms what autism is. Autism is a condition; it is not a mental problem, although some autistic people have mental problems later in life. Compare the autistic person to a formula 1 racing car: the car is conceived, produced and delivered and reaches the starting grid perfect in every way—under the bonnet, everything is as it should be. However, if a part of the electronics system is not working properly, the car will not perform. If, when the driver brings the car into the pits after every lap and complains that it is not running correctly, the mechanics put thicker and thicker oil into the engine, the engine will eventually seize and the car will stop. Basically, that is what is happening to adult people with autism who are being fed, with no control over them, neuroleptic, anti-depressant and anti-epileptic drugs. It is well known that autistic people have problems with nutrition, whether absorption problems or allergies to food, but that problem is not being addressed in Scottish hospitals.

**Dr Ewing:** There appear to be two problems. One is that autistic adolescents and adults get lumped together with mentally ill people. The other problem is over-prescription of drugs in psychiatric hospitals. That probably applies to all inmates, not only to autistic people.

The paper before me says that the Scottish needs assessment programme review on autism and Asperger's syndrome is expected to be submitted during January 2002. Has that been made available to you?

**James A Mackie:** I got it a couple of days ago.

**Dr Ewing:** Does it deal at all satisfactorily with those two issues?

**James A Mackie:** I have not read it thoroughly, but I listened to a briefing on it at a meeting of the cross-party group on autistic spectrum disorder a few weeks ago. My interpretation of the briefing note was that the review highlights the majority of the problems that I have raised.

You said that there were two issues, but there are three. The other issue is that autism is not acknowledged as being the fundamental problem for people in psychiatric wards. From one end of Scotland to the other, the psychiatrist and the staff see people as being schizophrenic, no matter what other problem they have. The treatment will go straight for what is thought to be schizophrenia. However, autism is a fundamental condition. If the psychiatrist does not understand autism, they will not understand how the person thinks. Beyond that, psychiatric wards are an alien environment to

autistic people and placing them there creates trauma, which aggravates the autism, which, in turn, aggravates the psychosis and their other symptoms.

I have visited many psychiatric wards and I believe that there is gross over-prescription of drugs. One anti-epileptic drug that is regularly used is not approved in the UK for psychiatric illnesses, but is allegedly used as a mood stabiliser. My business background is in the animal health industry, so I am aware of the checks that are carried out in that industry on the use of medication. That is why I cannot understand how medication can be used on humans without any controls whatsoever.

The psychiatric wards that I have seen throughout the country are a law unto themselves. There seems to be no check or control whatever on what they do. When concerned parents, family members or even professionals who work with families go to psychiatric wards to make suggestions, they are pushed to the side and totally ignored.

11:45

**Dorothy-Grace Elder:** I congratulate Mr Mackie, with his experience as a Scottish Parliament constituency assistant, on taking up such a vital issue. Anyone who comes close to such families would feel that they had plunged into an almost Dickensian situation. It is hard for the general public to believe that such things go on. When places such as Lennox Castle hospital have been closed, it has been found that patients who were possibly autistic had been there for umpteen years on pacifying drugs.

Your general message is that, just because someone has a PhD, the public should not take their word for it that they have correctly diagnosed an autistic person. Should we, in the Parliament or through the Parliament, investigate hospitals individually or ask for documentation from hospitals or hospital boards relating to their attitude towards autistic patients?

**James A Mackie:** There should be investigations from different levels. Some in psychiatric wards have sympathy for autistic people, but the majority of staff that I have encountered do not have any training, knowledge or understanding of autism. The system does not seem to encourage those who have an interest in autism. In some cases people could be discouraged by colleagues from becoming involved—that is at ward staff or nursing level.

I have travelled and been involved in many industries and with different issues. I can honestly say that I have never come across such arrogance—that is the only word that I can use—as that displayed by psychiatrists. We are told,

“We are in charge—we are consultants. This is what we will do and we are not prepared to listen to anybody else.” I have been in meetings where it has been said that papers have been published on a subject, on how something affects autistic people or those who are diagnosed as having schizophrenia. Comments have been made such as, “We disregard that, as it has not been through proper medical journals and has not been reviewed by a peer group. Until that happens, we do not want to know about it,” even if research has been done and there is an inkling that a simple dietary change can make a difference.

Most housewives know, when they are buying a jar of sauce from a shop, that they should look for E numbers, as those might affect their kids. Psychiatrists are in charge of potentially dangerous drugs that can kill patients. If somebody at that level does not understand the effect that an E code could have on an autistic person, there needs to be a major shift in attitudes and training in psychiatric services in Scotland.

**The Convener:** For your benefit, I should mention that my wife is a psychiatrist. Perhaps I should declare an interest before you go any further so that you are careful about what you say. To be fair, she is a geriatric psychiatrist, which is not completely relevant.

**Phil Gallie:** I have a personal question. When such petitions are discussed, a lot of feeling is often involved because of personal, family involvement. Do you have any involvement in the issue through family links, or have you come to it as an outsider and simply feel strongly about it?

**James A Mackie:** My house is less than half a mile from the headquarters of the Scottish Society for Autism: Struan House in Alloa. Until about 18 months ago, that is all I knew about autism, and I only knew that because I drove past the place every day. However, when I worked for Nick Johnston, he broached the subject and asked me to look into it. After my initial research for Nick, I dug and delved and came into contact with particular families. The more that people understood that I was getting involved and was looking for more information, the more families that were referred to me. Through families, groups and contacts in Scotland, London and the United States, I have been able to speak to professionals. Indeed, some of the families in Scotland and I have been seeking second opinions on decisions that have been made.

I should point out that this is not some personal campaign focusing on one particular family. Although the subject has touched me, I simply feel that there are major problems with the way that autism is being handled and that it is right to raise concerns. Because I have no autistic family members, I have been able to stand back,

examine the subject, take opinions and find out what is going on. That is why I prepared the petition. As everyone I have spoken to over the past 18 months has said—and indeed from what I have seen in that time—the situation is a disaster. The number of cases of autism is rocketing; whether that is due to the MMR vaccine or something else, I do not know.

The major problem, however, is the massive gap in services. Once autistic people reach the age of 16, they are classed as adults and their families and friends are pushed aside. Because of the costs, social services do not want to handle those people and are quite happy to see them shunted into hospitals. Hospital services can then put them where they want and have total control over the matter without any input from the family. Something like one in 166 children is being diagnosed as autistic; they will be adults 10, 12 or 15 years down the line, and no facilities will be available for them. We cannot wait until that happens. Something has to be done now to help autistic adults who have been wrongly diagnosed and treated as well as to address the flood of cases that will come through.

**Phil Gallie:** Thank you for that response, which has actually answered the other questions that I had in mind. You said that you have looked at the issue from the outside. Are there major differences of opinion among the people who work in the field—the so-called experts? Furthermore, is there any necessity for overall co-ordination on this issue?

**James A Mackie:** The problem is that there are very few experts in the field. For example, only one person in Scotland is deemed to be a true expert in autism, and he is a neuropsychologist. Any other expert witnesses that families in Scotland need to bring in have to come from the south. However, in answer to your question, there is no disagreement among the experts who understand autism and the problems that go with it. The only people who disagree with the likes of Dr Wakefield, Dr Danczak from Birmingham, Dr Ken Aitken from Edinburgh and Mr Paul Shattock from Sunderland are those who currently control the system and do not want to know. As I commented in answer to Dr Ewing's question, the people in control say, "We are the consultants; we know what's going on; we will do our own thing. We are not interested in what the experts say." That is wrong.

**The Convener:** The SNAP review was recently published—

**James A Mackie:** Sorry?

**The Convener:** The Scottish needs assessment programme review. You have a copy in front of you.

**James A Mackie:** We are talking about different reports. I have the Public Health Institute of Scotland needs assessment report on autistic spectrum disorders.

**The Convener:** Well, the learning disability review report, which was also published recently, admitted that there is a great disparity in Scotland in the assessment and diagnosis of autism, and in provision of services to autistic people. The report made a number of recommendations, including the need for a national service network to improve awareness and understanding of the needs of people who have autistic spectrum disorder. Given that fact, do you agree that things are happening at the moment?

**James A Mackie:** Things are happening at the moment. The National Autistic Society has recruited a member of staff to go round social work departments in Scotland to make social workers more aware of autism and the general public is more aware of autism. There has been a lot of media coverage of it and more cases are being diagnosed. Everything that I have seen, at all levels, is directed towards identifying autism at two, three or four years of age and being able to cater for those people. One problem is that autism is not new. Asperger's syndrome is named after Asperger, who documented cases in 1940. From historical records it has been identified that the first autistic person was reported back in 1740.

The problem is that in certain areas of Scotland, education departments did not accept that there was such a condition as autism until the late 1980s. My petition is for those who have come through a system that did not recognise autism. They are now adults—the majority of them are over 20—and only now have they been diagnosed as possibly autistic. There are no facilities for them in the system; a massive gap exists in the services. Because of their condition, autistic adults become depressed and frustrated. One way or another they seem to end up in front of a psychiatrist who sees a psychosis. A psychosis is schizophrenia, so the psychiatrist looks for schizophrenia-type symptoms and the person gets sectioned. The minute that they get sectioned, under the Mental Health (Scotland) Act 1984, their family and friends have nothing to do with them so the individual is on his own and under the total control of his consultant psychiatrist. I want that situation to be considered.

**The Convener:** Has the cross-party group on autism seen the petition? Does it support the petition?

**James A Mackie:** Certain members of the group have seen it. It has been in circulation and nobody has come back and said that I have got it wrong.



**The Convener:** Thank you very much. You are welcome to stay and listen to the discussion on what we will do about your petition.

The suggested action is that we write to the Scottish Executive to ask for its comments on the issues raised in the petition and the discussion this morning. Within the letter, the committee may also wish to seek an update on the findings of the SNAP review and progress towards achieving the recommendations outlined in the learning disability review report. At this stage, we need to get a response from the Executive first. Is that agreed? Do we need to take any other action?

**Dorothy-Grace Elder:** One of the worst aspects of this is that it is clear that people are virtually being held prisoner and are being given the most inappropriate drugs, which is possibly a criminal offence—but I will not go into that.

Doctors and nurses working on a ward or in a care centre who do not have experience of autism should not be working in that area. Staff should be questioned, or a tick list of some sort should exist whereby staff have to declare their experience.

**The Convener:** That is important. I have not read the SNAP review or the learning disability review report. It is important that we, as a committee, find out what those reviews are saying. They may well be addressing these issues; we do not know and will have to find that out before we decide what to do with the petition. It may also be helpful if we wrote to the cross-party group and asked for a view on the petition. That would give the group a chance to have input.

Are we agreed?

**Members** *indicated agreement.*

### **Protection of Wild Mammals (Scotland) Bill (PE458, PE459, PE460 and PE461)**

**The Convener:** We will now deal with four petitions on the Protection of Wild Mammals (Scotland) Bill, which is due to go through Parliament tomorrow. We have two speakers, Mrs Jeanna Swan and Mr Peter Wilson. They have agreed to take one and a half minutes each and two petitions each and to speak to them in that time. It will then be open to members of the committee to ask questions.

**Mrs Jeanna Swan:** I think that you get more from questions.

**The Convener:** Members of the committee have commented that the time for lodging amendments to the bill is over. We realise that. When we got notice of the petitions last week, we gave members notice that if they wanted to lodge amendments, based on the petitions, for tomorrow's debate they should do so, because by

the time we dealt with the petitions it would be too late. Members who wanted to follow up the petitions by lodging amendments were free to do so from last Tuesday.

**Dr Ewing:** I feel that the matter has been legally overtaken by events.

**The Convener:** Not yet. There is stage 3 tomorrow.

**Dr Ewing:** We cannot now lodge amendments.

**The Convener:** We cannot.

**Dr Ewing:** All members had the chance to do so.

**The Convener:** The petitions were submitted properly to Parliament, so we must consider them. However, we must explain to the petitioners that the committee can take little or no action on the matter. The petitioners want to speak and I have no objection to that.

**Dr Ewing:** Okay. That is fair enough.

12:00

**Phil Gallie:** New points could arise today that could be taken on board in tomorrow's debate. On that basis, I think it is worth while going ahead with the petitions.

**The Convener:** Okay. The petitioners are free to go ahead.

**Mr Peter Wilson:** Convener, ladies and gentlemen, my first point is that the bill was originally intended to protect the poor, innocent fox, but I understand that if the bill is passed we can still hunt on foot. Surely that makes nonsense of the bill's original intentions.

On the issue of gun packs, more than 40 per cent of foxes that are driven towards guns are killed in cover before they get to the guns. We feel that mounted fox hunting is the only natural way of culling to preserve the species. Another relevant point is that, as we heard earlier, mounted fox hunting has a closed season, but shooting does not.

Drag hunting is not an alternative. There are more than 700 hunting dogs in Scotland. Statistics suggest that at least 17 or 18 drag packs would be needed to use all the Scottish hounds.

**Mrs Swan:** I am a veterinary surgeon and I have spent 25 years in mixed practice in the Scottish Borders. I am worried that the Protection of Wild Mammals (Scotland) Bill will cause more welfare problems than it will cure. I am worried particularly about what will happen to the hounds in the Scottish packs if mounted fox hunting is banned tomorrow. The Scottish Society for the Prevention of Cruelty to Animals has agreed that hounds are

unsuitable pets. I have experience of that fact, as one of my partners acquired a hound pup. He and his wife have owned dogs all their lives, but they are having terrible problems with the hound because it is untrainable in a domestic situation.

I am adamant, as are the other vets who signed my petition, that we will not perform euthanasia on fit, healthy animals that are redundant. I do not think that the huntsmen, either, would be prepared to put down their hounds.

Another issue is that the bill will mean that we will lose a fallen stock service. That is about to become a problem, particularly if burying dead animals is to be forbidden. A huntsman said to Christine Grahame, I think, that a good way of processing dead animals is to feed them to the dogs. That means that only the bones have to be burned. At the moment, it is forbidden to bury animals that are more than 30 months old. If burying is forbidden completely, there will be a big problem in disposing of all the carcasses that farming produces.

Petitions PE459 and PE460 have been well covered in front of this committee by the girl grooms and the blacksmiths. We might manage to answer a few questions on those petitions, but members have probably asked all the questions that they want.

**Christine Grahame:** I find the matter difficult, because I supported the original proposal for the bill, before there was a draft bill. I find it difficult to come to a final view of the bill, but I have learned much. I took the opportunity to go down and see the hounds. I agree that they are wonderful, healthy animals, but they are not suitable for households. Jeanna Swan can correct me if I am wrong—I understand that the hounds are not shot when they are aged four, but that they have a working life until they are around eight years old. Members might think that that lifespan is not long enough, but other animals do not have that. The hounds are looked after much better than many domestic animals are by people who say that they love animals.

I am also worried about the horses. I would like Mrs Swan to talk about what is going to happen to them, because hunting horses, which are wonderful animals, are failed racehorses. I speak as an animal lover who loves foxes, dogs and horses.

I am not quite clear about the position as regards drag hunting. I am not prepared to speak about that, as I am not sure about it.

The other issue that concerns me, apart from the loss of all those other animals, is the dispatch of the fox, which I have asked about before. I have still not reached a conclusion about that, but I know that there are far worse ways of dispatching

foxes that could be used in place of the hounds. The evidence that I have heard, from vets in particular and from others involved in hunting, leaves me in no doubt that animals are often damaged or injured as a consequence of having been shot or poisoned.

I am still considering my view and will be following the debate on the bill tomorrow, but I am concerned about all the other issues that have been turned up during the passage of the bill. Let us forget the red jackets and whether or not it is a class thing. Let us look at the reality on the ground. What is the position as regards controlling foxes, what will be the alternative for the animals and what impact will the bill have on hunt-related trades?

The cruelty aspect was the thing that I had to overcome. The evidence that I heard from others—not just from campaigners for a ban—showed that there are worse ways to get rid of a fox.

**Dr Ewing:** I am against the ceremonial hunt and it has been my long-standing view that it is not acceptable to make a sport of killing an animal that you are not going to eat. That is my view and always has been, but the farriers and the vet who came from the Borders made a very good presentation explaining the Borders' dependency on hunting. As one who has been out on Border ridings and loves them, I know that the ridings might not happen if all those horses were not being kept. I was very sympathetic to the Border people's evidence, but it struck me at the time that it would have been a good idea to go for local referenda. That way, the Borders could have voted for what they wanted, because most of Scotland does not want the ceremonial hunt.

I speak as one who has received something like 2,500 letters from people on both sides of the debate. Because my name is known I get many letters from outwith my area, from people who should really be writing to other MSPs. I am still against the idea of pursuing animals if it is not to cull them for welfare reasons or to eat them, which used to be the reason for hunting animals.

**The Convener:** I remind members that we are supposed to be discussing the petition.

**Dr Ewing:** We must all stand up for our principles. Those of us sitting here this morning do not know what amendments have been selected for tomorrow afternoon's debates. The selection was done only yesterday. I do not know whether it is right to say that the bill will permit hunting on foot for sport. I do not think that that will be in the bill, but I may be wrong, because we have not really had time to find that out. If you kill 3 per cent of foxes by ceremonial hunting, somebody somehow has to do something about the 97 per cent of foxes that remain. What do you suggest?

**Mrs Swan:** You could just run them over, the way everyone else does.

**Dr Ewing:** I know that that is what happens in Edinburgh. There are 30,000 foxes in Edinburgh.

**Mrs Swan:** You were calling it a ceremonial hunt. Earlier, you spoke about the traditional method of collecting skua eggs. Is that traditional or ceremonial?

**Dr Ewing:** If you object to the word "ceremonial", I shall call it a mounted hunt. I take it back.

**Mrs Swan:** Another of the main methods of controlling foxes in our area is by shooting them when they come to a lamp at night. You need to be an expert shot to do that. You have to get within 300yd—preferably within 100yd—of the fox. Once you have had a shot at a fox in front of a lamp, he will not come back to the lamp again. There are fewer people around in the Borders who are prepared to spend their nights out shooting foxes. You may end up controlling foxes as a sport by driving them to guns. Making it a social occasion is what makes people do it. There is a social structure that holds it together.

**Dorothy-Grace Elder:** I am one of the genre of urban, left-wing MSPs that your lobby probably most dislikes, but I cannot sit on the fence when it comes to compensation for people who are flung out of their jobs. That is the watershed for me. I am prepared to vote against the bill where it involves cruelty to human beings. However, I advise you not to use the fallen stock argument. That argument no longer holds up, because the carcasses are not going to hunt kennels. Under the BSE surveillance scheme every single fallen stock animal in Britain—75,000 a year—is being taken to plants for incineration.

**Mrs Swan:** That is cattle over 30 months.

**Dorothy-Grace Elder:** No, the category has been widened. If they are fallen stock, it does not matter now. By using that argument you will do yourselves harm that you would not have done yourselves perhaps a year ago.

Some of us are concerned about mass cruelty to animals by such actions as live transportation. How many foxes are killed by hunts? Why do you still oppose drag hunts, which would save the lives of dogs and horses, and would save many jobs? Drag hunts can be planned so that there is minimum damage to horses, not to mention riders. We fail to understand that point.

**Mr Wilson:** I will explain why drag hunting is unworkable in the Borders. The 700 hounds—or dogs as you like to call them—in the Borders would constitute 17 to 18 drag packs. A good friend of mine is a field master with the Cheshire drag hunt. It is a rather elitist sport—there are

megabucks involved. Unfortunately, the Borders is not like that.

**Dorothy-Grace Elder:** But why is that different from a blood hunt?

**Mr Wilson:** Because about 70 per cent of the people who come out hunting with us do not want to jump. A drag hunt is all about jumping fences.

**Dorothy-Grace Elder:** But you can plan that yourselves.

**Mr Wilson:** There would be no interest in the sport.

**Dorothy-Grace Elder:** If you want to save the dogs and horses, drag hunts would be sensible.

**Mr Wilson:** The other factor is that farmers are happy to have us controlling foxes for them. However, it is not viable, especially in the Borders, for us to ask them to put up with us galloping over their fields for no other reason than to gallop over fields.

**Dorothy-Grace Elder:** My other question was whether either of you have a rough idea of how many foxes are killed by hunts in your own area.

**Mrs Swan:** I was hoping that Peter Wilson would know that. The Border hunt goes over the border, and has a quota that it has to kill. Otherwise, it is not allowed to go on hunting there.

**Dorothy-Grace Elder:** Are we talking about a few score foxes in a season or a few hundred?

**Mr Wilson:** A few score. We find that the first foxes we kill are the weak, the lame and the ones that have been shot badly. Surely there must be a point to it.

**Dorothy-Grace Elder:** I still do not get the logic of the argument. If hunts are killing only a few score, many of them will be unsuccessful in killing a fox on the day. They therefore might as well have had a drag hunt, where fewer horses and dogs would be injured. In addition to that, such hunts do not destroy farmers' fences or go charging wildly after the fox, which can follow any trail.

I appreciate the social angle that you mentioned. Human beings like to group together in a pack, whether it is in the pub, in the cricket club or, in your case, at the hunt. Drag hunts would supply that angle as well, would they not? Drag hunts would save the horses, the dogs and the social lives of the people concerned.

**Mr Wilson:** Yes, but I still think that while there may be a place for a drag hunt on the east coast, another on the west coast and another in Fife, there is room for no more than that.

**Phil Gallie:** Animal welfare is the fundamental issue at the back of the minds of those who will

make the decision, despite the petitions that you have lodged. They feel that the fox is being persecuted. How can you, as a vet, sit there and speak for the hunt, when your major concern is animal welfare?

12:15

**Mrs Swan:** I had to think long and hard about the situation, particularly when I first qualified as a vet. I was taken out hunting at the age of nine, so I have known about it all my life. You go through a phase when you think of it as a blood sport, with people in fancy clothing chasing foxes. I have never seen anything cruel done when I have been out fox hunting.

I know that the fox kills for sport. If a fox gets into a hen run, he does not kill only one hen—he always kills the whole lot. When I have been out hunting, the foxes that I have seen do not seem to be distressed. They seem to potter around. You can watch them watching the hounds. I have seen a fox run straight through the middle of a pack of hounds and emerge on the other side—I probably should not say that in front of Peter Wilson.

Foxes that are definitely suffering have been brought into my surgery either with shot wounds to the legs and gangrene or after road traffic accidents. Personally, I would not like to be gassed—I can think of better deaths—as gassing probably creates panic. In my eyes, the fox does not seem to suffer in fox hunting and I think that the other methods are less reliable.

**Phil Gallie:** I have never been involved in hunting and I have never seen a hunt, so I know little about it. The sport is called a blood sport, but, a couple of days ago, the Dumfries hunt was out with 35 riders and hunted two foxes, each of which got away. At the end of the day, there was no blood, but there seems to have been a lot of sport. Is the enjoyment that comes from fox hunting not the kill of the animal but the pursuit and the uncertainty about where the fox is going to go?

**Mrs Swan:** That is quite right. I do not think that I like killing at all, although it is part of my job and I have to do it. I certainly do not want animals to be wantonly killed.

The problem is that we are in a trap. If we say to the farmers that we will not kill their foxes, they will not allow us on their land. There are other reasons, such as the traditional and social reasons, but Peter Wilson and I have discussed that issue and we do not think that anyone who goes hunting does so in order to see a fox killed. In some ways, fox control is the licence to hunt.

**Phil Gallie:** You said that the farmers like to see foxes killed on their land. Is part of the benefit of hunting the fact that a fox has been chased, which gives other people a location to go to at a later

date in order to destroy that fox in its lair? There seems to be a process of identification that is associated with the hunt.

**Mrs Swan:** I do not think so. Good huntsmen know where the foxes are likely to breed and where they are likely to be found. Certainly, people who become expert at hunting know exactly from which corner the fox will break out. The fox has an advantage because he is in his own environment, so he is less stressed. It may be that chasing foxes around keeps the fox population down. Just after the foot-and-mouth outbreak, I rode around the top of the farm and found two foxes busy eating one of our sheep. They paid me little attention, despite the fact that I was on a horse. The fact that we stir foxes up may make them a bit more wary of coming into contact with domestic stock.

**Phil Gallie:** Thank you very much.

**Dorothy-Grace Elder:** I must put the obvious question. As you have said, you are killing only a few score foxes. Do you truly believe that this is some kind of class war in which politicians are trying to make their names, rather than an animal welfare movement?

**Mr Wilson:** We feel that to some extent, yes. We do not know what is going to come out of tomorrow's debate, but if it is the case that foot packs can still continue and the fox be driven to guns, that makes it look like a witch hunt.

**Dorothy-Grace Elder:** If you want to meet some real snobs, you should meet some of the people in politics. They would out-toff the toffs.

**The Convener:** Present company excepted of course.

**Dorothy-Grace Elder:** Of course.

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

We can see that three of the four petitions are almost identical to petitions that the committee has considered previously. They come from the same petitioners. The main difference is that today's petitioners are asking for their petitions to be debated during tomorrow's debate on stage 3 of the Protection of Wild Mammals (Scotland) Bill.

At the last meeting of the Public Petitions Committee, I tried to facilitate that by giving members warning that they would have to get their amendments in by Friday of last week. However, I think it is technically possible to submit manuscript amendments right up to the last minute. Whether they would be accepted is another matter.

All the issues have been debated at length by the Rural Development Committee in its consideration of the bill. It is suggested that we

agree to advise the petitioners that the stage 3 proceedings tomorrow provide the final opportunity to amend the bill. Although we tried to facilitate the consideration of their petitions tomorrow, there is nothing more we can do about it now.

It is not only extremely unlikely, it is certain that any request for an additional debate beyond tomorrow will not be approved by the Parliament. I therefore think that we should relay formally the outcome of the committee's considerations to the petitioners and take no further action.

**Phil Gallie:** I regret the situation. However, because of the lateness of the hour, the only advantage of hearing the petitions today—despite the efforts of the petitioners to bring them to our attention—is that some new information might have arisen that members can take on board and use in the debate. Otherwise, I accept the convener's comments.

**John Farquhar Munro:** I just want to point out item 1 of the group's requests:

"That Parliament debates the serious implications of the unacceptable scale of destruction of dogs should this bill proceed."

The suggestion is that that debate should take place after the bill has been implemented.

**The Convener:** Given the time that Parliament has spent on the bill, I think it is unlikely that any committee or the Parliament will be prepared to carry the debate on after tomorrow. Tomorrow will decide the position, at least for this parliamentary session.

**Phil Gallie:** John Farquhar Munro makes a fair point, but the fact is that if the bill goes through, the packs are owned by groups or individuals and it will be up to them to determine for themselves what they will do with their dogs—it has nothing to do with the Parliament. It is as simple as that.

**The Convener:** It is unrealistic to expect the Parliament to keep the issue going after tomorrow. We have spent a long time on the bill and, one way or another, the Parliament will make its mind up tomorrow. I am afraid that that is that.

Are we agreed?

**John Farquhar Munro:** What are we agreeing to do?

**The Convener:** We are agreeing to inform the petitioners about the position in relation to the stage 3 debate on the Protection of Wild Mammals (Scotland) Bill tomorrow. It is not practical to expect any debate by the Parliament beyond tomorrow and we therefore inform the petitioners that we will take no further action on their petitions.

**Members indicated agreement.**

**Christine Grahame:** I have a question on a

petition that is coming up about playing fields. I have to leave now. The committee is getting responses from the Scottish Executive. Will those responses be in the public domain?

**The Convener:** Yes.

**Christine Grahame:** That is fine. I would like to see them. Thank you.

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

### **Scottish Local Authorities (Efficiency) (PE450)**

**The Convener:** The next petition, from Mr Stan Gregory, is on the subject of a review of objectives and structures of Scottish local authorities. Mr Gregory submitted an earlier petition along those lines in May 2001. We sought a response to that from the Executive and, at that time, it advised us of the work of the leadership advisory panel on policy development and decision-making structures in local government and of the work of the Local Government Committee.

Mr Gregory has submitted a new petition because he feels that we misinterpreted his previous petition and did not address properly the issue that he raised, which was the appointment of independent consultants to consider the efficiency of local councils in Scotland. The clerks have done work on the petition and it turns out that local authorities publish annual public performance reports, which provide council officials and members of the public with key information about the council's performance in different service areas. The Accounts Commission has carried out an audit of performance management and planning, which found that the majority of services scrutinised were making progress in developing effective systems of accountability.

The Scottish Executive is also encouraging local authorities to adopt benchmarking processes as part of the wider development of performance management and planning. The Convention of Scottish Local Authorities supports councils in continuous improvement of service delivery, including best value for money. COSLA, along with the Executive and Audit Scotland, is closely involved in the joint performance information review on the development of performance indicators, which includes statutory performance indicators. That group recently drafted "Getting it Right", a paper of basic principles, which is currently out for consultation.

A great deal of work is already going on that is aimed at what the petitioner is trying to achieve. It is suggested that we agree to write to COSLA, detailing the issues that the petitioner raises, and request an update of its efforts on monitoring and

improving the efficiency of local authorities. The views of the Scottish Executive could also be sought. The committee might also wish to alert the petitioner to the consultation performance indicators and suggest that he submit a response to that.

We can do that or we can refer the petition to the Local Government Committee. I think that we should do the former by seeking the views of the Scottish Executive and COSLA and referring the petitioner to the consultation process. Is that suggestion agreed?

**Members** *indicated agreement.*

**Dorothy-Grace Elder:** Will the committee still be quorate if I leave? I have an appointment. I thought that we would be finished by now. I apologise to Stewart Stevenson for that.

**Rhoda Grant:** I have to go too.

**The Convener:** As long as John Farquhar Munro and Phil Gallie stay with me, we can carry on.

### **Playing Fields (PE454)**

**The Convener:** The next petition, from Mr Peter Watson, is on the subject of playing fields. This is exactly the same topic as that of two earlier petitions that we will be dealing with later in the meeting, because we have received responses to them from the Scottish Executive. In the light of that, it is suggested that we delay consideration of PE454 until we come to deal with the two earlier petitions and consider all three in the context of the Executive's response. Is that agreed?

**Members** *indicated agreement.*

## **Current Petitions**

### **Free School Transport (PE368 and PE371)**

**The Convener:** We come now to current petitions. The first two are on school transport. PE368 from Robert Brown is on eligibility for school transport, and PE371, from John Calder, on behalf of the Banff Academy and other Aberdeenshire parents action groups, is on school transport entitlement.

We originally sought a response from the Scottish Executive, Aberdeenshire Council, West Lothian Council and COSLA to those petitions. COSLA has intimated that it does not wish to comment on the petitions, but we now have the response from the two local authorities and from the Scottish Executive.

The response of West Lothian Council to PE368 is that it has a lower distance requirement than the statutory requirement, and that it does better than statute requires it to do. It also spends more on school transport in comparison with its grant-aided expenditure allowance.

The council believes that, in the petitioner's case, he is just on the wrong side of the cut-off line for free transport. It makes it clear that there has never been a suggestion that there is an error in where the cut-off line is and there will always be cases on the margins, when people are unhappy about the lack of access to free transport. The council also points out that it takes safety issues into consideration in deciding how children should get to school, and it provides details on that.

Aberdeenshire Council takes very much the same view. It makes provision well beyond its statutory responsibilities and also considers ways in which it can guarantee the safety of children.

The Executive, in its response, covers much the same ground. On the more general question of whether the current legislation is adequate as it stands, the Executive believes that it is and that it gives local authorities wide discretion while requiring them to have regard to the safety of pupils if transport is not provided. The Executive takes the view that the existing legislation provides what it describes as

"an appropriate framework under which authorities can determine the provision of free school transport, taking account of the varied nature of journeys between home and school and particular local circumstances."

The Executive does not think that it has any specific role in monitoring the arrangements and suggests that any question about the manner in which an authority applies the legislation would ultimately be a matter for the courts to consider in the event of a case being taken to them.

Stewart Stevenson is here to talk to PE371, which relates to Aberdeenshire Council.

12:30

**Stewart Stevenson (Banff and Buchan) (SNP):** I asked the Scottish Parliament information centre to conduct some research into this issue and I now have a document, which members of the committee can read at their leisure. The information that SPICe provided relates to a survey that was done in March 2001, so it is the most accurate and current available.

Contrary to what Aberdeenshire Council said, 25 of the 32 local authorities have policies in relation to school transport that are, in many cases, significantly, and, in most cases, to some degree, in advance of what the Education (Scotland) Act 1980 requires. For example, according to the survey, West Lothian Council, to which PE368 relates, has a substantially more liberal policy of school transport provision than does Aberdeenshire Council. However, it provides free school transport to a smaller proportion of pupils than is the Scottish average. Even though the new regime is causing concern, Aberdeenshire Council provides 35.3 per cent of its pupils with free school transport, which is nearly double the Scottish average of 19.5 per cent. One can understand some of the financial difficulties that that must bring. Aberdeenshire Council claims that it is little different from other local authorities, but I think that the numbers that I have obtained suggest otherwise. The information in the response is slightly misleading, suggesting that only seven authorities are adhering to the requirements of the Education (Scotland) Act 1980.

The conclusion that I draw from all that information is that Aberdeenshire Council is being driven by financial considerations rather than pupil-safety considerations. That conclusion is supported by the amount of pupils it transports and the fact that it has moved to the bottom of the league table for standard of provision against the requirements of the 1980 act. On that basis, the point that I would make, and which the petitioners made when they talked to the committee, is that we should consider amending the education legislation that deals with school transport to ensure that safety rather than distance is the focus. That is particularly important in rural areas with relatively poor transport infrastructure.

**The Convener:** Is your basic argument that the current legislation is not adequate and that the matter should be considered by the Education, Culture and Sport Committee?

**Stewart Stevenson:** Yes.

**John Farquhar Munro:** I would be inclined to agree with that view. Distance is one criterion, but,

as we have just heard, child safety should be a paramount issue in rural areas, irrespective of distance. Although the policy has stood local authorities in good stead and they have been rigid about adhering to it, the fact is that we are in the 21<sup>st</sup> century and a review of that policy is long overdue.

**The Convener:** Does Phil Gallie wish to speak?

**Phil Gallie:** I have no comment—I go along with John Farquhar Munro.

**The Convener:** The lack of a response from COSLA makes the situation very difficult, because we have no indication of what the general local authority view is of the petitions. All we have are responses from the local authorities involved, in which they defend their position, and a response from the Scottish Executive, in which it defends the legislative position. Perhaps we should refer the petition to the Education, Culture and Sport Committee and ask it to consider whether it would look at the relevant provision on free school transport in the Education (Scotland) Act 1980. In particular, we could ask it to examine the criteria—distance or safety of pupils—for applying that policy, as that is the petitioners' main concern. Do members agree?

**Members indicated agreement.**

**The Convener:** We have agreed to pass both petitions to the Education, Culture and Sport Committee with the recommendation that it should consider further whether the current legislation is adequate.

### **School Playing Fields (PE422, PE430 and PE454)**

**The Convener:** The next petition, PE422, is on the protection of school playing fields, and is from Mr James Docherty. The petition calls on the Parliament to take the necessary steps to implement similar protection for school playing fields as applies in England under section 77 of the School Standards and Framework Act 1988.

The committee passed the petition to the Executive in order to seek its views. The committee also sought details from the Executive of any proposals for legislative protection of school playing fields in Scotland, and how such proposals would compare with the position in England. The Executive's response confirms that the 1988 act does not apply in Scotland but states that various protections are available for school playing fields in Scotland. For example, school authorities and foundation—[*Interruption.*] Sorry—I am misreading the briefing.

As the petitioners pointed out, the 1988 act does not apply in Scotland. However, the Executive made it clear that, when the English legislation

was being prepared, the conclusion was reached that a similar approach in Scotland was not necessary, on the basis of the provisions of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 and of planning legislation. Those provisions mean that schools in Scotland have appropriate access to playing field facilities. The Executive's response lists a number of protections that exist in Scotland that were not available in England and Wales, the absence of which necessitated the 1988 legislation. Not least among those protections is national policy planning guideline 11 on sport, physical recreation and open space, which sets out a policy framework that planning authorities should have regard to when considering proposals for the redevelopment of playing fields. Local authorities should also discourage redevelopment where such redevelopment is likely to conflict with local needs, either now or in future. There is a general presumption against redevelopment except in limited circumstances.

The Executive also explained that sportscotland must also be consulted on planning applications and developments that are likely to prejudice or lead to the loss of playing fields. Scottish ministers must be advised when planning authorities intend to grant consent for any proposal that would involve the loss of a playing field where sportscotland has advised against the proposal. Ministers could decide to call in such an application at that stage.

The Executive's response also advises that the playing field that was the subject of the petition is being considered in the context of a proposed amendment to the Stirling local plan. The public will be fully involved in looking at that plan and will be able to lodge objections to it. Any unresolved objections can be considered at a local plan inquiry before the council adopts the plan. It is understood that sportscotland has already raised concerns about the matter with Stirling Council.

We have had an explanation from the Executive about why the position in Scotland differs from that in England. The Executive is clearly of the view that there are specific safeguards in place in Scotland to protect school playing fields. If we agree with that view, we may wish to agree to take no further action on petition PE422. In doing so, we may wish to agree to write to the petitioner suggesting that, in the event of the local authority making any proposal to rezone playing field areas in his local area, the most appropriate way for him to have his objections taken into account would be for him to participate in the local plan process. If we do not wish to do that, we could refer the petition to the Transport and the Environment Committee, as it raises a planning issue. I suggest that the former course of action is the better one.

**Phil Gallie:** Do those suggestions refer to the specific—

**The Convener:** They refer to the Stirling petition.

Sportscotland has already registered its concern about the proposal, which means that its concern will be considered as part of the local plan inquiry and that Scottish ministers could call in the proposal.

We have also been asked to look at the general principle. As a matter of general principle, we should accept that the safeguards that exist in Scotland are adequate and that people have the ability to defend their playing fields in cases such as that highlighted by the petition.

**Phil Gallie:** I am not sure that I go along with that fully, bearing in mind the fact that we still have to consider PE454.

**The Convener:** That petition raises other issues.

**Phil Gallie:** I do not accept that the present situation is as it should be.

**The Convener:** But you would be happy to say that, on the basis of what the Executive has told us about the safeguards that exist in Scottish legislation, we believe that there is no need to take further action on the petition. If the proposal to rezone their playing field goes ahead, the petitioners should take part in the local plan inquiry as a means of registering their objections to it.

**Phil Gallie:** I am quite happy with that.

**The Convener:** We will leave it at that.

PE430 is from Mrs Glendenning and calls on the Parliament to consider whether it is appropriate for local authorities, as the owners of school playing fields, to be able to sell such assets and to grant planning permission to a developer when such a sale is opposed; and whether in the circumstances of an opposed sale, there should be legally binding guidelines on the consultative procedures to be used.

The petition relates to the proposed sale of a playing field at Broomlands Primary School in Kelso, for the purposes of house building in the area. The petitioners point out that that proposal is contrary to the development plan and that, according to the local structure plan, sufficient land for upmarket housing has already been identified for the next 11 years. Scottish Borders Council is of the view that the area of land in question, allocated in the Roxburgh local plan for educational purposes, far exceeds the requirements of the school.

We wrote to the Executive about the petition and have received a response. The Executive has



taken the view that, although the issues in PE422 and PE430 are related, PE430 merits a separate response. Members have a copy of that response.

The Executive's response to PE430 covers much of the same ground as its response to the previous petition and provides details of the guidance and legislation that apply in relation to school playing fields. It makes it clear that, in dealing with any application relating to Broomlands Primary School, the planning authority will need to take full account of the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, as amended, which details the circumstances in which the Scottish ministers must be notified of planning applications.

The purpose of the direction is to give the Scottish ministers the opportunity to decide whether to call in an application for determination or to allow the planning authority to determine the application itself. Importantly, as far as this petition is concerned, ministers must be notified of

"any development where a planning authority has a financial or land interest where what is being proposed does not accord with the adopted or approved local plan or has been the subject of a substantial body of objections".

The response confirms that the petitioner's view will be taken into account if an application comes before Scottish ministers.

On the petitioner's suggestion that there be legally binding consultative guidelines on proposed sales of this nature, the Executive takes the view that existing consultation arrangements are adequate. It refers specifically to the requirement for sportscotland to be consulted on any proposed disposal of playing fields. Any objection from sportscotland would trigger the notification arrangements that I mentioned.

The Executive's response also refers to the standard requirement in all planning applications to notify owners and neighbours, and to the requirement to advertise in the local press applications where the planning authority wishes to grant approval to a development that is contrary to the development plan. That allows the public 21 days within which to make representations.

The Executive is of the view that there are adequate safeguards in place to protect school playing fields in Scotland. If members agree, the committee may, as with PE422, decide to take no further action on the petition. It may also wish to write to the petitioner suggesting that, in the event of a proposal being made to rezone areas of playing field in their local area, they should pursue their concerns by objecting to any planning application or related proposal to amend the local plan. Alternatively, we can pass on the petition to the Transport and the Environment Committee.

**Phil Gallie:** I would like the petition to be referred to the Transport and the Environment Committee. I am concerned that local authorities, as the owners of school playing fields, can sell those assets, and are also responsible for granting planning permission. That conflict of interests needs to be considered further. I recognise that the Scottish Executive offers some protection, but I think that some external examination would be appropriate. I will make the same point in relation to PE454.

12:45

**The Convener:** Is the 1997 direction not sufficient? It makes it very clear that ministers must be notified of any development where a planning authority has a financial or land interest, such as in PE430, and where the sale does not accord with the adopted approved local plan. Ministers then have the power to call it in.

**Phil Gallie:** Ministers have the power to call it in, but I honestly feel that additional scrutiny is needed in those cases. There should be an automatic call-in. I find it difficult to argue on the petition, bearing in mind the fact that we are also to discuss PE454. That petition makes the same point, although it refers to a different situation.

**The Convener:** It is the same point. We can consider both petitions together.

**Phil Gallie:** I would welcome that if you were prepared to do it, convener.

The difference between PE454 and PE430 is that we are not talking about a school playing field in PE454; we are talking about a leisure playing field in ownership of the council. Further, we are considering a situation in which the development of a piece of land is effectively banned by the local plan and the proposed plan that will come out in the very near future. The land is already determined to be leisure ground, but PE454 sets the scene as being that despite all that, the council will go against its own views in the sale of the land. I dare say that the council will, ultimately, grant itself the planning consent that it requires to add value to the land. The situation seems to be unhealthy, and on that basis, I feel that PE454 should be passed to the Transport and the Environment Committee for it to consider. In so doing, I guess that it should consider PE430 as well.

**The Convener:** Is it not the case that under existing legislation, given the subject matter of PE454, which is on South Ayrshire Council and the playing fields at Alloway, ministers must be notified of the development?

**Phil Gallie:** Ministers must be notified. At the same time, I am considering the principle. I do not

like the idea that the planning authority and owners of the land are effectively the same arbitrator. I am not giving my opinion on whether that should be the case, but there is value in passing PE454 to the Transport and the Environment Committee and hearing its views on the matter.

**The Convener:** We already agreed not to pass PE422 to the Transport and the Environment Committee, but you are suggesting that we pass PE454 on to it.

**Phil Gallie:** I had a reservation about that and said that PE422 was separate. I am suggesting that PE430 and PE454 are different.

**The Convener:** All three petitions are similar; you think that there are flaws in the existing protection provided by law. Ministers have to be notified, but they do not have to take action on the matter; they can just ignore it.

**Phil Gallie:** That is the case with respect to PE430, but not PE454.

**The Convener:** You are suggesting that we pass all three petitions, as a package, on to the Transport and the Environment Committee and ask it to consider whether any recommendations should be made.

**Phil Gallie:** We decided not to pass on PE422, as it was different, but I am quite happy to pass on all three petitions.

**The Convener:** They all deal with deficiencies in legislation. Do members agree that we pass on all three petitions?

**Members** *indicated agreement.*

**The Convener:** I thank all members for their forbearance this morning. That is the end of the meeting.

*Meeting closed at 12:48.*

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