

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 26 February 2002  
*(Morning)*

Session 1

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# **PUBLIC PETITIONS COMMITTEE**

## **4<sup>th</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 :**

Mary Bell

Robert Cunyngham Brown

Margie Currie

Christine Grahame (South of Scotland) (SNP)

Ged Hearn

Oonagh McGary

Mr Jamie McGrigor (Highlands and Islands) (Con)

Fiona McLeod (West of Scotland) (SNP)

Councillor Donald Manford

Ian Mitchell

David Nichol

John Scott (Ayr) (Con)

Tavish Scott (Shetland) (LD)

Stewart Stevenson (Banff and Buchan) (SNP)

### **CLERK TO THE COMMITTEE**

Steve Farrell

### **ASSISTANT CLERK**

Joanne Clinton

### **LOCATION**

Committee Room 2

## Scottish Parliament

### Public Petitions Committee

*Tuesday 26 February 2002*

*(Morning)*

[THE CONVENER *opened the meeting at 10:07*]

**The Convener (Mr John McAllion):** I welcome everyone to the fourth meeting in 2002 of the Public Petitions Committee. We have received apologies from Rhoda Grant, Helen Eadie and Winnie Ewing. I am delighted to say that Dorothy-Grace Elder has made it here on time, which must be a first.

**Dorothy-Grace Elder (Glasgow) (SNP):** Thanks to ScotRail.

**The Convener:** We also welcome Tavish Scott, Jamie McGrigor, John Scott and Irene McGugan—sorry, Fiona McLeod.

**Fiona McLeod (West of Scotland) (SNP):** It happens all the time, John.

**The Convener:** I should be shot, I really should. Sorry about that. The members are here to speak to various petitions.

### New Petitions

#### Sites of Special Scientific Interest and Special Protection Areas (Arran, Barra and Yell) (PE462, PE463 and PE464)

**The Convener:** Unusually, we will consider the first three petitions together, because they all deal with the way in which Scottish Natural Heritage designates sites of special scientific interest. The petitions refer to the islands of Arran, Barra and Yell.

We welcome four people to speak to the petitions. Mr Ian Mitchell will introduce the issue briefly, then Margie Currie will speak to petition PE462, Councillor Donald Manford and Mary Bell will speak to petition PE463, and Robert Cunyngham Brown will speak to petition PE464.

**Ian Mitchell:** All three petitions relate to a single body, SNH. It is important to stress that SNH's influence in rural areas of Scotland is pervasive and extends from wildlife conservation—which everybody understands—to industrial developments, such as wind farms and wave power, and objections to housing developments on aesthetic grounds. The influence of SNH goes right across the board. It is important that a body with such a wide brief behaves honestly and with

proper scientific integrity. The petitions raise three examples of SNH not behaving in that way.

On Yell, a designation was imposed for red-throated divers. Such designations are supposed to be imposed only on purely scientific grounds but, in that case, there was no supporting science. I can summarise the evidence that I put to SNH and the Scottish Executive by saying that where there was no science, it was made up. I will explain that later, if members would like. The matter is complicated, but the information is not disputed by SNH; indeed, it is SNH's information.

On Arran, where plenty of scientific information was available, it was concealed. SNH refused to let people know where the birds nested, for example. All the information was kept secret, supposedly on the ground of bird protection. Obviously, that deprived people of the opportunity to make an objection on scientific grounds, which is the only form of objection that they are allowed to make.

The situation was much the same on Barra. There, three official seal counts have been carried out. Two have been published, but the third, which shows that there is no scientific justification for the case as it stands, has been suppressed. The reason why the most recent count does not support the case is that the construction of the Eriskay causeway has driven the seals away. That fact was concealed rather than being addressed openly.

On Barra, Arran and Yell, all local opinion was ignored. Indeed, in the case of Barra, local opinion was misrepresented to the Scottish Executive, which was told that the people of Barra were reconciled to the designation. However, the list of petitioners shows that every democratically elected person, trade representation body, industrial interest and land-owning interest is against the designation.

People do not trust SNH to behave honestly in matters of public opinion or with any kind of integrity in matters scientific. This matter is critical for rural Scotland. The three petitions that we have submitted to the Scottish Parliament ask for a proper investigation of SNH to be undertaken by the appropriate parliamentary committee. We also ask that, in the meantime, the Scottish Executive and perhaps also SNH respond to the particular points that are raised by the petitions.

**Margie Currie:** I endorse all that Ian Mitchell has said. We believe that SNH will become far too powerful in our island because 65 per cent of the land mass of Arran will come under the designation. In effect, that gives SNH the power to comment on any planning proposals not only in the designated area but outwith it as well—that covers virtually the whole island. Some 20 per cent of the island is Forestry Commission land.

We are well aware that hen harriers nest in the forest. We do not dispute the fact that there are hen harriers in Arran—nobody has chosen to do that and hen harriers are not challenged or persecuted in Arran. We have lived happily with them for at least a generation, so we question the need for the current level of protection.

We submit that the reason for the designation is more political than scientific. We are aware that, under the European directives relating to the natura 2000 network, the UK must designate a certain number of hectares of land as being sites of special scientific interest. We believe that, to do that, SNH has been scratching around, looking for places to designate and that, as we happened to have hen harriers, we have been landed with this severe designation, which covers 65 per cent of our land. That proportion is well above the average for Scotland, which is only around 12 per cent.

As an island community, Arran has a fragile economy and has to seek selective inward investment. We believe that SNH will discourage that. The designation is a direct disincentive to developing any business in Arran. Farm diversification will also be affected. There are serious repercussions for the wider community in Arran, and the community council supports me in saying that. SNH acts only in the name of science, but socioeconomic factors are more important.

10:15

I shall give an example from farming. There are only seven dairy farmers left on the island. We try to support Torrylinn creamery, which, in the context of Arran, is a main industry, but it is short of milk. One of our farmers proposed to rear a further 30 cows, which would require him to reclaim 12 hectares of land. SNH objected to that and precluded the farmer from increasing his herd, although he wanted only 12 hectares of the designated area of 8,400 hectares.

That example, which can be substantiated, demonstrates our fear that SNH's influence is far too great. An island with a finite community that lives on a finite piece of land cannot put up with that.

**The Convener:** Councillor Donald Manford will speak to petition PE463, which is about Barra.

**Councillor Donald Manford:** I agree with Ian Mitchell's presentation. SNH is the agent of Government. Its task was to investigate and consult on the impact of its proposed designations. Many of the issues behind the science that it proposes may be challenged. However, our main concern is that our representations, which it undertook to pass to the Parliament and the Executive, were totally misrepresented. We want

to understand how such a powerful organisation, which interferes daily in our lives, can totally misrepresent our views to the people whom we elect.

**Mary Bell:** I concur with Councillor Manford and Ian Mitchell. We are worried that SNH has misrepresented us. The people of Barra feel that they can no longer trust it. Minutes of a meeting of SNH state that its officials confirmed that they would convey to the Executive the strong views against the designation of all who were present. It was also said that the Executive should make the final decision, and that we were reconciled to the designation. I do not understand that; it does not make sense. We are the elected representatives of the people of Barra, who expect us to put forward their views. We can no longer do that through SNH because we do not trust it. We want the Executive to take that on board and investigate how to address our worries.

**The Convener:** Finally, Robert Cunyngham Brown will address the petition about Yell.

**Robert Cunyngham Brown:** I represent Yell community council and the people who are affected by SNH, who include myself. Three weeks after the petition was lodged, SNH wrote to many people to inform them that the proposed special protection area had been confirmed. That pre-empted the committee's ability to consider the petition or to do anything effective. With respect, the Scottish Executive—or the bureaucracy of the Executive—is treating our elected representatives with contempt.

We all know that SNH must meet a quota in order to keep clear of the European court, but there was no need for such rush. I ask the committee to ask Mr Finnie, the minister responsible, why the matter was a done deal three weeks after the petition was lodged.

The people of Yell are just as much in favour of protecting the birds as SNH is, but they are worried about designations. Past experience shows that such designations will lead to twitchers or monitors who will disturb the birds. The Royal Society for the Protection of Birds bought a large tract of land some 10 to 15 years ago and managed to reduce considerably the number of breeding rain geese, just by monitoring them. People are afraid that, with the monitoring and with the publicity that will come from SNH having information about the site on the internet, the birds will be much more damaged than they would be if they were left alone. That is what local people do.

The other point that concerns local people is that SNH seems to have no policy on what it is going to protect or why it is going to protect it. SNH protects a bird known locally as the bonxie, the arctic skua and the rain goose, or red-throated

diver. It also protects otters. The otters do quite a lot of damage to the rain geese, and the bonxies do even more. They do a lot of damage to many little birds, but they are still protected. SNH has no policy at all on what to do. People are genuinely worried that small birds are becoming fewer all the time because they are being predated by birds that SNH is protecting. The situation does not add up and SNH has no thoughts on where it is going in the future.

The SNH consultation procedures are a travesty. When SNH first proposed the designation, the chairman of the community council suggested that it should hold a public meeting, at which anybody could say what they wanted to say. SNH said, "No. We will do it our way." SNH then sent people round to interview everybody individually. The results of the interviews were kept secret, so nobody knows who said what to whom. It is fair to say that, as with any public poll, you get the answer that you want depending on the question that you put. Heaven knows what questions they put. In my discussions with SNH representatives, the impression that I got was that they do not listen. Their attitude is, "We are right, we are the experts and you do not know what you are talking about. You may have been farming there for the past 35 years or whatever and you may have been extremely interested in those birds, but we know better." The whole consultation procedure is a joke.

The designation procedures are archaic. There is no statutory mechanism or right to question the consequences of the designations. There is no way that you can say, "Justify this" to SNH representatives. Once the designation is in place, they can in effect do whatever they want. You cannot make them stand up and explain why the designation has been made and whether it is necessary.

I compare that with the procedures for planning and compulsory purchase. If you put in a planning application and get turned down, you have the right to go to appeal and to make the local authority produce its reasons and evidence to support them. You can cross-examine the local authority, put it through the hoops and say, "Okay, it has had to do that." There is no mechanism for doing that with SNH.

I submit that the procedure does not comply with the European convention on human rights, which states that people are entitled to a hearing before an independent and impartial tribunal within a reasonable time. That does not happen under the designation procedures. In effect, the matter is very similar to planning, so a mechanism similar to the planning mechanism should be put in place quickly.

**The Convener:** Tavish Scott and Jamie McGrigor are here to support the petition and John Scott might do so as well.

**Tavish Scott (Shetland) (LD):** I thank the committee for the invitation to attend today. I will speak to PE464, on Yell.

Many years ago, before the hydro delivered electricity to Yell, a campaign was run entitled "Yell for light". At the moment, the people of Yell are yelling about SNH. This morning, the committee has heard why. For a consultation process to work, both parties must be willing to accept that they might change their minds. I do not think that that is the case with nature designations.

It would be helpful if the committee was minded to examine closely the process of nature designations and the way in which large tracts—in this case, in Yell, but, as we have heard, also in other parts of Scotland—are designated. There are a number of interrelated factors in the process. The process begins with the targets that the European Commission has laid down for member states. Responsibility for that flows through the appropriate authority—in this case the Scottish Executive and its managing agent, SNH. I encourage the committee to consider closely the decision-making responsibilities in that process. It should consider who ultimately takes responsibility and any representations that have been made on behalf of the people of Scotland—and, in this case, the people of Yell—about how such designations are made.

I will make two other points. First, as has been said, the evidence is based on a scientific case. The committee may want to satisfy itself about the adequacy of the scientific case, but the points made about the socioeconomic impact of nature designations are extremely important. I am concerned that those points are not taken into account. I understand that case law is often quoted and I have no doubt that it will be quoted at the committee by the Executive. However, I would be interested to know whether the Scottish Executive has looked for derogations to ensure that the importance of the socioeconomic factors is taken into account.

Secondly, SNH always claims to be the messenger in the process. It did that in Shetland a couple of weeks ago, when the chairman, chief executive and various other senior representatives of the organisation attended a meeting with Shetland Islands Council. That claim needs to be scrutinised fully. If the Parliament is to be effective on behalf of people the length and breadth of Scotland, it needs to examine the relationship between non-departmental bodies or Government agencies and Government itself.

**Mr Jamie McGrigor (Highlands and Islands)**

**(Con):** Thank you for inviting me to speak. The three petitioners have all made good cases. The petitions are only the tip of the iceberg, judging from what I hear in the Highlands and Islands about SNH designations. I know that SNH has a job to do, but that will not be done properly unless it properly consults the local population—the people who get their feet dirty in the mud. Those are the people who will make the protections work. If SNH does not consult properly, there will be dissent from people who feel that their lives are being hampered by designations, which in some cases do not even appear to work. It appears to a lot of people that SNH's idea of consultation is to tell local people that the places where they live and work have been designated, rather than consulting them first.

I will take up Donald Manford's point. It is a dreadful state of affairs if SNH is reporting to parliamentarians something different from what they have been told by people whom they are meant to have consulted. In the case of Arran, why is it that the 25 per cent of the ground that is owned by the Forestry Commission, which is a Government body, is not included in any of the sites of special scientific interest?

10:30

I know about hen harriers. Hen harriers nest on the ground in young forestry plantations. They tend to leave those plantations when the trees grow up a bit—they rotate the whole time. There is a huge area of Forestry Commission land on Arran. Why could the designation not be on that ground? Is there a deal between SNH and the Forestry Commission, whereby Government ground is excluded?

In the case of the petition concerning seals, the list of petitioners includes the Western Isles Fishermen's Association, the Barra branch of the Scottish Crofters Union, Castlebay community council, Northbay community council, Eriskay community council and Lochboisdale community council. The list of local people in Barra who have complained about the proposed designation of the Sound of Barra goes on and on. They do not want a special area of conservation there. They have not been properly consulted. That is the key to the matter. SNH is not talking to the locals and reporting its findings. It is forgetting the people who live on the spot. Unless SNH gets people on its side, the proposed protection will not work and it will not achieve what it seeks to do.

As Mr Cunyngham Brown said, in one case, protection appears to have caused a drop in the number of red-throated divers, rather than to have had the desired effect of protecting them.

**John Scott (Ayr) (Con):** I thank the convener for allowing me to speak.

I concur with the petitioners and my colleagues who have spoken so far. The excessive power that is wielded by SNH in Scotland appears to be an abiding and continuing theme. In my experience, it has been a theme for at least the past ten years.

All too often, there appears to be a lack of accountability and a lack of willingness to listen to local people. Essentially, consultation processes are not real. They do not amount to consultation. There is a fundamental need for a free-ranging debate on what is more important to Scotland—fragile communities or protection of the environment. I am not saying which is more important, but at the moment the fragile communities are losing out.

As someone who has fought for remote and fragile communities for a long time, I must declare an interest. I believe that it is essential that more account be taken of public opinion in such areas. It appears that SNH is riding roughshod over that. I have discussed the issue often with Roger Crofts of SNH; he is well aware of it.

An inquiry might be necessary. We come back to the classic case of who guards the guardians. SNH is judge and jury on the matter. Perhaps its modus operandi needs to be examined, because there is certainly a huge amount of dissatisfaction. All the petitioners indicated that in their presentations and my colleagues agreed with them.

**The Convener:** Before I invite members of the committee to ask questions, I welcome Christine Grahame to the committee.

**Christine Grahame (South of Scotland) (SNP):** Again.

**The Convener:** She is here in relation to a petition that is later on the agenda.

I remind members that the legitimate concern of the Public Petitions Committee is not the decisions, which are a matter for Scottish Natural Heritage, but the procedures that SNH follows in arriving at those decisions.

My first question is on petition PE462, which is about Arran. I ask Mrs Currie to clarify the extent to which the community council supports the petition. There has been an indication that the petition was not formally accepted by the community council. Will you clarify the situation?

**Margie Currie:** The community council asked to be addressed by SNH, so that it could consider the matter. After that, the consensus of opinion was that the community council was totally against the designation. However, some members of the community council changed at the most recent



local elections and the thread was lost.

The community council does not wish to be mentioned en bloc in the petition, because some of the new members are not conversant with what has taken place. The chairperson, who has been very consistent on the matter, is deeply concerned, as are many members of the Arran community outwith the farming community, which is more involved.

**Phil Gallie (South of Scotland) (Con):** The three petitions are all very similar. Will Mr Mitchell say something about the extent to which those who presented the petitions have colluded? I draw attention to the fact that the name of SNH has come up repeatedly in the Public Petitions Committee in relation to complaints on information gathering. Will Mr Mitchell comment further on SNH's reputation for presenting inaccurate and questionable material in reports? John Scott referred to a lack of accountability. Is it Mr Mitchell's opinion that although SNH is accountable for achieving the targets that have been set, it is accountable only to the Scottish Executive and, ultimately, the European Parliament?

**Ian Mitchell:** I will start with the issue of collusion. Most of the petitioners had not met each other until last night. I suppose that there has been collusion in the sense that I prepared all three objections. I earn my living partly as an advocate for such communities—I am a kind of barrack-room lawyer in the field. There has been a bit of collusion and that is helpful. I have had dealings in a case onIslay, as well as peripheral dealings in other places. I can draw together what is happening all over the country. It is well worth pointing out that Arran is about the most southerly island in Scotland, Barra is about the most westerly island and Shetland is certainly the most northerly archipelago in Scotland. Such complaints occur all over the place—we are not talking about a particular, local complaint.

On SNH's quality of information, it must be borne in mind that SNH is an organisation that was criticised by one of the independent Government scientists who were appointed to oversee the science of the designations. There is a body called the advisory committee on sites of special scientific interest. Members of that body— independent scientists—were appointed by the Secretary of State for Scotland. In the consultation on the white paper "The Nature of Scotland", Professor David Houston of the University of Glasgow said that there is an anti-science culture in SNH. He is very worried about that. He said that there should be more contact with the universities. His evidence is probably the best evidence that I can produce to support the argument that there is an anti-science culture in SNH.

We all know that there is an anti-communities culture in SNH. That does not need proving. What else is there? There is only the wildlife—that is, the science—and the people. John Scott indicated that there must be a choice between people and nature. That is true in the sense that it would be healthy if their relative importance were prioritised.

The most important thing to understand is that the combination of wildlife, nature and landscape has been created by people—people are inseparable from it. Withdrawing all the people would leave bush. It is vital to understand that the two aspects must go together—to protect nature, the communities that run nature must be protected. SNH seems to be completely ignorant of that fact. Most members of SNH are university-trained people. That allegation might be unfair to some members of SNH, but in general they are not people who have grown up in the localities—they do not understand the interaction. They are anti-science culture, anti-community culture and they are incompetent.

**Phil Gallie:** My third question was on accountability. Who is SNH accountable to?

**Ian Mitchell:** I am not sure that I can say anything useful about that. As far as I am aware, SNH is accountable—theoretically—through the Scottish Executive environment and rural affairs department to the minister and the Scottish Executive. As we know, SNH does not seem to take its accountability function seriously. Before the election, one party proposed that SNH should be turned into a ministry, so that ministers could oversee it much more directly. I take no view on that. SNH appears to be able to get away with rum science, appalling community relations and practical incompetence, without anybody catching up with it.

**Phil Gallie:** I come back to the point on targets. Do you believe that targets, and the amount of land area that we have to cover are important factors?

**Ian Mitchell:** Oh, yes.

**Phil Gallie:** I have one other point. I referred to questionable and inaccurate material being produced, but we have heard from Barra that untruthful information has been presented. How serious do you consider that to be?

**Ian Mitchell:** It is very serious. I shall take Barra as a practical example to illustrate my point. In my opinion, SNH undoubtedly lied about the results of the consultation—that is clear. More interesting is the way in which the organisation misused science.

My example is simple to present. SNH's entire case for designating a seal area is based on the numbers of seals. The sea mammal research unit

based at the University of St Andrews has carried out only three surveys. The unit, which is part of the Natural Environment Research Council, is the Government's official body established to study such matters. In 1992, it recorded some 700 seals and in 1996 some 550. When SNH presented its case in 2001, it quoted those two figures, which suggested a slight decline and made the organisation's proposals to protect the seals seem reasonable. However, SNH suppressed the 2000 count, which showed that seal numbers had dropped to 140. That meant that the seal colony in that area did not fulfil the criteria as sizeable enough to require protection. The Eriskay causeway had shifted a lot of the seals—they had simply shifted around the corner, but they were no longer in the area that SNH wanted to designate.

SNH suppressed that information. I discovered it only because I dealt with the Islay seal sanctuary and found that I needed to get information directly from the sea mammal research unit to check it against what SNH had said, which was usually inaccurate. As far as I know, if I had not intervened and discovered that, the public would have been unaware of the fact that the seals had disappeared and that there was no legitimate scientific case for SNH's proposals.

**Dorothy-Grace Elder:** It is obvious that urban areas do not have the franchise on skullduggery or deceptive figures. What we have heard is worse than some of the things that happened in darkest Lanarkshire. It is impressive that people representing three different islands are coming together to complain about the same body. I do not find that collusive—I see it as sensible co-operation, because you have common problems.

Recently, we have heard several complaints about bodies dealing with nature, not only about this one. I am sorry that Dr Winnie Ewing is not present, because a few weeks ago she made similar points about the RSPB and Shetland. Only a fortnight ago, representatives of gamekeepers complained about the Deer Commission for Scotland shooting mother deer out of season and leaving the babies to die a lingering death. Once again, Scotland seems to be controlled not by elected representatives but by quangos, which hold great sway in rural areas.

I have two questions for the petitioners. First, have you considered petitioning the European Parliament? You could try doing that, as there is a European link and that Parliament would be interested to know what is being done in its name in Scotland. Secondly, could representatives of the three islands tell us about your unemployment rates?

**The Convener:** Who wants to answer the question on the European Parliament?

**Ian Mitchell:** The answer is no, we have not considered that. Maybe we should.

**Dorothy-Grace Elder:** It is relatively easy to do so, and I understand that the main petitioner can travel free to Europe to petition. That is unlike the situation in this country, where I am sure you have been put to great expense in covering great distances.

Could someone answer the question on unemployment?

**Margie Currie:** Arran has a fairly good statistical rate, but the existence of many part-time jobs distorts the situation. I think that the rate is about 4 per cent, but I may stand corrected. That may not be a true figure because of the number of part-time jobs and people who hold two part-time jobs.

10:45

**Mary Bell:** As far as Barra is concerned, I cannot give a percentage. However, there are many part-time jobs. Barra is a fishing and crofting community, and fishermen are worried about losing their livelihood. They were the first people who asked for our help to prevent the designation. People need to live and eat. Seals may be lovely to look at, but they do not put food on the table. Our main concern must be that people come first. We want to keep our environment and wildlife, but people must feed their families. We pay mortgages in Barra too, you know.

**Robert Cunyngham Brown:** I am afraid that I do not know the unemployment figure in Yell, but I suspect that it is very low. Shetland has been blessed by oil and, thank heavens, that has changed the economic picture.

About 30 to 40 people are employed on salmon farms, which are all foreign owned. That is fine at the moment. However, if the price that is received for salmon falls below the cost of production and somebody in Oslo pulls the plug, 20 to 30 people would be out of work. The situation is good at present, but not as secure as it might be.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** The story that we have heard from the petitioners could be replicated throughout our coastal communities. Over the years, I have received numerous complaints about SNH. Several designations were made in my area without justification or explanation. I am always amazed that such conservation groups and bodies invade our communities and tell us how to look after our environment and the species that live in it. The reason why the environment is so attractive and the species still exist is because people such as you live there and have protected the species over the years. If that were not the case, the situation would be far worse.

A further worry is caused by the strength of opinion that was presented to SNH by several communities. That especially occurred in Barra, but Eriskay and South Uist were united in their opposition to SNH's suggestions. However, SNH chose to disregard that in its submissions to the Scottish Executive, or whoever its masters were here. Press reports suggested that it had the whole-hearted support of the community.

I know the protection that was proposed for the rain goose in Yell and the hen harrier in Arran. What is the main reason for the designation in the Sound of Barra?

**Councillor Manford:** I understand that SNH wanted to protect and control the seal populations. It also referred to sand banks in constantly shifting sands that frequently move in and out of the designated areas, and maerl beds. We asked it about the number and position of the maerl beds. Most of us fishermen know exactly where the maerl beds are; they are not in the designated area. SNH had no idea and did not know the number involved.

We are part of nature. The them-and-us situation does not exist; it has been created. A place may be called a designated area in order to look after the environment, but we have always done that. The only difference is that a designated area has been made in name. Conservationists who have done the work for centuries have been excluded by people who do not understand balance and nature.

I shall make a final point on employment. I do not know the specific figure, but employment in the Western Isles is fairly high. However, the situation is much worse than that because, in island communities, a person who is unemployed and cannot make a living must leave. Therefore, the population is declining and it is aging because the young have to leave.

**John Farquhar Munro:** We heard about the restriction on development in your area. I am sure that that is true in the Western Isles and other areas in which there are designations.

**Councillor Manford:** It is; that does not go ahead.

**The Convener:** We shall have two final questions from Jamie McGrigor and John Scott.

**Mr McGrigor:** European designations should be classified only on scientific grounds. It appears that the science was invented in the case of Yell. In Arran, the science has been concealed, and in Barra, SNH did not even publish the results of the survey in 2000 that showed that seal numbers have dropped dramatically. Do any of the petitioners know whether there is a different situation in other European countries? Is this a UK

thing? I know of complaints about English Nature on the subject. Is forgetting about people a UK phenomenon or does it happen throughout Europe?

**Ian Mitchell:** My personal view, which may not be that of the other petitioners, is that a post-imperial command culture affects Britain. Tony Benn famously said that Whitehall regards Britain as the last colony of the empire, and there is some truth in that. I am reading Anna Paterson's book "Scotland's Landscape: Endangered Icon". She worked in Sweden for a long time and points out that local opinion may prevent the formation of a national park. I do not have the figures, but indications show that the problem is also English—it is not peculiar to Scotland—it is a British problem. It certainly does not happen in Ireland. However, I cannot comment beyond that.

**John Scott:** The key word—balance—has been introduced into our discussion. Presently, a balance is not being struck. The designations that SNH wishes to impose in the name of EU directives are a snapshot. The whole position is being put in a freeze frame. If an environment is to be sustainable, it must be allowed to grow and develop organically. SNH has constantly tried to take a snapshot. The land keepers have developed the things that we cherish and regard as important in the environment over the centuries. As John Farquhar Munro said, if the species had not been looked after and protected, they would not be present now. Over the past 30 years or so, SNH has said that we must freeze-frame the process. That is wrong.

**The Convener:** Does anyone wish to make any final points?

**Ian Mitchell:** May I answer a question that I failed to answer earlier, which was about targets? Although I do not have specific figures and this is only one piece of information to consider, the EU says that there must be designation of certain areas. It publishes a table showing the percentage of land area in all countries that has been designated. The problem is not that there will be large areas because the Scottish Executive is under pressure to expand the area for a variety of species listed under annexe 1 of the European Birds Directive 1979. The problem is also not that areas are zoned for certain birds, because that occurs all over Europe. The problem is the way in which SNH carries out its function, which is why we respectfully ask the committee to arrange an investigation into that.

**Mr McGrigor:** Many people are worried that protection is offered for "potentially damaging operations". Anything has the potential to cause damage, of course: if you light a fire in your grate, it has the potential to burn down your house. Is there not some concern about that phrase?

**Councillor Manford:** Potential—or, indeed, actual—damage is being caused by the lunatic idea that something can simply be designated, or that a snapshot can be taken of a situation, as it has been described. We are talking about a living environment, which we must all play a part in balancing. We have a greater stake in ensuring continuity of balance than any paid official, because our lives and homes are involved. People coming in, changing the way of doing things and locking that into a system causes greater damage than natural evolution. That is the sad part.

**The Convener:** On behalf of the committee, I thank the petitioners for the clear way in which they presented their petitions and the MSPs who spoke in support of them. You are now free to listen to the discussion about how we shall deal with the petitions.

Although there are three individual petitions, I suggest that we take them together, because of their similarity. They suggest a pattern of behaviour by SNH that is repeated across island communities and is not focused on one particular area. Therefore, they raise concerns that the committee can legitimately pursue.

The suggestion is that we write to SNH initially for a formal response to the petitions, but we should also ask the Scottish Executive for its response. It is also suggested that the Government's independent advisory committee on SSSIs should be asked to respond to the petitions. When we have those responses, we can consider further what to do with the petitions, which would eventually be passed on to the Transport and the Environment Committee. We will send copies of the petitions to that committee for information only at this stage, as we need responses from the other bodies before we can act. Do members wish to take any other action?

**Dorothy-Grace Elder:** I would not suggest any further action by our committee at this stage, but I suggest that the matter would be an excellent subject for one of the MSPs present to raise for debate. I do not suppose that the Scottish Executive knows the detail of the matter.

Ian Mitchell referred to a colonial system, but quangos are behaving in an almost feudal manner. They are empire building, which could have a deleterious effect on huge areas of Scotland. That would be a first-rate subject for a major debate.

**The Convener:** That is very sound advice, but it is not strictly a matter for the committee.

**Dorothy-Grace Elder:** No, but I thought that I should mention it while the visiting MSPs were present.

**Phil Gallie:** We need to hear SNH's response, but in writing to the Scottish Executive we should express the common concerns raised in the committee about repeated allegations of questionable and inaccurate information being provided by SNH. We should emphasise the fact that an absolutely dishonest presentation was made in the Barra case. We should point that out to the Scottish Executive and get an answer on that matter.

**The Convener:** I agree. Some very strong language has been used—I think that the phrase “unquestionably lied” was used. We should draw the matter to the attention of the Scottish Executive and ask for a response, while emphasising that a pattern has emerged from various coastal communities and that we are not talking about one isolated incident. The other point that we should stress is that our questions relate to the procedures followed by SNH. We are not saying that we should make decisions about which areas should be designated. That is not our role. However, we are very concerned about the way in which Scottish Natural Heritage arrives at decisions to designate particular areas.

**Phil Gallie:** Questions have been raised about land areas that must or should be designated under the European directive. It would be interesting for us to ask the Scottish Executive to comment specifically on those issues—to say what instructions it has received and what instructions it has given with respect to the designation of land areas.

**The Convener:** We received a response from the Executive in relation to another petition, but we can ask it for an update in relation to the petitions that we are currently discussing. Is that agreed?

**Members indicated agreement.**

11:00

**The Convener:** I thank our witnesses for their attendance this morning. We will keep in touch with the principal petitioners to inform them of what is happening.

### **Scottish Borders Council (Budget Cuts) (PE467)**

**The Convener:** The next petition for consideration is petition PE467, which was submitted by Ms Beverly Paterson on behalf of the Borders action group. I understand that Ms Paterson cannot be with us this morning and that David Nichol will speak on behalf of the petitioners. Ged Hearn and Oonagh McGary will support him. Christine Grahame is also here, as she, too, has an interest in this petition. After David Nichol has spoken, I will open the floor to questions from members of the committee.

**David Nichol:** I thank members of the Public Petitions Committee for giving me this opportunity to speak on behalf of the Borders people.

**The Convener:** Please sit down, so that the microphone can pick up what you are saying.

**David Nichol:** The £6 million of cuts and the 10 per cent rise in council tax that have been imposed by the Scottish Borders Council, merely to prop up its reserve fund in the forthcoming financial year, will carve into the heart of each and every community in the Borders. Through mismanagement, the SBC incompetently spent £3.9 million over the past three years. The escalation of that debt leaves the Borders with a grim future.

Our children's learning will suffer greatly, both now and in years to come. The hundreds of thousands of pounds that are being clawed back from the education budget will decimate the day-to-day running of our schools. At the moment, our classrooms exist on a beg, borrow or steal basis. Community school budgets, among others, are plundered so that the council can make ends meet. Departments that run out of money months before the next financial year begins rely on one another's good will for survival, as every department knows full well that it may be next in the charity queue. All that is happening so that our children's basic educational needs can be met.

Community education is to lose half its posts throughout the Borders. Without a supporting infrastructure and even the most basic financing, our community centres will close. Community centres provide much more than lifelong learning—a vast array of voluntary organisations use those facilities. To keep them open would mean endless fundraising.

Not content with attacking our children, the SBC turns on the frail and elderly, increasing meals-on-wheels charges and Border Community Alarm Systems charges, and means-testing adaptations. How many elderly people would rather go without than submit to that, and then end up suffering the consequences?

Our amenities do not go untouched. In October, three swimming pools were closed outright. Eventual closure of facilities, through sinking trusts, is also on the cards. As our children age, they need stimulation and interests to help to keep them away from drugs and alcohol, which are all too readily available. However, the SBC carries on blindly with its cuts, not recognising the increased cost to communities, policing and health that those will surely bring. Our economy will be strangled. People are already leaving Borders towns in droves, and no wonder. What company would invest in a dying community? What teenager would see a future worth staying for? What

teacher would want to pursue a career?

I have spent four weeks in politics and I am not surprised that there is apathy at the polling stations. Thousands of Borders people have taken to the streets and staged demonstrations. They have flocked to public meetings and thousands of them signed the petition. Never has there been such uproar in the Borders, but our councillors do not listen and our constituency MSPs do nothing. The people have spoken loud and clear. We do not ask or plead for proper representation; we demand it. We look to you, the Public Petitions Committee, to ensure that we are heard.

**The Convener:** I should have mentioned that the petition has received 12,601 signatures. Christine Grahame MSP is here to support it.

**Christine Grahame:** Yes—I wish to say just a few things, convener. The petition follows a previous one, which bore 10,000 signatures, about the education cuts in the Borders. I will remind the committee of the details. An audit report into the mismanagement by the Scottish Borders Council administration has already been produced. The report on education is to be published today at 11.30.

All that pre-dates the next round of cuts. Cuts of £2.5 million took place previously; the figure is now £5.9 million. As David Nichol and Ged Hearn have said, other things are now happening. We have gone through the first stage, which has involved cuts in education, and we are now into the raw bone—there ain't no flesh left. It has already been mentioned that between 40 and 60 posts have gone in continuing education. In rural areas, those provide very important connections into the community. The community centres that I have visited are essential. They are crowded. They have huge diaries full of the names of the people using them, who have to commute in from even more remote areas. Those centres are very much hubs of their communities.

As far as the voluntary sector is concerned, this is a matter of core funding going from such organisations as Scottish Women's Aid, Chest, Heart and Stroke Scotland, and the Gala Youth Project, which has about 150 young people on its books. They are self-referred and are in difficulties at home and at school. The project is highly praised by the schools, the police, social work and so on, but it is losing its funding and closing down.

Leisure centres, despite their importance, are also being taken away. The leisure centre in Eyemouth—which, like many of the others, is a vulnerable community—is essential to the town's tourism. We have already heard about how elderly people in particular are losing out. Thousands of people are turning out in protest.

I think that the purpose of the Public Petitions

Committee, of which I am very proud and of which I wish I were still a member—let me come back, John—is to listen to the people and to be directly accessible. This is what the Borders people are saying: that politics in its current framework, or the framework that they have been used to, has let them down. This is modern politics in Scotland; this is the new Scotland. People want access, through the committee, to the Administration and to the other committees, so that they may do something to resolve the matter.

There are various ways of dealing with the problem. Other councils have used interest-free borrowing and loans to get themselves through their situations. It is not a matter of helping the Borders administration, but of helping the Borders people. Otherwise, they will simply be paying back a debt that they never incurred in the first place. However, they are prepared to pay that debt back over time in order that they do not lose their facilities. As we know, once the swimming pools and the community centres close, they will not come back.

As for the human cost of not having support for the elderly, for continuing education or for the voluntary sector, it is incalculable and grossly damaging. I hope that the Public Petitions Committee and other committees will provide the Borders people with a solution and show that this Parliament is worth more than a fight about the cost of its building down the road from here.

**Dorothy-Grace Elder:** All along, I have never been clear about whether Scottish Borders Council was incompetent in overspending or whether it overspent rightly in order to try to maintain services—or indeed whether its allocation from central Government was simply far too small and an increase should have been fought for earlier at the appropriate level.

**Ged Hearn:** It was sheer incompetence. The money that was spent was not meant to be spent: it was not budgeted to be spent. A single individual was left in control for years with no checks on their spending. The money was overspent. It was spent on education, but it was not meant to be spent in the way that it was. This is the immediate cause: it was not just incompetence but sheer irresponsibility to have left a single individual in charge. Human beings make mistakes, and this man made a mistake.

**Dorothy-Grace Elder:** As Christine Grahame rightly says, borrowing is a council's way out of such problems. We know that there are political issues surrounding the public borrowing requirement, but has the council had talks with the Scottish Executive or any other bodies that would be concerned? Has the council done anything to investigate borrowing as a way of getting out of the present difficulty?

**David Nichol:** We do not believe that it has officially done so. It may have asked unofficially, but we have not been told that the council has officially applied for money and been knocked back.

**Ged Hearn:** We received a statement from the leader of Scottish Borders Council's executive that he was not going to approach the Scottish Executive for money, but we then heard that he was going to do so and he went public and said in the media that he was going to do so. We have since found out that he has not done so.

**Dorothy-Grace Elder:** I find that non-understandable.

**The Convener:** Let us be clear. Has an approach been made to the Scottish Executive for a loan?

**Ged Hearn:** We believe that no official approach has been made.

**Oonagh McGary:** At a meeting with continuing education staff, the council leader indicated that some kind of approach had been made to the Scottish Executive, but it did not appear to be formal. We are not sure what kind of approach there has been.

**Christine Grahame:** Let me clarify that. Mr Tulley, the leader of the council, has made it clear that he will not borrow. He does not consider that it is appropriate to borrow because the money will have to be paid back. That is his line.

**David Nichol:** In a speech on 14 February, Mr Tulley said that that was a rocky road that he was not prepared to travel down.

**The Convener:** Let us be absolutely clear. Christine Grahame referred to the Education, Culture and Sport Committee's report, which was published today, but that report is not about the £5.5 million cuts package that was announced recently: it is about an earlier round of cuts.

**Ged Hearn:** That is correct.

**The Convener:** So it does not have any bearing on this petition.

**Ged Hearn:** Except in as much as there is a history of incompetence, it has no specific bearing on the petition.

**Phil Gallie:** Once again, Christine Grahame's fondness for this committee is justified, but what she has not said is that we are pretty toothless. We are a postbag and not much more than that. Your case has been presented to the Parliament many times. Christine Grahame asked a question at First Minister's question time just before the recent recess. The First Minister was extremely negative about the approach to Scottish Borders Council, emphasising that this is the council's problem.

Thinking about the setting up of the Parliament, the reasons for devolution and the responsibility of councillors, what do you really expect the Parliament to do to help you with your long-term problems?

**Ged Hearn:** The people of the Borders have taken an enormous jump in the past few weeks and have done everything they can. We are looking for two forms of help. First, we would like you to turn a spotlight on our problems. We have an administration that will not answer to the people or publish the facts. I have figures here that were accurate a week ago, after the budget was passed, but I am now told that they have changed again. We cannot find out the number of redundancies that are planned. The budget was passed with no thought for the consequences and the numbers change all the time. We are grappling with a jellyfish.

Secondly, we would like you to turn a spotlight on some of the problems in the economy. We also have depopulation. Tourism, on which a lot of jobs in the area rely, will suffer terribly if the cuts go ahead. Social inclusion is also a concern. I will be all right—I have a car and will be able to take my kids to England to go swimming and to learn to swim. I also live next to the sea. Some people will not be so lucky. My kids will not drown at the beach—the children of people who have low-paid jobs or who are unemployed will. We have some terrible problems that we would like you to turn a spotlight on.

It is difficult to add the numbers up because they change all the time. The bulk of the major cuts adds up to £1.125 million. The council is planning to put £1.8 million into reserves. That money is supposed to be reserved for use in emergencies, but we argue that the emergency is upon us and that the money should not be set aside.

We have done everything we can. Over the past few weeks, a group of us has run itself ragged across the Borders in an effort to hold the administration to account, but the council will not answer us, come to our meetings or speak to us. We are not a small number of people. There were 2,500 people on the streets of Eyemouth—70 per cent of the town's population. That has never been seen before. The administration will not talk to us, but perhaps it will talk to the committee.

**Phil Gallie:** If the council were seen to fall down on any of its statutory duties, the Scottish Parliament could intervene. Do you have evidence of failure by the council to perform its statutory duties that we could concentrate on to strengthen our argument?

11:15

**Oonagh McGary:** The council has maintained that it will keep a core of continuing education

work going to meet its statutory duties, but at the moment it is very hard to find out exactly what those statutory duties are. The council is looking to Her Majesty's Inspectorate of Education for guidance on that.

We argue that continuing education drives forward national priorities of social inclusion. The council has a statutory obligation to provide education through schools. We argue that it has a moral obligation to drive forward the social inclusion agenda. We are working with the most vulnerable members of society—from people living in flats in the centre of Galashiels to people living in isolated communities in Eyemouth. If the service is decimated as is proposed at the moment, that will hit people who are on the margins of society hardest.

**Phil Gallie:** Do you feel that the Parliament was unhelpful to you by putting back council elections by 12 months? Had that not happened, your councillors would have been held to account in May this year.

**David Nichol:** That is undoubtedly the case. We will have to wait until next year, when the ballot boxes are opened, to find out the true result.

**Phil Gallie:** It is a pity that those elections could not have taken place this year.

**David Nichol:** It certainly is.

**Ged Hearn:** In our area we will have an election in six to 12 weeks' time, as our local councillor has stood down as a matter of principle. We expect that there will be some surprises at that election.

**Christine Grahame:** I should have mentioned voluntary sector funding. Some organisations received funding for three years, but they are now having their core funding withdrawn. There are still questions about what will happen to the funding that they received as a top-up from the Scottish Executive. That issue needs to be raised.

The petitioners have made clear that the cuts are affecting social inclusion as well as other matters. "Statutory obligations" is a very flexible term. The petitioners have indicated that there is a danger that the rug will be pulled from under the feet of many vulnerable people. Where are the women who are helped by Borders Women's Aid supposed to go? One facility in Jedburgh serves the whole of the Borders. If there is no place to which women in the Borders can take their children, how can we implement programmes to tackle violence against women and the principle of zero tolerance?

**The Convener:** Very strong language has been used, perhaps justifiably—I do not know what has been happening in the Borders, as I do not come from the area. Reference has been made to irresponsibility and incompetence. Have moves

been made to surcharge councillors?

**David Nichol:** No.

**The Convener:** Has anyone made a formal complaint to the local government ombudsman about maladministration on the part of the council?

**Ged Hearn:** We intend to take the matter to the local government ombudsman.

**Christine Grahame:** In its report, Audit Scotland did not take the step of disciplining councillors, although it could have done. One member of the administration, the assistant director of education with responsibility for finance and administration, was dismissed, and fraud proceedings have been initiated, but those proceedings are not relevant to the huge overspend that grew over three years. The possibility of disciplining councillors has been discounted by the controller of audit.

**Dorothy-Grace Elder:** The situation is really an outrageous example of a council running wild. When you mentioned the local government ombudsman, I had some hope that you had been in touch with him, although I know it takes a long time to get such cases heard.

The closure of public swimming pools would not normally involve reopening: once a swimming pool is closed it is gone for keeps. I think that you are talking about three that are inland.

**Ged Hearn:** That is difficult to assess. The numbers change. Originally, just three pools were to have closed if we did not take them on as trusts. The latest number is seven—all seven pools throughout the Borders. That is in an area with the second-lowest population density in the country. We will not be able to afford to run trusts. We know that. There is one trust in the area already, which struggles year by year. If there are seven more trusts, eight trusts will be chasing the same charitable money. It will not work.

**Dorothy-Grace Elder:** You said that you would have to take your children to England to find a swimming pool. How far are you from the border?

**Ged Hearn:** The nearest pool is about 15 miles from where I live. That is 15 miles down the A1. For someone who has a car, that is feasible, although it would cost them a lot of petrol money. Many people do not have cars and the public transport is not that good.

**Dorothy-Grace Elder:** I know that; I was a year in the Borders as a child. That is a good strong campaign line for you.

**Christine Grahame:** I ask Ged Hearn to remind the committee of the usage of Eyemouth pool, on which we have focused.

**Ged Hearn:** The usage is the third highest in the country. We have a massive number of users:

80,000 a year in a small town of 3,500 people.

**Phil Gallie:** How much will Eyemouth's tourism economy be affected by the proposed closure? The pool must be a major tourist attraction.

**Ged Hearn:** The local population grows to three times its normal size in the summer. There are two large caravan parks, which bring a lot of money into the community and on which people rely all year. There are a large number of bed and breakfasts. There are alternatives in Dunbar, which is 20 miles up the road, or Berwick upon Tweed, which is 15 miles down the road. Both are in different areas.

People will move. Not only the tourism will move. If continuing education goes, if physical education, art and music disappear from the schools, if all the local facilities close, aside from the immediate cut in jobs, the attraction for people to invest in the area will disappear. People will go 15 miles down the road into England or 20 miles up the road into East Lothian. We foresee the death of our community.

**The Convener:** I thank you for your presentation. You are free to sit and listen to the committee's discussion about what to do with the petition.

As I keep repeating, decisions on matters such as these are a matter for the elected council. As the petitioners have made clear, Scottish Borders Council will be held to account for those decisions at the next council elections. However, I think that one of the petitioners used a useful phrase: they said that the Parliament has the power to throw a spotlight on what is happening in the Borders. Indeed, all the petition asks is that the Parliament assess the impact that the cuts relating to continuing education will have on the Borders economy, lifelong learning, provision for vulnerable people and social inclusion programmes.

We have two alternatives: we can begin by writing to Scottish Borders Council and the Scottish Executive asking them for their comments on the petition or we can send the petition directly to the Local Government Committee and ask it to consider the petition further, as it falls within that committee's responsibility.

**John Farquhar Munro:** Do we have any information on what action Scottish Borders Council may be involved in with the Scottish Executive at present?

**The Convener:** I do not. I do not think that the committee does. The question is whether we write to Scottish Borders Council and the Scottish Executive asking for that information and then decide what to do with the petition or send the petition direct to the Local Government Committee



and ask it to investigate the matter.

**Phil Gallie:** I declare an interest in the South of Scotland. I have had much correspondence from individuals in the Borders. I acknowledge the concerns and frustrations that I and others feel about the fact that it is extremely difficult for us to influence the matter. I return to the council's statutory obligations. That is something upon which the Parliament could act.

Perhaps we should ask the Scottish Executive to examine the record and current levels of achievement of Scottish Borders Council with respect to its complying with statutory obligations. I know that that approach is not what the committee really wants, but I am seeking a parliamentary route for tackling the issues. It may be one way in which we can achieve something.

**The Convener:** If we were to go down that road, we would take a position as the Public Petitions Committee and write to the Scottish Executive, asking it to respond to the petition and to indicate the position of Scottish Borders Council in relation to its statutory obligations and requirements. At the same time, we would write to Scottish Borders Council, asking it to respond to the petition. If we go down the road that Phil Gallie suggests, a delay will automatically be built in, because we would have to wait for the responses to the petition to come in. We can think about it.

**Dorothy-Grace Elder:** The urgency of the situation concerns me. Events are unfolding daily or weekly. I think that we need to send a very stern letter to Scottish Borders Council and to the Executive. I recommend that we take all three courses of action that have been suggested.

**The Convener:** We cannot do them all.

**Dorothy-Grace Elder:** Can we not?

**The Convener:** It is either/or: either the Local Government Committee takes it over or we deal with it.

**Dorothy-Grace Elder:** I am not sure. Sometimes we pass petitions on just for reference, but we know how long the process can take. Even if the Local Government Committee took the matter up, it is short of members to do such a report and investigation.

**The Convener:** We have to make the judgment. We can either send the petition to the Local Government Committee and ask it to contact Scottish Borders Council and the Scottish Executive along the lines that have been suggested, or we can do it. It is a question of which approach is better.

**Dorothy-Grace Elder:** Which approach would the petitioners prefer?

**The Convener:** I do not know—but that is for

the committee to decide.

**Phil Gallie:** I think that, in the interests of speed, we should do it. Some reports from committees note petitions and conclude investigations without really reporting what has been achieved. Recognising the pressures involved on other committees, I think that we should—

**The Convener:** One way forward is for this committee to write to the Executive and Scottish Borders Council asking, given the nature of the cuts, for urgent responses. That would enable us to make a decision on the petition. We can ask them to write back to us, responding to the petition, setting out their view on whether the council is meeting its statutory obligations. Is that agreed?

*Members indicated agreement.*

**The Convener:** I thank the petitioners for their attendance this morning. We will keep them informed of the progress that we make with the petition.

### National Library of Scotland (PE466)

**The Convener:** Fiona McLeod MSP is here because she has an interest in petition PE466. With members' agreement, we will deal with it now.

The petition was sent by Ms Antonia Bunch. It calls on the Parliament to initiate a review of the library's funding because of concerns about an expected shortfall in its budget and the closure of two important services—the Scottish science library and the Scottish business information service. I invite Fiona McLeod to speak to the petition.

**Fiona McLeod:** Before I begin, I must declare my registered interest as an associate of the Library Association, which represents members of my former profession.

The petition is primarily about the funding of the National Library service. I note that committee members have the relevant figures in the background paper in front of them. They will note that, for the past three years, the National Library of Scotland has received steady state funding of approximately £10 million per annum. They will also note that that is due to rise by the amazing sum of £100,000 over the next two years.

We all understand inflation and know what happens when we give steady state funding to organisations. Let me put that in context. In libraries, inflation runs at approximately 10 per cent per annum. That is just something that librarians have to live with when dealing with their figures.

The £10 million that the National Library has

received for each of the past three years has included funding for the major refurbishment of the George IV Bridge building, to bring it up to fire safety standards. The building would not have continued to house the National Library and been a depository for major printed works if that work had not been carried out. My recollection is that the work cost £2.5 million, so members will understand that a large portion of the budget was not spent on the core service.

As I am sure members are aware, the immediate and damaging result of the cuts in funding for the National Library was that on 21 December last year the Scottish science library and the Scottish business information service shut their doors to the public. They are vital services.

I must take issue with some of the information in the committee's background paper, which states that the Scottish science library and the Scottish business information service were

"used by a relatively small number of individuals".

I bring to the committee's attention the fact that the users of those services accounted for 25 per cent of the users of the National Library of Scotland. One quarter of the users of the National Library were registered users of the Scottish science library and of the Scottish business information service. If we include social science users of the National Library—a large part of whose stock is held in the Causewayside building, which has now closed its doors to the public—the figure rises to 40 per cent.

11:30

Figures from two years ago indicate that 17,000 separate inquiries were made to the Scottish science library and the Scottish business information service in one year. That is a phenomenal number of inquiries for a small part of a library to deal with.

In the committee's background paper we are told—the same thing was said to us before 21 December—that the alternative services to be provided to the science and business communities from George IV Bridge would be adequate to meet users' needs. That is not the case. I have a file, which is growing daily, of information from former Scottish science library and Scottish business information service users. They indicate that, for example, if someone requests science or business information at the George IV Bridge building after 4 o'clock in the afternoon, that information cannot be brought up the road the mile from Causewayside until the next day. When people return the next day to examine the information that they found in the catalogue, they may find that it is not exactly what they need. They must then wait until the afternoon for the next batch of information

to be sent up from Causewayside.

There are also problems with photocopying. Even if the material that arrives overnight is appropriate, because there is no self-service photocopying at George IV Bridge people must return on a third day to collect their photocopies. The Scottish business information service was not used only by Edinburgh-based people—it was a national business information service for Scotland. Users who used to make the trip to Edinburgh to access material are now being told that they will have to spend three days in Edinburgh before they can get something in their hands to take away with them.

The background paper states that the Government is committed to improving access to lifelong learning and information and communications technology through the National Library. It is ironic that the Executive is saying that it will fund access while it is closing a building, thereby denying access to public users of the library.

I want briefly to describe why it is important to consider the overall funding of the National Library service and, in particular, what has happened to the Scottish science library and the Scottish business information service. The information that is provided through the National Library is fundamental to ensuring that a number of Government strategies come to fruition—the enterprise strategy, the science strategy and the national cultural strategy, to name but three.

Many members will know that I was fortunate enough to secure a member's business debate on 19 December on the closure of the Scottish science library. I am proud to say not only that that debate was well attended but that the time for it had to be extended because the closure of the Scottish science library was seen as a matter of national importance. There was total cross-party support for my motion. Nearly every member who spoke in the debate spoke in favour of the Scottish science library and of addressing the funding issues that confront the National Library service. The only member who spoke against that was the Minister for Tourism, Culture and Sport in his summing up.

There are problems with the information the Executive received from the National Library about the impact closure would have. The usage figures that the National Library sent to the Executive allowed the myth that the Scottish science library and the Scottish business information service were used by only a small number of people to be perpetuated. I do not think that the minister clearly understood what impact the decision to close the Causewayside building to the public would have on the science and business information services of Scotland.

I have noted that neither the minister nor the chair of the board of the National Library of Scotland are librarians—but, as a former librarian, I would be expected to say that. If the committee were to consider the words of John Coll, the librarian of the Scottish science library, and the desperate fight that he put up from October to December to keep that library open, it would understand that a practising librarian understands the impact that the closure has.

One of the petitioners, Toni Bunch, is the librarian who was awarded an OBE for her work over 10 years ago to open the Scottish science library and Scottish business information service at the Causewayside building. That building received European accolades for its design and function in providing those services.

One of the actions suggested in the petition is that the committee write to the National Library and the Executive. They will continue to justify the stance that they took on 21 December. You will learn nothing new from such approaches.

It is also suggested that the petition be sent to the Education, Culture and Sport Committee to note at the moment. The petition needs more than noting. I know that it is not of the same level of urgency as some of the other petitions that you have heard today, but the National Library of Scotland is the depository for all information in Scotland. It is the only legal depository to ensure that all information is held in Scotland. Therefore, the petition is urgent. It is urgent that one of our premier national institutions is being starved of funds and has had—so far—to take the dreadful decision of shutting a library.

The committee heard, when it was considering the previous petition, that once a swimming pool has been shut it is not reopened. Once a library has been shut, reopening it is just as impossible. Each day we still have that building in Causewayside means that we can fight to reopen the Scottish science library. My worry is that, as the National Library of Scotland already sublets part of the building to another Government agency, it must be very tempting for it in times of such financial constraint to consider subletting the whole building to make up the shortfall in Government funding.

**The Convener:** I thank you, Fiona. That is a comprehensive and detailed contribution. It paints a very different picture from the one that we had about the petition.

The suggested action is that we try to seek a response from the National Library of Scotland about the issues that are raised in the petition and ask for the Executive to give its response before we consider whether to pass the petition to the Education, Culture and Sport Committee. Perhaps

we should get members of the committee a copy of the member's business debate on the matter.

**Fiona McLeod:** The Government's response to the matter is the minister's response to that debate. The minister's closing speech is the response that the committee will get two months later.

**The Convener:** It may be useful for the committee to get an updated response, particularly about the building to which you referred and the National Library's intentions for it. It might also be useful to seek further information on the full review of library services, which is on-going, and what efficiency savings mean. It would be useful for the committee to approach the Executive and the National Library of Scotland to ask those questions and to ensure that committee members get a copy of the member's business debate before we next consider the petition. That would put us in a better position to know what to do about it.

**Phil Gallie:** I will ask Fiona McLeod a couple of questions. Several points in your comments caused me some concern. I am neither pro nor anti at this point; I am prepared to have an open mind on what we should do. You referred to the fact that the Scottish science library and Scottish business information service were established only 10 years ago. Did I pick that up correctly?

**Fiona McLeod:** Perhaps my dates were not entirely accurate. I think that they were established in the late 1980s.

**Phil Gallie:** That takes us back to a time when we were looking for one-stop shops for business support and development. A range of such organisations exists, such as the Confederation of British Industry, Scottish Enterprise, the chambers of commerce and business federations. They all presumably have some form of library system to back them up. Another aspect, if we consider the present, is the huge amount of regulation that is emerging in the business world. Does the National Library provide a service whereby that regulation is monitored and collated on a daily basis? Is it used by the groups to which I have referred?

**Fiona McLeod:** Until 21 December last year, enterprise companies used the Scottish business information service as a point of referral for their clients. If someone approached them and needed something more than local business information, they were referred to the Scottish business information service.

As for keeping up to date with company information and so on, the service was pre-eminent. One of the tasks that John Coll undertook was to keep a copy of every company's annual report—not just those of Scottish companies, but those of UK companies with

Scottish business interests. They are not now available. That resource does not exist for the purposes of business development or access to business information.

**Phil Gallie:** What resource existed prior to the establishment of the service?

**Fiona McLeod:** Business information really took off as a service in the mid to late 1980s. My memory of that period is that the City of Glasgow District Council—as it was then—set up a business information service at about the same time as the Scottish business information service was established. I do not know whether it still exists, but it was intended to support the Glasgow business community, whereas the Scottish business information service was national.

**Phil Gallie:** From Fiona McLeod's point of view, the argument that a quarter of the customers of the National Library service used the now suspended Scottish business information service and the Scottish science library is good, but does that suggest that the library is concentrating on areas on which it should not be concentrating and that it should consider working in other areas of service provision?

**Fiona McLeod:** The National Library is a pre-eminent national cultural institution. As I am sure members appreciate, libraries are no longer just depositories for books. The Scottish science library and the Scottish business information service may not be considered core activities for a cultural institution, but they are essential activities. Perhaps we should not refer to the National Library service or to the National Library of Scotland, but to the national library and information service of Scotland. Libraries do not just collect books now; they disseminate information too.

**Dorothy-Grace Elder:** I hate to ask this question, but were any approaches made to business to keep the two services open? It seems extraordinary that anything relating to business and science is closing in this age.

**Fiona McLeod:** The librarian made frantic efforts from October to December last year, but that is not long enough to establish a sponsor-based service. The service is national and is provided by a national institution. Do we want McDonald's or Walkers crisps sponsoring the children's book collection?

**Dorothy-Grace Elder:** Anyway—you are saying that the librarian did not have enough time.

**Fiona McLeod:** Only two months were available.

**Dorothy-Grace Elder:** Had the services kept running even for a few more months, the librarian would at least have had a chance to break through

and get a bit of sponsorship, perhaps enough for the public services to enjoy continuous support.

**Fiona McLeod:** There may have been a chance.

**Dorothy-Grace Elder:** That seems to have imposed an unfair disadvantage.

**The Convener:** It is now up to us to come to a decision. Is it agreed that we approach the National Library of Scotland, specifically asking it to respond to the contribution made by Fiona McLeod this morning; to identify what the future is for the science library building and what plans it has for it, if any; and to tell us the most up-to-date information on the percentage of National Library users who used the Scottish business information service and the Scottish science library? I think that the most recent information is from 1999. Is that correct, Fiona?

**Fiona McLeod:** I think that it is from 1999-2000.

**The Convener:** We might ask for any more up-to-date figures. Is it also agreed that we ask the National Library for more details on the continuing review of library services and on what is planned?

**Phil Gallie:** I would like to have more information on the importance of this service. Fiona McLeod has made a very good case, but if the Scottish business information service is as essential as she has described, various business groups—above all, Scottish Enterprise—will have strong opinions on the matter. I would like to hear Scottish Enterprise's view on the closure of the Scottish business information service. I would also like to hear the view of the Scottish Chambers of Commerce.

11:45

**The Convener:** We can certainly ask Scottish Enterprise and the Scottish Chambers of Commerce for their view on the withdrawal of this service.

**John Farquhar Munro:** Could we ask about the development of the library's ICT facilities and whether they have been used to the extent that we would hope?

**The Convener:** We could ask whether there has been a fall-off in usage since the old facilities were replaced by the new ones. We will also write to the Executive, as it must have the opportunity to respond to the petition. Is that agreed?

**Members indicated agreement.**

**The Convener:** I thank Fiona McLeod for her clear presentation.

## Steiner Waldorf Education (PE457)

**The Convener:** The next petition, from Ms

Dorothy Baird, is on Steiner Waldorf education and calls on the Parliament to take the necessary steps to bring Steiner Waldorf education into the publicly funded sector as a matter of priority.

This issue has been pursued for a number of years. Indeed, since the Scottish Parliament was established attempts have been made to bring the four Steiner Waldorf schools that depend on private fees into the public sector, as is the case in most other European countries. We know that the City of Edinburgh Council expressed an interest in taking up the suggestion, but made that conditional on the Executive's recommending it. Although the Executive has been supportive in its comments on Steiner Waldorf education, it has said consistently that it will not allocate money to it.

We understand that a meeting will be held in February between ministers and supporters of Steiner Waldorf education. It is suggested that we write to the Executive seeking its comments on the issues raised by the petition and information on the outcome of the meeting between Executive officials and the petitioner. It is also suggested that we seek the views on this matter of the new Convention of Scottish Local Authorities education spokesperson. The previous COSLA education spokesperson seemed to be very supportive of the idea that Steiner Waldorf schools should be brought within the publicly funded education sector, but the new one is less so. Do we agree that course of action?

**Members indicated agreement.**

### **Suicides (PE465)**

**The Convener:** The next petition, from Mr George McAuley, calls on the Scottish Parliament to initiate a study aimed at establishing the incidence of suicides where loss of meaningful contact with their children is the sole or a contributing factor in the suicide of a parent. It also calls on the Parliament to establish a protocol for recording that information in the future—via coroners inquests, hospital or GP reporting, or any other means—and for such information to be made available in the public domain.

The petition is linked to others from the same petitioner about parental alienation syndrome, on which we are currently awaiting responses from the Executive. It is suggested that we write to the Executive to ask for its views on this petition and to ask whether it has any plans to conduct a study of the sort proposed in the petition or to develop a protocol for recording information on the incidence of suicides related to loss of contact with children. We could ask the Executive to combine its response to this petition with its response to the two other petitions that we have received on

parental alienation syndrome, so that we receive those responses at the same time. Once we have them, we can consider further what we should do with the three petitions.

**Dorothy-Grace Elder:** The gentleman makes a valuable point about the situation of adult men who are living on their own and separated from their families—for whatever reason—but it will be difficult for the Executive to establish the facts unless it consults the Samaritans, who may have noted factors mentioned to them over the past few years. The petition is sensible enough and we should ask the Executive to consider the major point made in it.

**The Convener:** I forgot to mention that it is also suggested that we seek from the Executive an update on the national framework for the prevention of suicide and deliberate self-harm in Scotland, on which it is currently working and which it hopes to publish in the near future.

**Phil Gallie:** The petition highlights the real problem of the high level of suicides among relatively young men. It perhaps takes a step towards evaluating some of the reasons for that. On that basis, we have to have some sympathy with the petitioner's aims. It would be very difficult to get precise information back.

Other factors come to mind. We will all have been approached by constituents with Child Support Agency problems and will be aware of the magnitude of those problems for some individuals. How does that fit in with the parental alienation syndrome to which the petitioner refers?

I think that it is worth pursuing the issue and that if we can get statistics on the matter in any form, that would help us understand the situation in the future and would be beneficial.

**The Convener:** Is it agreed that we write to the Executive in the terms that have been recommended and then try to deal with this and the other relevant petitions when we receive the Executive's response?

**Members indicated agreement.**

### **Water Industry (PE469)**

**The Convener:** The final new petition is from Mr Phil Traish. It attracted 3,000 signatures and concerns privatisation of the water industry. He calls on the Parliament to take the necessary steps to resist the privatisation and fragmentation of the water industry in Scotland.

The Parliament passed the Water Industry (Scotland) Bill on 14 February 2002. The new legislation will set up a new single publicly owned water authority through a merger of the present three water organisations. It is suggested that that

may allay some of the petitioner's fears about fragmentation. The Executive intends to introduce a new bill in the spring, which could lead to what some people describe as the back-door privatisation of the water industry, as it will introduce competition to the delivery of water and sewerage services.

It is suggested that we write to the Scottish Executive, requesting its formal views on the issues raised in the petition in the light of the recent passing of the Water Industry (Scotland) Bill and of the proposed water environment and water services bill. Is that agreed?

**Members** *indicated agreement.*

## Current Petitions

### Hospital Services outwith Cities (PE407)

**The Convener:** Members will remember the first of our current petitions today, which is from Ms Sandra Napier and concerns the funding of hospital services outwith cities. She was particularly concerned about Chalmers hospital in Banff. We agreed to seek the views of the Scottish Executive and of Grampian NHS Board.

We have received pretty detailed responses from both. The Executive points out the increases in expenditure on the health service in recent years and has provided details of the distribution formula for health service spending, which it says is directed towards the areas of greatest need. The Executive also mentions some of the actions being taken by Grampian NHS Board in relation to providing hospitals in rural areas.

Grampian NHS Board's reply gives us a detailed explanation of the current situation. A Banff locality review is on-going and the board has involved the public in that in a big way and has provided comprehensive information on current and future local needs and service provision.

The board has therefore expressed its disappointment at the petitioners' view that

"Grampian Health Board has failed to involve the local community."

It has provided with us with the information that it now has an outline business case for the development of Chalmers hospital, which it describes as one of its six highest capital priorities.

We have been joined by the constituency MSP, Stewart Stevenson, who wishes to speak to the petition. Have you seen the responses from Grampian NHS Board and the Scottish Executive, Stewart?

**Stewart Stevenson (Banff and Buchan) (SNP):** Until this moment, I have not seen the papers that are before the committee, but I have got the gist of the situation by other means and I wish simply to say that I am very pleased that we have received a positive response.

**The Convener:** There does seem to have been a positive response in this case. The petitioners may well be reasonably satisfied by the responses of both the Executive and Grampian NHS Board. Would you like to comment further?

**Stewart Stevenson:** I would simply like to congratulate the Public Petitions Committee on providing a forum for those campaigning for Chalmers hospital, which has been helpful in conveying to Grampian NHS Board the importance of that facility. That has been

supportive in ensuring that Grampian NHS Board came to the decision that it took.

**The Convener:** Thanks very much. On the basis of the short discussion that we have just had, it is suggested that the committee agree to copy the responses to the petitioner and take no further action, as a satisfactory response seems to have been received and the issues raised by the petitioners are being addressed by NHS Grampian. Is that agreed?

*Members indicated agreement.*

### **Bus Companies (Regulation and Control) (PE409)**

**The Convener:** The next petition is PE409 from Mr Douglas G Smart, on the regulation of bus companies. It calls for legislation to regulate bus companies so that public bodies will have some control over fares, routes, levels of service, timetables and the co-ordination of bus-to-bus and bus-to-train services. We wrote to the Scottish Executive, asking it to address the issues raised in the petition and to make reference to the quality contract schemes that are contained in the Transport (Scotland) Act 2001. We also agreed to seek a response from the City of Edinburgh Council.

We have now received those responses and the Scottish Executive has provided details of the provisions in the Transport (Scotland) Act 2001, expressing the view that they address many if not all of the petitioners' concerns. The act contains provisions relating to ticketing schemes, quality partnerships and quality contract schemes. Those provisions, which have been commenced by order, provide for local authorities and bus companies to participate in joint ticketing schemes and for the provision of bus passenger information in an area by voluntary means, in the first instance, and by statutory means, if necessary.

It has also been made clear that an unofficial truce has been called. City of Edinburgh Council has stated that it is unlikely to consider using the new powers until the Office of Fair Trading's report into the bus war in the city is produced. We also know that Kenny MacAskill has a member's bill before the Parliament on the subject. It is suggested that, as the responses that have been received show that a great deal of action is being undertaken to address the issues that are raised by the petitioner, we should agree to copy the responses to the petitioner and take no further action. We should also copy the responses to Kenny MacAskill, as they may be of interest to him as his bill is scrutinised by the Parliament. At the same time, we should copy the responses to the clerk of the Transport and the Environment Committee, for his information. Is that agreed?

*Members indicated agreement.*

### **Access to the Countryside (PE415)**

**The Convener:** The next petition is PE415 from the Scottish Environment LINK Access Network, the Scottish Countryside Access Network and the Scottish Sports Association on outdoor access for all. The petition calls on the Parliament to ensure that the proposed legislation to provide a right of responsible access does not introduce laws that could criminalise the public while they are enjoying the outdoors.

We sought the views of the Scottish Executive on the petition and considered its response at our meeting on 16 December. We agreed at that meeting to ask the petitioners for their response to the Scottish Executive's response. We have now received a response from the petitioners that welcomes the many positive changes that have been made. However, they outline several concerns regarding the bill as introduced, particularly regarding section 11. Section 11 gives local authorities wide-ranging powers

"to exempt particular land and exclude particular conduct",

which they believe may put local authorities under pressure to close areas of land rather than to improve access to it, as the bill intends. They also draw attention to section 17, which gives local authorities the responsibility

"to draw up a plan for a system of paths",

but does not place on them any duty to implement and manage such a system, leaving open the possibility that the plans may never be realised.

As it appears that the petitioners have only minor concerns relating to the Land Reform (Scotland) Bill, as introduced, it is suggested that we agree to note their response and take no further action in relation to the petition. We should copy the petitioners' response to the clerk of the Justice 2 Committee, for her information, and to the Executive, for it to take on board as it pursues the bill through the Parliament. Is that agreed?

*Members indicated agreement.*

### **Charitable Organisations (Regulation) (PE428)**

**The Convener:** The next petition is PE428 from Mr Eddie Egan in relation to the regulation of charitable organisations. The petition was raised in the context of the decision of Sue Ryder Care to close the Binny House residential health care facility, and we have discussed it before.

At our previous meeting, we agreed to wait for a further response from the minister on the general issues that are raised in the petition. We have now

received that and members have copies of it. In his letter, the minister says that the Executive is already consulting on and responding to the report by the Scottish Charity Law Review Commission—the McFadden report—which considers legislation governing all charities, including those involved in the provision of health care and/or those that are funded by Government or local government agencies.

One of the report's recommendations is that a new body, called "CharityScotland", be set up to register and regulate charitable collections. The Executive is also to set up an advisory forum which will allow the voluntary sector and key agencies the opportunity to contribute to the process that is involved in acting on the McFadden commission's recommendations. However the minister's response makes it clear that there is no room in the legislative programme for a charity law bill before the next Scottish Parliament elections in 2003.

The minister also responds to the specific calls in the petition for legislative change to improve consultation with stakeholders. He provides details of a recent consultation on proposed draft regulations and an order that is to be made under the Regulation of Care (Scotland) Act 2001 in relation to care services and the procedures of the Scottish Commission for the Regulation of Care. The draft order aims to ensure that, where a care service provider applies to the commission for cancellation of registration, it does so three months in advance of the proposed date of cancellation and informs the commission of alternative arrangements to be put in place for those who use the care services. The provider will also need to provide full details of the notice of cancellation given to those who use the service.

It is suggested that we agree to note the minister's response and the action that is being taken to ensure that adequate notice is given and that appropriate alternative arrangements are put in place when the closure of care service facilities is proposed. It is also suggested that the committee agrees to take no further action, and to copy the minister's response to the petitioners and to the clerk to the Health and Community Care Committee for information.

12:00

**Phil Gallie:** It appears that we are on the edge of setting up further non-departmental public bodies in the form of regulators and advisory bodies. I sometimes despair: I thought that the Parliament was going to get rid of all those bodies, but report after report brings us to a position of being set on creating even more of them.

It is all very well to lay down conditions on

circumstances. If three months' notice can be given under such circumstances, that is ideal. However, all of us have had experiences in which money for certain facilities has run out. Immediate closure must follow. To aim for such periods of notice is one thing; to achieve them is another.

**The Convener:** Your comments are duly noted. Everyone is in favour of abolishing quangos until they get into Government.

Do we agree to the suggested action?

**Members indicated agreement.**

### **Foot-and-mouth Disease (Pyre Ash) (PE429)**

**The Convener:** The next current petition is PE429 from Councillor Julie Faulds about the dumping of foot-and-mouth disease pyre ash. We discussed the petition at previous committee meetings. On the most recent of those occasions, we agreed to seek further information from the minister on the decision to use the dump at Garlaff in East Ayrshire rather than the one at Carlisle.

We have received a comprehensive reply from Ross Finnie, the Minister for Environment and Rural Development. He indicates that the decision not to use the site at Carlisle was taken to avoid cross-border traffic at the time of the foot-and-mouth disease outbreak. He also explains why the site at Garlaff was chosen and that 11 other sites were identified because no one knew at the time how widespread the foot-and-mouth disease outbreak might become.

The minister has also given us information on three inquiries that are underway into the foot-and-mouth disease outbreak. It is suggested that we agree to copy the petition and all associated correspondence to those three inquiries, with the request that the issues raised be taken into account as part of any consideration of the procedures followed in relation to pyre waste disposal. It is also suggested that we agree to take no further action other than to copy the latest correspondence to the petitioners and the clerk to the Rural Development Committee for information.

**Phil Gallie:** I note from the minister's response that, as a courtesy, he informed the local authority of the decision. There is no legislative requirement to consult, but something more than a courtesy would have been better. The Executive could have gone into some form of dialogue with the local authority and the community to explain the circumstances to a greater degree and to demonstrate some of the safety precautions that were taken. That would have acknowledged the anxieties of the local community. To inform the local authority is one thing; to involve it in some way is another. There were failings. On such an



emotive issue as this, the local authority and community should have been involved.

**The Convener:** That is right. Obviously, one cannot have local authorities vetoing the dumping of ash, because if that were the case, everybody would veto it. They should not, however, just be informed of a decision, but involved in it, and they should receive a full explanation and be party to discussions. You are quite right about that.

**Phil Gallie:** Perhaps instead of having inquiries all over the place, it would have been far better to have one public inquiry into foot-and-mouth and all the ancillary matters around it. That is another issue.

**The Convener:** Yes, that is another issue. Many people share your view.

**Dorothy-Grace Elder:** Throughout the foot-and-mouth outbreak generally, and during the BSE crisis, the public did not get proper information. Elected local councils and community councils did not get proper information. The ultimate example is in the east end of Glasgow. We were told specifically that although a cattle incinerator was burning cattle, that had nothing to do with BSE. We had to find out for ourselves that that was taking place under the BSE surveillance scheme. The Scottish Environment Protection Agency is involved in that. People and their elected representatives are being brushed aside. It is not always the councils who are the wrong yins in such cases.

**The Convener:** You make a fair point. Is the proposed course of action agreed?

*Members indicated agreement.*

### **Greater Glasgow Health Board (Consultation) (PE453)**

**The Convener:** We come to the response from the Greater Glasgow NHS Board to the petition that relates to the proposed location of the secure unit in the Greater Glasgow NHS Board area at Stobhill. The response is fairly detailed. It deals—almost line by line—with the points that were made in the Public Petitions Committee meeting on 5 February. Paul Martin, who has a particular interest in the matter, has not had the chance to see the response from the Greater Glasgow NHS Board. Would it be possible—as only four members of the committee are present—for us to carry the matter over to the next meeting? That would allow members to check the Greater Glasgow NHS Board's reply against the *Official Report* of the petitioner's contribution to the committee and would allow Paul Martin to be informed and to make further representation to the committee, if he wanted.

**John Farquhar Munro:** The petitioner is not here to speak to the petition.

**The Convener:** There is nobody here to speak to it. We could carry the petition over and return to it. Is that agreed?

*Members indicated agreement.*

**Phil Gallie:** Before we move on, I would like to comment on a few of the petitions in the progress of which there have been changes. I made reference to them earlier on. I have the same comment on both the petitions concerned.

It seems that we pass on petitions to other committees, which agree to conclude consideration of the petitions. Why do we not receive some kind of feedback on those petitions? For example, the Rural Development Committee simply concluded consideration of the petition about Cowal and Bute and the proposed Loch Lomond and Trossachs national park—it did not register an opinion on the merit of the proposals.

**The Convener:** You are referring to petition PE417.

**Phil Gallie:** Yes. I would have liked some feedback. Similarly, the Justice 2 Committee expressed no opinion on petition PE227 on the National Trust for Scotland issues that surround Glencoe. Surely the value of passing petitions on lies in the informed views of whichever committees consider them. We might get a division of opinion. It would be of interest to know what the relevant committees' opinions were.

**The Convener:** That is a fair point. I am informed that a review is being undertaken of our monitoring procedures and how policy committees report back to the Public Petitions Committee. The issue that you raised will form part of that review, which will be reported back to the committee.

## Inadmissible Petitions

### Greater Glasgow Health Board (Hospital Closures) (IP19)

**The Convener:** There are three inadmissible petitions. The first is from our old friend Mr Frank Harvey. It calls on the Parliament to take the necessary steps to prevent the closure of NHS hospitals in Glasgow by the Greater Glasgow NHS Board. The petition relates to the executive decisions of the Greater Glasgow NHS Board. The petitioner argues that the decision of the Greater Glasgow NHS Board should be overturned.

As a Parliament, we have a legitimate interest in more general issues that relate to the procedure and consultation processes that surround the decision to close hospitals. We are not able to interfere with or overturn the individual executive decisions of public bodies in Scotland. On that basis, it is recommended that we agree that the petition is inadmissible.

Furthermore, there do not appear to be any further lines of action that the committee can recommend to petitioner, as he has already raised his concerns with the Greater Glasgow NHS Board, the Scottish Executive, the President of the European Parliament and local members of Parliament and members of the Scottish Parliament.

Is it agreed that the petition is inadmissible?

**Members indicated agreement.**

**Dorothy-Grace Elder:** Mr Harvey is quite right, of course.

**The Convener:** It is possible that he is.

**Dorothy-Grace Elder:** He usually is.

### Scottish Parliament (Powers) (IP20)

**The Convener:** The second inadmissible petition—IP20—is from Mr Joseph Rowan. It calls on the Parliament to annul reserved matters that are imposed on it by the Westminster Parliament and to proclaim the right of auto-determination. The issues and actions that the petition calls for are reserved matters and are the responsibility of the United Kingdom Parliament. Therefore, they are outwith our competence. It is suggested that the petitioner be advised to contact his Westminster MP for advice. On that basis, it is recommended that we agree that the petition is inadmissible. Is that agreed?

**Members indicated agreement.**

**Phil Gallie:** I am sure that Mrs Liddell will sort him out.

**The Convener:** Absolutely.

## Workplace Abuse (IP21)

**The Convener:** The final inadmissible petition is from Mrs Cathleen Curtis. It calls for the Parliament to implement legislation in Scotland to make abuse in the workplace a criminal offence. The petition is based on the petitioner's personal experiences. She argues that stress-related injuries, harassment and psychological and physical abuse that occur in the work place should be made a criminal offence under law. The issues and actions that are called for relate to employment law, which is a reserved matter and is the responsibility of the UK Parliament. Therefore, the petition is outwith our competence. It is suggested that we write to the petitioner to advise her to contact the relevant UK Government minister or her local MP for advice. Is it agreed that we recommend that the petition is inadmissible?

**Members indicated agreement.**

**Dorothy-Grace Elder:** I agree with great reluctance. The petitioner has an excellent point.

**The Convener:** It is an excellent point, but it is simply not within the competence of the Parliament to deal with employment legislation.

**Dorothy-Grace Elder:** That is very frustrating for the public.

**The Convener:** It is also frustrating for MSPs.

There is no further business. Thank you very much for your attendance.

*Meeting closed at 12:11.*

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