

PUBLIC PETITIONS COMMITTEE

Tuesday 26 March 2002
(Morning)

Session 1

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PUBLIC PETITIONS COMMITTEE

6th 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:

William Campbell

Willie Campbell

Alex Frederick (Speakability)

Christine Grahame (South of Scotland) (SNP)

Kim Hartley (Royal College of Speech and Language Therapists)

Paddy Hill

Mr Adam Ingram (South of Scotland) (SNP)

Dr Sylvia Jackson (Stirling) (Lab)

Claire McArthur (Speakability)

Mr Jamie McGrigor (Highlands and Islands) (Con)

John McManus (Miscarriages of Justice Organisation)

Alex Neil (Central Scotland) (SNP)

Joyce Seaward (Speakability)

Cecilia Yardley (Speakability)

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Joanne Clinton

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 26 March 2002

(Morning)

[THE CONVENER *opened the meeting at 10:08*]

The Convener (Mr John McAllion): I welcome everyone to the sixth meeting this year of the Public Petitions Committee. We have received apologies from Phil Gallie and Dorothy-Grace Elder, who are unable to attend.

New Petitions

Planning System (PE479)

The Convener: The first new petition, PE479, in the name of Mr W E Campbell, on the planning system, calls on the Parliament to take the necessary steps to allow local communities to become more involved in the planning process. I welcome Mr Campbell, who is here to speak to his petition, and his wife.

We will follow the normal rules. The petitioner will have three minutes to make a presentation before I open up the meeting to committee members to ask questions.

William Campbell: May I read from my script?

The Convener: Of course.

William Campbell: The document that was presented to our community can only be described as disgraceful. At a public local inquiry, the Scottish Executive denied local people the right to express their views and unacceptably restricted the views of others. Fundamental freedom of expression and the right to a fair and public hearing were removed while an important breach of rules by a developer was condoned. The community was also denied the right of achieving fairness in representation and relevance, by the refusal to allow an expert witness to take part. It was not a reporters' inquiry and it was not an appellants' inquiry; it was a public local inquiry involving local people.

When a local plan is left without credibility and a structure plan does not give general support; when an existing established resource can meet 1.65 times the necessary reserve; when national planning policy guideline 1 principles of social justice are refused a weighting; when there is evidence to suggest the possibility of a Pictish burial site that could be destroyed; when reporters and the minister responsible fail to ensure that

expert advice is obtained; when the public bodies responsible for archaeology refuse to take up the question; when 601 non-spurious objections can be removed in an irrational manner over an issue that did not previously exist; when a poorly maintained single-track country road is not twin-tracked and therefore not fit to take thousands of heavy goods vehicles, compromising the safety of all local users of the road; when reporters take on the role of experts and dismiss the tourism concerns of a local community—a situation made worse by tour operators threatening to seek alternative routes; when people's amenities, environment, quality of life, property values and business enterprises are compromised; when testimony is misrepresented; and when ministers know all that and refuse to grant a ministerial review, then something is seriously wrong with a planning system that allows such manifest errors of unfairness and injustice to remain so remotely detached from challenge or redress.

If planning permission is granted, local residents will face an impoverished quality of life and financial loss. If the Scottish Executive is prepared to allow such decisions by its officials, it must accept responsibility and grant compensation for the injustice caused. We cannot afford redress to the Court of Session. Even if we could, it would be only to take issue with matters of legal or procedural defects. Unfairness or inaccuracy in the assessment of the planning merits of the case are excluded from such a challenge. The present planning system does not offer a means of fully allowing the proper reviewing of improper planning decisions. That necessitates the urgent creation of an independent method of assessment and adjudication.

The ombudsman's office should be given the necessary power to intervene and reverse decisions where necessary in order to maintain some degree of public confidence, to promote fairness, to provide justice and to give credibility to the planning system. If it is not within the committee's remit to recommend that, we would ask for consideration to be given to the creation of some other independent body to address these specific concerns.

When Scottish ministers permit an uncorrected document, littered with flaws, to go out in their name, we believe that it is of significant national importance. However, ministers do not agree. We identified many serious flaws in the reporters' letter of intention and collected them in our critique. We sent copies to the First Minister and to other relevant ministers. "Not of significant national importance," was the reply. The papers were passed to the reporters who said, "We'll look at new evidence only." Who monitors the reporters' mistakes and calls them to account? Nobody.

The perpetration of such injustices is why Parliament should be empowered to monitor the decision-making process and should be able to hold the Executive accountable for the errors of its actions. The present system is neither just nor democratic—hence our petition.

The Convener: Thank you very much. That was an excellent introduction to a difficult subject.

Rhoda Grant (Highlands and Islands) (Lab): I have a lot of sympathy with the community at Wester Laigs. I have been quite involved in the case—watching the community's frustration is difficult.

You say that the Court of Session is not available to you because of the cost. Will you explain why the cost would be prohibitive to the community?

10:15

William Campbell: You are talking about people with modest or meagre incomes, who will only be given legal aid. Going to the Court of Session would not achieve the aim of our petition. If we went to the Court of Session, we could only challenge on legal or procedural matters. We could not challenge on the unfairness or injustice of how the planning decisions were made.

Dr Winnie Ewing (Highlands and Islands) (SNP): The clerks might be able to help with my question, although, as a lawyer, I should perhaps know the answer to it. I am interested in what you said about the powers of the ombudsman. Is it within the ombudsman's powers to review a planning decision?

The Convener: No, the ombudsman can only investigate any maladministration on the part of the council.

Dr Ewing: Do we know what would constitute maladministration in the planning process?

The Convener: As I understand the matter, it is not for the ombudsman to decide the discretionary element of granting permission.

Dr Ewing: You referred to something Pictish. I am rather fond of the Picts. Would Historic Scotland be interested in preserving the site, as such sites are rather rare? Have you been in touch with Historic Scotland?

William Campbell: Yes, we have. I recently wrote a letter to the Royal Commission on the Ancient and Historical Monuments of Scotland in response to a letter that caused us considerable concern. It was a Dr Fojut at Historic Scotland who first prompted us to believe that the site was a Pictish burial site. When Dr Fojut visited the site, a local archaeologist suggested to him that perhaps it was an iron age burial site, but Dr Fojut indicated

that it was more likely to be Pictish. I had a conversation with Dr Fojut five or six weeks ago, in which he addressed that point again. He advised me that there was every possibility that Wester Laigs was the site of a Pictish burial. In spite of that, Historic Scotland, the RCAHMS and the minister responsible will not pursue the matter. They will not carry out any investigations to establish what lies there.

Dr Ewing: The committee must be careful not to take up an individual planning case. We are limited to considering the general principles of the planning process. In the light of that restriction, perhaps you could state exactly what should have happened in relation to the local interest. Was the problem the lack of a chance to appear?

William Campbell: No, the problem was nothing to do with that. I will be blunt. The public local inquiry that took place was nothing more than a farce. One would find the answer if one were to compare the letter of intention with the critique that we prepared, which consists of 99 pages outlining the flaws of the local public inquiry. There is a strong supposition in the community that a determination was made before the public inquiry took place.

The Convener: Was the 99-page critique that you mentioned submitted to the public inquiry and considered by the reporter?

William Campbell: No. The critique resulted from the letter of intention.

The Convener: So it was prepared subsequent to the public inquiry.

William Campbell: Yes.

The Convener: Can we be clear about this? Was information about all your objections, such as the Pictish building site, the impact on tourism and the inadequacy of the road into and out of the quarry, given to the public inquiry?

William Campbell: Absolutely.

The Convener: Was that information given in writing?

William Campbell: Absolutely.

The Convener: But you were not given the chance to give oral evidence at the public inquiry.

William Campbell: No, that is not the case. The community formed a representative joint group that was made up of the action group and the community council. The first part of our petition relates to the fact that individual members of the community were not given the opportunity to speak.

The Convener: But they were represented at the public inquiry.

William Campbell: The community was represented at the public inquiry through the joint group.

The Convener: We have received a number of petitions that complain about the planning process. On the question of monitoring the decisions that are taken by public inquiries, the Scottish Executive always says that such matters are for local decision and that it is not for the Scottish Executive to intervene in issues that should be determined locally. From my reading of the papers, the local authority refused planning permission.

William Campbell: Absolutely.

The Convener: There is local opposition to planning permission being granted.

William Campbell: There were more than 601 objections. The community council objected and the Strathnairn Action Group, which was formed to fight the proposal, objected. Highland Council turned down the application by 21 votes to 11 or 12. Four MSPs—three at the local public inquiry—represented us. Our MP represented us—his representative spoke at the local public inquiry. Yet the reporter still went against the views of the local community.

The Convener: Are you saying that the matter was not decided locally?

William Campbell: Yes.

The Convener: Are you really calling for a method of defending local communities against decisions that are taken by reporters who come from outside the area?

William Campbell: The reporters have flown in the face of all the principles that are written down in documents such as NPPG 1 and our local plans. The Scottish Executive appears to be saying that there should be local public involvement in planning decisions, but as far as we are concerned, we were ignored.

The Convener: The Executive has also told the Public Petitions Committee again and again that it is conducting a consultation into the planning system. That consultation has yet to be completed; in fact, people can respond to it until the end of the month. Have you done so?

William Campbell: The closing date has been extended to next month.

The Convener: Has it been extended to the end of April?

William Campbell: Yes. I asked the civil servant who is dealing with the consultation whether I could e-mail my comments, because I was so involved in various bits and pieces such as writing my speech. I was advised that the consultation

period would be extended.

The Convener: Is that not the proper approach to take to the situation? Most of the petitions on planning that we have referred to the Transport and the Environment Committee, which is responsible for that area, have not been acted upon because that committee says that it is awaiting the outcome of the consultation before it decides issues such as third-party appeals.

William Campbell: The planning consultation document does not specifically address some of the issues that we raise in our petition.

The Convener: The consultation offers you the opportunity to get your ideas into the process so that the Executive can begin to address them.

William Campbell: In view of what has happened and the discord that exists in our community, we must make use of every means available to bring the situation to people's attention.

Dr Ewing: When one hears the long list of local people and elected representatives who objected to the application, one must say to oneself that the reporters were far removed from the position adopted by elected representatives of every description. Perhaps we could take a look at how reporters are appointed. The situation seems strange to me. I have never known of a case in which the position of all those elected tiers, including the council, has been totally refuted.

The Convener: Can I clarify that the Executive called in the planning application because it was of national significance?

William Campbell: No. The developer submitted the appeal.

The Convener: Are you saying that the developer appealed against the council's decision?

William Campbell: Yes.

The Convener: Is that why the public inquiry was called?

William Campbell: Yes.

The Convener: Is the Executive saying that there is no national significance to the development?

William Campbell: The Executive is saying that there is no issue of national importance. However, our argument is that it is an issue of national importance, because if the reporters could release a document that was so flawed, similar documents in relation to many other communities could be released. If that is not an issue of national importance, I do not know what is.

The Convener: There seems to be a

contradiction here. The Executive is saying that the development has no national significance and that it is a matter for local decision. The local decision was to refuse the development, yet the Executive seems likely to overturn it, but is also saying that it cannot intervene because it is a matter for local decision. The Executive seems to be contradicting itself at every turn.

Dr Ewing: I have one point on the national interest. In the Highlands there are other cases of developers seeking to create new quarries. There are problems in Sutherland and Lingerbay—the problem there goes on and on.

The Convener: I was reading about that in *The Herald* earlier this week.

Dr Ewing: Is there an issue about the impact of quarries all over Scotland? It seems to be not one site, but many sites. They do not seem to provide local jobs or advantages to the local community. I am well versed in the issue, because I have been involved with the quarry development outside Oban and the continuing saga at Lingerbay. One could argue that it is a national issue.

You put it very clearly, convener. Could you not write a letter on behalf of the committee making those points?

The Convener: Before we discuss what to do with the petition, do members have any more questions for the petitioners?

Rhoda Grant: It would be useful if the petitioners could put on record that there are other quarries in the area and that they are not making a not-in-my-back-yard objection.

William Campbell: Yes. We are not against quarrying. That point must be established. However, we have two major quarries that have supplied the growth of Inverness for more than 50 years—that adds up to more than 100 years between the two of them. Both quarries are substantial, but are situated at the head of the glen. They do not interfere radically with people's daily lives or with the amenities and environment of the local communities. The proposed quarry will do all that. The existing sand and gravel quarry applied for an increase to 6.4 million tonnes in February 2001 and a public inquiry took place in August 2001. Little or no cognisance was taken of the fact that the existing quarry could meet easily any shortfall in reserve, which is likely to be minimal.

The Convener: We will move on to discuss the petition. Thank you for your evidence, which was very effective. You are welcome to stay for the discussion of the petition.

Members will have read the recommendation. We cannot get involved in individual planning decisions. It has been suggested that we draw the

attention of the petitioners to the Executive's consultation on getting involved in planning. We could ask the petitioners to submit their arguments to that process as a means of changing planning law.

Several issues arose in the course of the evidence that we heard this morning that need clarification from the Executive. One argument against a monitoring process of public inquiries is that it is a matter for local decision, but in this case the local decision has been overridden. We need to get the Executive to explain why. Why did the reporter take the view that local opinion was wrong and that the development should go ahead?

Rhoda Grant: The quarry goes against the planning guidelines and the local plan, which seems crazy. Usually, planning applications are turned down if they do not fit with the local plan. It seems strange that not only has local opinion been overruled, but the guidelines and the local plan, which are the usual standards against which planning developments are measured, have been ignored.

The Convener: Am I picking up members' views correctly? Should our first step be to write to the Executive to ask it to clarify why local opinion was overridden in respect of this application, why planning guidelines and the local plan were ignored and why it felt that it was necessary to go against the decision that was made by locally elected people?

Dr Ewing: Could we write to Historic Scotland to seek its view on the question of the Pictish burial site?

10:30

The Convener: It has been suggested to me that we are getting involved in an individual case.

Dr Ewing: Are we?

The Convener: Yes.

Dr Ewing: Has Historic Scotland got a policy for dealing with planning applications that affect precious sites?

The Convener: We could ask the Executive to comment on the historical significance of the Pictish burial site and on the advice that it received from Historic Scotland. I should have said at the beginning of our discussion that Fergus Ewing, the constituency member, was keen to attend this meeting but could not make it along. He wanted the *Official Report* of the meeting to record his support for the petitioners.

Do members agree that we should write to the Scottish Executive along the lines that I suggested?

Members indicated agreement.

The Convener: I thank William Campbell again for his evidence. When we receive the Executive's reply, we will reconsider the petition and will keep the petitioners informed about what happens to it.

Scottish Agricultural College Auchincruive (PE480)

The Convener: Petition PE480, from Mr William R Campbell, is on the proposed closure of the Scottish Agricultural College at Auchincruive. The petition has more than 3,500 signatures. Jamie McGrigor, Adam Ingram and Alex Neil are present to support the petitioner.

Mr Campbell, the usual rules apply. You will have three minutes to make a presentation, following which the members who are here to support your petition will have a chance to contribute. Thereafter, I will open up the meeting to questions.

Willie Campbell: Thank you. The petition requests the Parliament to urge the Scottish Executive to review urgently the current situation at the Scottish Agricultural College at Auchincruive.

Let me give members a bit of background information. Late last year, I heard rumours regarding the future of the campus at Auchincruive. At the time, I was the National Farmers Union of Scotland chairman in Ayrshire and, after consulting my committee, I took it upon myself to meet Professor McKelvey, who is now the chief executive of the SAC. He confirmed that once the new corporate plan for the SAC was in place and operational, operations at Auchincruive would be downsized radically and education and further farming activities on the campus would end. He conceded that there would be some joint educational activities with the University of Paisley—he hoped—at a new campus in Ayr town centre. However, all students in the higher levels of education—those studying for higher national diplomas and degrees—would be transferred to the University of Aberdeen. That gave us great cause for concern. I ask members to bear in mind the fact that, at present, 60 per cent of the SAC's students attend the Auchincruive campus.

I shared my concerns with NFUS members and with the staff and former students, staff and governors of Auchincruive. The result was our petition, for which, as the convener rightly said, we have gathered more than 3,500 signatures over a relatively short period. Feelings are very strong.

Auchincruive has long been recognised as the jewel in the SAC's crown. Following the Williams report and reorganisation, Auchincruive was the one institution that the SAC desperately wanted within its grasp—it was seen as the way forward. Auchincruive is a unique blend of first-class

educational facilities and world-renowned research capabilities. As I said, it trains 60 per cent of all SAC students. In our view, the closure of Auchincruive will ultimately lead to the end of the SAC as we know it.

The long-term viability of the SAC depends on Auchincruive. Rural Scotland, and all its industries, desperately need a vibrant SAC. The changes afoot in agriculture, horticulture, land management in general, and environmental management mean that education, research and advice—the very role of the SAC—are vital. No one person in those industries can keep pace with the changes that are happening and with those that will happen over the next 10 to 15 years, without having expert technical advice and education at their disposal.

We are well aware that the SAC has financial problems. Some say that its debt is £9 million and others say that it is £11 million—we know that it is far too much. However, the proposed solution—to sell Auchincruive—is the wrong course of action. It would reduce the borrowings, but what would be left would, at best, be the provision of second-class services, for which there would be little or no demand. In my view, and in the view of everyone who has signed the petition, the corporate plan shows a tendency to consider the problem in isolation from its context. The SAC desperately needs creative thinking, confidence and a management that is innovative, flexible and forward thinking. Solving one problem by creating another is no solution.

The plan has already created a serious problem. Staff and student morale has never been lower. It is dreadful to see previously well-motivated people going about their duties in a downbeat manner. Student numbers for the current year do not look good either. Auchincruive is already suffering death by a thousand cuts. Staff are being made redundant. Others have seen the writing on the wall and are leaving. We need to call a halt to the process now. Activities are being wound down and the damage will be beyond repair if the process continues. For example, moving the grassland research to Aberdeen, away from the main grassland growing areas of Scotland, would mean that the research would lose all credibility.

The SAC's contribution to rural Scotland cannot be overestimated. Its future role is even greater, and Auchincruive has a pivotal part to play in that. It has been said that, coming from Ayrshire, we would say that. I do not speak as someone from Ayrshire; I speak as someone who feels passionately about the industry and the need for young people to come into that industry. We need a facility such as Auchincruive to make that happen. I was a student at Auchincruive 22 years ago, and every year since then I have helped the college, either by addressing meetings of students

or by inviting them to my farm. I have been truly impressed by how the college has prepared people who farm under some of the most adverse conditions in Europe, and how it has allowed them to respond to all the economic, environmental, and other pressures that have been placed on them. We must ensure that the SAC can continue to do that in the future.

I thank the Executive and especially Ross Finnie for the consideration that they have given the matter to date. I hope that the petition makes progress, and that we can look forward to a vibrant education and advisory role for SAC, and particularly Auchincruive, in the years to come.

The Convener: Thank you. Would the three members who are here in support of the petition like to make short contributions?

Mr Jamie McGrigor (Highlands and Islands) (Con): I am here today because I could not speak in Adam Ingram's debate in support of the petition. I am reacting to Mike Rumbles's suggestion that all the supporters come from the south-west of Scotland. As an MSP for the Highlands and Islands, and a farmer who has spent most of his time farming in the hills of Argyll, I know the importance of Auchincruive.

Auchincruive is a famous institution worldwide. It is based on an estate, which gives it the added value of combining theory with practice. It is a first-class learning centre and has always been a world leader in research and teaching. It has links with food processing and is vital for the restructuring of Scottish agriculture, which has been through a difficult time. It is located in a main centre of sheep, cattle and dairy farming, which is why it is important that it remains in Ayrshire and is not moved to Aberdeen and Edinburgh, which are more expensive locations.

Ross Finnie said in the debate that he regretted deeply the handling of the issue and that he has not yet reached a conclusion on the process that he has started. I hope that, when he does reach a conclusion, he will recognise Auchincruive as a central plank in agriculture and rural development in Scotland, which will keep Scotland ahead of the game in those fields.

Mr Adam Ingram (South of Scotland) (SNP): As Jamie McGrigor intimated, we had a members' business debate on this issue last week. Ross Finnie responded to the concerns that were expressed during the debate. Mr Finnie said that he has called a halt to the Scottish Agricultural College's plans and has requested that it present some detailed alternatives and a preferred option. The petitioners and others are concerned that the current board has clearly set out its stall. As Willie Campbell indicated, the SAC board wants downsizing and the eventual removal of the

Auchincruive campus.

It has been suggested that the board is likely simply to come back with similar proposals as its preferred option. The minister has reserved his position with regard to putting what the SAC proposes out to independent audit and consultation. I suggest that the Parliament needs to monitor the situation. I strongly advocate that the matter be referred to the Rural Development Committee. As members can see, there is widespread concern in the rural community over the future of the institution. It is a matter of national importance in which the Rural Development Committee would be especially interested.

Alex Neil (Central Scotland) (SNP): I back everything that Jamie McGrigor and Adam Ingram have said. It is noticeable that the campaign to save Auchincruive has all-party support. The only possible exception to that is the individual Mike Rumbles, who made a stupid speech on the issue in the chamber last week. The campaign to save the college has national support. As George Lyon pointed out, the college is of international renown, is a centre of excellence and could be the core of a substantial industrial development in the Auchincruive area. If the college goes, a threat will be posed to the future of the Hannah Research Institute, which is one of the foremost research institutes in the country—not just in agriculture but in general.

What should we do? A problem has been that many board decisions on Auchincruive have been made in secret. Information has not been made available to allow others to judge one way or the other. Ross Finnie has asked the SAC to pause. In the Parliament, we need to use that pause to allow the Rural Development Committee to carry out its own investigation and assessment.

The Scottish Agricultural College depends on the environment and rural affairs department for well over a third of its income. Although the SAC is an independent organisation in statute, it is heavily dependent on money from the taxpayer. As with every other college and institution, it is high time that the taxpayer—through MSPs and the Rural Development Committee in particular—took an interventionist position and put the SAC on a footing that will make it responsive to the needs of the Scottish economy and not to the needs of short-term expensive pet projects in particular areas of Scotland that are being promoted by individual members of the board.

It would be extremely helpful to take up Adam Ingram's idea of referring the issue to the Rural Development Committee for a full-scale and urgent investigation. In the meantime, it would also be extremely helpful for the SAC to agree to the pause that Ross Finnie said last week that he would ask for.

The Convener: I now open up the meeting for questions from committee members.

Helen Eadie (Dunfermline East) (Lab): I have a couple of questions. I was not at the members' business debate, but I have read what was said. In his response, one of the minister's main points concerned the lack of wider consultation with key stakeholders. Are arrangements being put in place to ensure that wider, meaningful consultation takes place?

Willie Campbell: I certainly hope so. I have not received any evidence to suggest that meaningful negotiations will take place, but I assume that that will happen. It would be foolish for the SAC to ignore what Ross Finnie said. The petitioners and campaigners have maintained an open mind and a positive attitude. We do not want to knock the SAC in any way. We will enter into discussions with it at any time and will put forward our suggestions. Although I do not know whether we are the people who are best qualified to do that, we have many years of knowledge and many ideas about how to turn around the present state of affairs in the SAC and again make Auchincruive a vibrant learning and research centre.

10:45

Helen Eadie: To someone who was not at the debate, there appears to be some sense in what Mike Rumbles said. It is evident that you disagree very strongly with his view. He said that the position of the SAC needs to be considered in the context of the continuing wider Scottish restructuring. What is your opinion on that?

Alex Neil: Mike Rumbles indicated that all the people who spoke before him in the debate were representing a parochial Ayrshire interest. I would be the first to admit that a Mason-Dixon line separates Ayrshire from the rest of Scotland, particularly in the field of football—long may that continue. Jamie McGrigor's presence at this meeting proves that the matter that we are dealing with is of national—indeed, of international—importance. The college has an international reputation. In parts of Africa and Asia and in agricultural economies elsewhere around the world, Auchincruive's reputation stands high. The issue is not an Ayrshire issue—it is not even just a Scottish issue. We are considering the role of a highly placed institution in the future development of Scotland and Scottish agriculture, and the wider issues that go with that.

Willie Campbell: I wear many hats. I sit on the NFUS's national committee of milk producers. When I first got wind that the proposed move was afoot, I raised the matter at that committee, which represents producers from Orkney to the Borders. Without exception, everyone was appalled. Auchincruive is probably recognised as the

premier centre in the United Kingdom for producing grassland managers, livestock husbandry experts and farm managers. To take that centre away would be to debilitate Scottish livestock farming to a degree that no one could imagine. I also made that point to the Scottish committee of the Milk Development Council.

At a recent meeting in Cirencester, I discovered that many of the colleges south of the border are in dire financial straits. Auchincruive has major opportunities for expansion; it could be there when others fall by the wayside. As Alex Neil rightly said, its international reputation is second to none.

Helen Eadie: I notice that the minister spoke about the £18 million of central funding that the college receives. Have you met the SAC board to discuss matters?

Willie Campbell: On several occasions we have met Professor McKelvey and the dean of the campus at Auchincruive, George Marshall, to put our concerns to them. We understand Professor McKelvey's main concern—the rising debt and the annual deficit, which runs at around £2 million. We differ with Professor McKelvey and Maitland Mackie, who is the chairman of SAC. They say that we need a £5 million per annum turnaround, to reach a positive figure of £3 million. At least in the short term, it would be far better to break even and to maintain the whole portfolio and the full capacity to educate and advise in the future, than to slash drastically in order to start making profit. To reach break-even and maintain viability would be far better for the Scottish rural industry.

Dr Ewing: I notice that Ross Finnie has called for a pause. Have you asked him how long the pause will be and what the procedure will be for people who want to make representations during the pause?

Willie Campbell: As yet, I have not had the opportunity to ask him those things. I am delighted that he has gone as far as he has. I note that he recommends that we prepare the SAC for the next 50 to 60 years. That involves looking well into the future. There will have to be a substantial pause to gain that level of stability. I have not had the opportunity to speak to Ross Finnie about that since last Thursday.

Dr Ewing: There has been much talk of Auchincruive's uniqueness, excellence and international reputation. Indeed, in his speech, Adam Ingram talked about the college's impact on food processing and other issues—he used the colourful phrase “from farm to fork”. If Auchincruive were to close, is there any way that such excellence could be retained elsewhere?

Willie Campbell: That would be very difficult. We must bear in mind that Auchincruive is the product of 72 or 73 years of investment that has

built on what was already there. What its educational or advisory capacity is worth to anyone else is a fraction of what it is worth to the industry. Auchincruive has immense possibilities. For example, it sits next to the Hannah Research Institute, which is primarily concerned with food technology, food safety, food innovation and other matters, as you say, "from farm to fork"—or, as others say, from conception to consumption. It is in a unique situation. Moreover, the campus has built around it a group of very dedicated people with great expertise who come not just from the college but from the surrounding rural community and businesses. There is almost a satellite situation. If we move the campus elsewhere, we will need 10 years to rebuild such links. Those are 10 vital years in which we could be expanding Scotland's reputation on the world food front.

Rhoda Grant: I have one or two questions that I will try to get through as quickly as possible. Where would the students from Auchincruive be placed instead? Is there an opportunity to expand elsewhere, or would the courses that are available at the colleges just disappear?

Willie Campbell: I am afraid that some courses would disappear. However, your question hits the nail on the head. For example, at the moment, there is overcapacity on the Aberdeen campus. Given the number of students at that campus, far too much money has been spent there.

As my own experience bears out, many of the students at Auchincruive, particularly those who take agricultural courses, come from small family farms. I attended the college between 1979 and 1982, when interest rates increased from 10 per cent to 22 per cent almost overnight. As a result, farms were in dire financial trouble. However, being close to Auchincruive, I managed to attain a first-class education while contributing to the economy by expanding the home farm. I also helped my father, whose health was not the best at the time, and together we managed to build up a good business.

As 60 per cent of SAC students study at Auchincruive and as 50 per cent of Auchincruive students come from an area with a KA postcode—that is, from Ayrshire and its surrounding areas—it is vital that we retain the campus. The area is densely populated with stock and with small family farms, whose viability is on a knife-edge. With a good education, the people on those farms can move on. We cannot take away the local educational facilities, because there is simply no way that students can travel to Aberdeen or even Newcastle. We will see desertification in what is an extremely vibrant agricultural area.

Rhoda Grant: How would the closure of Auchincruive hamper research and development, especially in the light of the foot-and-mouth

outbreak and the campus's proximity to badly hit areas such as Dumfries and Galloway and the Borders? Would the loss of the campus create problems for farmers who are seeking to restructure their businesses after what has happened to them?

Willie Campbell: It is interesting that you bring that up. Dumfries and Galloway farmers have indicated their support for the Auchincruive campaigners for the very reasons that you have mentioned. This is not a matter of knocking the SAC. The farmers greatly value the college's work in the Borders and in Dumfries and Galloway over what has been a very serious period. However, Auchincruive has been the hub of that activity, and moving the campus outwith the area, which is densely populated with stock, would be detrimental to the SAC's overall balance and to agriculture as a whole.

Rhoda Grant: Have you been in touch with Scottish Enterprise about this? I listened to what you said about the various institutes all feeding off each other. Scottish Enterprise seems keen on the cluster approach, whereby several bodies in one area can support each other. Have you had any contact from Scottish Enterprise about this?

Willie Campbell: Indeed I have. I spoke to Evelyn McCann, chief executive of Scottish Enterprise Ayrshire. She is very much behind our campaign. In the past six months, we have, with the help of Scottish Enterprise Ayrshire, set up Auchincruive enterprise learning centre, which is just starting to take off. We have 24-hour learning facilities there for computer training, which is particularly suitable for the rural environment, where people's time is scarce. It is an excellent facility. As far as I can gather, Scottish Enterprise is very keen for the Scottish Agricultural College to remain at Auchincruive.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I sympathise with the petitioners. I have long heard of Auchincruive and the excellent work undertaken there over the years. It would seem remiss that there is now a suggestion that the facility will close. The petition should be supported enthusiastically by the Scottish Parliament. That argument has already been well made, and the committee will deliberate on what to do with the petition.

I was involved in something similar in my own neck of the woods, where a bequest had been given to the local community some years previously. The suggestion was that the functions of the facility concerned should cease and the assets be disposed of. Have you any information about the terms of the original bequest to the community? Can the terms of that bequest legally be broken?

Willie Campbell: We have looked into that. As I think I stated in my covering letter, the family who gave the bequest are distraught that such a thing might happen. It seems that it would be possible, with the permission of the Secretary of State for Scotland, to dispose of the assets. Because of the changes that took place when the three previous colleges amalgamated, who exactly owns the facility is a grey area. Is it the SAC or the secretary of state? However, it appears at first sight that that the only stipulation made is that any proceeds made from the sale of the assets be put towards the development of agriculture in the west of Scotland. Those are very vague terms. It could even be argued that ridding the SAC of the debt would be to the betterment of agriculture in the west of Scotland.

I apologise for repeating this, but my point is that simply to realise the assets of the site gives us nothing like what the assets represent. The assets are purely and simply for educational, research and advisory purposes. If they are sold for any other purposes, they are worth only the number of square metres that they cover.

Helen Eadie: In last week's debate, John Scott, the MSP for Ayr, said that the college is running with a £9 million debt. Is that a £9 million annual debt, or is it an accrued figure?

Willie Campbell: I am told that it is the accrued debt. Some say it is £9 million; some say it is £11 million—I do not know. It is a tragedy that it is only now that the debt has accumulated to such a level that we are discussing it. I am sure that, with a little tinkering around the edges, we could have prevented the situation from ever arising. There is a £49 million turnover and a £2 million deficit. Speaking as a businessman, I think that if that was my business, rather than sell off 30 per cent of my assets to alleviate the situation, I would be looking to trim some costs and do things a little bit more efficiently so as to allow the main core of the business to remain and to progress. We are in danger throwing the baby out with the bath water.

Alex Neil: That is why we need an independent assessment. There is an accumulated debt of £9 million and there is an operating deficit of about £2 million every year. That is why, in our view, it does not make sense to move to a high-cost site adjacent to the University of Aberdeen.

Surely an organisation running such a deficit wants to keep its costs as low as possible. Auchincruive is a much lower-cost site than Aberdeen. Maitland Mackie put forward the idea that some of the students want to move into a campus in the centre of Ayr and study agriculture there. As I live in Ayr, I am familiar with the campus site. Apart from on a Saturday night, the allegation about students wanting to move into Ayr is not true.

The Convener: I have to say that £9 million sounds positively modest against the £900 million that Glasgow City Council owes. The Executive solved that situation, so it should not be beyond the Executive's imagination to come up with a solution to this situation either. Are there any final comments?

Mr McGrigor: The debt is the SAC's debt, not Auchincruive's debt.

The Convener: I thank the witnesses for their contribution this morning. We will now discuss what to do with the petition. You are welcome to stay and listen. Members will see from the suggested action that the Executive has asked the SAC to pause in preparing its business plan to allow people to make representations to the SAC before a final decision goes to ministers.

Two courses of action are open to us. We can write to the SAC seeking its formal comments on the issues raised in the petition and asking for its assurance that the views of those who are concerned about the closure will be taken fully into account, or we can pass the petition to the Rural Development Committee and let it take over. It is suggested that, if we pass the petition to that committee, we should ask it to write to the SAC to respond formally to the petition.

11:00

Dr Ewing: I could not go to the debate on the SAC because I was at a meeting at the same time about Barmac, but I notice that Ross Finnie said that he is not in favour of an independent audit. He is quite clear that he will consider the matter, which means that there will be a pause, but we do not know what will happen during that pause. We do not know what he is obliged to consider, what procedures will exist for people to make representations, or how long the pause will last. Having read the papers, I have a nasty suspicion that the SAC board has made up its mind and that this is a dressing-up process.

I go back to the old principle: if it works, why fix it? Auchincruive clearly works. The financial uncertainties that have been raised in discussions and that are referred to in the papers suggest strongly that there has to be an independent audit because, if money is the justification, we have to understand whether that is valid. As Jamie McGrigor has just pointed out, it is not the debt of Auchincruive that is being used as an excuse. None of the proposals for cutting down costs makes any sense. It does not make sense for the students to go to Aberdeen, where we know that no one can afford lodgings.

If we write to Ross Finnie, we should ask him to comment on why fundamental Government policies are being broken on job dispersal,

diversification and centres of excellence. We have a centre of excellence, but we are going to do away with it. We have to ask Ross Finnie how that can be justified in light of those Government policies, which will all be thrown to the wind.

The Convener: Once again, I have been remiss. Phil Gallie, who cannot be here this morning, sent us his comments on the petition and asked me to read them into the record. He says that if we agree to write to the SAC, we should ask it to take into account what the Minister for Environment and Rural Development said about pausing to consider the objectives of its business plan and the role of Auchincruive, and that we should seek an assurance that there will be no further downsizing of Auchincruive while further consideration takes place. Phil Gallie's preference is for the petition to go to the Rural Development Committee.

Helen Eadie: I am not opposed to the petition going to the Rural Development Committee, but I suggest that this committee should write immediately to the SAC, because the quicker that people work on this issue the better. We do not want a delay, as we are going off for two weeks for the Easter recess.

We may be getting hung up on words when we talk about an audit. What Alex Neil said in the debate last week was not a million miles away from what Ross Finnie was calling for, which was the setting of clear objectives and criteria in the SAC's plan. Ross Finnie was emphatic that he wanted the key stakeholders to be involved. It is vital that this committee underlines the point that we want the key stakeholders to be meaningfully involved in that process.

The Convener: Given the onset of the Easter recess, it may be advisable for the committee to write immediately to the SAC to get its response to the questions that have been asked. For example, we could ask why it is not seeking an independent audit of the problems that it faces and what steps have been taken to allow objectors and campaigners to become involved in consideration of the business plan. We could also write to Ross Finnie suggesting that the proposal appears to contravene Executive policies, such as the policy on jobs dispersal, and asking him to comment on that.

Dr Ewing: The proposal is also contrary to the policies of creating centres of excellence and encouraging diversification.

Mr McGrigor: I think that the petition should be referred to the Rural Development Committee.

The Convener: It will be. We are simply trying to save time. We will send a copy of the petition to the Rural Development Committee in any case, for its information. As soon as the responses come in,

we will pass them to the Rural Development Committee. We will not be able to consider the responses until after the Easter recess, but we can do something now.

Rhoda Grant: I suggest that when the response from the SAC is received, the clerks should transfer it automatically to the Rural Development Committee. That might mean that the response is available for consideration at the next meeting of the Rural Development Committee.

The Convener: I have been told that we are referring the petition formally to the Rural Development Committee. In the meantime, we will seek responses from the SAC and from the minister, and pass those on automatically to the Rural Development Committee. That saves time. Is that agreed?

Members indicated agreement.

Miscarriages of Justice (Aftercare) (PE477)

The Convener: The next petition for consideration is PE477, from John McManus, which seeks the establishment of an aftercare programme for people who have been wrongly incarcerated. The petition calls on the Parliament to urge the Executive to provide assistance in setting up an aftercare programme in the form of a halfway home for people who have been wrongfully incarcerated and have served long terms of imprisonment, or whose conviction has been annulled at the appeal court.

John McManus is here to speak to the petition. He is accompanied by Paddy Hill, who is a very well-known man in these parts. Both are most welcome. We will follow the usual routine: the petitioner will make a three-minute presentation, and then I will open up the floor to questions from members of the committee.

John McManus (Miscarriages of Justice Organisation): It is said that a mark of a society is how it treats its prisoners. Another mark of a society is how it treats people when it has made mistakes—in this case, by wrongfully convicting people of crimes that they did not commit. Unfortunately, in the past 10 years in England, nothing has been done to help such people when they are released from jail, either before or after their release.

There have been a number of similar cases in Scotland. One of those involved Andrew Smith, who is here today. He was hoping to speak to the committee, but he had a calamity in his hotel last night and is a bit tired. Andrew was released a couple of years ago, after 23 years in jail. As in England, in Scotland no counselling is available to innocent people in prison. One reason that is given for that is that such people are supposedly

in denial of murder. For an innocent man in jail, that is a catch-22 situation. Once such people manage to get their cases back to the appeal court, they are taken straight from an 8ft by 6ft cell to an open prison, before being released and told to get on with it. I could tell members some horrific stories about things that have happened in the past 10 years down south. For example, John Kamara was released after 19 years in jail, was let out at 6 o'clock on a Thursday night and given £46 and a travel pass back to Liverpool.

So far, no programme has been set up in Scotland. Scotland should not get too complacent about the number of innocent people in its prisons. Kevin McNamara pointed out in the House of Commons that in the past 10 years 2,500 such people have been released by the criminal courts in England. However, as far as I know only one person has been released in Scotland, and he is sitting in this room.

A number of cases are pending appeal. One involves Stuart Gair, who was released 18 months ago without rehabilitation or counselling. Unfortunately, he came out of prison with a heroin habit. I do not know how he maintained it—he had a heroin problem before he went into prison, but one would have thought that 12 years would have been enough for him to go cold turkey and to lose his habit. People can read into that what they like. Within six months, Stuart was caught with drugs and sentenced to 30 months in jail and is still serving time for that drug offence.

Scottish society is to blame. I, like many people—including his lawyers, the prosecution witnesses who gave evidence against him and the victim's sister-in-law, Anne Smith, who supports Stuart's case—do not doubt Stuart Gair's innocence. The prison doctor, Jim MacGregor, is present today. He has campaigned for Stuart and does not doubt his innocence. Stuart was left high and dry and was dumped at Jim MacGregor's door. That is not the mark of a humanitarian society. I urge the Scottish Executive to examine the problems that are faced and not to follow the same path as has been taken in England in the past 10 years, which is to try to sweep the issue under the carpet and hope that it goes away.

The Convener: I should have declared an interest at the beginning of discussion of the petition, because I support the Miscarriages of Justice Organisation, which John McManus represents.

Rhoda Grant: I am concerned by what Mr McManus says. He says that someone who is in a position to appeal can be released without any back-up such as help with resettlement or housing assistance. Does that apply to everybody?

John McManus: At the Labour party conference

a couple of years ago, we raised that matter with Alistair Darling and Derry Irvine. I believe that the situation has started to change for people who are being released now. They receive benefits, their stamps will be paid up and they can get sickness benefit. Tommy Campbell, who is one of the Glasgow two who have been released pending appeal, wanted to come to today's meeting, but he has had to go to Cadogan Street in Glasgow to prove to the Benefits Agency doctors that he is not fit for work.

Sitting next to me is Paddy Hill, who is one of the Birmingham six. He and some other members of the Birmingham six had to pay back their stamp duties. Hughie Callaghan had to do that when he reached pension age and Paddy had to do it when all the money that he had been drip-fed ran out. They had to pay back £3,000 in stamp duties. They have still to claim that back, but I believe that the system for benefits has been changed. However, nothing is set up for housing and no aftercare or rehabilitation programmes exist. Basically, people are given nothing.

Rhoda Grant: Could prison social workers have a role? I am astounded by the situation. Surely someone can do something. If a person who has been in prison for several years does not have family to return to, he or she is sent out homeless and without any back-up.

Paddy Hill: That is exactly the way it is. One minute, you are in a maximum security, category-A prison. Suddenly, the door opens and people come in, drag you out, put you in a van and take you to the Court of Appeal, where your conviction is quashed, and that is it. You are shown the door and left on the street. There is no help and no back-up—there is nothing. You are left to fend for yourself.

We can compare what happens to people like me, Tommy Campbell and other innocent people with what happens to guilty people who have been incarcerated for a long time. People in the system know what damage is done to people by long-term incarceration. When a decision is taken to release a guilty person, that person is not released immediately. The decision is taken to release a person in three or four years, depending on how long that person has been in prison. In the intervening time, a breakdown programme is established. Over a few months, the person is taken out every other weekend for a couple of hours, to allow them to get used to the outside world. That activity increases over time. Those people learn about computers and so on, including money, and they are also given help with their families.

People like me, however, are just dumped on the street. I am sure that everyone agrees that the last thing that someone who has been in jail for 15

or 20 years is capable of is leaving prison and finding a job in today's society. Given that, you must go on the sick. Unfortunately, you cannot get a doctor. When you go to a doctor, the doctor will ask, "Where have you been for the past 20 years?" You say, "I've been in jail." The doctor says, "Where are your medical records?" You reply, "They're with the prison." We cannot obtain our medical records from the prison. We have to fight for six to 12 months before we receive them, so we cannot get a doctor's note to give to the Benefits Agency. That is a vicious circle.

I have been very fortunate with my doctor. Over the past 10 years in England, I have had people released to me by the Lord Chief Justice, Lord Taylor. My doctor has also taken in people who have been under my wing and given them a temporary doctor's note just to get them registered with the Department of Social Security.

When you go to the DSS after you have been out for three or four weeks, the only clothes you have are the clothes you stand up in in court. They do not give you any clothes or anything to come out in. When you go to the DHS for a clothing allowance, they hand you £120. You cannot get a house.

I have had to go to the Court of Appeal in England and pick up people from the middle of the street and bring them to my home. I am well-known in England for doing that, but that is not my responsibility. I have a hell of lot of problems of my own and I do not get any help. People like me have to fight for everything we get.

11:15

The sad thing is that Parliament, whether it is the Scottish Parliament or the English Parliament, does not have any problem finding the money—£1,000 a week—to put us in prison and to keep us there. However, when we come out, we have to fight for every penny. We get no benefits—we cannot get dole money. When we ask "Why not?" we are told that it is because we have not paid the stamps that would have accrued while we were in prison. As John McManus pointed out, it has taken 10 years to have that changed. Thankfully, it was changed in October last year and it is now on the statute books that people who have their convictions quashed are having the stamps accrued to them that they would have had if they had not gone to prison.

Members would never understand the problems that we face on the outside. I do not want anybody else to find what I found when I came out—that there was absolutely no one to help me. The only provision that the Government or the courts seem to have made for innocent people is to give us a one-way ticket back to our families. I know that they might think that they are doing the best thing

but, with the greatest respect, that is the worst that can happen to us.

Nobody realises that while we have been in prison for 20 years, our families have done nothing but tell us lies and we have done nothing but tell them lies. The time that we live in prison is a fallacy. We keep telling everyone that everything is all right—"It's great, it's this, it's that, it's the other". Ask yourselves how in hell everything could be all right when you are in prison serving time for a crime that you did not commit. That is what you do; you lead each other on and try to bolster each other by telling one another lies.

When you come out, you have no real life because you have been living a lie for so long. We have so many problems. Not only do the people who are coming out of prison have problems—their families have problems, too. During the time that we are inside, our families break up. People have mental problems and pressure is put on families, particularly on the women who are left behind. There are innocent women in prison, but the majority of innocent people in prison are male.

Most of us that go away leave behind a woman with children. She ends up being husband, wife, father, mother and provider. She ends up being everything you can think of. I am not ashamed to say that my ex-wife was like so many other wives who end up dependent on either tranquillisers or alcohol. That is the way that most of the women turn out and we have terrible problems. The sooner that some form of help is given to us, the better.

Dr Ewing: I am honoured to meet Paddy Hill because I fought for the Birmingham six. We had a special event at my party conference and I went to watch the appeals in the English courts. There were many members of the Irish Parliament there and I said, "They will walk free because the evidence was so flawed." They shook their heads wisely and said, "No, they will not." That was at the first appeal and, indeed, the prisoners did not walk free at that point, even though the evidence against them was pathetic. I think that they might have had an earlier release in Scotland.

However, what you say is very grave and is news to some of us. I suppose that we imagined that when an innocent person was released, there would be some kind of umbrella, but it looks as if there is none. What you have told us is shocking.

Obviously you are eligible for damages. Do you get assistance with that procedure? Are you left to deal with that completely on your own?

Paddy Hill: No help is given with that. In fact, even though I was released 11 years and 2 weeks ago, I still live on £75 a week income support and have done for years. I am still fighting for compensation.

Dr Ewing: I think that the Miscarriages of Justice Organisation's funding application has already been submitted. Is it well costed?

John McManus: We are seeking the Parliament's help to secure funding.

Dr Ewing: So you have not yet submitted an application.

John McManus: That is what we are discussing today. I want to draw the committee's attention to a recent psychiatric report on Paddy Hill by Dr Adrian Grounds, who was initially approached by the Home Office in 1991-92 to assess the psychological problems that Paddy faced. Since then, Dr Grounds has examined another 13 guys who have been released and he has drawn some very damaging conclusions.

Some people believe that those who are released simply move back in with their families; however, they must realise that the damage that has been done to innocent people is 10 times greater than the damage to the general prison population who have been institutionalised through time. We would like to get Dr Grounds up here when we apply for funding, perhaps to speak to one of the justice committees and to draw attention to the need for psychological help. That is the idea behind our proposal to purchase a halfway home. Dr Grounds agrees that such help should be a shared experience, as I am sure many people will understand. There is no use sending in a 25-year-old with a psychiatry degree to talk to guys who have been inside for 20 years, because such a person will not understand any of the problems that those guys have faced and continue to face.

Christine Grahame (South of Scotland) (SNP): I have to say that I stumbled on the petition by mistake. I came to discuss another petition but, as convener of the Justice 1 Committee, I am shocked by some of the evidence that I have heard. I am shocked that Paddy's Hill civil damages case has not been resolved, because like most people I had thought that he would have received compensation by now. Furthermore, the fact that there was no pre-release programme is disgraceful. I hope that, subject to the Public Petitions Committee's recommendations, the Justice 1 Committee will address the issue of innocent parties who are released with nothing. After all, that committee is already considering the criminal justice system and issues such as sentencing and custody; indeed, we have looked at prisons and the prospects for rehabilitation of prisoners. I find it horrific that Mr Hill had to fight for his medical records so that he could be admitted into the benefits system.

Paddy Hill: That's the way it is.

Christine Grahame: With the Public Petitions

Committee's leave, I will take the matter to the Justice 1 Committee to find out what we can do to change the system and ministers' attitudes, and to progress matters. Is the Scottish Criminal Cases Review Commission helping? It has been going only for a wee while, but I had thought that it was fairly robust. Is it?

Paddy Hill: It is too early to say.

John McManus: Davie Hutchison, who is here today, had his case knocked back last year. His lawyer, Alastair Duff, believes in his innocence. I also gave the case to John Scott and Alan Miller, who calls it the case from hell. They say that there is no new evidence, but basically they do not want to look at the corruption that convicted Davie Hutchison, who was obviously fitted up. The police used the wrong procedure for the identity parade, and the way in which they brought in the Moorov doctrine should never have been allowed in court. Despite those reasons, they say that there is no new evidence. We face that problem all the time.

The Convener: I am advised that, because some of the cases that have been mentioned might go back to court, it is important that we do not discuss them in detail.

Christine Grahame: I was not going to discuss individual cases. I was just going to say that any consideration of the petition might include a look at the operation of the Scottish Criminal Cases Review Commission, and issues such as pre-release and how the system treats innocent people who have been released. The Justice 1 Committee would have to consider the several branches to this matter. It is all quite extraordinary; I really did not know the petition was coming up.

John McManus: I would love to find out what the Scottish Criminal Cases Review Commission's remit is and how much investigative work it does. From what I see, any investigative work is left to lawyers, most of whom are doing the work pro bono, because they believe in a person's innocence. For example, Alastair Duff was involved with the Lockerbie trial while he was trying to help another guy.

Christine Grahame: The Scottish Criminal Cases Review Commission came to the then Justice and Home Affairs Committee, and I think that it also published a report. There might be an audit of what the commission is doing now. The issues that you have raised would be viewed as important by the Justice 1 Committee.

Helen Eadie: What an indictment it is of Scotland that we have such an uncaring society and that we leave people in the situation that Paddy Hill was left in when he came out of prison. I am on a learning curve. What is the scale of the problem?

John McManus: How many of you have heard of a guy called Robert Brown? He is waiting for his case to go back to the Court of Appeal in England. He has been inside for 25 years. He is a Glaswegian, but nobody has ever heard of him. That is the scale of the problem.

People ask us, "How many innocent people are there in Scottish prisons?" If Gareth Pierce and Mike Mansfield had been asked that 10 years ago, after the Guildford four and Paddy Hill's case, they would not have been able to answer, but the Criminal Cases Review Commission has released more than 2,500 people in the last 10 years in England. To me, that says that there are possibly 250 innocent people in prison in Scotland, given that Scotland's population is 10 per cent of England's, yet we have had one release.

There have been only 20-odd such cases in Scotland in the past 100 years. The first one was that of Oscar Slater. His case was taken up by Sir Arthur Conan Doyle, who wanted to write a story about a murder. He studied Slater's case, and realised that the guy was innocent. We have sent only 20 cases to the appeal court. The judicial system in this country has a damnable record.

The Convener: I wish to be clear. You are saying that only one person has been released because they were wrongfully incarcerated in Scotland over the past how many years?

John McManus: Only one person has been released since the SCCRC was set up three years ago. As I see it, Andrew Smith is the main lifer who has been released since Paddy Meehan.

The Convener: That suggests that either everybody in jail is guilty or that the system is not working.

John McManus: You can draw your own conclusions.

Paddy Hill: It is not only that people say that the system is all right, it is that they do not acknowledge that there are innocent people in prison. The best way to describe the situation is that if you go to prison today, it is a luxury to be guilty. That sounds stupid, but it is true: being guilty is a luxury. Robert Brown's case down south was mentioned. His tariff was 12 years, but he is now serving his 26th year. He could have been released 13 years ago. All he had to do was say to the parole committee, "I am guilty", and he would have been released within six months. Instead, he keeps telling the committee, "I am innocent", which is what he has done since day 1. He is now what is more commonly known in the south of England as an IDM—in denial of murder.

When I was in prison and young fellows came into prison and said, "I am innocent", I used to tell them—"Listen, if you're going to tell people that,

and you're going to fight and protest your innocence, the one thing that you'd better be prepared for is a hard ride in jail." Believe me—an innocent in prison who claims his innocence has the hardest time in the world. You do not get any privileges. You end up in what is known in England as the three-tier system. You end up on the bottom tier. In other words, you do not get any privileges. You get your statutory one visit per month.

However, if you say that you are guilty and you take part in programmes, you are allowed one visit per week and you are able to spend £20 or £30 a week in the canteen out of your private cash, just because you say that you are guilty. The psychologists and so on who do the programming in English prisons are not allowed to write anything about people who claim that they are innocent. They are programmed to process the people they see as guilty people. They are not allowed to bring innocence into consideration. That is the shocking state of affairs.

John McManus: We have managed to persuade "Frontline Scotland" to do a documentary on the case of Robert Brown—that was another of the hard battles that we have had with the media—which will be broadcast on 9 April.

Paddy Hill: Two weeks today that programme on the cases of Robert Brown and others will be broadcast.

The Convener: Are there any other questions?

Dr Ewing: I want to ask about funding applications.

The Convener: I was just about to clarify that. Have you made a funding application?

John McManus: Not at the moment, because we do not know where to apply to.

The Convener: We understood that a funding application was currently with the Scottish Executive.

John McManus: That is not the case.

Paddy Hill: For the record, there is no funding application.

The Convener: We were given advice about that, but if you have not made an application, that advice falls. Are there any more questions before we discuss what to do with the petition?

John McManus: I would like to say what we would like to happen. We are not asking for a lot. We are, along with Adrian Grounds, looking for start-up funding for a halfway home. I have spoken to Adrian and he has a couple of colleagues in Edinburgh who we hope to get involved. The matter is all about choices. Such people need to

be given as many choices as possible because they have not had choices for the 20 years that they have been inside. The idea is that a part of the halfway house would look almost like a prison, because that is what those people have become accustomed to. We need buddies—people who will take them out.

Tommy Campbell and I met Paddy Hill the other day when we were walking through Glasgow. Just walking through Glasgow was giving Tommy a bearing on life. He told me that, when he was first released, he got into an argument with one of his friends on Buchanan Street. The argument almost became physical, because his friend told him that they were on Buchanan Street, but Tommy did not have a clue where he was. That is the kind of problem that people face. That must be a shared experience. We cannot hand such cases over to offender rehabilitation because the people involved are not offenders. We need to set up a specialised unit to help them when they are released.

11:30

The Convener: Thank you. You have presented disturbing evidence to the committee this morning. You are welcome to listen to the discussion about what the committee will do with the petition.

We do not need to concern ourselves with the recommendation on the funding application, because there is no funding application. We must get a response from the Scottish Executive on the serious issues that have been raised by the petitioners. The committee should do that before considering whether to send the petition to the Justice 1 Committee for action. As part of that, we should ask the Executive what immediate steps the Miscarriages of Justice Organisation could take to get assistance, while we await a response from the Scottish Executive about the lack of aftercare for innocent prisoners on their release.

Dr Ewing: Is there a need to write to the Scottish Prison Service, which seems to have let people fall into this extraordinary gap?

The Convener: The ultimate authority for prisons lies with the Minister for Justice. It is his responsibility to ensure that something is done, and he has not done that. We must get a response from him.

Dr Ewing: This is an amazing situation. There is the lack of a roof, the lack of benefits and the lack of counselling for people's domestic and psychiatric situations. It is one of the worst things that I have heard. As a former criminal lawyer, I am ashamed, although I have often done pro bono cases over the years. I know that there are innocent people in prison, although there is no doubt that it is a small percentage.

The justice system can never be perfect. It is an accusatorial system, and sometimes the evidence does not add up, or the defence is nervous and gives the wrong impression to the jury. I know very well, having lived half my life in the courts, that such things can happen. However, such poor treatment is news to me. The public seem to think that when people such as Paddy Hill are released, the papers give them money and they get automatic compensation, but now we learn that no such thing happens.

Paddy Hill: People think that it is like a fairytale, and that everybody kisses and makes up, rides off into the sunset and lives happily ever after. I wish to hell that it was like that. Unfortunately, it is the complete and utter opposite. Guilty people who are in prison are assessed before they are released. Innocent people are not assessed—we are just dumped on the street. Nobody knows what the hell to do with us. Rather than do something with us, the system seems to turn its back, walk away and leave us. We should be assessed.

One of our projects with Dr Adrian Grounds is to look at the families of people who are being released. The families are damaged. If someone looks at the families, and if someone goes into the prison and looks at the men, we hope that they will be able to put together some sort of programme before the men come out. I suppose that, when you come out, it is a macho thing: "I'm a man. I can handle it." I am as guilty as the rest of them—I thought that I could handle it.

Unfortunately, those of us coming out have built up a picture in our minds. I came out into 1991 with a picture of 1970. By the time I realised what I was doing, I could not catch up. I became angry and frustrated. I have children who are telling me what to do.

I will tell you a little funny story about the sort of frustration we face. When I came out, I was sitting in my cousin's house with his three children. They came down the stairs, opened the cupboard, took out some funny leads and computer games, put them all together, plugged them into the telly and away they went.

At night, after the kids had gone to bed, I used to sit with the remote control and I could not even get the telly to work. After about six weeks of that, I came back one night and I wanted to watch the European football at about two o'clock in the morning. I said to my cousin, "Do me a favour and put the telly on." He said to me "It's dead easy." I said, "Listen, I know it's dead easy. You keep telling me it's dead easy. I have sat here for six weeks and I can't get a sound out of it."

He asked me what I was doing and I showed him. I said, "Look, I press every button and nothing

happens.” He burst out laughing and said, “Yes, but there is a little secret.” I said “What is it?” He said “Come here and I’ll show you” and he walked over to the wall. He said “See that there? That’s a switch. You have got to switch it on.”—[*Laughter.*]

Ladies and gentlemen, I used to sit there at night after the kids had gone to bed trying to get that thing to work. I am not ashamed to say it—I used to sit there and cry like a child with temper. I have smashed many gadgets since I came out of prison because I get so angry and frustrated with them. We are not prepared for anything.

Before I came out of prison, I heard people on the radio—radio was our greatest source of enjoyment—saying things like, “The first one who tells me the answer to this question will get a cordless telephone.” Honest to God, I thought that a cordless telephone was one of those little red things that we used to buy for the kids—a little plastic toy. It was not until I came out that I realised that there were mobile telephones. I never realised that they were real.

It is like being Rip Van Winkle. We desperately need someone to bring us up to date on today’s society and today’s way of thinking.

The Convener: Thank you Paddy. Strictly speaking, your contribution was against standing orders, but it was well worth listening to.

Dr Ewing: One of my suggestions is that Paddy Hill should write a book because he is so eloquent.

The Convener: He should stand for the Scottish Parliament. He would do very well.

John Farquhar Munro: I would not worry, Paddy. I have been on the outside all that time and I still do not know which buttons to press.

Rhoda Grant: I am a little concerned that we are asking for the justice system and prisons to look into providing such aftercare. The people whom we are talking about have already been failed by that system. Perhaps the issue should go through another department.

The Convener: I suggest that we write to the Minister for Justice and ask him to include in his response to the committee a response from those who are responsible for social work and support services in the community. That would cover Rhoda Grant’s point.

Essentially, it is a matter for the Minister for Justice. He is responsible for the prisons and how they operate. There is an absence of aftercare or pre-release programmes for innocent prisoners. That must be addressed in the context of the wider services that are provided by the Scottish Executive, not just the justice department.

Rhoda Grant: Pre-release care should not be provided by the Prison Service because, when

innocent people are released, they should not be involved with the Prison Service. Some one else should provide that aftercare.

The Convener: We will make that point in our letter to the Minister for Justice. That is why it would be wrong to write to the Prison Service because the minister has wider responsibility.

Helen Eadie: Would it be appropriate to raise the issue of benefits with Westminster?

The Convener: We could ask the minister to comment on issues relating to benefits and ask him to liaise with his Westminster counterpart.

Dr Ewing: The petition could go to one of the justice committees so that there could be a full hearing. For example, the psychiatrist that was mentioned could give evidence.

Christine Grahame: That has pre-empted what I was going to say. However, there is a role for the prison. There has to be a link with those people who were engaged with people like Paddy Hill over many years and people outside. There should be liaison between the SPS and outside agencies.

Will the letter to the minister be in the public domain?

The Convener: Yes.

Christine Grahame: Will it be on the website?

The Convener: It will not appear on the website but we can copy you and the Justice 1 Committee in on any letter that you want to see.

Christine Grahame: It would be useful to have a copy of that letter.

The Convener: All the material will be referred with the petition to the Justice 1 Committee for information until we get a response.

Are members agreed?

Members indicated agreement.

The Convener: I thank you for your contribution this morning. It has been most valuable.

Aphasia (PE475)

The Convener: The next petition is PE475 from Ms Cecilia Yardley, on the subject of recognition for aphasia. The petitioners call on the Parliament to take the necessary steps to recognise that aphasia is a life-disabling condition; to develop and produce accurate measures to recognise, treat and support aphasic people; to improve the quality of service available to aphasia sufferers; and to support service development based on accurate measures of need and performance. This morning, we are joined by Ms Cecilia Yardley, who is the director of services at Speakability; Alex Frederick, Claire McArthur and Joyce Seaward

from Forth Valley Speakability; and Kim Hartley, from the Royal College of Speech and Language Therapists. Dr Sylvia Jackson is also attending the meeting in support of the petition.

We will follow the usual arrangements. The petitioners will have three minutes to make a presentation. I will then allow Sylvia Jackson to tell us why she supports the petition, after which committee members will ask questions. Who is going to make the presentation?

Alex Frederick (Speakability): Because of the nature of the problem, I would like two of us to make the presentation.

The Convener: That is not a problem.

Alex Frederick: I was the convener of shop stewards at Imperial Chemical Industries, now Zeneca Pharmaceuticals, at Grangemouth for 11 years and was a trustee of the ICI and Zeneca Pharmaceuticals pension funds. Although it is rather strange to be sitting in front of a microphone again, it was a way of life at one time.

I take it that all members have received the petition.

The Convener: Yes. The full information pack was distributed to all members.

Alex Frederick: The definition of aphasia and statistics on the condition are included in the pack.

We have submitted the petition because policy makers and health professionals have not adequately recognised the condition. George Bolton, who is a former president of the Scottish area of the National Union of Mineworkers and an aphasia sufferer, attended the petition's launch. I should point out that Claire McArthur is involved with Unison; I just hope that the condition does not always affect union people.

Some fantastic research into aphasia has been done by Steven Small, who is a professor of neurology at the University of Chicago and a wonderful chap to speak to. Both Steven and George Bolton reached the same conclusion that, in order to cope with aphasia, you need to build confidence. Professor Small reached that conclusion after studying behaviour for a long time, whereas George Bolton found it out after suffering from aphasia from only a few months. That says it all: when you have aphasia, you know that you have a problem.

An example of living with aphasia is a girl called Jill, who was a teacher and is married with two children. When she was 32, she had a brain haemorrhage and became aphasic; however, although she is now 37 years old and is unable to teach, her confidence is now increasing.

As for myself, I learned the three Rs from the age of five. Doing so took quite a few years but, 48

years later, I lost the lot overnight. However, over the past five years, I have been getting better and more confident. From 1997 to 2000, I travelled to Carlisle to receive absolutely wonderful support from fellow sufferers. Even though they were English, they helped me.

As aphasia sufferers, we are left behind, even by our friends. People see us only when we are up and running. They never see me when I have to hide—when I have a bad day. Only my wife bears the brunt of that. She must watch me suffer. I ask the committee to make a commitment to ensure that professionals treat the matter seriously. I have a final question for committee members. How many of you read or flicked through the newspaper today, considered that a simple action and took it for granted? I only wish that I could do the same. That is how bad the problem is.

11:45

Claire McArthur (Speakability): As Alex Frederick said, I used to be a member of Unison's national executive council, and I worked for a local authority as a senior social policy worker. I cannot do that now, because I had a stroke, and I am aphasic. Alex and I are lucky, because we are lightly aphasic. John McAllion met other members of our group at the launch three weeks ago. Some people cannot read at all. Some people can speak, but worse than we can. John also met a member called Andrew, who thinks that he can speak to people, but actually makes noises. He hears the words in his mind, but they do not come out. He is imprisoned in his mind.

I would like to say a couple of things about the petition, if I can get them out. Too few people know what aphasia is. We do not know the number of aphasic people in Scotland, because, unfortunately, the figures are not recorded. When people become cancer patients, that is recorded, but aphasic people are not. If we do not know the number of aphasic people, it is impossible to know how many people are needed to work with them, the extent of the services that are required and how to assess the performance of people who work with aphasic people.

Alex Frederick mentioned the effect on one of our members—Jill, who was a teacher. Everybody who becomes aphasic is affected. Between one in six and one in 10 people in Scotland may become aphasic. I hope that members do not find out how it feels.

I will give one example of someone who became aphasic and who came to one of our meetings. His wife told us what happened when he entered hospital near Dumfries because he had a stroke. He was asked what he would like to eat, but he could not speak. He could not tell anyone what he wanted, so his choice was ticked for him. At lunch

time, his food was put on the table at the bottom of his bed. He was a bit physically disabled too, and he could not tell people that he could not reach his meal, because he could not speak. That describes part of the problem.

Doctors, nurses, consultants and other types of therapist should know what it is to be aphasic and what aphasia is, but they either do not know or they knew, but it was a while ago. They must either be trained or retrained. One thing we are asking for is for training or retraining for people who should know what aphasia is.

In the Scottish Parliament and elsewhere we hear about inclusion. Part of the problem for people with aphasia is that we are excluded. Packages for treatment or rehabilitation for aphasic people will continue to keep us excluded until they focus on the effects of aphasia. I am sorry that I am speaking slowly, but it is hard to get the words out.

When people become ill, particularly at the acute level, there is a real problem of communication with doctors and nurses. Doctors need to know what is happening to aphasic people, but it is hard to get that information. There must be different ways of communicating with people. Members may have heard of augmentative alternative communication. Work must be done on that. If that does not happen, aphasic people will be doubly excluded.

If it is okay, I want to talk about speech and language therapists, who come closest to understanding what it is like to be aphasic. They work with us; they know that our intellect is imprisoned in our heads and that the problem is communication. They know that we cannot understand the telly, the radio or the newspapers. Alex Frederick cannot do crosswords although he used to love them. Speech and language therapists know that if we want to write, we write garbage. That is bad, particularly for people who were proud of their written work.

Speech and language therapists are our crutches and our therapists. We could not cope without them. Folk like me had only one hour a week with a speech and language therapist, if we were lucky. There must be more speech and language therapists in Scotland and more access to them. They must be recruited, trained and qualified and we must ensure that they stay in Scotland.

As Alex Frederick said, we are asking for the committee's support. I know that the committee must think about how the Scottish Parliament can deal with our petition.

The Convener: That is as good an opening statement as I have heard since the Public Petitions Committee began. Thank you very much

for your courage in making the statement.

Dr Sylvia Jackson (Stirling) (Lab): I have little to say, because Alex Frederick and Claire McArthur made the points adequately. They have brought with them colleagues from Speakability and various professionals. They are looking for support.

I will emphasise the petitioners' basic points. We need much more accurate data about aphasia and a quality service to support people with aphasia, especially access to speech and language therapy. In many cases, what is required might be just extra training for doctors and nurses that could be done easily. In other cases, extra specific support might be needed. The petitioners have spoken very well and I support them.

Helen Eadie: The petitioners have brought back some painful memories, because my mother died following a stroke, so I know what they are talking about. I would be glad if the petitioners would clarify one matter for me. In my naivety, I used to wonder whether someone who has aphasia could convey messages by using a keyboard. Is that impossible?

Alex Frederick: Speech therapists try that regularly. I have seen people try that. Some can do it and some cannot.

Joyce Seaward (Speakability): The question is important. Aphasia affects not only the speech that we hear, but the processing at the highest level to choose the letters to make a word. Claire McArthur said that she had trouble writing, which involves our normal habits of choosing the letters to write a word. With a word such as "parliament", we might wonder where the "l" and the "r" go, but we know that if we write the word down we will sort it out. That process is affected by aphasia. If someone does not have the confidence or the skill to get the letters in the right order to make the word, they cannot use a pen to write that word or type the letters on a keyboard.

The assistive or augmentative technology that Claire McArthur talked about might use icons or symbols, because pictures are free of the limits of words. A symbol could be used to indicate a message, so for someone who had severe difficulties, technology would have a place. That person could use a call button or an array of symbols to select the drink that they would like, or, if they were in a nursing home, to say that they would like to see their relatives.

Kim Hartley (Royal College of Speech and Language Therapists): We should consider what the individual expresses and how the communication environment communicates with that individual. Claire McArthur and Alex Frederick talked about the strategies that health care people can use immediately to try to communicate

choices or to explain the process of care and the decisions that people make in that process.

There are 16 ways for people to get messages across or to understand information. At the moment, the health service and most other public services use the two most complex human communication channels—verbal and written communication—which are exactly the channels with which people who are aphasic have difficulty.

We could make much more use of the 14 other channels. To do that, we need not only people; we need to recognise what channels work for a broader range of people and to ensure that we have the skills among public service staff and the physical resources. For example, the building that we are in is accessible to people who can read, and predominantly read English. The building needs symbols, not words. That is true of most places in Scotland. A broad sweep is needed, in addition to the direct therapy provision that Alex Frederick, Claire McArthur and Joyce Seaward spoke about.

Rhoda Grant: It is obvious that aphasia has a huge impact on people's lives. From what you said about symbols, it appears that aphasia must prevent people from doing basic tasks that most would take for granted, such as going shopping, because few symbols are used.

Alex Frederick: We could tell a hundred stories about people going shopping. In particular, the women in the group tell such stories. When I finish up at the till in a shop and am asked for an amount, I think of the highest denomination note and hand it over. If my wife ever found out, she would kill me.

Dr Ewing: You will get lots of change.

Alex Frederick: I am sorry to be flippant, but sometimes it is the only way that you get through life. Everybody says that by the end of the day they have a pocket full of change. I know that five 20p pieces make a pound, but do not ask me what three make, because I do not know. For some reason, I know that five make a pound, but I cannot split five up. These problems have to be explained when we go into shops. Symbols would be helpful.

I stress that we need speech therapists, as Claire McArthur said. I cannot stress that enough, because we rely on them.

Joyce Seaward: If we had a community that truly understood the needs of aphasic people, we would have shop assistants who would see that people were struggling, and would step back and say, "Can I help?" They would not give too much information or too little information. They would not patronise, rush or be embarrassed. They would just wait and let the person with aphasia say what

they needed. The assistant could say, "Write that down for me" or, "Say that again" and they could slow everything down a bit.

It is that simple awareness of the needs of people with aphasia that this petition is asking to be disseminated throughout Scotland. Leaving aside other technologies, simply giving somebody time to say what they need and how they can be helped is crucial.

12:00

Dr Ewing: I am sorry to say that I did not know about aphasia. I have a great interest in people such as deaf people. The definition of aphasia in our papers refers to damage to the brain. Does that include dyslexia? Stroke is mentioned, which involves damage and possibly speaking paralysis, although I do not know enough about it.

Our papers say that in 2001, the Minister for Health and Community Care launched a report on the heart and strokes, but that does not seem to embrace everything that you are talking about; you are talking about far more situations. For example, could aphasia be due to being born with damage to the brain, as well as strokes? Does it include dyslexia? We need more data to understand this issue fully.

Joyce Seaward: The petition raises the concerns of adults with acquired aphasia who were once well but who have gone on to have a head injury, a haemorrhage in the brain or an interruption to the normal processing of the brain, so that the functioning of the language area of the brain is interrupted. Issues to do with childhood aphasia are not addressed by this petition, but for such children communication is also hard. The aphasic client group predominantly comprises people who have had a stroke, but a significant proportion have been injured in accidents, for example a blow to the head.

The point of our petition is that people do not know that aphasia is a common outcome of stroke, or that people who struggle with their words are aphasic. The fact that people have not heard of aphasia is why we are here. We are saying, "Hang on folks, there is a problem out there and it is largely invisible." It takes courage for people with aphasia to come here and speak. For example, no ramps have been provided for them and we have not slowed down the meeting. We have not been allowed to write things in advance. They have done the hardest thing. It is like asking someone with one leg to somehow get up the stairs to this committee room. Aphasia is a largely invisible disability.

Cecilia Yardley (Speakability): Although aphasia is different from dyslexia, we could improve the communication environment in

general. Kim Hartley talked about channels and the use of symbols. People are aware of deafness, blindness and mobility disabilities, and improvements are obviously needed in all those areas. If there were greater awareness about communication disabilities in general, and aphasia in particular, that would improve things for a wide range of people, including those who live with dyslexia, who have learning disabilities or whose first language is not English. Improving the communication environment will benefit a much wider group of people than the large number of people who live with aphasia.

Kim Hartley: Alex Frederick and Claire McArthur eloquently explained that we need more speech and language therapists to deliver direct therapy to people who are aphasic. At the moment, there is inadequate provision of speech and language therapy in Scotland, predominantly in primary and secondary care. When people are in hospital after having had a stroke, they see speech and language therapists, but even then not enough. The problem becomes an awful lot worse once people move into the community. Because aphasia is a lifelong condition, those people are abandoned and left without assistance to come to terms with a complete shift in their life capacities for the rest of their lives.

As well as being inadequate, provision is also inequitable across Scotland. The situation is worse in some places than it is in others. As well as problems with the provision of direct one-to-one therapy, there is no provision in the speech and language therapy services that are currently provided in Scotland to develop the communication environments that we have described. The lack of indirect therapy, which is directed towards communication partners or the communication environment more generally, further compounds the problems. One gap is completely unfilled and the other is very poorly filled in only a few, small areas of Scotland.

Helen Eadie: It seems that there is a range of problems. It is not just about a lack of speech therapists in hospitals. The clerk had difficulty in getting the information that he needed for his report in preparation for today's meeting. Fortunately, your briefing notes have been helpful in that regard. The issue is not simply about the provision of more speech therapists; it is also about how we can assure ourselves that people are being made more aware of the fact that help is available. We must be sure that they know where to go for help, so we must ask how such services might best be publicised. That is also covered in the committee papers. The Scottish Executive's treatment strategy deals with diseases and the hospital environment but, as you have said, speech therapy is also important after hospital treatment.

Two examples occur to me. During volunteers week two years ago, I went to a centre where someone with cerebral palsy was sitting in a wheelchair and using an icon machine that could speak and print out a speech. I did not connect that with speech and language therapy at the time, but I do now. The fact that that person went to America and gave a speech shows that his brain is very much engaged and that he is very capable. He was very well received in America.

The other example is of a policeman in Tayside whose father was one of my constituents. I had to take him to Tayside NHS Board because there was no provision on his doorstep. That policeman had sustained a head injury while playing in a football match. He was just thrown out of the hospital at the end of his treatment and left for weeks without the support of speech therapy. That says something as well.

The Convener: I am not sure whether that was a question or not.

Helen Eadie: I would like to ask about the wider strategy issues. It is not just about providing speech therapists. We must address all the other issues as well.

Cecilia Yardley: Both Claire McArthur and Alex Frederick belong to a local support group for people with aphasia that is affiliated to the national charity, Speakability. Joyce Seaward gives support to that group. On the wider view, someone who has a stroke or a head injury will be in an acute setting, followed by the rehabilitation process in which the voluntary sector has a role to play. Helen Eadie was right to recognise that the problem is not just medical and that it has much broader social implications.

The Convener: Is your argument that the Scottish Executive's report on coronary heart disease and stroke does not address the problem of aphasia at all?

Joyce Seaward: Some good and exciting work has been done on stroke in Scotland and on trying to establish a national data set so that we can understand how many people have strokes and how we look after them.

The Convener: Are the people who are doing that work trying to find out how many people have aphasia as a result of a stroke?

Joyce Seaward: The minimum data set does not include information about whether people have aphasia—it simply records, under the Glasgow coma scale, whether people can talk.

The Convener: Is your argument that the Executive is not addressing the issue of aphasia?

Alex Frederick: I sometimes get a bit angry about that. Some of the people in our groups,

including me, have suffered strokes. However, what is left? The other day, the convener saw Nicky, who is in a wheelchair. Everyone sees the wheelchair, but if Nicky were standing up straight, they would not see that he had aphasia. I once attended a meeting at which a chap went on about wheelchair access, incontinence and so on. I had to say to him, "Wait a minute. We're speaking about aphasia." People have problems—I have problems other than aphasia—but aphasia is the problem that I really want members to address today. There is a place for a discussion about chest, heart and stroke patients, but that discussion might not deal with aphasia. We need to concentrate on aphasia. Doctors and nurses should be educated about aphasia, as Claire McArthur suggested. It is not the fault of the wee girl in the shop, because few people know about aphasia. I try to understand that when I hand over my £2 or whatever. However, I cannot understand why general practitioners and nurses do not understand what is going through our minds. That is the big problem that I get excited about.

The Convener: Alex Frederick summed it up beautifully—he did so much better than I could have done.

As members have no further questions, I thank the petitioners for their moving testimony this morning. They are welcome to listen to members discuss what the committee should do with the petition.

Dr Ewing: I agree with the suggested action.

The Convener: Let me explain what the suggested action is, for people who do not know. It is suggested that we write to the Executive to seek its views on the issues that are raised in the petition. It is also suggested that we should make a specific request for an update on the coronary heart disease and stroke strategy and an indication whether that strategy will focus on the treatment of aphasia. It is clear that the strategy will not focus on that, but we must ask the Executive formally to respond to that point. At this stage, we will refer the petition to the Health and Community Care Committee for information only while we await a response from the Scottish Executive. However, we intend to push the petition forward.

Dr Ewing: We must refer the petition to the Health and Community Care Committee. We should point out to that committee that we do not have data and that there is a need to examine whether there are enough speech therapists, as it seems that there are not.

The Convener: When we write to the Executive, we should ask it what research has been carried out into aphasia and what data it holds on those who suffer from aphasia. If we do not have data on

the extent of the suffering, how can we possibly have enough speech and language therapists to deal with aphasia?

Dr Jackson: When the committee receives an answer from the relevant minister, will it make more recommendations to the Health and Community Care Committee?

The Convener: We will probably refer the petition to the Health and Community Care Committee, but we want to get more information first so that we can identify what needs to be done. That necessitates our asking the minister to respond to the petition first. We will then have a formal response as to what the minister is—or is not—doing about aphasia. Then we can refer the petition to the Health and Community Care Committee.

Dr Jackson: Excellent.

The Convener: Is that agreed?

Members *indicated agreement.*

The Convener: I thank the witnesses for their excellent testimony.

Claire McArthur: How do we find out about the outcome?

12:15

The Convener: We keep you informed about the progress of the petition. Any response that we get from the minister will be passed on to you. It will be referred back to the committee in any case.

Council Tax (PE478)

The Convener: There is one more new petition, for which there is no speaker. Petition PE478, from Mr Thomas Gardner, calls on the Parliament to take the necessary steps to replace the council tax with a local income tax. Mr Gardner raises some interesting points about whether the council tax breaches the European convention on human rights on the grounds of discriminating against people living in different types of property. That is an interesting idea.

As most members will know, the Local Government Committee recently produced a report on suggestions to change the council tax. That report included a recommendation that the Executive should examine the feasibility of introducing a local income tax in Scotland in the longer term, which is the object of the petition.

In light of the Local Government Committee's recommendation, which stems from the local government finance inquiry, it is suggested that we refer the petition to the Executive so that it may consider it, and specifically take it into account when considering the replacement of the council

tax with a local income tax. It is suggested that we take no further action other than to provide the petitioner with details of the recent local government inquiry and to send a copy of the petition to the clerk of the Local Government Committee for information only. Is that agreed?

Members *indicated agreement.*

Current Petitions

Scottish Borders Council (Budget Cuts) (PE467)

Dr Ewing: May I move a motion?

The Convener: A motion?

Dr Ewing: That we consider the Scottish Borders Council petition next.

The Convener: I was just about to make that suggestion. Is it agreed that we consider PE467 next, given that Christine Grahame is here for that?

Members *indicated agreement.*

The Convener: I see that Jamie McGrigor is here too. The petition on deer, to which I believe he wishes to speak, will be considered next. Christine Grahame has been here for quite a while.

Christine Grahame: It is very interesting, John: I have withdrawal symptoms from not having been on this committee for some time.

The Convener: Petition PE467 was from the Borders Action Group, and concerned the impact of the Scottish Borders Council's cuts on education. We agreed to write to the Executive and to Scottish Borders Council, asking them for their comments on the petition.

We have received responses from both the Executive and the council. The Executive says that it is for the council to establish its own expenditure priorities within its available budget. It notes that the council has now set a balanced budget for 2002-03, and further notes that the independent Accounts Commission for Scotland has investigated and reported on the recent financial failures of the council and has instructed it to take remedial action. The controller of audit will report on the council's progress in implementing the report's recommendations at the end of the current financial year. The response also points out that the Accounts Commission has the power to hold public hearings into any matters raised by the report.

Scottish Borders Council has responded by saying that it is to set up a working group to consider the options for operating the swimming pools, as referred to in the petition. It says that there is no proposal to close any community centre within the approved budget. It is considering alternative methods of funding contributions to voluntary organisations, and that will involve consultation with swimming pool user groups, community education staff and users and voluntary organisations.

The council confirms that on 6 March it accepted

the resignation of the council leader and appointed a new leader, who has pledged to consult the Borders people.

Do you wish to make any comments on the responses from the Scottish Executive and Scottish Borders Council before we move on to the recommendations before us, Christine?

Christine Grahame: Yes. This is the first that I have seen of the responses. I acknowledge the idea of operating the swimming pools through a trust or trusts. Most people might not feel that that will be any good, but the proposal gives the council some time. I know that no community centre will be closed. The voluntary organisations are still in limbo, however, as they have not been told about their funding. Some redundancies were announced. There are still 50 to 60 redundancies in continuing education on the cards, which are not mentioned. There is still £3.9 million of cuts on the table.

I am interested that no comment has been made about using up some of the reserves. It is felt by many that the council should be touching some of the £1.8 million of reserves in order to lessen the cuts. The inspectors went in and started to look at the situation last week. Furthermore, the devolved school management budgets are being cut. Given all that, I think that the responses are selective.

The Convener: They are not only selective, but brief. They are two of the briefest responses that the Public Petitions Committee has ever received—each one was only one page long.

Christine Grahame: It would be interesting to ask Borders Against the Cuts, Jock Houston—the Borders secretary of the Educational Institute of Scotland—and continuing learning groups what they think about the responses. There is a whole lot missing.

The Convener: We have two courses of action open to us. We could note that the council has now produced a balanced budget, is meeting its statutory responsibilities, is trying to find ways in which to prevent swimming pool closures, is being investigated by the Accounts Commission and has been instructed to take remedial action to resolve those difficulties. On that basis, we might decide to take no further action because the council is now addressing its financial failures and it would not be appropriate for Parliament to become involved.

Alternatively, we can refer the petition to the Local Government Committee because the responses are inadequate.

We could also go for a third option, which is a sort of halfway house: we could seek the views of the petitioners on the responses that we have received from the Executive and the council before deciding what to do.

Christine Grahame: I know that it is not up to me to suggest what the committee should do, but I think that the petitioners should consider the responses. They have a great deal of faith in the Parliament and although they recognise the autonomy of local government, they need to know that when it is going wrong they can come to the Parliament and that the problems will be addressed. The Local Government Committee will need to set its work timetable if it is to slot the matter in, but the committee should first seek responses from interested parties to see what they think, given that nothing has changed.

The Convener: I suggest that we write to the petitioners asking for comments on the responses that we received and, in the meantime, refer the petition to the Local Government Committee for information. We can decide what to do on the basis of the response that we receive from the petitioners. Are we agreed?

Members indicated agreement.

Christine Grahame: I think that I will come back to the Public Petitions Committee. Thank you all very much.

Animal Welfare (Red Deer) (PE455)

The Convener: The next petition is PE455 from Mr Alex Hogg, on behalf of the Scottish Gamekeepers Association, and is on the subject of unnecessary suffering caused by the current policy of shooting red deer out of season. Members will remember that we wrote to the Executive and the Deer Commission for Scotland, asking them to respond to the petitioners. They have now done so. The Scottish Executive response refers the committee to the response from the Deer Commission, as it is content with what the Deer Commission is doing. The Deer Commission has sent a detailed response. Jamie McGrigor is here to speak to the petition.

Mr McGrigor: I must declare an interest because I own a hill farm on which there are red deer and therefore I have a small commercial taking from the management of red deer. Roe deer and, in particular, red deer are a big part of Scotland's natural heritage. Stalking and the management of red deer herds provide employment in the Highlands. Venison is a good source of lean, healthy organic meat. Herds of red deer are a big tourist attraction—after all, the original monarch of the glen was not a slightly dishevelled landowner in a crumbling mansion, but a red deer stag, much painted by Sir Edwin Landseer. Red deer and roe deer are very important to the Highlands.

The petition says that the Deer Commission for Scotland, which is the statutory body that is charged with the conservation of this part of

Scotland's heritage, appears to be passing the buck in terms of its responsibility to fulfil that role. There appears to be a policy, which is, to some extent, associated with Scottish Natural Heritage and the Forestry Commission, to reduce the numbers of deer greatly. Both of those bodies are shooting deer out of season. Regardless of whether that is being done under the auspices of the Deer Commission for Scotland, the result of the shooting of heavily pregnant hinds is the destruction of almost fully developed fetuses. I cannot believe that that is acceptable. Furthermore, the starvation and prolonged death of calves whose mothers have been shot while they are still totally dependent on them constitutes unnecessary suffering and should not be sanctioned by the Government or by Government bodies.

For many generations, deer have been managed professionally in Scotland. Herds of red deer have been culled by means of shooting the old ones, ensuring that the numbers stay at the correct level. What is going on at the moment, however, is indiscriminate slaughter. The slaughter is exaggerated by SNH's new regeneration programmes that involve replacing forestry fences with stock fences, over which adult deer can jump. If the mother is shot when it is in the forest, having jumped the fence to eat the young trees, the calves will starve to death. A further problem is that, whereas young trees used to be protected by proper forestry fencing, which used parallel wires, they are now protected by fencing that uses a rectangular mesh, which is dangerous for capercaillie and black game.

I could argue all day on this point, but what I basically want to say is that the situation in the north of Scotland has become aggravated. There are strong feelings between managers of red deer and officials from SNH and the Forestry Commission. The matter must be debated, which is why I agree with the petitioners that the petition should be referred to the Rural Development Committee for its urgent attention.

The Convener: The Scottish Gamekeepers Association has responded to the response of the Deer Commission for Scotland. I do not know whether everyone has received that.

Dr Ewing: I do not have it.

Mr McGrigor: I rather assumed that all members had read it. I can read it out, if you like.

The Convener: No. I simply want to point out that a representative of the Deer Commission for Scotland passed a copy of that body's response to a representative of the Scottish Gamekeepers Association at a meeting and that there is nothing wrong with that.

A number of issues must be resolved. One

relates to the killing of deer out of season. The Deer Commission for Scotland states that the Scottish Gamekeepers Association is not providing examples to support the allegations that are being made.

Mr McGrigor: I will quickly provide some examples.

The Convener: Not to me. The Deer Commission for Scotland wants examples and claims that the Scottish Gamekeepers Association has not provided any. We must clarify the situation, as the two sides are saying conflicting things.

The Deer Commission for Scotland intends to set up a review of legislation and will invite the Scottish Gamekeepers Association to submit evidence to that review. We have to decide whether that is the proper mechanism by which the Scottish Gamekeepers Association can pursue the matter or whether the petition should be sent to the Rural Development Committee.

Dr Ewing: I read through all the pages of information that we have in front of us. The petitioners seem to be saying that the law is that the landowner does not need a licence—he can jolly well shoot deer—but any other person needs a licence from the Deer Commission for Scotland. Am I right?

12:30

Mr McGrigor: We are talking about seasons. As far as I know, the statutory season for shooting deer is from 15 July to 20 October for stags and from 21 October to 1 February for hinds.

The Convener: Any landowner who perceives a threat to his interests or his land has the right to shoot deer. Is that the case?

Mr McGrigor: As far as I know, that is not the case, but that is not what the petition is about; it is about shooting deer out of season. The Forestry Commission shoots stags for 11 months of the year and it shoots hinds practically all year round. That goes completely against the professional management of red deer.

Dr Ewing: Yes, but my legal point remains. The Forestry Commission is the landowner. The Deer Commission for Scotland's response to the petition states, rightly or wrongly, that primary legislation would be required to alter the right of the landowner to shoot in the close season.

The cruelty to pregnant deer is terrible. The cross-party animal welfare group might want to investigate the matter; I do not see why it should not do so. However, I think that there is doubt about the law on the matter; I cannot understand the law. I think that Jamie McGrigor is suggesting

that good people obey the rules for the close season.

Mr McGrigor: The close season is a matter of law.

Dr Ewing: There are many exceptions to the law on shooting in the close season.

Mr McGrigor: The Forestry Commission can get a derogation to shoot outside the close season in order to protect young trees.

Dr Ewing: Who gives the Forestry Commission the derogation?

Mr McGrigor: I am not certain. It must be the Deer Commission for Scotland, because it is in charge of the conservation of red deer.

John Farquhar Munro: In the papers from the Scottish Gamekeepers Association, a distinction is made between the way in which private landowners and the Deer Commission for Scotland and the Forestry Commission use their right to shoot deer. The point has been made that the Forestry Commission seems to have carte blanche to shoot deer as and when it considers that to be appropriate.

As I see it, there is an open season and a close season. The suggestion is that no shooting of red deer should take place during the close season. Most people would agree with that and I am sure that the Scottish Gamekeepers Association would as well. However, over the past two or three years, the Deer Commission for Scotland has proposed a fairly extensive cull of red deer because of what it sees as overpopulation. Many estate proprietors and people who have an interest in deer management argue against that and say that there are concentrations of deer in particular areas, but not in others. The Deer Commission for Scotland, as the body with responsibility, has more or less imposed its will on private estates. Consequently, large numbers of deer are being shot.

A private owner shooting out of season to protect his land will ensure that that is done properly and that, if there is a calf at foot, it will be disposed of as well. The Deer Commission for Scotland and the Forestry Commission are not as discriminating in exercising their rights to cull. They carry out a mass cull; numbers are their target, not the welfare of the animals.

That is where the distinction lies between private landowners and the Deer Commission for Scotland or the Forestry Commission shooting deer out of season. The Scottish Gamekeepers Association has presented a legitimate case. It could provide evidence that would convince the Deer Commission for Scotland that the shooting of deer out of season must be curbed.

The Convener: I direct members' attention to

the final sentence of paragraph 34 of the Deer Commission for Scotland's response to us. It states:

"even if no authorisations were issued, most landholders could continue to shoot in the Close Season; only a change in primary legislation could change that. DCS have asked SGA for examples of unacceptable out-of-season".

Dr Ewing: Paragraph 26 is also worrying and reminds me a little of having a repeat prescription whereby you do not need to see the doctor again. It says:

"The principal criterion in deciding whether to issue an authorisation is that damage or danger to the public is occurring."

However, there cannot be many cases where deer pose a danger to the public: the animals run away.

Paragraph 26 continues:

"This involves a site inspection by a DCS officer ... on the first occasion, although repeat authorisations may be issued".

If we read that paragraph carefully, we have to doubt the whole procedure of authorisations and wonder why and to whom such authorisations to shoot in close season are granted.

The Convener: As we are by no means experts in this area, we have to decide whether to accept the Deer Commission for Scotland's recommendation that the Scottish Gamekeepers Association should participate in its review of current legislation in order to address the problem or whether a separate inquiry should be set up instead by referring the petition to the Rural Development Committee. That is the choice that faces us.

Rhoda Grant: I suggest that we refer the matter back to the petitioners and find out whether they feel that the review will be useful. If the petition went to the Rural Development Committee as it is, the committee would simply conclude that, as a review was under way, it would not carry out any further work on it.

The Convener: The matter is difficult. We received the SGA response only today and I have not had the chance to read it properly. However, the clerk has had a quick look. On the DCS's comment about the need to review the legislation, the association says:

"we wonder why it has taken them so long to recognise and acknowledge what we have been trying to tell them for over 2 years. A review of ... the ... act is essential, as an investigation by the Rural Development Committee will show."

The problem is that the SGA wants both things. Although it is quite happy to participate in any review by the DCS, it also wants the Rural Development Committee to address the problem. Whether that will happen is up to that committee;

we cannot force it to do so. However, we can refer the petition to it.

Rhoda Grant: I have no problem with that. I am just saying that I am a member of the Rural Development Committee and know its work load. If a review is under way on a particular issue, it is likely that most committees would decide not to get involved until that review was completed and members could scrutinise the outcome.

The Convener: Is it agreed that we write back to the petitioners on those lines and seek clarification on that issue?

John Farquhar Munro: Before we move on, I should point out, apart from the Scottish Gamekeepers Association, the deer management groups that have been established have an interest in the preservation and management of deer and would provide a professional view on the association's suggestions. We should recommend that whichever committee calls for more evidence should also ask those groups to submit some.

The Convener: Is there a way of contacting them?

Mr McGrigor: Yes. The umbrella organisation is the Association of Deer Management Groups, which is based in Inverness, I think. Is that right?

John Farquhar Munro: Yes.

The Convener: The clerk tells me that he can find out where the groups are and ask them for their views.

Dr Ewing: Can we also pass the papers to the cross-party animal welfare group for its interest?

The Convener: Yes. Is the suggested course of action agreed?

Members indicated agreement.

Planning System (PE439)

The Convener: The next petition is PE439 from Mr and Mrs Flanagan, which calls for safeguards to protect the rights of the public in relation to the planning system. The petition followed a case in which the council refused to defer planning permission until investigations had been carried out into a failure to adhere to previous planning conditions. The committee agreed to write to the Executive about the issue and we have now received its response to the petitioners' three main suggestions for improving the current system.

The first question was the old one about whether the Executive has any plans to introduce a third-party right of appeal, to which its simple answer is that it has no intention of doing so. On whether compensation should be provided for damages caused by developments that were approved by planning authorities, the Executive's response is

that, under the present procedures, the ombudsman can recommend that compensation be paid when maladministration has occurred. If the people who are affected are not happy with the ombudsman's decision, they can seek redress through the courts. On whether there should be a body that monitors planning decisions that are taken under the present system, the Executive's view is that planning decisions should be taken at as local a level as possible, which seems not to have been the case in relation to petition PE479, with which we dealt earlier.

The Executive points out that the Scottish Public Services Ombudsman Bill, which has been passed by the Parliament, will create a one-stop shop for all kinds of ombudsmen. The Executive hopes that the bill will increase the transparency and accountability of the ombudsman service in carrying out its functions.

The petitioner still has an opportunity to submit a response to the Executive's consultation on public involvement in the planning system, although the Executive has expressed views against the introduction of third-party appeals. The response covers compensation and how it can be awarded and mentions steps that are to be taken to improve and streamline the ombudsman system. Do we agree to send a copy of the Executive's response to the petitioner and to take no further action?

Members indicated agreement.

Water Boards (Consultation) (PE441)

The Convener: Petition PE441, which is from Mr Dereck Fowles, is on consultation by Scottish water boards. He was disturbed by the actions and decisions of West of Scotland Water in terminating sheep farming by the side of Loch Katrine. We agreed to request comments from the Executive on the petition. The Executive's response points out that sheep were removed from Loch Katrineside to protect public health following a cryptosporidium outbreak in 2000. That was done on the advice of the outbreak control team at West of Scotland Water. The authority has met with interested parties. When the new treatment plant at Milngavie, which is to be completed in 2005, is finished, livestock might be reinstated.

The Executive points out that the Water Industry (Scotland) Act 2002 improves the accountability of the sector and its responsiveness to customers and communities. A statutory code of practice, which requires Scottish Water to consult local communities, is in place. Consultation is required at appropriate points, such as before decisions are made on large projects. Consultation must occur in a reasonable time scale and proper information must be made available. Scottish ministers and

the new water customer consultation panels for which the bill provides are involved in approving the code, which is published and readily available. Scottish Water must measure its performance against the code.

We cannot intervene in the case of the petition. Although West of Scotland Water was prompted to make the decision by a matter of public health, it is unfortunate that adequate consultation procedures were not followed. It is encouraging to note that the Water Industry (Scotland) Act 2002 introduces a statutory code of practice that requires Scottish Water to consult local communities. That meets the petitioner's objectives. Do we agree to send a copy of the Executive's response to the petitioner and to take no further action?

Members *indicated agreement.*

Predatory Birds (PE449)

The Convener: Petition PE449, from Mr Alex Hogg on behalf of the Scottish Gamekeepers Association, asks for an independent investigation into the impact of predatory birds on waders, songbirds, private stocks of fish and game birds. An earlier petition on the licensed culling of raptors—PE187—was passed to the Rural Development Committee and the Transport and the Environment Committee.

In February 2000, the Department of the Environment, Transport and the Regions UK raptor working group published its findings. Although the Scottish Gamekeepers Association was involved in the consultation for that report, it strongly disagreed with the claims about the low numbers of raptors and the lack of damage that they do. The Transport and the Environment Committee concluded petition PE187 by suggesting that the DETR report be amended to reflect the nature of the SGA's involvement. The Transport and the Environment Committee strongly recommended that the SGA become a member of a newly formed moorland working group to allow its concerns to be addressed.

The committee agreed to request comments from Scottish Natural Heritage and the Scottish Homing Union. Members have the details of the responses from those bodies. We have also received a response from the RSPB, which offers to make available to the committee any scientific support that we might require.

The Transport and the Environment Committee set up a working group, which is chaired by Alex Neil MSP, to develop a research project to consider further the concerns of the Scottish Homing Union about the effect of raptors on its birds. That working group will address the issues that the petition raises. The moorland forum, which SNH will set up shortly, will provide an opportunity

for groups such as the SGA to become involved in discussions that are related to conservation and management issues.

It is suggested that we copy the petition and the responses to Alex Neil MSP and ask him to confirm whether the concerns that are raised in the petition are likely to be addressed as part of the research commissioned by his working group. We could also ask his view on whether the petition raises any new issues that would merit its being referred to the Transport and the Environment Committee. A copy of the petition could be passed to the clerks to the Rural Development Committee and the Transport and the Environment Committee for information only at this stage.

Helen Eadie: As I am involved with Alex Neil in the work to help the Scottish Homing Union, I will add that last week it was announced that the organisation has received a significant sum of money—£160,000, I think—to enable it to undertake proper research. The fact that people have lacked evidence that specifies how many predatory birds attack pigeons and SGA livestock has been part of the problem. The award represents a major step forward, because such evidence will help the Scottish Homing Union enormously.

The Convener: Are we agreed on the proposed action?

Members *indicated agreement.*

The Convener: We have already dealt with petition PE467. A small report at the back of the current petitions document deals with progress on several petitions. At the committee's next meeting, a full paper will be presented giving the up-to-date position on all outstanding petitions.

Inadmissible Petition

Nuclear Installations (Employee Safety) (IP22)

The Convener: The final item is inadmissible petitions. IP22, which is from Munro and Noble Estate Agents on behalf of Mrs Jeannie Gillen, calls for the Parliament to investigate whether the safety precautions that are taken by the nuclear industry to protect its employees are sufficient and adequate and requests the setting up of a statutory scheme for compensation for nuclear workers who contract certain specified illnesses as a result of their work. As the documentation indicates, all those matters are reserved to Westminster and the petition is therefore inadmissible. The clerk has been in touch with Mrs Gillen and has agreed that we will forward the petition to the appropriate Westminster minister and will advise her about how to pursue the matter through Westminster.

Dr Ewing: Mrs Gillen is a constituent for whom I have acted for many years. I am in no doubt that she is absolutely right.

The Convener: The matter is out of our hands, as you would say. Is there any other competent business?

Helen Eadie: Is there a convener's report?

The Convener: There will be a convener's report at our next meeting, which is on 23 April. Thank you for your attendance and forbearance during a very long meeting.

Meeting closed at 12:46.

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