

PUBLIC PETITIONS COMMITTEE

Tuesday 5 November 2002
(Morning)

Session 1

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PUBLIC PETITIONS COMMITTEE

16th Meeting 2002, Session 1

CONVENER

*Mr John McAllion (Dundee East) (Lab)

DEPUTY CONVENER

*Helen Eadie (Dunfermline East) (Lab)

COMMITTEE MEMBERS

*Dorothy-Grace Elder (Glasgow) (Ind)

*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)

COMMITTEE SUBSTITUTES

Scott Barrie (Dunfermline West) (Lab)

Irene McGugan (North-East Scotland) (SNP)

Mrs Lyndsay McIntosh (Central Scotland) (Con)

*attended

THE FOLLOWING ALSO ATTENDED :

Barrie Forrest (Rail Action Group East of Scotland)
Christine Grahame (South of Scotland) (SNP)
Derek Green
Robin Harper (Lothians) (Green)
Neil Henriksen (Colinton Amenity Association)
Councillor Daniel McCafferty (West Dunbartonshire Council)
James McGarry
Joyce McLean (Rail Action Group East of Scotland)
Michael Matheson (Central Scotland) (SNP)
Euan Robson (Roxburgh and Berwickshire) (Liberal Democrats)
Tom Thorburn (Rail Action Group East of Scotland)
Sandra White (Glasgow) (SNP)

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Joanne Clinton

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 5 November 2002

(Morning)

[THE CONVENER *opened the meeting at 10:04*]

The Convener (Mr John McAllion): I welcome everyone to the 16th meeting in 2002 of the Public Petitions Committee. We have not received any written apologies and I do not know of any other apologies.

New Petitions

Erskine Bridge Tolls (PE546)

The Convener: The first new petition is PE546, regarding tolls on the Erskine bridge, which is from Mr Alan Douglas on behalf of Argyll and Bute Council, Renfrewshire Council and West Dunbartonshire Council. Mr Douglas and Councillor Danny McCafferty should be here to speak to the petition, although I see that there is only one person at the table. Is it Mr Douglas?

Councillor Daniel McCafferty (West Dunbartonshire Council): It is Councillor McCafferty. Mr Douglas is sitting in the gallery; there will be only one speaker.

The Convener: The usual rules apply. You have three minutes to present your case, after which members of the committee will ask questions.

Councillor McCafferty: It is established that it is our council's policy to oppose the continuation of tolls on the Erskine bridge. That policy has all-party support within the council; it also has the support of Renfrewshire Council and Argyll and Bute Council, as well as a substantial number of other bodies. The petition seeks an examination of the practice and rationale behind the current policy. We ask that the Parliament carry out that examination as a matter of public interest and in order to resolve the issue once and for all. If we do not resolve the issue, it will come up every five years *ad infinitum*. The renewal orders that are currently used are a rather artificial mechanism.

As the committee knows, the original order started in 1971 and was continued in 1991 and 1996, then reinstituted in 2001. At the very least, there has to be a definition of what "temporary" means. The Erskine Bridge Tolls Act 1968 set the tolling power for 20 years from 1971 and said that the power would be temporary thereafter, if required. Renewing the power every five years

almost automatically is not temporary, and using that provision as a mechanism for permanence is misleading and unfair.

The rushed-through legislation in 2001 did not allow time for detailed examination of the need or otherwise to renew the order at that time. More emphasis was placed on passing the bill than on examining the reasons for and against the tolls being continued. The Erskine Bridge Tolls Act 2001 provided for the extension of tolling for a further five years. In effect, the act—by way of correcting an error—removed the rights that the public and the local authorities would have had to challenge the renewal order.

Under normal circumstances—if renewal had not been effected by an act of Parliament—our local authority would have asked for a local inquiry into the renewal order, but since renewal was enshrined in the act we were denied that opportunity. An important safeguard for the public was removed as a result of the need to rectify an Executive error. We do not consider that such an error justified the removal of our right—or, for that matter, the Parliament's right—to consider fully the arguments for and against the renewal of the tolls for another five years. We believe that if our petition is accepted and discussed at the Transport and the Environment Committee, that situation can be rectified and the Parliament can consider the issues involved.

The petition should be referred to the Transport and the Environment Committee. We would like a study to be done of the direct and indirect consequences for the social and economic well-being of our communities.

Since the Erskine Bridge Tolls Act 2001, Greater Glasgow NHS Board has been given consent by the Minister for Health and Community Care for a major reconfiguration of services, which will necessitate increased use of the Clyde tunnel. That was not considered when the tolls were reintroduced in 2001 and it will affect us in the future. We want the Transport and the Environment Committee to take into account the necessity, if the NHS board's plans go forward, of having a congestion-free tunnel.

In addition, since the 2001 act, Loch Lomond Shores—a multimillion pound tourist complex—has opened up and the Loch Lomond and the Trossachs national park has come into being. It is ironic that although we say that we want to enhance Scotland's tourism base, we promote the myth of the penny-pinching Scot by charging overseas visitors to cross the bridge from Glasgow airport. In effect, we are saying, "Welcome to bonnie Scotland; gie's your 60p before you can travel any further." That is hardly a great advert for Scottish tourism.

Clydebank is part of the major regeneration of Clydeside. With the "Clyde Rebuilt" report, we are trying to gather investment in excess of £500 million. We are saying to the world, "Come and invest in the regeneration of Clydeside." The fact that the Executive cannot forgo a fraction of the bridge tolls money to encourage inward and business investment in our local communities is a bad signal to the world. We think that that should be examined.

All that we are saying is that we want honest answers to simple questions to put the issue to bed once and for all. Will tolls ever be abolished? If so, when will that happen and can a date be set? If not, why not, and can we stop pretending that anything other than permanence is involved? People require honest answers to honest questions, and, as the tolls are in place until at least 2006, there is substantial time for the issue to be examined. The Executive could then reach a reasoned judgment in the context of what the tolls mean for the west of Scotland and West Dunbartonshire in particular.

The Convener: Thank you

Dorothy-Grace Elder (Glasgow) (Ind): I am glad that you mentioned the hospital reconfiguration, because I made a note about that last night. Have you approached Greater Glasgow NHS Board as part of your plans and petitioning?

Councillor McCafferty: Not directly, but as leader of West Dunbartonshire Council and a member of Greater Glasgow NHS Board, I am on record as saying that the point about the accident and emergency unit requires further discussion. I was pleased that the minister said that it would be reviewed in two years. That review should be done in the context of an examination of what the reconfiguration will mean for the Clyde tunnel and the Erskine bridge. It will be an ideal opportunity to examine those two points together. Personally, I want three accident and emergency units, but that is an aside.

Dorothy-Grace Elder: That was a major point in the opposition to the hospital plans. People feared that lives might be endangered or even lost in the Clyde tunnel.

Councillor McCafferty: We will never know unless we do a study. I am not asking for a yes or no, but simply for a study.

Rhoda Grant (Highlands and Islands) (Lab): Have you done any work to find out what funding would be required to abolish the tolls on the bridge?

Councillor McCafferty: According to the last figures that we had, the Executive takes in £5 million per annum. That is not just for the bridge, and we must know where it goes. The £5 million

per annum is in the retained income for the general motorways and trunk roads. The Erskine bridge is unique. It is the only toll road in Scotland that is a trunk road. The bridge is the responsibility of the Executive, which takes the £5 million and puts it into the general pot. We need a breakdown of that £5 million to see how much the bridge costs and how much the Executive is using for other purposes.

Rhoda Grant: So you have no figures for the maintenance of the bridge or the staffing costs?

Councillor McCafferty: No. I would hope that the Executive would supply the figures to the Transport and the Environment Committee, because it does not have the information either. Only the Executive can provide the information in justifying its argument for tolls.

Rhoda Grant: How many people work on the bridge collecting tolls? How many people's jobs would be involved?

Councillor McCafferty: I have no idea how many people's jobs are involved, but I would not anticipate a loss of jobs. Whether or not there were tolls, we would still need some regulatory mechanism for health and safety reasons. Sometimes people can be paid to do health and safety regulatory maintenance jobs; they do not have to be collecting money. It is a fact that something like one third of all tolls collected are taken up by administration costs.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Thank you, and good morning.

I want to mention at the outset that in my constituency we have the bridge with the highest tolls in Britain, if not in Europe. That is the famous Skye bridge. I note in your submission that it is your understanding that when a toll route exists, there must be a suitable alternative means of travel. I suggest that finding an alternative to the Erskine bridge would not be a tremendous problem. However, there is no alternative to the bridge to Skye, and yet we have the highest tolls in Britain. Do you consider the tolls on the Erskine bridge to be excessive?

Councillor McCafferty: I do not think that the tolls are necessary, so it is not a question of whether they are excessive. The tolls were introduced to pay for the bridge when it was built. The bridge has been well paid for and the tolls are being used for different purposes, which was not the intention of the act.

I have a great deal of sympathy with the Skye bridge; I have travelled over it to Skye, which is a beautiful place. I do not think that one bridge should be set against another. I dispute the fact that there is an alternative route; the Erskine

bridge is the only trunk route.

John Farquhar Munro: I applaud your sentiments and I am supportive of the petition simply because of the principle. When the tolls on the Erskine bridge were debated in the Parliament some months ago because the paperwork had been found to be defective, I admit that I voted for the reintroduction of the tolls simply because of the tolls that were imposed on other bridges. If my constituents are paying high tolls, I see no reason why tolls should not be paid on the Erskine bridge.

10:15

Councillor McCafferty: If I had a vote, I would support you as well.

John Farquhar Munro: Is it your opinion that the Erskine bridge is part of the trunk road network?

Councillor McCafferty: The Scottish Executive recognises it as such and defines it as part of the general motorways and trunk road network.

John Farquhar Munro: I have argued about this in the past and I was advised that, prior to the toll order for the Skye bridge, no trunk road in Britain had a toll imposed on it and that it was illegal to have a toll on trunk roads. I was told that the Forth, Tay and Erskine bridges were not part of the trunk road system. Perhaps that has been altered unbeknownst to me.

Councillor McCafferty: As far as I know, the Erskine bridge is part of the trunk road network. The fact that we do not know whether that is correct shows why the Transport and the Environment Committee has to examine the matter.

Phil Gallie (South of Scotland) (Con): Do you agree that if the tolls were lifted on the Erskine bridge, the Scottish Executive would be duty bound to reconsider tolls on other bridges, particularly the older bridges across the Forth and the Tay?

Councillor McCafferty: That is entirely for the Scottish Executive to determine. I am afraid that I am arguing only about the Erskine bridge for West Dunbartonshire and the surrounding communities. If the Scottish Executive wished to consider tolls in their entirety, I certainly would not be opposed to that. I am not making a case for the Executive to reconsider tolls on all bridges.

Phil Gallie: I want to ask about the revenue implications for the roads budget. Do you agree that if the tolls were to be removed from the Erskine bridge and the Scottish Executive concluded that it had to act on the toll bridges across the Forth and the Tay, there would be a cumulative build-up in revenue loss? Do you agree

that that would have to be taken from the budget for road maintenance and the provision of services elsewhere?

Councillor McCafferty: Not as long as the Executive continues to have a £643 million underspend at the end of a year.

Phil Gallie: That is a fair point.

The Convener: The Tay and Forth bridges are not run by the Executive; they are run by joint bridge boards that have representation from the local authorities in the respective areas. In a sense, any decision by the Executive on the Erskine bridge would not necessarily have a knock-on effect on the Forth and Tay bridges. Is that the case?

Councillor McCafferty: I do not have expertise in that.

The Convener: I know about the other bridges because I was previously a joint convener of the Tay Road Bridge Joint Board. The bridges are run by local authorities, so their maintenance costs have to be borne by local authorities. That is why a toll continues to be charged on the bridges. You are arguing that, given that the Erskine bridge is part of the trunk road network, its maintenance costs should be met from the normal spend on the trunk road network.

Councillor McCafferty: I would certainly argue that. The questions that I have been asked show that there is a need for the matter to go to the Transport and the Environment Committee, because those questions should be asked there.

The Convener: At the time of the debate on the Erskine bridge tolls, the minister said that the people who use toll bridges should be made to pay for them and that the cost should not fall on the general taxpayer. What do you make of that argument?

Councillor McCafferty: That is all very well if someone does not live in West Dunbartonshire. Some 1,200 people commute to their work every day from West Dunbartonshire and 1,000 commute every day from Renfrewshire to West Dunbartonshire. People have to pay by virtue of the fact that they live on either side of the bridge. People who commute every day to and from Glasgow and Lanarkshire do not have to pay a toll, because although they travel a similar route, the road is not a bridge. People are paying for the bridge because of its geographical location in relation to their employment. There is an incredibly high level of unemployment in both West Dunbartonshire and Renfrewshire. Although £300 to £400 a year might not be a great deal of money to some people, to others it is the cost of putting clothes on a child's back, feeding a child or taking a child on holiday.

The Convener: The minister also argued that dropping the tolls on the Erskine road bridge would lead to an increase in traffic using the bridge and therefore add to pollution and environmental damage. How do you answer that criticism?

Councillor McCafferty: Perhaps we should reverse that argument. The traffic in Glasgow's urban areas is causing greater pollution in built-up areas. Even my very limited evidence shows that there tends to be less pollution when people travel on motorways and more when they travel through built-up areas. By discouraging traffic from using the Erskine bridge, we are probably only transferring the problem and causing pollution in other areas. That argument proves that Parliament needs to examine the case in depth instead of taking a superficial look at it.

The Convener: Thank you for your evidence. The committee will now discuss the suggested action for the petition, and you are free to listen to the debate.

Members will see from their papers that the Executive appears to have a very clear position on continuing the tolls regime on the Erskine bridge, given the emergency legislation that was passed last September that authorised the levying of tolls on the bridge until 2006. However, we might wish to agree to write to the Executive and seek its views on the specific issues that the petition raises. We should seek confirmation of the Executive's position with regard to the Erskine bridge tolls regime and an indication of whether its policy is likely to be continued after 2006. We should also ask whether it will consider alternative measures to allow the toll regime to be replaced with a funding regime that recognises that the bridge is a vital element of the Scottish trunk road network.

We should also ask the Executive to comment on the council's claims that the grounds for temporarily establishing a toll regime on the bridge in 1971 have been met and that revenue generated through the tolls is now being used as a means of funding the general motorway and trunk roads programme. Finally, we must find out details of the Executive's position on the council's claims that the use of the emergency legislation procedure failed to provide the opportunity for adequate consideration of and effective consultation on the issue.

Do members have any other points that we should raise with the Executive?

Phil Gallie: I wonder whether it would be better if we passed the petition directly to the Transport and the Environment Committee. The questions that the petition raises about the Erskine bridge have much wider implications. I imagine that

everyone who was involved in the three-mile tailback on the Forth road bridge today feels that that bridge is part of the trunk road network. Moreover, if they had come the other way through Kincardine, they would have faced roadblocks. I do not know what the alternative is, particularly for people from Fife, but the petition raises a massive question that cannot be ignored. Perhaps the Transport and the Environment Committee should consider the wider issues that have been raised.

The Convener: The alternative to the Forth bridge is certainly not rail travel. My train journey was delayed because of a fire at Kirkcaldy and we had to go on a round trip all over Fife.

We would pursue initial inquiries with the Executive in order to facilitate passing the petition to the Transport and the Environment Committee. A copy of the petition will be passed to that committee in any case, but the issue will not get onto its agenda until several weeks from now. In the meantime, we could seek a response to certain questions from the Executive, which we would then pass on to the Transport and the Environment Committee. That would do that committee's early groundwork and allow it to get into tackling the matter. Otherwise, nothing will be done. I am suggesting not that we deal with the petition—after all, it is a matter for the Transport and the Environment Committee—but that we deal with initial inquiries to the Executive and find out its position on certain questions.

Phil Gallie: Okay.

Dorothy-Grace Elder: I agree with the convener's approach. In the long run, the petition must go to the Transport and the Environment Committee, but first we should hear what the Executive has to say.

Also in the long run, the petition should be sent to the Enterprise and Lifelong Learning Committee because, as the petitioner has made clear, jobs and tourism are involved. In fact, there might even be a European dimension. As a result, it might be worth making inquiries to the transport committee of the European Parliament, because the toll rates on the short stretch of the Erskine bridge—if we regard it as a trunk road—are excessive compared with rates on major toll roads in Europe. That sort of unpleasant introduction to Scotland on a short stretch of road that leads to Loch Lomond and other famous tourist attractions is not doing us any good. As Councillor McCafferty pointed out, it is like saying to tourists "Welcome to Scotland—where's your money?" Perhaps it would be possible to call on Europe in the interim, as we are not referring the petition directly to the Transport and the Environment Committee, or to consider referring it to the Enterprise and Lifelong Learning Committee.

The Convener: When we refer the petition formally to the Transport and the Environment Committee, we could recommend that that committee consult the Enterprise and Lifelong Learning Committee on the implications for tourism. In the meantime, we could ask the Executive for its comments on the likely impact of tolls on local enterprise and tourism in the area. Is that agreed?

Members indicated agreement.

Planning Process (PE554)

The Convener: Petition PE554, from Mr Neil Henriksen, concerns improvements to the planning process. Neil Henriksen and Duncan Campbell are with us this morning; I invite them to come forward and make their opening remarks within the usual three-minute time limit.

Neil Henriksen (Colinton Amenity Association): I heard the Presiding Officer on the radio describing the Public Petitions Committee as a jewel in the crown of the Scottish Parliament. I must say that it is a thrill to be here.

I hope that my petition speaks for itself. My principal objective is to introduce a degree of fairness and parity for the man in the street when he finds himself as the third party in a planning dispute. I have supplied a sheet of supplementary evidence because the planning system is, at present, somewhat choked up with unnecessary second and third applications. If those were taken out of the system, the whole process would undoubtedly be speeded up.

My objective—with the committee's good offices—is to have my proposal included in the revision of planning legislation that I understand will take place next year. It might be pie in the sky, but if the committee were to see its way clear to asking for my proposals to be piloted, Edinburgh would be a great place to start.

The Convener: Thank you for that introduction, which was short, sharp and to the point. I invite members of the committee to ask questions.

Helen Eadie (Dunfermline East) (Lab): I apologise for being late. I was one of the victims on the Forth bridge this morning. The lesson for us all is that we should allow more time for our journeys.

I would like to ask about the background to the petition that we have seen, which concerns the green paper by the Department for Transport, Local Government and the Regions on planning in England, entitled "Planning: delivering fundamental change". Will you elaborate on how you see the attributes of that paper helping in the Scottish scenario?

Neil Henriksen: The English green paper was published in December last year by the DTLR, which is now the Office of the Deputy Prime Minister. I have not seen the whole paper; I have seen only an extract on the internet, and I enclosed that extract with my original request to be heard by the Public Petitions Committee. That paper is broad and sweeping; it attacks all repeat applications and does not suggest a time limit. There do not seem to be many effective time limits on the planning process in England; there certainly are not in Scotland. I suggest a time limit not for all repeat applications, but for those for which it can clearly be seen that the popular view—apart from that of the developer—is that circumstances have not changed and that the environment is at risk. In such cases, third parties—the objector, in my case—are being caused untold worry, use of time and expense over the years.

The Convener: Robin Harper has joined us to speak in support of the petition.

Robin Harper (Lothians) (Green): The petitioners' concern has been brought to my attention repeatedly by constituents in Edinburgh and Lothian and throughout Scotland. It is a running sore in the planning process, which must be addressed by the Executive during its review of the planning process. I support the petition because it highlights one of the worst problems we have, along with the third-party right of appeal.

The Convener: Executive ministers have already made it clear that they have no plans to introduce any changes of the kind that is suggested in the petition. Have you had any response from the Executive as to why ministers oppose such changes?

Neil Henriksen: I have received no response. The committee is my first port of call, but my friend Duncan Campbell assures me that the draft consultation document does not mention the issue.

The Convener: However, the matter is mentioned in the England-and-Wales green paper.

Neil Henriksen: That is so. I was not informed about that green paper; rather, I came across it during consultation after I had drafted my petition. The issue struck me and seemed obvious.

Phil Gallie: One of the petition's merits is that it sets a time scale that is not excessively long—it is realistic. You say that that might save council officials' and protesters' time. Will you expand on that and the reasons for the time scale?

10:30

Neil Henriksen: As I said, the evidence that I gave the committee shows that no time scales exist other than targets that the First Minister sets

for local authorities. Such targets might include dealing with 80 per cent of cases within set times, but according to the evidence that I have seen, few local authorities achieve those targets. I assume that many developers play the system—they exploit it. I hope that it is not libellous to say that. Various devices exist for making a Trojan-horse application when it is known that that will not be the final application that is accepted. When that is turned down, the applicants repeat the application with modifications. I cannot tell what the effect of that would be, because I am not a planner, but the planners to whom I have spoken say that they want a more categoric and coherent system that will help them to make decisions. They must constantly make decisions in the light of a welter of legislation and considerations. I cannot speak more about that, because I am not a planner.

Dorothy-Grace Elder: You talk about public protesters being worn down over the years by repeat applications, which we have seen happen many times. How much time have you put into cases? That will give us a flavour of the situation.

Neil Henriksen: I am retired, so to an extent, my involvement has been interesting for me. I have worked on this since Christmas eve 1999; first, on the Defence Estates request to build houses on the polo field in Colinton and subsequently on Miller Homes's—I suppose that it is okay to mention that organisation—expected application to build 40 to 50 houses that would cost between £500,000 and £750,000 each. Miller Homes is open about that. It is conducting further surveys and preparation and does not expect to apply until April or May next year. However, I must constantly keep up to scratch approximately 60 leaflet distributors to the 3,000 homes roundabout, ready to go into action in protest.

Dorothy-Grace Elder: You have been involved in the matter for almost three years.

Neil Henriksen: It has been two years, really.

Dorothy-Grace Elder: You said that you started in 1999.

Neil Henriksen: Yes. I am sorry—that is getting on for three years.

Dorothy-Grace Elder: In those three years, have scores or even hundreds of hours of your life been consumed?

Neil Henriksen: Yes, but I have not quantified that. I have met interesting people and the burden has not been colossal or crushing.

Dorothy-Grace Elder: You mentioned Defence Estates.

Neil Henriksen: The Ministry of Defence appropriated the ground in Colinton in about 1914,

with a vague promise to return it to the community. That, however, was not the issue that I meant to raise, so I will stop there.

Dorothy-Grace Elder: If an MOD property or public property is involved in a planning application, the application's opponents are in effect fighting with people whom they as taxpayers are subsidising to fight them.

Neil Henriksen: We were.

Dorothy-Grace Elder: You are getting nothing.

Neil Henriksen: My friend Duncan Campbell has reminded me that we have spent more than £3,000 on the defence against the development.

John Farquhar Munro: The petition's wording is rather vague. It refers to

"well founded objections to a planning proposal"

and talks about the situation if agreement has not been reached after one year. Surely, in your experience and that of many others, if a planning application is complex and rather large it might in any case extend beyond a year.

Neil Henriksen: Eighty per cent of applications are supposed to be dealt with by local authorities within two months. If a written appeal regarding an application is made to the Executive, it should be dealt with within a year. Unfortunately, if there is a public inquiry and the Executive drags its feet, it can take about 11 months for the public inquiry in 80 per cent of cases. In such cases it might be necessary to make exceptions. Members will all be familiar with Parkinson's law, which states that tasks tend to expand to fill the time that is available in which to do them. Based on my experience as a professional in a different domain, I know that if folk are given time limits, it is marvellous how quickly they can get down to a task.

John Farquhar Munro: I understand that and I sympathise with groups or individuals who are trying to make a case against a multinational or another organisation that is applying for planning permission for a project. That can be difficult, costly and time consuming, and people have to mount such cases voluntarily. If an application had been refused for a specific reason and the grounds of your objection were met at a later stage, would that satisfy you?

Neil Henriksen: Yes. The planning authorities' planners routinely make judgments on such issues. We would have to trust them to say whether the matter fell within the exceptional category and whether there might be a special protocol or dispensation that meant that they could declare that the application would not come back. However, if it was a matter of argument between the local authority, a developer and local folk

about how much affordable housing was to be in a project, for example, the process might take time once the principle had been conceded that housing was to be built. My objective is slightly narrower and I am not trying to stop repeat applications in all cases, only in cases in which the repeat applicant is clearly a chancer, is mischievous or whatever.

John Farquhar Munro: If, after six months, the developer came back and was inclined to amend the application to comply with the objectors' views, would you be quite happy for that to happen because it was within the 12-month period that you specify in the petition?

Neil Henriksen: I feel, sir, that you have come so far towards me that I would be churlish to object to that. What you suggest would be acceptable.

The Convener: Let us be clear: the detail of the 12-month period is not central to the petition. What is essential to it is the fact that, once an application has been refused, it cannot be resubmitted unless there is a substantial change in circumstances. That is the key to the matter. Whether an application has been refused the first time and not appealed, or has been appealed and refused, that is the end of the matter and it should not come back again.

Neil Henriksen: That is the essence of it. It might take 13 months or so, because such things can drag out.

The Convener: The time limit is not essential, however. If the principle was conceded by the Executive, you would be more than happy.

Neil Henriksen: That would be a major step forward. However, a time limit would be useful because our lives are being pitted against the application.

The Convener: I can envisage a civil servant writing about six pages that say why the time limit of 12 months would be inappropriate and giving 100 reasons why that should not be the time limit.

Neil Henriksen: I can imagine that.

Helen Eadie: When you approached the Royal Town Planning Institute, what was its response?

Neil Henriksen: I spoke with Graham U'ren, who may be the chairman of the RTPI—I am not certain of his title, but he is in charge—and the discussion was positive. No one at any stage suggested that I was barking up the wrong tree. I do not think that Graham U'ren is in a position to come out and support me officially, but no one to whom I have spoken has said that PE554 is a bad idea.

The Convener: Thank you for your good presentation this morning. You are free to listen to

the debate about what should be done with the petition.

Neil Henriksen: Thank you, ladies and gentlemen.

The Convener: As we heard this morning, as a result of its consultation on the planning process, the Executive intends to introduce a planning bill during the next session of the Parliament. Given the Executive's silence on the issue, the Committee may agree to write to the Executive seeking its comments on the issues that are raised in the petition. In particular, the Executive could be asked to provide an indication of whether the measures that are proposed by the petitioner and contained in the recent Department of Transport, Local Government and the Regions paper are likely to be included in the bill. In the meantime, the committee might also wish to pass a copy of the petition to the Transport and the Environment Committee for information.

Dorothy-Grace Elder: The flaw in the petitioner's excellent argument is reference to the 12-month period. I wonder whether we could leave the time period a bit more open in the view that we take of the petition. The one-year period gives developers a quite obvious chance to sneak back in immediately after the time period has elapsed. It could be said that 12 months is just enough time for an excellent team of activists to disintegrate.

The Convener: I asked the question for my own benefit. I have not made a decision about whether 12 months is the right period of time. The period of time remains as it is set out in the petition and the Executive will have to respond to that.

Dorothy-Grace Elder: Can we ask the Executive whether it plans to give assistance to members of the public who are fighting planning applications?

The Convener: The Executive dealt with that issue as part of its consultation. We have received other petitions on the subject and the responses will come to us in due course.

With regard to PE554, we will pass the petition to the Executive asking for its comments on the petitioners' proposals and whether it will include in the planning bill the provisions that the petitioners seek. When we have received a response, we can consider what we will do in respect of the petition.

Dr Winnie Ewing (Highlands and Islands) (SNP): I am sorry to be late, but the plane was late and there was a terrible taxi queue.

The Convener: All the planes have been late today, which has been a disaster.

Dr Ewing: I wanted to ask whether the petitioners could give me some idea of the extra costs involved, but they have gone.

The Convener: We can ask the Executive whether the proposals have cost implications.

Helen Eadie: We could also ask the Executive whether it has proposals to recompense community councils or campaigning organisations for their costs.

The Convener: That is part of the point that Dorothy-Grace Elder raised. The Executive will respond to us on those issues, but in its responses to other petitions. Are we agreed on the action that we will take on PE554?

Members indicated agreement.

Rail Transport (PE556)

The Convener: Mr Tom Thorburn is here to speak to PE556, on the extension of rail commuter services on the east coast main line. I ask Mr Thorburn to introduce his colleagues, after which he has the usual three minutes to make a presentation.

Tom Thorburn (Rail Action Group East of Scotland): Thank you. I am joined by Barrie Forrest, who is the vice-chairman of the Rail Action Group East of Scotland and Joyce McLean, who is a member of our local community council and of the action group.

First and foremost, I would like to thank Euan Robson MSP for organising the Reston station reopening petition. As the chairman of the Rail Action Group East of Scotland, it gives me great pleasure to have the opportunity to put our case for reopening Reston station in Berwickshire on the east coast main line.

East Berwickshire desperately needs a station to rejuvenate the area and address the problems of social exclusion and an aging population. A station would also offer an environmentally friendly alternative to the car and would enable students to travel to university in Edinburgh or Newcastle. That alternative is particularly necessary in view of the costs of renting accommodation, especially in Edinburgh where costs are prohibitive, and because of the low wages in our area. Congestion charging is also on the horizon in Edinburgh.

Prior to rail rationalisation and the Beeching cuts, Berwickshire had five main line passenger stations. Reston was the last station to close—that took place on 4 May 1964.

10:45

Reston lies about 46 miles south of Edinburgh; it is more or less midway between Dunbar and Berwick-upon-Tweed. Those stations are highly congested because of their popularity and, during the working week, it is almost impossible to park there.

Willie Black, Network Rail Ltd's east of Scotland signalling manager, has visited Reston and has advised the group on the best site for the new station. He is desperate to have new passing loops put in at Reston because of the increase in freight traffic that he has to contend with. That would be a great boon to people in the area, because it would allow our local passenger train to get off the main line to let big brother go past and it would also make for a cheaper and easier station build.

We have met the planning department of Scottish Borders Council and the site has been assessed to enable it to be listed in the local plan. Hugh Veitch, the local landlord, has given full consent to the use of any of his land that is necessary to gain access to the new station and the car park. Bill Ure, secretary of the Rail Users Consultative Committee for Scotland, published and presented a paper to the Scottish Parliament on local services that should be implemented on the west coast and east coast main lines. The paper said that East Linton and Reston should be reopened on the east coast main line and that there should be improved services to Dunbar, which could be implemented by means of an Edinburgh to Berwick local service. The north-east of England A1 multimodal study proposed an hourly local service for the Newcastle to Berwick section of the ECML.

The three community councils in the Reston station catchment area have all shown their full support for a reopened station at Reston. They are full members of the group. We also have the full support of Councillors Jones, Elliot and Cook, MSPs Euan Robson and Christine Grahame, south-east Scotland transport partnership—SESTRANS—and Lewis Macdonald, who is one of the ministers responsible for transport.

During the collection of signatures for the petition at Coldingham gala day, we were approached by caravanners. They want the station to be reopened because it would allow them to get into Edinburgh for entertainment and it would allow friends and relatives who are not able to get to the area by car to get there by train. A businessman who recently moved to Reston claimed that, if the village had a station, many of his Edinburgh colleagues would move to the area. They will not do so at present because of travel difficulties.

I appeal to the committee for funding for Reston station.

The Convener: I invite Euan Robson to speak in support of the petition.

Euan Robson (Roxburgh and Berwickshire) (LD): The key to Reston station is the installation of passing loops. Correspondence with the Strategic Rail Authority suggests that it is minded

to put in passing loops for freight traffic on the east coast main line. Once that has been achieved, it will be possible to build stations or halts on the passing loops. That would be less expensive than building stations directly on the main line. The passing loops would be paid for as part of the east coast main line upgrade, before the station would be paid for.

As Tom Thorburn said, there were originally five main line stations in Berwickshire alone. It is sad that none survives. Reston would be but one of a number of stations that could be built in due course. The petition refers to consideration of the reopening of other stations in other parts of Scotland, as well as on the ECML. The vision must be to make it possible, through new stations on the ECML, to commute into Edinburgh and beyond, if necessary. That will be especially desirable if charging for road access into Edinburgh is implemented.

Therefore, I am pleased to support PE556. Reston is a small community, but the 2,000 signatures in support of the petition demonstrate that there is demand, not only from residents, but from visitors to the area who—as Mr Thorburn said—would use the station because it is well located. Reopening the station would fit in well with the new structure plan for the Borders, which regards eastern Berwickshire as a development area. All those reasons together with local factors such as the land being available, the local community having the will and the council and the enterprise company being interested mean that the ingredients exist for a successful reopening.

I would be grateful if the committee would support the petition. Perhaps the committee could ask the Strategic Rail Authority when the passing loops might go in and encourage any other agencies that the committee feels could advance the case for Reston.

Christine Grahame (South of Scotland) (SNP): I support what Euan Robson said about the passing loops. I visited the proposed station site with Tom Thorburn and Barrie Forrest. The site is not where the old station was but where an old market used to be. As Tom rightly said, the landowner is content to sell the land at an agricultural price rather than a development price. There is also a bridge on the site, which would eliminate the need for expensive capital investment in order to comply with disability discrimination legislation. Disabled people would be able to get to either side of the line.

Therefore, the site has a lot going for it and the proposed station would open up the eastern Borders. Reston is a bit of a cinderella place. The railway line that I punt most of the time is the proposed Borders line. However, reopening Reston could be part of the reopening of the

Borders to the economic development that would be achieved by the reopening of the Borders line.

Tourism is an interesting aspect of the Reston case. I wrote to the chief executive of the Scottish Borders Tourist Board and his view is that other public transport would have to link with a station at Reston. However, he said:

“On the question of economic impact on the tourism industry, obviously anything which opens up new points of access to visitors is bound to bring some benefit”

but that

“exactly what that would be ... is ... difficult to assess.”

Reston is a beautiful part of the Borders and a station there would open up, for example, Eyemouth and the possibility of local caravaners being able to travel by train elsewhere. Reston is a bonny wee place. The Borders is a poor area in terms of investment and wages. Borders people earn £50 a week less than the Scottish average.

The Borders requires infrastructure such as a station at Reston. My view is that Scottish Borders Council is, unfortunately, not pressing the matter, although it has had the opportunity to do so. The Scottish Executive commissioned in 2001 a study into potential candidates for support for passenger and freight transport by rail, but Reston was not included in that study, which I think was wrong. We are trying to get freight off roads and back onto rail. Passenger services could ride piggyback on a freight line.

I understand that Scottish Borders Council could apply for funding for an independent feasibility study but has not done so. I think that the cost of the feasibility study that was done by Tom Thorburn's group into who would use the proposed Reston station was £20,000. An independent study would be a better option and the sum of £20,000 is a pauchle of money to get the show on the road.

Of course, the role of ScotRail Ltd is key in the matter. Great North Eastern Railway Ltd is the rail company that is currently involved in the Borders area. My understanding is that GNER would not be interested in a station at Reston, although ScotRail would be. Therefore, it is important that when ScotRail is organising its franchises, and bargaining and negotiating for them, the proposed Reston station is put on the agenda. I fully support what Euan Robson said. The Reston campaigners, like the Stow people, are doing what politicians do not do for them.

Robin Harper: I add my full support to the proposal, which I think is an excellent idea.

Dr Ewing: First, on the references to freight and passing loops, do the petitioners want a passing loop for Reston? If so, would that be dependent on freight's being dealt with first? Secondly, Lewis

Macdonald confirmed in a parliamentary question that the

“reopening of a railway passenger station at Reston is a local transport issue. As such we would expect the relevant local authority to take such a project forward.”—[*Official Report, Written Answers*, 4 July 2002; p 1109.]

Has the Reston campaign body asked for such action to be taken?

Tom Thorburn: First, I will answer the question on freight. Freight on the east coast main line has dramatically increased, although the Longannet deep mine has closed. The coal from the opencast mines in Ayrshire goes down the east coast main line, but coal must also be taken to the Longannet power station. Due to the contracts, coal must go in both directions. Railtrack—now Network Rail Ltd—is desperate that the loops are available.

We have asked for progress funding for a feasibility study for the station from both the council and the local subsection of Scottish Enterprise but, unfortunately, we always seem to come up against a brick wall. Scottish Borders Council is very focused on the Waverley line, so we organised the petition to show the depth of support for the station.

Phil Gallie: As Winnie Ewing said, the minister has said that he will not address the matter because it is a local transport issue. However, the Executive’s policy is to move as much freight transport as possible off the roads. Why do you think that the minister sees the issue as a local matter when providing stations would meet the Executive’s targets?

Tom Thorburn: I cannot really answer that, Phil.

The Convener: Can any of the other witnesses answer the question?

Tom Thorburn: We cannot say why the minister views the matter as a local issue.

Phil Gallie: Has anyone followed that up with the minister through local representatives?

Tom Thorburn: No. Our group has not done so.

Phil Gallie: It might be worth doing that. The issue is far wider than a local matter. Given the Executive’s targets on freight and road transport, I view the matter as a national issue.

Tom Thorburn: We were depending on the east coast main line upgrade to take care of the passing loops for the freight side. We were looking for our local station to be reopened through local authority funding, as other local stations have been.

Phil Gallie: If the passing loops are put in, the cost of providing a halt would be pretty minimal, as you suggested. That was done privately at

Prestwick airport; a halt was put on the main line there at relatively low cost.

Tom Thorburn: The costs for two new stations in East Lothian were about £1 million or £1.1 million, but those were on the main line. Building directly on to the main line causes many problems because the work force must be pulled back whenever the trains pass, whereas building the stations on loops would make things far easier and would not involve the same danger factor.

As Christine Grahame stated, Reston has an underbridge that could be fully utilised, so that we could dispense with the need for an overbridge for the disabled, which would cost about £400,000. We are talking about somewhere between £0.75 million and £1 million to provide the halt.

Dorothy-Grace Elder: Phil Gallie asked my question on what the overall cost would be and you have—against the background of the two new stations in East Lothian costing only between £1 million and £1.1 million—already explained that.

If it is any encouragement, I add that Scottish Borders Council was not particularly focused on the Waverley line, although the public were. However, once the Parliament started, we managed to focus the council—to put it politely—because of the great deal of work that was being put into the issue by parliamentarians.

Tom Thorburn: I am sorry—I have been picked up wrongly. I meant to say that Scottish Borders Council is very focused on the Waverley line.

Dorothy-Grace Elder: Do you mean at present?

Tom Thorburn: Yes. That is why the council seems to be ignoring the east coast. However, it is coming round.

11:00

The Convener: The Strategic Rail Authority is keen to have passing loops on the east coast main line because of the implications for freight traffic on the line. Is it correct that the SRA would have to negotiate to have the loops put in, as part of awarding the franchise to Great North Eastern Railway?

Tom Thorburn: No. Given the volume of traffic on the line, the funding for the loops would come from the SRA.

The Convener: Therefore, it would ultimately be a matter for ScotRail to put a station on one of those loops. Local authorities would have to use the public transport fund and approach ScotRail to build a station.

Tom Thorburn: ScotRail would have to provide the service—

The Convener: But the station could be built using the Scottish Executive's public transport fund.

Tom Thorburn: Yes.

The Convener: That would require Scottish Borders Council to carry out a feasibility study and to approach the Executive. That is where the blockage is and that is where we need to apply pressure.

Barrie Forrest (Rail Action Group East of Scotland): Years ago, when I was a little boy, Reston station was open and a bus service took people to St Abb's Head and Coldingham. Nowadays, St Abb's Head is one of the five most popular tourist destinations in the Borders. Given the housing boom in Edinburgh, Scottish Borders Council should pay more attention to Reston and Berwick. I foresee Reston as the site of a new park-and-ride facility for the eastern Borders to allow people to get into Edinburgh and, vice versa, to allow people to get out of the town to visit our area. Berwickshire has much to offer.

Joyce McLean (Rail Action Group East of Scotland): Tourism is a big thing. We have loads to offer in Berwickshire such as cycling, walking and castles. The area is absolutely beautiful, but the marketing is lax.

The Convener: I thank the petitioners for their presentation. They have made a big impression. They are free to listen to our discussion on what we should do with the petition.

It is suggested that we write to the Executive to ask for its response to the points raised in the petition. In particular, it is suggested that we ask the Executive to provide details of its policy on restoring stations, where suitable conditions exist, with a view to reducing the predicted increase in traffic congestion in major towns and cities, which is in line with the Executive's priorities on reducing greenhouse gas emissions and road traffic congestion. It might also be helpful for us to write to the SRA to ask about its policy on installing loops on the east coast main line and, in particular, whether it intends to install one at Reston. I also suggest that we write to the Scottish Borders Council to ask for its position on the matter and why it has not applied through the public transport fund for money to carry out a feasibility study with a view to placing a station at Reston.

Do members have any points?

Helen Eadie: I know the area that we are discussing well because I was a candidate there in the 1997 general election. I understand the petitioners' points about tourism. I know that St Abb's Head has one of the few class 1 scuba diving areas in the United Kingdom and is

particularly highly regarded and that Coldingham has one of the loveliest guest houses in the area.

Could we also write to GNER? I see from the note on the petition that GNER funds stations in England, but that it does not propose to help stations in Scotland. Funding for the development of railway stations should not only be about the Scottish Executive, but about partnership. We should write to all the partners that are involved in railway development, including ScotRail, GNER and Virgin Trains. All the stakeholders ought to be involved in helping to develop railway stations.

Fife, where I come from, got a brand new railway station at Dalgety Bay on the basis of Fife Council's bid for challenge funding from the Scottish Executive, which the convener mentioned. I was emphatic that that station had to have disabled access, which has been debated this morning. We should press for that for future stations as well. I hope that the petitioners get their station.

We should also write to SESTRANS—the south-east Scotland transport partnership. All the relevant local authorities, from Scottish Borders Council up to Fife Council, and including West Lothian Council and Falkirk Council, are members of the partnership, the essence of which is to try to agree a strategic view of how transportation should be developed. I understand that if the City of Edinburgh Council were to pool its congestion charging money, that would help to finance such initiatives, so I would like to know the partnership's official position on Reston.

I agree with the convener's suggestion on writing to Scottish Borders Council. It might also be appropriate to approach East Lothian Council.

The Convener: The list is getting longer and longer. The committee is understaffed, so members should have some consideration for the clerks.

Dr Ewing: The suggested action in the members' briefing uses the phrase "where suitable conditions exist". As far as I can see, two suitable conditions are not mentioned in the petition: the availability of the underbridge and a suitable site. Both make the conditions very suitable and we should not fail to extend the petition by mentioning them.

I return to my earlier question, which was followed up by Phil Gallie, and to Lewis Macdonald's written answer that a passenger station at Reston is a local transport issue and that the relevant local authority would be expected to develop a project through the public transport fund. Can we write to the minister to ask whether he really believes that the question of freight and passing loops is a local issue? Is it not—at least partly—more than a local issue?

The Convener: We are doing that in a sense. We are writing to the SRA because the question of loops is strategic. Therefore, that is a matter for the SRA. However, the provision of a station is a local issue that can be advanced through the public transport fund, which is why we are writing to Scottish Borders Council. Your point about the suitable conditions that are available at Reston will be drawn to everyone's attention through the *Official Report*.

Dr Ewing: I will be happy as long as we can underline that important point.

The Convener: I will summarise our discussion. We will write to the Executive along the lines suggested and to Scottish Borders Council to ask it why it is not taking action. We will also write to the SRA to ask what it is doing about loops along the east coast main line, particularly the loop at Reston. We will write to GNER to ask why it provides stations in England and Wales, but not in Scotland, as part of the upgrade of the east coast main line. We will also write to SESTRANS, the cross-council organisation, to ask for its comments and any information that it can give us to assist our consideration of the petition.

Christine Grahame: On a point of information, I received a letter on 9 July from Scottish Borders Council that explained why it did not apply to the public transport fund. I could provide a copy of that letter for reference if you want.

The Convener: Yes. That would be useful.

Phil Gallie: The contents of the petition widen the issue to other places in Scotland. I am a bit worried that, in our contact with the Scottish Executive, we will lose the special circumstances that affect Reston, particularly those related to Dr Ewing's points and the effect on commuters of Edinburgh's expanding population. It would be worth while for the Executive to concentrate on Reston, rather than on the more general issues.

The Convener: We can ask the Executive to focus on the Reston question and, at the same time, to comment on the wider issue of the provision of stations along the east coast main line.

Do members agree with the recommended action?

Members indicated agreement.

The Convener: I thank the petitioners for their attendance today. We will keep them updated on the petition's progress.

Scottish Prison Service (Staff Facilities) (PE557)

The Convener: Our next petition, PE557, is from Mr James McGarry. It calls on the Scottish

Parliament to encourage the Scottish Prison Service to continue to provide adequate social and recreational facilities for its staff and to avoid the closure of existing well-used and well-run facilities such as the prison officers' social club at Polmont.

I welcome Mr McGarry and Mr Derek Green, who is accompanying him. The usual rules apply: as you will be aware already, you have three minutes in which to make your presentation. The discussion will then be opened up to members.

James McGarry: Mr Green will give a brief history of the club, and I will tell you about the current position.

The Convener: That is fine.

Derek Green: The Polmont prison officers club was founded in 1957, more than 44 years ago. It has helped to forge links between Polmont prison and the local community. More importantly, it has afforded a safe environment in which staff may socialise with their families and friends. Its membership is more than 300, most of whom are prison staff. We make prison staff from all over Scotland more than welcome when they visit the area. Polmont has also been the Scottish venue for the prison service international darts tournament since the 1980s.

The social club is well known locally. We support many charities and encourage local groups to use our facilities for meetings and so on at no charge. Meetings have been held at the club by groups such as the local neighbourhood watch, the Braveheart project, the Air Cadet Organisation and many more. We have our own country and western club and line-dance class. Both have been running for almost 10 years and have been very successful in fundraising for local and national charities.

It is important that the club survive, as its existence helps to prevent a barrier from forming between prison staff and the rest of the community—such barriers exist in some areas where prisons are situated.

James McGarry: In August 1998, we were contacted by the SPS board through Dan Gunn, the governor at Polmont prison, and offered the opportunity to purchase the club. We intimated that we were keen to do that and contacted Mr Ben O'Riley at SPS headquarters, who informed us that it could be a long, protracted process.

We heard no more about the issue until 19 August this year, when we were again contacted by Mr Gunn, who told us that the SPS was not renewing our lease for the club, which is to close on 3 January 2003. There was no consultation and no negotiation with our committee on the matter, and the news took us totally by surprise. We have been told that the purpose of the closure is to

allow the SPS college to be extended. That surprised us, as we had been told that the college was moving from its current site. Indeed, the SPS's corporate plan for 1999 to 2002 clearly states that the college will move away from Polmont at the end of 2002.

We have carried out a series of upgrades to the club. Just over a year ago, we spent more than £40,000 upgrading the lounge. We made that investment partly because we were under the impression that we were going to buy the club and needed to upgrade it before seeking financial backing to purchase it.

The fact that there was no negotiation or discussion is, in our opinion, typical of the contempt with which the SPS treats us. We managed to secure a meeting with the SPS board on 11 September this year, when we informed the board that we intended to fight the closure in any way that we could, and that we were lodging a petition with the Scottish Parliament. When we told the board that, its members told us that it would not be in our best interests to go public with the issue. During the same meeting, it was suggested that there was a possibility that we could purchase some ground from the SPS. Four weeks later we were sent a letter in which the board said that the land that it had in mind was valued at about £200,000 an acre, but that it would sell us only one lot, which would have a capital cost of about £400,000. We would still have to build a new club and the board knows that that is outwith our financial means.

All the members who spoke in the members' business debate on 9 October this year urged the Deputy Minister for Justice to insist that the SPS talk to the social club committee but, so far, it has chosen not to do so. The way in which we have been treated on this matter is totally contemptible. We ask the Public Petitions Committee to aid us in any way possible. I thank the committee for its time and for hearing our petition.

The Convener: Thank you for your presentation. Michael Matheson is here to speak in support of the petition.

Michael Matheson (Central Scotland) (SNP): I should start by saying that Cathy Peattie had hoped also to be here this morning, but unfortunately she is unable to attend due to ill health. She has been very much involved in the campaign to save the social club at Polmont.

I am sure that committee members will recognise that, over the long period for which the social club has operated, it has proved to be an important resource for the wider local community and for serving and retired prison officers and their extended families. It is of concern that a public agency such as the Scottish Prison Service can

decide to close and demolish a social club such as that at Polmont without any meaningful consultation with the club members or with the wider local community.

Nobody would doubt the rights of the Scottish Prison Service to improve its college facilities for the training of its staff. However, in the light of the protracted disputes that have taken place over the past couple of years during the prison estates review, the chief inspector of prisons has stated that senior managers in the prison service must try to renew their relationship with their staff, which has been broken, leading to serious mistrust. Here is an example of senior managers in the Scottish Prison Service deciding to close a local resource that is important for its staff. It is clear that the social club plays an important role in the local community. It is not acceptable for a senior member of the prison service to advise a local organisation that using their democratic right to bring the issue before a parliamentary committee might be unhelpful to their case. I hope that the committee will pursue that matter.

11:15

As Derek Green noted, I secured a members' business debate on the issue on 9 October, which drew cross-party support for keeping the club open. During that debate, the Deputy Minister for Justice said that negotiations were needed between the club and the Scottish Prison Service to find a way ahead. Immediately following that debate, I faxed a letter to Tony Cameron, the chief executive of the Scottish Prison Service. I received a response from him on 29 October in which he completely ignores the issue of having any form of negotiation with the club.

Since the debate, the only response that the club has received has been a notice that the contract will terminate in January. I hope that members agree that the Scottish Prison Service must accept its responsibility and discuss the matter with the club. No plans have been submitted by the prison service to Falkirk Council for the extension of the club. However, I do not see why such plans could not be submitted to ensure that the facility is retained in some way. It appears that we are now up against a series of closed doors. I raised the matter with the Minister for Justice and it was passed to Tony Cameron for a response. It is difficult to get a minister to take ownership of the issue. The committee is our last resort in trying to get justice.

The Convener: As the convener of the Public Petitions Committee, I take a very serious view of public officials—in the Scottish Prison Service or anywhere else—warning people off approaching the committee and exercising their democratic right to petition the Parliament. I am sure that I

speak for the whole committee when I say that that is a disgrace. If evidence can be given to me that that was what happened in this case and if we can prove who did that, we will pursue the matter seriously.

Dorothy-Grace Elder: We now know the Scottish Prison Service's regime quite well, so what has happened comes as no surprise. Whether or not the person can be traced this time, I suggest that, in future, if any threat—veiled or otherwise—is made against you, you should report the matter to the committee. I also suggest that you should have witnesses present on your behalf at any meetings that you have with these people. You should report back to us any threat that is made against you or any punishment of someone who has dared to exercise their democratic right. What has happened is totally unacceptable.

I have a quick question. At any stage, has the Scottish Prison Service offered a compromise—for instance, the possibility of its using the club for staff training purposes? Such training would be undertaken during the day, when I presume that the club would not be being used. Has the prison service tried to work out any compromise whereby the club could continue to exist?

Derek Green: It has tried absolutely nothing. Any compromise that we have put to the prison service has been dismissed as not being an option.

Dorothy-Grace Elder: Why? Did the prison service give a reason for that?

Derek Green: The service wants to demolish the club to build an access road into the college. We feel that that is totally unacceptable, as the roads that exist are adequate.

Dorothy-Grace Elder: You do not think that demolishing the club has anything to do with staff training.

Derek Green: Not at this time, no.

Dorothy-Grace Elder: That is just a façade.

Phil Gallie: Would you say that the club helps to build morale and cohesion among the institution's staff?

Derek Green: Without a doubt.

James McGarry: The staff at Polmont and staff from other prisons use the club a great deal. Staff functions are held there. Every three years visitors come from England and Northern Ireland for an international darts tournament. The Irish made it clear that they would not come unless the tournament was held in a place where they felt safe. Many of them signed the petition when they were here a month ago.

Phil Gallie: Have you seen the evidence that the Scottish Prison Service executive has given to

the Justice 1 Committee? The SPS executive tells the committee repeatedly that it wants to raise the morale of SPS staff. If that is its intention, why is it taking such a hard line on the club?

James McGarry: Morale at Polmont prison has been low for some time. The decision to close the club—which came out of the blue, without consultation—was another blow to staff morale. The Scottish Prison Service keeps saying that it wants to improve staff morale. I have worked in the SPS for 20 years, and I have never seen efforts made to do that.

Dr Ewing: The background papers that we have received state:

“the club committee had invested some £45,000 in upgrading the building following an indication by the Prison Governor in August 1998 that the committee would be given the opportunity to purchase the club premises.”

Was that indication given to the committee in writing or was it given in conversation?

Derek Green: It was given to us in writing.

Dr Ewing: So it was indicated to you in writing that you would be given the opportunity to purchase the club. On the basis of that indication, you spent £45,000 on the club.

Derek Green: That is correct.

James McGarry: We spent £45,000 in only one year.

Dr Ewing: A number of members of Parliament have spoken in support of the petition. According to Cathy Peattie, £2,000 was spent on new equipment a few days before the announcement was made.

Derek Green: That is correct.

Dr Ewing: I just wanted that to be clear.

The Convener: Can you provide us with a total figure for the sums that have been spent since 1998?

James McGarry: We cannot provide the committee with such a figure, because we never had any reason to record the sums that were spent. Three years ago we refurbished our function hall at considerable cost, but I cannot remember exactly how much was spent. I estimate that over the past four years we have spent around £70,000 to £80,000.

The Convener: Did you spend that money with the knowledge of the Scottish Prison Service?

James McGarry: The service knew what we were doing.

Dr Ewing: Did the prison governor write to say that?

Derek Green: Yes. Dan Gunn wrote the letter, but the SPS board in Edinburgh signed it off.

Helen Eadie: I was pleased to meet the witnesses at the meeting held by Cathy Peattie and Michael Matheson in the committee rooms downstairs. In the member's debate on the issue, the Deputy Minister for Justice, Dr Richard Simpson, stated that the Scottish Prison Service had advised him that it had not received a request from Polmont prison to sell the premises to the committee. You have already discussed that issue, but would you like to comment on it further? This seems to be a point of contention between you and the Scottish Prison Service. Richard Simpson appears to suggest that, although an offer was made to you in 1998, you did not continue to put pressure on the prison authorities.

Derek Green: When we suggested that we had received a letter in 1998 that offered us the opportunity to purchase the club, the present board was taken aback. Until we produced the letter from the previous board, it refused to believe us. When we did, the board said that the person who had indicated that we might buy the premises was never authorised to do that. I do not know where the minister is coming from.

We were told by Ben O'Riley, who was head of estates at the time, that the purchase of the club would be a long process, as the service was selling off prison houses, prison clubs and so on. That is why we did not pursue the matter. However, because we knew that we would eventually buy the club we upgraded it, so that we would have a nice facility that everyone could use and that would belong to us.

James McGarry: After the letter in 1998 offering to sell us the club—or telling us that there would be an opportunity to sell the club to us—the next piece of correspondence that we had from the Scottish Prison Service was the one four years later telling us that it was closing the club. There was nothing in between. They never spoke to us any other year. In fact—this may be our own fault—we did not even realise that there was a one-year lease, because the SPS never claimed its peppercorn rent. Basically, we did not know some of the things that we should have known.

The Convener: During the debate, the Deputy Minister for Justice said that he intended to hold further discussions with the Scottish Prison Service to convey to it the strong feelings that members—and, of course, you—expressed. Have you heard back from the minister?

Derek Green: Dr Richard Simpson visited Polmont on a different matter a week past Monday. Jim McGarry and myself managed to get 10 minutes with him. He was concerned that the SPS has done nothing to follow the issue up. He

will intervene. He is going back to the SPS to tell it to come to see us because it is stalling on meeting us. He will sit in the meeting with us, Michael Matheson and Cathy Peattie. We hope to do that soon.

The Convener: That is useful information. We did not know that. We were not aware of that at all. Thank you.

That information affects the recommended action on the petition, which was that we write to the minister, asking him to—

Phil Gallie: Can I interrupt on that point? Would it be within the committee's power to invite the SPS to come before us to answer the host of questions that the issue raises?

The Convener: Yes, we can certainly ask the SPS.

Phil Gallie: In that case, I suggest that, before we make any decisions, and given the urgency that Michael Matheson pointed out, we ask the SPS to come before the committee.

Dr Ewing: D'accord: I agree.

The Convener: We can certainly do that.

Helen Eadie: Inviting the SPS ties in with the point that the convener made at the start of the discussion about his strong concerns that people are being warned off coming to the Public Petitions Committee. There is also an issue about the lack of consultation and the attitude that the SPS seems to show in everything. It is not listening to the minister. It is not listening to its staff. It is not listening to the Parliament. If that is the SPS's attitude, Phil Gallie is right: we need to ask the SPS why it is not changing its attitude, which it said that it would. From its website and the correspondence that we have had, I note that the SPS has said that it will try to change its attitude, but the situation does not reflect that at all.

The Convener: I am happy to ask the Scottish Prison Service to come before the committee to give evidence and answer questions that arise from the evidence that we have taken. The clerk suggests that we write to the SPS and say that we want to raise the third, fourth and fifth bullet points under the suggested action, as well as the issue of staff being warned off coming to the committee, or that we leave it open.

Phil Gallie: We can make specific points, but at the same time, we can make the SPS aware that we will ask a number of questions that have arisen from the evidence that we have heard today and from the members' business debate in Parliament.

The Convener: We will ask the Scottish Prison Service to come and give evidence to us at a future meeting and indicate the kind of areas that

we wish to cover with the SPS witnesses. At the same time, being aware that the minister will meet those MSPs who are involved and the SPS to discuss the matter, we will write to the minister and ask him to keep us informed of the outcome of that meeting so that we know exactly what happens.

Dr Ewing: This is a public meeting. A concerned Scottish Prison Service might have sent someone along to hear what was said today.

The Convener: There might be a spy in the audience. MI5 might be somewhere. I have been watching "True Spies" every Sunday night and I see them under every desk now.

Dr Ewing: I am in favour of asking the SPS to come and am willing to have an extra meeting if it takes that.

Dorothy-Grace Elder: We do not see those mysterious people often enough. They strangely avoid public meetings, but they cannot avoid the committee if they are invited. Who are the "they" whom we are inviting? Why do we not write straight to Tony Cameron and invite him and other representatives?

The Convener: It is up to the Scottish Prison Service who it sends as a representative.

Dorothy-Grace Elder: The buck stops with Tony Cameron.

The Convener: It would be Tony Cameron that we would write to.

Dorothy-Grace Elder: Good. We should send him a personal invitation. Perhaps we should also invite the governor of Polmont.

The Convener: Okay.

Phil Gallie: I am pleased with the reaction of the entire committee. I want to underline the urgency of the matter and ask the committee to seek that meeting at a very early date. If necessary, could we have an extra meeting of the committee, perhaps other than at our usual meeting time?

The Convener: It has been suggested to me that we will require another meeting outside our usual timetable. We will just have to make arrangements to do that. Do members agree that we should write to Tony Cameron of the Scottish Prison Service saying that we want to speak about the issue and to the Minister for Justice asking him to update us on the outcome of his meeting with MSPs and the prison board?

Members indicated agreement.

Housing Stock Transfer (Glasgow) (PE545)

The Convener: Petition PE545, from Miss M McDonald, on behalf of the Glasgow campaign

against housing stock transfer, calls on the Parliament to investigate the alleged invalidity of the ballot held in relation to the proposed housing stock transfer in Glasgow, and to urge the Executive to affirm debt write-off without stock transfer and to provide enhanced public investment in council housing. Sandra White is here to speak to the petition.

11:30

Ms Sandra White (Glasgow) (SNP): Thank you for allowing me to speak on behalf of the petitioners. I am pleased to be back at the Public Petitions Committee, which I served on at the very beginning of the Parliament. The committee has gone from strength to strength, as I always thought that it would.

I am here to support the petitioners because I have also lodged a motion asking for an investigation of the stock transfer ballot. I thought that I should state that at the outset. Those of us who are against the way in which the stock transfer has been handled see a great many anomalies in the way that it has been done, not just morally but financially. Around £300 million has been sent to the Glasgow Housing Association, but it is now looking for another £100 million. Given the fact that there was a very small majority for the transfer, and that people have not been told exactly what is going on at the moment or what will happen in future, an investigation and rebalot of the tenants is the way forward.

The Convener: The petition falls into different parts. The first part concerns the alleged invalidity of the ballot itself, and there is to be a court case concerning that.

Ms White: Yes.

The Convener: The campaign has taken legal action, has it not?

Ms White: It has. Two of the campaigners are here at the moment, if you want to ask them specific questions.

The Convener: At this stage, we have finished hearing from witnesses. I was hoping that you would help the committee out.

Ms White: The case is in the process of being taken to court, and the petitioners hope very much that it will be successful. That is the first part of the petition, which concerns the ballot of the tenants.

The second part of the petition concerns the moneys and the anomalies in the transfer of £300 million of taxpayers' money, followed by a further £100 million of taxpayers' money. We do not believe that people have been told the truth about what has been happening. The date for the transfer was 28 November, but that deadline will not now be met. The Executive knows that it will

not be met and so does the GHA, so one of the terms and conditions of the ballot has not been met. That merits investigation, along with the financial irregularities.

The Convener: The problem that will face the committee—Winnie Ewing is our legal expert—is that, because the case is before the courts, we will be unable to deal with that aspect of the petition. The same will probably be true during Sandra White's members' business debate; any mention of the case will be ruled out of order, because it is before the courts.

Dr Ewing: Do we not know when the action was lodged, what it was saying or when it is likely to come to court?

The Convener: I am told that it has not been lodged, but that it is likely to be lodged during November, so it is not sub judice at this stage.

Dr Ewing: So it might not come to court for a while.

The Convener: It is entirely up to the petitioners. If they lodge the action in court, that would probably stymie any investigation by the Parliament until the courts have dealt with it.

Ms White: At the moment, it is not stymied.

Dr Ewing: Is it the same petitioners? I am a bit confused.

The Convener: Yes, it is the Glasgow campaign against housing stock transfer that is likely to lodge the action. The action has not been lodged yet.

Dr Ewing: Why are those campaigners not giving evidence if they are here today?

The Convener: It would be out of order to take contributions from the floor at this stage.

Dr Ewing: Because of the legal action?

The Convener: No. We could continue our consideration of the petition to find out for definite when the action is being lodged.

Ms White: I can tell you now, if you will allow me to speak to the petitioners who lodged it. They will give us an update just now, if that is permissible. Is that reasonable?

The Convener: Yes.

Phil Gallie: From the petitioners' point of view, perhaps there is some advantage in the fact that we do not know what the situation is. If no legal action is taking place, there is nothing to stop us from passing the petition to the Executive. Perhaps it is better to act in ignorance in the interests of the petitioners.

Dorothy-Grace Elder: Could we hear from the petitioners?

The Convener: Not at this stage. We will get Sandra White to speak to them.

Ms White: Phil Gallie is right. The case cannot be sub judice. We do not know whether the matter will be taken forward, so we can speak to the petition today and perhaps forward it to the Executive. I am here to help the petitioners, who have travelled quite a long way to be here. They have more facts and figures than I do in respect of the pending court case. The committee might want to hear that information.

The Convener: At this stage, the matter is not before the courts and is therefore not sub judice—therefore, there is no problem with our discussing the matter. If it subsequently goes before the courts, that could change everything, but that is an issue for the petitioners rather than the committee.

Ms White: That is correct. I want to mention another matter that I have just found out about and that will be new to the committee—the lodging of an amendment relating to a new section on local authority housing debt in the Local Government in Scotland Bill. The new amendment pertains to the petition. I received information about it from the Deputy Minister for Finance and Public Services, Peter Peacock. It will be discussed at stage 2 next week. I have tried to clarify things and have been told that the amendment is on a technicality. However, if it falls, debt could not be transferred to the Treasury. Should I pass the information about the amendment to you, convener, or read it out?

The Convener: Would you read it? I do not know what you are talking about at the moment.

Dr Ewing: Would you read it slowly, please?

Ms White: I will. As I said, the amendment relates to the new section on local authority housing debt. The Executive says:

"This amendment will provide the Scottish Ministers with the power to repay local authority housing debt direct to the Public Works Loan Board (PWLb). This follows the agreement with HM Treasury that they would provide the resources necessary to deal with the residual housing debt of those councils who transfer their housing stock outwith the public sector."

That information is new to me and, I think, to everyone who has been involved in the housing stock transfer. People have not been told the whole truth. If the amendment were to fall, there would be no legislation by which to transfer the moneys to the Treasury. That is why the whole Glasgow housing stock transfer process is deeply flawed.

Dr Ewing: Am I right in thinking that the amendment proposes that if housing is transferred from the public sector to the private sector, the Treasury will pick up the housing debt?

The Convener: No. As I understand it, a local authority could still owe residual debt to the Public Works Loan Board after a whole-stock transfer to a housing association or whatever. It would appear that ministers do not have the power to pay off that debt and are now dealing with the matter under the Local Government in Scotland Bill. That suggests that the housing stock transfer went through without ministers having that power and that they are now amending the law to give themselves that power. That may call into question the nature of the stock transfer in the first place. I do not know whether it does—this the first time that I have heard about the amendment.

Dr Ewing: When was the amendment lodged?

Ms White: It has not been lodged yet—it was proposed at a meeting attended by Peter Peacock last Thursday. The amendment was discussed with other Executive amendments. When I asked about it, I was told that it related to a technicality. There was no clarification. That is why I wanted to mention it today, as, apart from anything else, it throws a whole new light on the legality of the whole-stock transfer.

The Convener: The petition calls for the Parliament to investigate a number of matters, including the validity of the ballot, and urges the Executive to affirm that it is prepared to write off debt without stock transfer and to provide enhanced public investment in council housing. We have also discussed ministers' power to repay debt to the Public Works Loan Board, which will need to be clarified in the light of what Sandra White has told the committee. I suggest that we write to the Executive on all of those issues and ask it to respond specifically to the petitioners' points. After all, the matter is not sub judice at the moment.

Dorothy-Grace Elder: I should declare an interest, because I am one of the founder members of the Glasgow campaign against housing stock transfer. Even examining the matter objectively—whatever the outcome of any legal action—we should note that the Crown Office has already ruled that the use of the title "Glasgow Housing Association" instead of "Glasgow Housing Association Limited" on the ballot paper breached the Industrial and Provident Societies Act 1965.

The Convener: The petition mentions that.

Dorothy-Grace Elder: Yes, but that is one of the key points that we should raise with the Executive. We cannot seem to offer people apples when they are actually buying pears. There should be absolute clarity about the titles of bodies that aim to take over public authority housing in any future deal.

We should also ask the Executive about the cost of propaganda in favour of the housing stock

transfer that the petitioners claim amounted to £12 million. As with PE554 on the planning process, the protesters have received no help at all.

The Convener: I thought that I had just said that all the points in the petition will be raised with the Executive.

Dorothy-Grace Elder: Well, I was reading the suggested action list and—

The Convener: We have abandoned that list because of the information that has been provided during the meeting. I am now suggesting that we should seek a response from the Executive to all the points raised in the petition. Nothing is sub judice at the moment.

Dorothy-Grace Elder: Right.

The Convener: We should also ask the Executive about the new amendment to the Local Government in Scotland Bill that will give ministers the power to repay debt to the PWLB. Furthermore, we must ask it to clarify whether ministers had that power when the housing stock transfer went through the Parliament. If they did not, the Parliament at least should have known that at the time.

Do members agree to seek clarification from the Executive on all those points and continue the petition until we receive a response?

Members indicated agreement.

Housing Stock Transfer (Glasgow) (PE553)

The Convener: We have received other petitions on a similar, if not exactly the same, issue. For example, PE553, which has been submitted by John Carracher on behalf of the Scottish tenants a real choice campaign, calls on the Parliament to examine the detail and nature of the Glasgow housing stock transfer ballot and to urge the Scottish Executive not to consent to a transfer based on minority opinion.

John Carracher wanted to give oral evidence to the committee. However, when it became clear that he could not do so, he provided substantial additional material that is contained in the members' briefing paper. I will read out his views, because it is important to put them on record.

Mr Carracher's additional material provides further details of the background to the petitioners' concerns. They question the mechanism used to gather the opinions of tenants on housing stock transfer proposals and consider that the Parliament should investigate and clarify the system and reach agreement on the most appropriate method to be used. They also argue that the procedures followed in relation to recent housing stock transfer ballots are flawed and were put in place in advance of the implementation of

the Executive's national strategy on tenant participation or the code of practice on housing stock transfers. Moreover, they are concerned that outcomes are being assessed in a way that ignores the provisions of the Housing (Scotland) Act 1987 and the Housing (Scotland) Act 1988.

The petitioners have further concerns that tenants are not involved in setting and agreeing the methods to be used in conducting surveys. In particular, they feel that the Scottish Ministers have assessed the outcomes of recent surveys only against the number of tenants participating in ballots, rather than against the number of tenants in all of the properties involved, which they believe is a requirement of the relevant housing acts.

Again, the impending court action does not apply to this petition, because we do not yet know whether any court action is impending. As a result, we should leave that aspect of the suggested action on the petition. We should seek the Executive's response to all the points that the petitioners have raised, and especially to the points that I have just read out, which are of particular concern.

Dr Ewing: Can we not put the two petitions together in some way?

The Convener: I think that the petitioners have asked for them to be kept separate. However, we could send all the petitions to the Executive with a covering letter that sets out all the points that we want to raise. Do members agree to that course of action?

Members indicated agreement.

Housing Stock Transfer (Hamilton) (PE562)

The Convener: The next petition is PE562, which is also from John Carracher; this time the petition is on behalf of the South Lanarkshire Tenants Federation. The petition calls on the Parliament to conduct an inquiry into the circumstances surrounding the stock housing transfer in Hamilton, rather than the whole stock transfers that we heard about in Glasgow.

As members are aware, it would be inappropriate for the Parliament to interfere in the decisions or actions of Scottish Homes in relation to the specific circumstances surrounding the stock housing transfer in Hamilton. It appears that the petitioner's calls for an option for Scottish Homes tenants to choose a local authority landlord would conflict with the policy intention of promoting community ownership as the way forward in housing investment and with the current Executive policy of stock housing transfer by councils. However, the committee might want to write to the Executive to seek its comments on the general

issues that are raised in the petition. The committee could ask, in particular, for confirmation of the Executive's position on the policy of Scottish Homes not to give its tenants an option to transfer to a local authority landlord and for an indication of whether it is satisfied with the way in which Scottish Homes consults and involves its tenants in the housing transfer process. We should also ask the Scottish Executive to comment on the fact that, in recent transfers in new towns, tenants were given the opportunity to choose between local authorities or housing associations. We should ask the Executive why that policy has not been sustained in the circumstances surrounding the Hamilton transfer.

Is that agreed?

11:45

Members indicated agreement.

Kincardine Bridge (Transport Schemes) (PE550)

The Convener: PE550, from Dennis Halligan, calls on the Parliament to urge the Scottish Executive to give start and completion dates for the eastern link road from the north end of the Kincardine bridge to the Kincardine to Rosyth road, the opening of the Alloa to Dunfermline railway line for freight traffic and the replacement of the Kincardine bridge. The petition also calls on the Parliament to urge the Executive to publish details of traffic management schemes during the construction and commissioning phase of those routes. The petition gives background information on all three projects.

It appears that the Executive is fully aware of the problems facing commuters and residents in and around the Kincardine area, and it proposes the introduction of a range of measures to address those issues. The Executive has indicated that the construction of the eastern link road may be completed by autumn 2004 and it proposes the creation of a second crossing over the Forth, upstream from the existing Kincardine bridge. Work is progressing with a view to reopening the Stirling-Alloa-Dunfermline railway line, although there is some indication that legislation would be required before the Alloa to Dunfermline stretch could become fully functional.

It is suggested that the committee write to the Executive to seek its comments on the issues that are raised in the petition. In particular, we could request: confirmation of the start and completion dates for development of the eastern link road; clarification of the Executive's position on the construction of a second or alternative crossing to the Kincardine bridge, together with an update of any recent developments in the area and anticipated start and completion dates; details of

any recent developments regarding the proposed reopening of the Stirling-Alloa-Dunfermline railway line for freight and passenger services, together with an indication of the time scale for such action; and an indication of whether the Executive plans to publish details of traffic management schemes during the commissioning and construction phase of the eastern road link, the alternative or supplementary crossing to the Kincardine bridge and the reopening of the Stirling-Alloa-Dunfermline railway line. The committee should copy the petition to the Transport and the Environment Committee for its information.

Is that agreed?

Members *indicated agreement.*

Adoption of Roads and Footpaths (PE563)

The Convener: The final new petition this morning is from Miss E J Stanley. PE563 calls on the Parliament to draft new legislation to instigate a statutory duty on local authorities to maintain unadopted roads and footpaths within village boundaries.

The petition has obvious similarities with the issues that were raised in PE507, which dealt with unadopted roads in towns. We have received a response on that petition, which we will consider at our next meeting. It is suggested that we defer consideration of PE563 until we consider the response to PE507 at that meeting.

Is that agreed?

Members *indicated agreement.*

Current Petitions

Gaelic Language (PE437)

“A Fresh Start for Gaelic” (PE540)

The Convener: The first two current petitions are PE437, on the subject of the creation of a Gaelic language act, and PE540, on the date considered for the implementation of recommendations from “A Fresh Start for Gaelic”.

Members will remember that we have been in correspondence with the Minister for Tourism, Culture and Sport and others on the matter. At our previous meeting, we asked for a further response from the minister and from the Equal Opportunities Committee. The committee has received both responses. The minister is of the view that it would not be practicable to publish a Gaelic language bill for consultation as suggested by the Public Petitions Committee, due to the lack of parliamentary time. The response from the Equal Opportunities Committee is that it does not think that either petition raises equal opportunities issues.

The minister's response indicates that, due to lack of parliamentary time, he does not think that it would be possible to bring forward a draft bill based on Comunn na Gàidhlig's proposals. However, we suggested that he should consult on how a bill might be framed using those proposals as a starting point, not that he should introduce a bill in Parliament.

Members might wish to note that Mike Russell's bill is likely to be introduced in about a week's time, on 11 November. It is suggested that we write to ask the minister to give his views on that bill as soon as possible after its publication and to indicate whether the Executive is likely to support the bill. We could also take the opportunity to clarify our previous suggestion about consultation on legislative proposals. We suggested not that the minister should publish a bill, but that he should undertake a consultation process.

Dr Ewing: I find this all very strange. I understand that the manifestos of the Liberals and of the Labour party contained firm promises that Gaelic would have secure status. Time has passed since the manifestos were published. To say that no parliamentary time is available is strange. If a Parliament wants to find time, time can be found.

Mike Russell's bill will be introduced on 11 November and we can ask for views on that. It is clear that if a minority language is to survive, it must have secure status. There is no argument against that. For years, I was in charge of the minority languages of Europe. There were 36 recognised minority languages in my time, and

since more states have become European Union members, I am told that the figure might be 39. More languages will be added when more states join the EU. That is a fact.

Gaelic is one of the oldest and most cultural minority languages. Not all minority languages have literature or music. For example, Strasbourgeois, which posh ladies speak, does not have literature. We have one of the oldest solid bodies of literature, but ours is one of only three minority languages without secure status. Blame for that must attach to every one of us. Scots, too, is without secure status. Welsh has secure status, which it was afforded by the National Assembly for Wales, with the Government's agreement.

The situation is serious. Time should be found for Mike Russell's bill. He is consulting the cross-party group on Gaelic, which is in no doubt about what is in his bill. I have not seen the bill, but I attended the meeting at which the cross-party group discussed it. The bill's main purpose is to give Gaelic secure status.

Rhoda Grant: When we discussed the matter previously, the petitioners said that they wanted something more substantial than Mike Russell's bill.

Dr Ewing: They wanted more than that.

Rhoda Grant: We agreed not that the Executive should publish a bill, but that it should start a consultation, the results of which would be available when the Gaelic board was up and running. That would cut out some legwork for the board, so that it could introduce a bill earlier. I understand what the Executive says about parliamentary time—we do not have time to deal with a bill before the end of the session. If the consultation was under way and the board was working on that, a bill could be available quite soon in the new session.

John Farquhar Munro: As everybody knows, since the Parliament was established in Edinburgh, the action that it was likely to take to support Gaelic has been the subject of long and heated debate. At the outset, the expectation that Gaelic would have secure status was stronger. It is unfortunate that that has not happened yet.

That is not the Parliament's fault. Perhaps that expectation related to the establishment of various groups and organisations to examine the furtherance of Gaelic, such as the Macpherson inquiry into the proposals for Gaelic, which culminated in Professor Donald Meek's report to the Parliament, which was presented some months ago. The issues and recommendations in the Meek report are with the Executive. I understand that the Executive is progressing much of what is in the report. However, even with the

proposals that are included in that document, we have no guarantee that, at the end of the day, Gaelic will have secure status. There may be more support for Gaelic and initiatives may be taken that please many people, but the language will not have secure status. That disappoints many people who are interested in promoting and extending the use of Gaelic.

We should be encouraged by the fact that, although the ministerial advisory group on Gaelic has not yet been established, a chair has been appointed. I understand that members of the group are currently being sought. I hope that when the group is established and makes recommendations to the Parliament, those recommendations will be implemented.

We should ask the Executive to set targets quickly for the advisory group or whatever group is made responsible for promoting Gaelic. Setting such targets will go a long way towards ensuring the survival of the language and culture of the Gaidhealtachd.

The Convener: Do we agree that we will ask the Minister for Tourism, Culture and Sport to inform us of his views on Mike Russell's bill, which will be published next week, and to indicate what attitude the Executive will take towards the bill? In our letter we will clarify that we are calling on the minister not to publish a draft bill now, but to begin the consultation that will lead to the publication of a draft bill later.

John Farquhar Munro: The minister has agreed that, once he has seen the contents of Mike Russell's bill, he will report back to us. He may be sufficiently encouraged by the contents of the bill to advance it himself.

The Convener: The key point is that we should receive the minister's response to Mike Russell's bill.

Dr Ewing: That would be nice.

The Convener: Do we agree to proceed in the way in which I have described?

Members indicated agreement.

Stranraer (Protection of Jobs) (PE451)

The Convener: The next petition for consideration is PE451, from Mr Malcolm Fleming, on the survival of the Loch Ryan ports. We have considered the petition before. At a previous meeting, we agreed to seek an update from the Executive on the progress that has been made through the various initiatives that it is taking on this issue.

We have received a very detailed Executive response, which describes the actions that have been taken to ensure the survival of the Loch

Ryan ports. The Executive makes it clear that its motorway and trunk road programmes include 13 schemes related to the A75 and A77, which represent a total investment of almost £100 million. The Executive asserts that over the current three-year period, only one other route in Scotland—the A90—will benefit from more schemes than either the A75 or the A77.

The Executive has provided details of the close contacts that it has developed with the North Channel Partnership, which includes all major stakeholders in the area. It is possible that, with the agreement of the partnership, funding for development on the routes will be reallocated to other projects closer to the ports.

Given the action that the Executive is taking, it is suggested that we agree to take no further action on PE451.

Phil Gallie: I have a query.

The Convener: I thought that you might.

Phil Gallie: The Executive refers to the expenditure that it has allocated to the A77 and the A75. However, the plan to upgrade the north end of the A77 hardly affects the overall requirements of the Loch Ryan ports and Stranraer.

I am interested in this issue on two levels. I was delighted by the development of ferry services from Troon harbour. There will now be a second ferry from Troon—P&O will join Stena Line and will run a service to Northern Ireland. That is bound to be at the expense of Stranraer and Cairnryan. A major factor in people wanting to spend longer at sea, instead of travelling by road, is the state of the southern part of the A77.

Many promises have been made about the A77, but there is one really bad area—the passage through Maybole, which is a real bottleneck. When the petition first came before us, I suggested that houses in Maybole might end up crumbling into the road, particularly because of the larger lorries that pass through the town. Although that might have been seen as a bit of an exaggeration, it is a reasonable description of the situation in Maybole.

The Executive says that it will examine the issue over a longer period, but there is growing urgency. Politicians of all hues have been promising a bypass in Maybole for the past 20 or 30 years and nothing has happened. I am not happy that we write off the petition at this point.

12:00

The Convener: I appreciate that the Maybole bypass is an important issue, but it is not specifically part of the petition. I acknowledge that the bypass and the general investment issue are subsumed in the petition.

Phil Gallie: The bypass is part of the general travel situation that affects access to Cairnryan and Stranraer. The A75 is a bad road. When one heads eastwards from Stranraer, the heavy lorries make the journey a nightmare at times, although there has been improvement.

The Convener: Another petition might be a better way of focusing specifically on the Maybole situation, because the Executive has given a substantial response to PE451.

Dorothy-Grace Elder: Perhaps Phil Gallie's point could be set in the Scottish context, because Maybole is a fairly typical example of a Scottish village that is under threat. It was built originally in the stagecoach era and was renewed by the Victorians. For far too long, we have been overdependent on the Victorians. There is no doubt that our buildings are being shaken up—the Royal Mile is an example of that. Would it be possible to set the Maybole situation in the Scottish village context?

The Convener: A possible compromise has been suggested to me. If we agree to conclude the petition, we could do so on the basis that we write back to the Executive to ask it to respond to Phil Gallie on the issues surrounding the Maybole bypass. That will keep the issue alive.

Phil Gallie: Okay.

Dr Ewing: During my time in Europe, money was available—post-chunnel—to all member states that asked for it for any links across oceans between one state and another. It is a pity that we did not ask for any money for the north of England or Scotland.

Dorothy-Grace Elder: Why did not we ask for any?

Dr Ewing: The money was not asked for because it would have had to be matched.

The Convener: Do members agree with my suggestion that we conclude consideration of the petition and write back to the Executive to ask it to correspond with Phil Gallie about the Maybole bypass?

Members indicated agreement.

Autistic Spectrum Disorder (PE452)

The Convener: Petition PE452, which was submitted by Mr James Mackie, called on the Parliament to investigate a range of issues relating to methods of diagnosis and treatment of adults with autistic spectrum disorders in psychiatric wards in Scotland. The Executive has given a detailed response, which is contained in members' papers. It appears that the Executive and local authorities are undertaking a great deal of work with a view to improving the diagnosis and

treatment of people with autistic spectrum disorders.

Progress is being made towards the development of a national service network, research is being done on the number of people with autism and other learning difficulties in secure settings, and the work of the national implementation group for the report "The same as you?" is continuing. The Executive has responded to recommendations from the needs assessment report and has begun discussions with the Public Health Institute for Scotland on establishing the priority areas to be addressed.

In its first response, the Executive dismissed the petitioners' concerns about the drug treatment that is provided to people with autistic spectrum disorders. We might wish to note that the petitioner has submitted four additional petitions on related topics, which are likely to be considered at our next meeting on 19 November. It is suggested that we should link consideration of PE452 with consideration of those petitions and that a decision on whether to take further action should be deferred until we have considered those later petitions. Is that agreed?

Members indicated agreement.

Domestic Abuse (Advertising Strategy) (PE496)

The Convener: Petition PE496, from Mr George McAulay, called on the Parliament to investigate the Scottish Executive's handling of its recent domestic abuse advertising strategy. When the committee discussed the matter some time ago, a number of members expressed concern that, in spite of the small-scale distribution, the original videos, which contained the phrase "constant threat", might still be in use in schools, even though it had been accepted that that wording was unacceptable. We agreed to urge the Executive to consider withdrawing the original campaign videos.

We have received the Executive's response, which indicates that it has asked for the videos to be withdrawn. Therefore, it is suggested that we agree to copy the Executive's latest response to the petitioner and to take no further action. Is that agreed?

Members indicated agreement.

Bankruptcy Procedures (PE501 and PE511)

The Convener: Petition PE501 is from James Duff and calls for changes to the current bankruptcy procedures to ensure that judges and sheriffs are unable to allow litigation to proceed when they are aware that the relevant statutory

provisions are not being complied with. Petition PE511 is also from James Duff and calls for a review of bankruptcy statute.

These petitions are part of a long-running series of petitions. Members will recall that Mr Duff was concerned about the fact that his case had been dealt with under bankruptcy laws that are no longer relevant as they have been overtaken by subsequent bankruptcy laws. Unfortunately, the new bankruptcy laws are not retrospective, so his case cannot be dealt with under the new procedures.

On PE501, the Executive appears satisfied that the existing bankruptcy law contains adequate provisions to correct defects and procedures resulting from any failure to comply with statutory procedure and that the changes proposed in the petitions are therefore unnecessary. The petition appears to be prompted solely by the petitioner's case, which was administered under the Bankruptcy (Scotland) Act 1913, which is no longer extant. He has not provided evidence of any instances of the failure of current bankruptcy statute that would give weight to his request for an investigation of the current procedures. Further, there is to be a consultation by the Executive on the modernisation of personal bankruptcy laws. It would be open to the petitioner to contribute to that process.

It is therefore suggested that the committee agree to take no further action in relation to PE501, other than to provide the petitioner with a copy of the Executive's response for information. Is that agreed?

Phil Gallie: I would like to query a couple of points in the minister's response. He says that it is possible for the bankrupt to appeal but I would like to know whether someone whose business went bankrupt would be granted legal aid if they wanted to appeal? If not, there is an element of unfairness.

The letter also says:

"in practice, though, most failures are technical and procedural in nature and fairness and justice are not prejudiced".

That statement is remarkable. In criminal law, there have been a number of recent cases in which charges of the most horrendous crimes have been dismissed by the courts for technical reasons, such as the wrong date or name on a warrant. However, in this instance, the minister is saying that technical or procedural matters do not affect justice and are, basically, ignored.

The Convener: On the first point, the problem with the appeal is that it has to be done within a certain time scale, which Mr Duff was not within. The question of legal aid does not arise in his case as he would be time-barred anyway.

Phil Gallie: I thought that we were talking generally as we were not allowed to talk specifically about Mr Duff's case.

The minister is saying that appeals are allowed in relation to bankruptcy proceedings under current practice. That is all very well, but would the bankrupt be given legal aid, given that they have a business debt?

The Convener: That would be a matter for the Scottish Legal Aid Board, to which applications could be made.

Dr Ewing: Bankruptcy is not one of the exceptions to legal aid, such as libel and defamation.

The Convener: Legal aid would be available, depending on the person's circumstances.

Phil Gallie: Would the application be considered as a personal application rather than as a business matter?

Dr Ewing: It would depend on whether the Legal Aid Board thought that there was probable cause.

The Convener: Phil Gallie's point about the legal technicalities is a matter for the courts to decide. Sometimes, technicalities involve matters of fairness and justice. An unfair procedure could have been used and so on. However, the courts or ministers would decide on that.

Are we agreed to follow the recommended action on PE501 that I have outlined?

Members indicated agreement.

The Convener: PE511, also from Mr Duff, calls for a review of the current bankruptcy statute. In her response, the deputy accountant in bankruptcy makes it clear that there is no provision under the 1913 act for the accountant in bankruptcy—or AIB—to conduct an investigation into the conduct of trustees and commissioners following the discharge of a trustee. The deputy accountant in bankruptcy goes on to confirm that direct administration of sequestration cases was afforded to the AIB only through the Bankruptcy (Scotland) Act 1985, as amended in 1993.

The petitioner's case was administered under the 1913 act. Although that act has been superseded, subsequent changes in sequestration have no effect on the provisions of the 1913 act. Petition 511 stems from the petitioner's concerns about the handling of his own case, which was administered under statute that has since been superseded. The particular circumstances of Mr Duff's case are, and were, a matter for him to pursue through the courts under the statute that applied at the time. There is no evidence to suggest that any difficulties of the nature that Mr Duff has described have arisen with regard to

sequestrations administered under the current statute.

It is therefore suggested that the committee agrees to take no further action in relation to PE511, other than to send a copy of the response from the deputy accountant in bankruptcy to the petitioner for his information.

Are we agreed to follow the recommended action that I have outlined?

Members indicated agreement.

Phil Gallie: When we send that copy of the deputy accountant in bankruptcy's response, could we underline the fact that the Executive is undertaking consultation? We could suggest to Mr Duff that an option lies there.

The Convener: He has lodged a further petition, which we will consider at our next meeting. We have not heard the last of Mr Duff.

Dr Ewing: What would we do without him?

Planning Process (PE508)

The Convener: The next petition is PE508, from Mr Philip Graves. It calls on the Scottish Parliament to take the necessary steps to review the implementation of environmental impact assessment—EIA—guidelines and the guidelines in planning advice note 58. The petition relates to a planning application made by West of Scotland Water to develop a £100 million water treatment works at Loch Katrine. The petitioners claim that the process of evaluating all potential sites, as required under EIA regulations, was not soundly conducted. We agreed to seek the views of the Scottish Executive and Scottish Water, and their responses are set out in the papers.

The petitioner made an additional submission. He wrote to me making further comments about the handling of the individual planning application that prompted his petition. His view is that, had the recommendations that he made in his petition been incorporated in planning regulations, the process would have been more transparent and the results more acceptable to local people. He expressed the view that the planning authority could have been more involved in "scoping" the EIA and could have encouraged more local consultation and consideration of local concerns. He is also of the view that independent consultants should be employed to review the site selection process, rather than developers simply deciding on the site and employing their own consultants.

The Executive is clearly of the view that there is no need to review either the EIA process or the PAN 58 guidelines. The Executive appears to be of the view that the public consultation aspect of

the process was and is adequate. The petitioner, however, is of the view that the requirements of the EIA have not been met with regard to the planning application in question. Presumably, that is a matter that he could raise with the planning authority, with the Scottish public services ombudsman or, as is indicated in the Executive's response, with the European Commission.

The petitioner is under the impression that there could be a role for independent consultants in advising on site selection. The Executive's response makes it clear that it is for developers to select sites and thereafter to meet the requirements of the EIA process. The petitioner's point probably relates to the planning application that prompted the petition, in which case the developer is a public body.

It is entirely open to us to decide whether, in this case, the petitioner or the Executive is right in terms of the environmental impact assessment process and the guidelines under PAN 58.

Helen Eadie: I have fairly strong views about this whole issue. Environmental impact assessments, and indeed health impact assessments, ought to come under the remit of an independent body, rather than being undertaken by consultants who are appointed by developers. There is a wider issue here, which applies all over Scotland. As we all know, people tend to employ the consultant who gives them the answer that they want. I have been involved at local authority level and know that that is what happens.

We should press this point, whether as individual MSPs or otherwise. There should be an agency in Scotland, funded by fees from developers—not by the taxpayer, I hasten to add—with responsibility for ensuring that environmental impact assessments meet clear criteria, conditions and objectives. The same issue applies to health impact assessments.

For example, the Scottish Environment Protection Agency is not allowed to see health impact assessments at the planning stage; SEPA gets to see the HIAs only after planning permission has been granted. That relates very much to PE508. Whether or not the committee presses ahead, I intend to pursue the issue. The petition is supported by the Royal Town Planning Institute, which is, I understand, sympathetic to the views that I have expressed and also has concerns.

The Convener: Helen Eadie obviously takes a more robust view of consultants than the Executive does. The Executive response states that it expects any consultants, whether employed by the developers or the planning authority, to act impartially and honestly. Let me put it this way: that is very trusting of the Executive.

Helen Eadie: Too trusting, in my view.

12:15

Dr Ewing: Does Helen Eadie suggest that we should create another quango? That is a fairly dangerous thing to do at a time when we are meant to be having a bonfire. The suggestion is that the developers should pay for that, but would that not require new legislation?

Helen Eadie: I absolutely agree that we do not want to go down the route of continually creating non-departmental public bodies or quangos. I sign up to the notion that we should remove executive agencies and have much more direct control. There is no question about that, but the way things stand at the moment does not make sense either. It is not good for the Scottish public that the environmental impact assessments are produced by consultants who are employed by the developers. I agree with the general principle that Winnie Ewing has put forward, but we need a different set-up from the one that we have at the moment. I am willing to work with others to determine how we achieve that wider objective of ensuring that the public interest is served.

Dorothy-Grace Elder: I share Helen Eadie's concerns. She will correct me if I misquote her, but she stated earlier that SEPA was "not allowed" to see the health impact assessment in advance. Do the rules say that or is that just what SEPA says?

Helen Eadie: I had a meeting with SEPA at the highest level, where it was stated categorically that SEPA is not allowed to see the health impact assessments prior to planning approval being given by the planning committee. That is a matter of deep concern. In my view, if SEPA is required to monitor, control and regulate the set-up after things have been agreed by planners, SEPA should—given its experience, knowledge and understanding—have some input from the very start of the process, prior to planning approval being given.

Dorothy-Grace Elder: The point that I am trying to make is that many of us—some of us anyway—have found that SEPA is not proactive and does not interpret its role as widely as some of us believe that it was meant to be interpreted.

For instance, when the planning application for the Carntyne cattle incinerator came up, SEPA made no comment against it. I am informed—and they have admitted to this—that SEPA officials said privately to the council that they thought that the proposal would work. No thought was given to the fact that the incinerator would be in a highly built-up area.

The major quarrel between MSPs and SEPA is that the organisation is not proactive. I do not know whether SEPA ever requested anything, but

it tends to wait until something awful happens before it goes back to demand further fixing. It does not speak up at the time. One or two other MSPs and I have had meetings at an extremely high level with SEPA.

Helen Eadie: SEPA has discussed the issue with me because, at the highest level, it wants to be proactive—

Dorothy-Grace Elder: I have never seen any indication of that. I know that Helen Eadie has put a lot of work into this, but I just query whether it is written down somewhere that SEPA is not allowed to see the health impact assessment. I have heard many odd stories from SEPA people over the past four years.

The Convener: We clearly have a disagreement. The Executive believes that the process for consulting local opinion is adequate as it stands, whereas the petitioner does not believe that to be the case. The petitioner is concerned that developers pick the site and then appoint their own consultants, whereas he would much rather that local authorities appointed independent consultants to consider planning applications. I do not think that the committee will resolve the matter; therefore, I suggest that we pass the petition to the Transport and the Environment Committee, for its consideration. Is that agreed?

Members indicated agreement.

Strategic Planning (Fife) (PE524)

The Convener: The next petition is from Iain Smith MSP and calls on the Executive to reconsider its proposal in the “Review of Strategic Planning” to replace Fife as a single planning area. We asked for the views of the Executive and its response is set out in detail. Members will be aware that those who are opposed to the city region-based strategic planning proposals that affect Fife have already had their views taken into account and addressed as part of the Executive’s review of strategic planning. A full chapter of the Executive’s response to the consultation exercise was devoted to those concerns. The Executive concludes that two-tier development plans would be required only for the four major city regions. In a recent meeting with the petitioner, the Deputy Minister for Social Justice made clear that that position has not changed.

A planning bill will be submitted in the next parliamentary session, and it seems unlikely that the relevant subject committee would wish to consider the issue that is raised in the petition before that bill is introduced. It is, therefore, suggested that further action on the petition should be deferred until the bill is introduced and that, at that stage, the committee could consider whether to refer the petition to the lead committee on the bill for further consideration. Is that agreed?

Members indicated agreement.

Scottish Public Services Ombudsman Act 2002 (PE525)

The Convener: Petition PE525, from Yogi Dutta, on the amendments to the Scottish Public Services Ombudsman Act 2002, calls on the Parliament to incorporate a range of measures to deal with grievances against Scottish local authorities. The petition was prompted by the petitioner’s experiences regarding the approval by East Dunbartonshire Council of a planning application for the development of holiday accommodation in a green-belt area of Lennoxton in 2000. The 2002 act sets up a new ombudsman service in Scotland, and the petitioner acknowledges the many benefits that the act introduces.

We have written to the Executive, which has given us a detailed response to the petition. It appears that many of the concerns that are raised in the petition were addressed by the Parliament during the passage of the Scottish Public Services Ombudsman Act 2002. Reasonable responses have been provided to all the points that are raised by the petitioner, and it is suggested that we agree to take no further action other than to send a copy of the Executive’s response to the petitioner for information. Is that agreed?

Members indicated agreement.

Civil Law Enforcement Scheme (PE529)

The Convener: Petition PE529 is from Mr Horace Jann, on the reform and unification of the civil law enforcement system. Mr Jann wants to replace all sheriff officer commissions with a new civil law enforcement office and to ensure that those officers are properly trained and supervised at all levels. He also wants standardised fees and a table of fees of sheriff officers. The Scottish Executive’s response goes a long way towards meeting all his demands. It makes clear that the proposals that are outlined in its “Enforcement of Civil Obligations in Scotland” consultation paper address fully all the issues that are raised by the petitioner. It is likely that, following analysis of the consultation responses and agreement of the proposals by ministers, legislation will be introduced by the Parliament in 2004. It is therefore suggested that we agree to copy the Executive’s response to the petitioner for information and take no further action. We may also pass a copy of the Executive’s response to the clerk to the Social Justice Committee, for information. Is that agreed?

Members indicated agreement.

Dr Ewing: In my experience, there were quite a lot of complaints against sheriff officers in

Glasgow. The sheriff principal used to take the matter seriously and act quite quickly. The system seemed to work well.

The Convener: Well, the new system promises all kinds of wonderful things. We will have to wait and see.

Scottish Transport Group Pension Funds (PE500)

The Convener: Members will note that I have received a letter from the Deputy Minister for Enterprise, Transport and Lifelong Learning in relation to petition PE500, on the Scottish Transport Group pension funds, in response to various points that were raised with him following our meeting on 8 October. Copies of that letter were circulated to committee members on their arrival this morning, as they were not available in advance of the meeting. The letter was received only yesterday, so it was not possible to consider it as a formal agenda item. In it, the minister states that he is satisfied that a reasonable deal for the STG pensioners has been negotiated with Her Majesty's Treasury under the prevailing circumstances and that

"the £126 million now available for distribution provides for broad comparability with the payments being received by the NBC pensioners, taking into account the personal tax position."

He also says that

"the average payments are approximately £7,000 in England and £8,000 in Scotland",

and he continues that the

"claim that at least 60% of the total surplus would require to be secured to ensure real parity with the NBC pensioners"

is "not a new argument". He states:

"Overall, the proportion of surplus which has been or is being distributed ... is indeed around 60%."

Ministers have also decided that

"there will be no change to the basis of distribution for those widowed before 18 December 2000"

on the basis that that would move away from

"the established principle of utilising the rules of the schemes for payments and would have an effect of decreasing the ... sums for the vast majority of recipients."

We are still waiting for a response from the Chancellor of the Exchequer to the committee's request that he meet the petitioners. I propose that we do not consider what further action, if any, we should take on the petition until we receive the chancellor's response. However, I suggest that, in the interim, we copy the minister's letter to the petitioners and the MSPs who have been closely involved in supporting the petition, for their information. We can then consider the letter formally when we receive a response from the

chancellor and agree any appropriate action at that stage. Is that agreed?

Members indicated agreement.

Dr Ewing: I have not had time to read the minister's response properly, but I remember many of the details of the case. The letter from Lewis Macdonald does not answer the question that was raised by Fergus Ewing concerning the widows.

The Convener: No. The matter will be considered formally by the committee at a later stage. The letter has been circulated purely for members' information.

Organic Waste Disposal (PE327)

The Convener: I have also received a letter from George Reid about the Blairingone petition, PE327. Members will remember that there was some dispute about the fact that, although the Transport and the Environment Committee has carried out a proper investigation in the light of the petition, the Health and Community Care Committee has, so far, been unable to do likewise because of its work load. George Reid suggests that, as Dorothy-Grace Elder is a member of the Health and Community Care Committee and has said that she would be available to carry out an investigation into the health impacts that are mentioned in the petition, she might be happy to do so. I propose that, before we appoint Dorothy-Grace to do that, we agree that the conveners of the three committees and their clerks should meet to ensure that the investigation is undertaken with the full co-operation of the committees rather than in defiance of them. Is that agreed?

Members indicated agreement.

Convener's Report

The Convener: Steve Farrell, the clerk to the committee, met—I can hardly pronounce this—Miss Nina Ivanovna Karpachova, the parliamentary commissioner for human rights in the Ukraine, and a group of her colleagues on 24 October. They were very interested in the petitions system of the Scottish Parliament and urged the committee to continue its good work. They send their best wishes from the Ukraine.

Dr Ewing: Thanks to the clerk.

The Convener: I thank members for their attendance.

Meeting closed at 12:26.

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