

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 10 December 2002  
(*Morning*)

Session 1

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## PUBLIC PETITIONS COMMITTEE

### 19<sup>th</sup> Meeting 2002, Session 1

#### CONVENER

Mr John McAllion (Dundee East) (Lab)

#### DEPUTY CONVENER

\*Helen Eadie (Dunfermline East) (Lab)

#### COMMITTEE MEMBERS

\*Dorothy-Grace Elder (Glasgow) (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:

Tony Cameron (Scottish Prison Service)

James Cardno

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

Mrs Margaret Ewing (Moray) (SNP)

Richard Lochhead (North-East Scotland) (SNP)

Michael Matheson (Central Scotland) (SNP)

Cathy Peattie (Falkirk East) (Lab)

Willie Pretswell (Scottish Prison Service)

Stewart Stevenson (Banff and Buchan) (SNP)

Councillor Agnes Strachan (Aberdeenshire Council)

#### CLERK TO THE COMMITTEE

Steve Farrell

#### ASSISTANT CLERK

Joanne Clinton

#### LOCATION

Committee Room 1



## Scottish Parliament

### Public Petitions Committee

*Tuesday 10 December 2002*

*(Morning)*

[THE DEPUTY CONVENER *opened the meeting at 10:13*]

### New Petitions

#### Fishing Industry (PE582)

**The Deputy Convener (Helen Eadie):** I welcome everyone to the 19<sup>th</sup> meeting in 2002 of the Public Petitions Committee. I welcome my colleagues on the committee and our visitors who are here for the first item of business: Margaret Ewing, Stewart Stevenson, Richard Lochhead and Fergus Ewing. Other MSPs are waiting for the next item. I will introduce them when we come to that. We have apologies from John McAllion and Rhoda Grant.

Our first petitioners are James Cardno and Councillor Agnes Strachan from Aberdeenshire Council. I welcome them to the meeting.

Petition PE582 was presented to John McAllion at a public meeting last week. I think that Winnie Ewing was also at the meeting. The petitioners handed over 44,000 signatures. The petition is one of the largest that we have had in the Parliament. It is not the largest, but it approaches it. As the Minister for Environment and Rural Development, Ross Finnie, will be going to Brussels next week, we thought it vital to fast-track the petition. That is why we have brought forward consideration of it to this meeting, which was convened to question Tony Cameron from the Scottish Prison Service on the next petition.

Petition PE582 was prompted by the deep concern about the future of the fishing industry in Scotland. I invite the petitioners to address the committee for three minutes. After that, committee members will question the petitioners. Questions will last as long as members need. Thereafter, we will consider what steps to take to try to assist the fishing industry in Scotland. There is great concern about the issue throughout Scotland.

**James Cardno:** I have been a fisherman for 45 years. I have been a skipper for most of that time. The fishing industry is in a grave position; the industry has never been in a worse state. My sons have large overdrafts and mortgages on their homes, which is typical of the whole fleet. They will not be able to survive if the proposed cuts take

place. The whole fleet will be finished. The cuts will harm not only the fishing industry but associated industries such as retailers. The devastation that our communities will suffer if the cuts take place does not bear thinking about.

The cuts are not about conservation. We believe that they are political. My sons tell me that there are plenty fish in the sea. One year ago, we met scientists in Aberdeen through our research. They told us that the cod stocks were still low but were on the increase. What has been said is not true. The message is getting across. We believe in conservation. We are 100 per cent for it.

Cuts have taken place. We have changed our mesh size and there are practically no discards. Fifteen per cent of the fleet has been taken off the sea. The position is very difficult and will get worse. If the proposed cuts take place, the fishing industry will be finished. We have heard about death by 1,000 cuts. If the proposed cuts take place, they will be the death-blow to the fishing industry. We in the fishing industry are in a very grave position.

I have some facts about the sea-fish industry. The 2001 economic survey of the United Kingdom fishing fleet reported that, between 1998 and 2001, average vessel earnings fell by 24 per cent, crew share fell by 30 per cent and net profit fell by 75 per cent. The white-fish sector was particularly hard hit by a fall in landings, increased running costs and lower-than-expected prices.

The vast majority of the white-fish fleet cannot simply absorb a further cut in profitability. Due to the fleet's recent poor economic performance and the high levels of industry debt, it is unlikely that many vessels would survive even short-term recovery measures. The analysis estimates that average profit, including interest payments but excluding depreciation, is 2.6 per cent of turnover. Thirty-five percent of white-fish vessels make a loss or no profit. I could go on.

Why are we in such dire trouble? It is because of cuts. They are directly involved in the current financial position. If the cuts are authorised, they will be the death-blow to the fishing industry.

The moral position must be considered. Why are fishermen being persecuted? Are scientists authorised to write the fishermen off? The fishermen know the facts. Only a skeleton fleet remains—it is merely a fraction of what it was—but my sons tell me that there is cod in areas where it has not been seen for 20 years.

Bureaucrats who do not understand the situation will wipe out the future of whole communities with the stroke of a pen. That is not only wrong; a total injustice is being thrust on our people. It is vital that members of the Scottish Parliament, who are the stewards of the Scottish people, endorse the

petition. It is our heritage and God-given right to reap the harvest of the sea. The cuts are not about conservation; they are a political move to drive our fishermen off the sea and to make room for the Southern states.

I stress the gravity of the situation. If the cuts are implemented, the Scottish fishing industry will not survive.

**Councillor Agnes Strachan (Aberdeenshire Council):** I echo Mr Cardno's remarks. Our fishing community has never faced anything like the potentially devastating effect of the proposed cuts. Year in, year out it faces cuts and, as a consequence, the boats have trimmed their crews—they manage with about four or five crew members, whereas before they had seven or eight. They have cut their overheads, until they have nothing left to cut. Given that the bycatch from industrial fishing far exceeds the legitimate quota that a Scottish fishing boat would catch in a year, I cannot understand why it continues to be allowed.

Our Spanish counterparts are ploughing European money into their fishing industry to build larger and more efficient boats, which is the case in Ireland, too, yet our boats are being decommissioned. The Spanish and Irish authorities are building boats to work the west coast and Shetland fisheries. What has happened to our boats? They are no longer allowed to fish those areas because the quota was worked out on a historical basis and our fishermen did not have a historical basis—they wanted their days at sea, but that was disallowed. Of course, the quota that our fishermen were given was not viable and it does not pay them to steam the necessary distance. As a result, the boats that would have worked the west coast have been forced to work the east coast, which puts more pressure on the stocks in that area.

The cuts will affect the whole community, including bakers, candlestick makers, ice manufacturers and engineers, not just the fishermen. Every member of the community will go to the wall. If people do not have money to spend, all businesses will suffer. The future is grim, and who knows what might happen when the fishermen's backs are to the wall.

**Stewart Stevenson (Banff and Buchan) (SNP):** My comments will refer mainly to my constituency. I am sure that my colleagues will address the more general points. Approximately one third of jobs in the Banff and Buchan constituency are dependent on the fishing industry. An example of the benefits of fishing, which will be lost if there is a wholesale closure of the industry, can be seen in a small village called Strichen. Like many other rural villages, Strichen has witnessed economic shrinkage and shop

closures. However, today it has two butchers, a fish-and-chip shop, a newspaper shop and a couple of pubs—it is doing quite well 10 miles from the sea.

Why are there two butchers in Strichen, a village with a population of less than 1,000? The answer is that the two butchers provide supplies for fishing vessels at ports in the constituency: Banff, Fraserburgh and Peterhead. If the fishing industry closes, a large and important part of the business of those two small shops will be removed at a stroke—technicians would describe that as a third-level effect. The shops would not survive in their present form—perhaps there would be only one shop or perhaps there would be none. What effect would the closure of the shops have on the village? It would deplete further economic activity in the village and reduce the quality of life of the people who live there.

I tell that story not because the closure of the fishing industry would not have enormous effects in Peterhead or Fraserburgh—where two thirds of the working population of a town whose population is not far short of 20,000 depend on the fishing industry—but to illustrate to the committee that the effects of closure would run deep in my constituency. The pattern would be repeated across Scotland—in communities close to the coast and communities that we might not expect to be affected by a rundown of the fishing industry.

I close with one piece of information that illustrates the difficulties that fishermen face. Larger fishing boats use a great deal of fuel to go to sea each year. In 1998, the largest of our boats paid £1.25 million for its fuel. The cost of fuel has doubled in the past year, so the largest boats are now paying £2.5 million. Fishermen, the owners of fishing boats and the industries that depend on them have been hit hard. We must find a way forward that protects jobs while protecting stocks in the North sea and giving the industry a long-term future.

**Mrs Margaret Ewing (Moray) (SNP):** I support everything that Stewart Stevenson has said. The situation that he described is replicated right around the coast of Scotland; it is not confined to the north-east. That is a matter of concern.

At the rally that took place last week in Edinburgh, it was pointed out that there are 44,000 signatures on the petition—one for every job that is dependent on the white-fish fisheries. That is why I am here to support the petition. If this situation affected one factory somewhere in the central belt, there would be a huge response. We are determined that the 44,000 people whose jobs depend on the white-fish industry should receive strong support from elected parliamentarians.

I have a simple question for the petitioners. As we know, Elliot Morley is the main United Kingdom negotiator in the talks on the common fisheries policy. Both petitioners emphasised the issues for our communities. How many communities has the Westminster fishing minister visited? How often has he discussed the matter with local representatives such as you?

**Councillor Strachan:** To my knowledge, he has not done so. That speaks volumes.

**The Deputy Convener:** I invite Richard Lochhead to speak, but to save questions for later.

**Richard Lochhead (North-East Scotland) (SNP):** I congratulate the committee on fast-tracking the petition ahead of next Monday's crucial talks. I also congratulate the organisers of the petition and those who have spoken to it today on collecting so many signatures in such a short time. That indicates the strength of feeling on the issue.

I make it clear to the committee that we are talking about a way of life—an industry that has existed in Scotland since time immemorial and that has forged the identity of communities right around Scotland's coasts. That way of life is under threat—a heritage may be destroyed.

The industry is worth about a third of a billion pounds to the Scottish economy each year, which is a significant amount of cash. As has been indicated, it employs more than 40,000 people in fragile economies where there are no other jobs to replace the jobs in the fishing industry should they be lost.

The proposals are being made at a time when fish stocks are at healthy levels, according to the figures of the scientists who are giving management advice to the European Commission. Cod stocks have increased by 25 per cent over the past year. Of course there is an issue around saving the cod, but the amount of haddock, which is perhaps the most vital Scottish white fish, is at a higher level now than it has been over the past 30 years. The same is true for whiting. The number of prawns, which are the most valuable stock for Scotland, is at a robust level. Prawn stocks are extremely healthy right around Scotland's coasts.

The European Commission has underestimated the grit and determination of our fishing communities, which will not stand by and allow their heritage to be destroyed. No one in Europe, including the Scottish Government and the UK Government, should underestimate the strength of feeling in fishing communities.

The common fisheries policy has failed. The last thing that we want to do is to adopt another failed policy, just as the CFP is about to be reformed, simply because of past failures. The Spanish

fishing fleet has increased since the CFP came into being; the Scottish fleet has decreased, as has the level of employment in fishing in Scotland.

Margaret Ewing's comments about Elliot Morley can, I believe, also be applied to Franz Fischler, the architect of the proposals. Since he put them on the table, I do not think that he has visited Scotland. He has visited London, but he has not visited this country or Scottish fishing communities.

I urge the committee to support the petition.

10:30

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** The petition is about the survival of the fishing industry throughout Scotland. The industry is united, and it is fighting to survive, not to win compensation after it dies.

We must not forget the particular problems that face the west-coast fisheries and their needs. I am sure that all fishermen would agree with that. There is no shortage of prawns; they are in plentiful supply. When I visited Mallaig some weeks ago, I was told by Robert Stevenson of the West of Scotland Fish Producers Organisation that, among the 1,200 tonnes of prawns landed, there were only 4 tonnes of cod. The cod bycatch is virtually zero.

The advice that the Commission received from the International Council for the Exploration of the Sea was that, if the bycatch is minimal, there is no justification whatever for any cut in the prawn quota. In fact, the existing prawn quota for the west of Scotland was based on the precautionary principle without any real evidence. In my view, it should be increased. At the very least, the 10 per cent reduction should be lifted.

When I visited Mallaig, I spoke to one skipper who showed me his income for last year. It was about a third less than the lowest salary for a fireman, yet the fisherman's job is the most dangerous of jobs in Britain. If Fischler gets his way, Mallaig—its history, its culture, its heritage—will be finished. We are fighting for the survival of Mallaig, and we are going to win.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** Did Agnes Strachan and the skipper, James Cardno, attend the rally that was held in Edinburgh? I also have some questions for them on the science. Am I right in saying that the chief executive of the Scottish Fishermen's Federation seems to treat the science from the Commission as sacrosanct? The expert who spoke at the rally, Brian Philp from Amazon Seafoods, totally destroyed that point of view. Is the science that we are being told about from Brussels correct and justifiable?

**James Cardno:** It is entirely wrong. The proof of the pudding is in the eating. People at sea know the fishermen's position. My son told me recently that he has seen more cod in the sea than has been the case for the past four or five years. The stocks are on the increase. Do not get me wrong: we believe that we have to conserve and be conservative, but the message that has been put across about the scientific data is total lies and fabrication.

**Dr Winnie Ewing:** Am I right also in thinking that, because of global warming, the cod are going north and are not in the areas where our fleets tend to fish for prawns, haddock and whiting? Are the cod going north?

**James Cardno:** People say that, yes. They say that global warming is one factor in the decrease but—

**Dr Winnie Ewing:** Do the cod like cold water?

**James Cardno:** Yes. The number of cod is increasing. Many years ago the number was down, but in the past year or two, it has been on the up. There is no justification for any cuts at all. We cannot survive without cod, because they are the expensive fish. Haddock alone will not meet our commitments. We need the cod. If we have small quotas, one option is to land fish illegally, which we do not do. We have not landed a black fish for five years. In Peterhead it is the same. On most boats there are no black fish or, if there are any, there are very few. The black fish have gone.

**Dr Winnie Ewing:** My last question is to both petitioners, who have done so well before us. How do you feel about the British Government allowing industrial fishing for pig feed to continue—without objection—given that such fishing takes a far greater amount of fish than is taken for human consumption? How do fishermen and fishing communities feel about that?

**Councillor Strachan:** It goes completely against the grain. There is something abhorrent about industrial fishing. Anyone who is interested in conservation must feel that. The issue is that people are being allowed to catch fish that could be used for human consumption—I am speaking about the by-product. Fish are predatory and pout is a feedstock for the larger fish. If the feedstock is caught, the fish will move away and will diminish in number, because there is nothing for them to feed on. Something about the industrial fishing of fish for fertiliser and animal feed is disgusting.

**Phil Gallie (South of Scotland) (Con):** Aberdeenshire has interests in agriculture and beef farming, as well as in fish. Did the farming community experience similar feelings about the illegal beef ban by the French in recent years?

**Councillor Strachan:** Yes. How can we be in a union and not be treated equally? The French

Government is very supportive of its farmers and fishermen. I wish that our Government were half as supportive of our fishermen and farmers.

**Phil Gallie:** Have not the French demonstrated that even though the European Commission makes a decision that sets a policy, that policy can be ignored until the European courts give it validity?

**Councillor Strachan:** That is the message that is coming across, is it not?

**Phil Gallie:** Yes. Is it possible that fishermen will reach that interpretation and that they will expect the backing of the British Government if they take such a line?

**Councillor Strachan:** They have every reason to expect the backing of the British Government. Their backs are against the wall; they have nothing to lose. If their industry is wrecked, they will lose their homes and their livelihoods. They will have nothing else to lose.

**Phil Gallie:** I think that it was Richard Lochhead—or it might have been Margaret Ewing—who made the point that the loss of 40,000 jobs is equivalent to the loss of 40 Motorolas in the central belt. What do you think would have been the Government's attitude to the loss of 40 Motorolas at a stroke?

**Councillor Strachan:** I imagine that it would have been completely different. We in the north-east and in Scottish fishing communities feel that we are of no consequence to the Government. We feel as if we have been written off.

**Phil Gallie:** So you expect the Public Petitions Committee to make the strongest possible representation to our Government that, irrespective of any decision taken in Europe—which to a degree is out of our Government's hands—you expect the Government to back the Scottish fishermen to ensure that many of those 40,000 jobs are saved?

**Councillor Strachan:** Most certainly. You are our voice. You are speaking for us and you are our only hope of changing the ridiculous legislation that will come out of Europe.

**Phil Gallie:** Thanks very much. I want to put a point to the skipper. Do you recall the pressures that the scientists have put on the prawn fishing industry in the past 10 years, on the west coast in particular?

**James Cardno:** I have not been to the prawns, except for a year or two long ago. The prawn men have had a decent living recently, but if the cuts are implemented, even in smaller measure, some of the white-fish boats will be pushed on to the prawns and that will be the end of them, too.



**Phil Gallie:** I accept that. I was an MP in Ayr in 1992, so I know that a reasonable fishing fleet fished out of the Clyde estuary. It was decimated on the basis of scientific evidence that suggested that prawn stocks would be eliminated. We have heard Fergus Ewing say today that, if anything, prawn stocks have expanded. That was the fishermen's advice throughout the past 10 years. Does that bear a resemblance to the situation that has been described as facing the cod industry?

**James Cardno:** Yes. They say that there are plenty of prawns in the North sea, but they are mostly smaller prawns and they are pretty cheap.

**Phil Gallie:** I am trying to move on and make a comparison with the current scientific evidence. We were told that the prawn stocks were going to be eliminated. Fleet sizes were decimated and fishing in Dunure and Troon has reduced considerably. All that I am trying to do is to make the comparison. Apparently, the scientists were wrong. Do you think that the situation is similar in the North sea?

**James Cardno:** Yes. The scientists are definitely wrong, because there is an abundance of prawns.

**Phil Gallie:** There are many questions, but I will leave others to pick them up.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** Fergus Ewing mentioned the prawn stocks on the west coast. I can confirm that the evidence that he gave this morning is correct, because I have spoken to prawn fishermen and processors up and down the west coast, who say that there is no shortage of prawns and that the quality is increasing. That is satisfactory and it pleases the prawn fishermen.

The evidence that suggests that we should have a reduction in or indeed a closure of the cod fishery is brought into question. Is the evidence credible? According to what the witnesses have told us, it is not. Mr Cardno, you pointed out that your son tells you—and I am sure that other fishermen confirm it—that there is a healthy cod stock in the North sea. The evidence that has been presented to us seems to be a desktop study. There are suggestions that the scientists have made little physical effort to confirm the study.

In your experience, what do you think has caused the decline in the traditional areas where cod have been fished over decades? Has the decline been caused by the water temperature or salinity, or do you believe that there is a healthy and buoyant fishery out there?

**James Cardno:** The fishery was overfished a few years ago but, with the cut-down fleet and the size of the mesh that is used, there are practically

no discards. The fishermen use 120mm mesh at the moment; they used 80mm mesh a few years ago. All the small fish are escaping and cod numbers are increasing now. There is proof. My son just said to me, "I don't know where they are getting the data from."

**John Farquhar Munro:** Are the stocks increasing in the traditional cod areas? It has been suggested to us that the cod might have moved to new ground because of environmental conditions such as water temperature or salinity.

10:45

**James Cardno:** We are told that global warming has led the cod to move further north than Iceland and that there is no want of cod there. That might be one factor, but the number of seals on our coasts is also an extremely big factor in the consumption of our fish.

**John Farquhar Munro:** Phil Gallie made an excellent point: if the threatened job losses were in the central belt of Scotland, there would be a royal commission into the cause and effect of the issue. However, the 40,000 job losses that we have mentioned are not in one particular area. All our coastal communities and communities further inland will be affected. Any responsible Government must take a strong view on that. Do you agree?

**James Cardno:** Yes. Although the job losses might be small in UK terms, they would be devastating for Scotland.

**Dorothy-Grace Elder (Glasgow) (Ind):** Thank you very much for travelling here. Has there been any sign of a British Government minister or an EU commissioner or minister in your area? A moment ago, we heard that Herr Fischler had not visited Scotland.

**James Cardno:** Some officials from the EU went to the Peterhead market early this year. They only went one time, though.

**Dorothy-Grace Elder:** However, while you are in this current predicament, the people who have placed you in that situation have not appeared. Is that correct?

**James Cardno:** Yes.

**Dorothy-Grace Elder:** Earlier, Councillor Strachan referred to the cuts in crew numbers on Scottish boats—there are now four or five crew members rather than seven or eight. She said that the Spanish are building much larger boats and that there is heavy investment in the Spanish fishing industry. Is it correct that the Spaniards are building boats especially for fishing off Shetland?

**Councillor Strachan:** That is my understanding. The area from which our boats will

be excluded as of 31 December is the area for which the Spanish boats are being prepared. That is a relatively new deepwater fishery and it was deemed that conservation measures should be applied to it because it has cold water and slow-growing fish. Our fishermen argued that they should be allowed to fish that area on a limited number of days, but their Spanish counterparts argued on the basis of their historical access. As they had been fishing those waters for longer, they won the argument. Given the quota that our boats are allowed to catch from those waters, it would not be viable to go all the way out there to get the fish, as that would take a great deal of fuel and time for little return.

**Dorothy-Grace Elder:** How much investment is Spain putting into its fishing industry in comparison with Scotland?

**Stewart Stevenson:** The European Union is putting substantial funding into the development of the Spanish fishing fleet. The Irish fishing fleet has also received assistance to expand. Something like 100 vessels are being brought on stream in those two fleets.

The committee may find it interesting to know that, even if the North sea is closed to all white fishing, it will still be possible for those newly commissioned and newly built Spanish boats to fish in our North sea. Those boats would not be permitted to land white fish, but if they fish for non-quota species—which is what they will do—they will nonetheless continue to catch white fish, which they would discard dead. In other words, the Spaniards would still be here with their new boats, which are funded by the EU, and they would still fish in our waters and kill the stock that we seek to protect.

That is precisely why the common fisheries policy is in disrepute and requires reform. We should wait for the new common fisheries policy, which will make provision for local states to take control of the fisheries in their adjacent waters. That will be an important step forward. The proposals that we are talking about just now have been made in the context of the old CFP. I am sure that the committee will wish to take note of that.

**Phil Gallie:** My question is supplementary to the comment that Dorothy-Grace Elder made. It has been said that the Spanish traditionally fished off Shetland, but why have they not fished off their own country's shorelines?

**Councillor Strachan:** They may well fish off their own country as well as fishing west of Shetland.

**Phil Gallie:** Is it the case that the Spanish have fished their own waters dry?

**Councillor Strachan:** That may well be the case.

**Phil Gallie:** Some time ago, there was a question mark over the extent to which the Spanish adhered to the European regulations on the numbers of fishing inspectors in their ports and so on—

**Dr Winnie Ewing:** No—

**Phil Gallie:** Are there difficulties with compliance? I perhaps stand to be corrected by Winifred Ewing.

**Councillor Strachan:** I cannot speak for the number of fishery officers in Spanish ports, but I know that Peterhead has more fishery officers than policemen. It would be difficult to land fish illegally in Peterhead, even if people wanted to.

The Scottish fishermen work with a much bigger mesh than even their English counterparts. Some conservation measures have been adopted solely by the Scottish fishermen. They have voluntarily and at their own expense invested in nets with a larger mesh size. They have gone for square panels, which keep the net open. A number of vessels have also been decommissioned. The Scottish fishermen have gone a considerable way down the road of keeping conservation in mind because they know that their future lies in doing that. Mr Cardno spoke about being a fisherman and about his sons being fishermen, but I doubt whether his grandsons will be fishermen.

**Dr Winnie Ewing:** The reason why the Spanish fishermen have gone all over the world is that they have no continental shelf of their own. That is why they have traditionally gone to everyone else's continental shelf. They have been far travellers. That is also why, as Phil Gallie mentioned, the Spaniards had an historic right in Shetland waters. In the old days, they were given fishing rights for only 24 specified and named vessels. They also had historic rights in Canada.

Phil Gallie is right to say that the Spaniards fish waters dry. That is what they are doing now off the west coast of the poor African countries. They would happily do so to any waters to which they gained access. It is in their nature to travel far away and stay away from home.

As for policemen, after much complaining and agonising, Spain appointed 13 inspectors, but do you know where those inspectors live?

**Phil Gallie:** Madrid?

**Dr Winnie Ewing:** Exactly.

**Richard Lochhead:** Phil Gallie raised the issue of infringements and of who abides by the rules. Last week, the European Commission published a report on that subject that indicated that the UK was involved in 1 per cent of the EU's fisheries

infringements. For Spain, I think that the figure was 47 per cent.

**Fergus Ewing:** James Cardno mentioned the impact of seals on fish stocks. How do he and his colleagues feel about that issue? One of the fishing documents says that fishing accounts for only 10 per cent of the predation of fish. Is that correct? What should be done about the matter?

**James Cardno:** Seals are a big factor. When I was young, we never saw any seals in our harbours. Today, the sea and the coast are full of them. I do not know how much a seal eats in a year, but it must be a lot. If we multiplied that amount by the number of seals that are out there, we would see that the seals must eat more than the fishermen catch.

**Fergus Ewing:** Are your colleagues frustrated that no one seems interested in taking on that subject? The environmentalists never stop telling us that the fishing industry has to be sacrificed if we are to save a single species, but they do not seem to mention your view that the seals account for a very substantial part of the problem.

**James Cardno:** The fishermen will be the species that we will need to safeguard for the future, not the seals.

**Fergus Ewing:** I know which species I want to protect.

**The Deputy Convener:** That concludes our questions to the petitioners. You are very welcome to stay and listen while we consider the action that we should take based on your evidence this morning. However, I ask you not to participate in this section of our deliberations.

I should refresh members' memories about the proposals that we are considering. Approval of the proposals could see substantial reductions in the levels of mortality due to fishing by 80 per cent for cod and haddock, 75 per cent for whiting, 40 per cent for plaice and 30 per cent for sole, as well as smaller reductions for nephrops and industrial fisheries. Those fishing quota reductions would apply in the North sea, the west of Scotland and the Irish sea from 1 January 2003. European ministers will make a final decision on the proposals at the fisheries council, which takes place in Brussels on 16 to 19 December.

In a press release issued on 27 November, Ross Finnie confirmed that he was working

"closely with industry leaders to find practical and workable solutions, that underpin a robust case in response to Commission proposals".

He also reported that it was essential that any final decisions

"include a fair burden sharing among all member states, and ... reflect the real problems among whitefish stocks

that the science has identified. These decisions must also take into account the social, economic and political realities".

The Executive will hold a debate on fisheries in the Parliament on Thursday 12 December.

Members will be aware that, given the potential impact that the introduction of the proposals would have on the Scottish economy, there have been calls for Mr Finnie to lead the UK delegation at the fisheries council. However, it is likely that his UK counterpart will lead the negotiations on 16 to 19 December.

The Parliament is clearly restricted regarding the action that it is able to take on this petition, particularly given that a decision on the matter is soon to be taken by European ministers at the fisheries council. The committee could agree to refer the petition formally to the Minister for Environment and Rural Development as a demonstration of the strength of feeling against the proposed quota reductions and ask him to take that into account within the context of the European negotiations. I also suggest that we send a full copy of the *Official Report* to the minister, because some helpful questions have been raised and information given this morning.

11:00

**Dr Winnie Ewing:** I would like the minister to be sent a copy of a speech that Brian Philp of Amazon Seafoods made at the rally, which was supported by hundreds who attended. He talks about the attitude, which I have heard even from the chief executive of the Scottish Fishermen's Federation, that because the scientists say something, they must be listened to. I am not prepared to listen to the scientists, who have been wrong before—Phil Gallie gave an example of that. They are wrong this time and they have got the measurements wrong. The SFF's chairman says that, in a lifetime as a skipper, he has seen only one scientist at sea. The scientists have got wrong the basic measurements that relate to age and size on which they base everything. Because the basic measurements are wrong, everything is wrong.

Industrial fishing lands 10 times more fish than does fishing for human consumption. Industrial fishing kills not only the feed, as Councillor Strachan said, but the potential for fish to breed. No British Government objected to industrial fishing in my 24 years in Europe. We just accept that Denmark can do what it likes and kill off fish in the North sea. No one objects. It is time that we expressed our strong view that that must stop.

Seals have been mentioned. According to the scientist who spoke at the Edinburgh rally with the whole industry's support, seals, salmon and

seagulls eat more than humans catch—and that is without mentioning industrial fishing, which is killing the feed stock and the breeding ground of the future.

I would like those comments to accompany whatever we send. Perhaps we should mention the point that arose in relation to a comment made by Richard Lochhead. A recent report, which the Commission authorised, says that Britain committed 1 per cent of infringements and Spain committed 47 per cent of infringements. We should also emphasise that the exercise that the fisheries council is conducting is pointless, because the CFP will be revised soon.

**Phil Gallie:** Perhaps one frustration of being a member of the Public Petitions Committee is that we do not have the powers that we would like to have to act in emergencies such as the one that we are discussing. The suggestion that the petition should go to Ross Finnie is all very well. Perhaps he can use it, but if he has not got the message—although I am sure that he has—from the Parliament and the fishing industry today, the petition will not get that through to him. However, if he can use the petition, that is great.

The petition must go further. We must forward it to Elliot Morley, to underline to him the fact that anything that Ross Finnie says about the strength of feeling in Scotland is emphasised by MSPs. We should send it to the political group leaders in the European Parliament, whose members suggest that the closure should be delayed until further scientific evidence is obtained. I understand that Mr Fischler comes from a land-locked country, where little is traditionally known about fishing. He said that the Commission would proceed with its policy irrespective of MEPs' views. The European Parliament must get its act together.

I am not sure whether the Commission or the Council of Ministers takes the final decision. If that is the Council's task, we should expect our fisheries minister to be there to lay down the law from the point of view of the UK and Scottish fishing scene.

Perhaps other members can think of other people to whom we should relay the petition. The people whom I suggested would be a reasonable start. Another referral could be to the European Parliament's Committee on Petitions, which has more powers than we have. Perhaps it could prevent any precipitate action that Mr Fischler wishes to take. I do not know about that. Could the convener ask for the clerk's advice? Can we formally submit the petition on behalf of the petitioners to the European Parliament's committee?

**Dorothy-Grace Elder:** David Lowe is the clerk to that committee and he is a very nice man.

**Dr Winnie Ewing:** There is nothing to prevent us.

**The Deputy Convener:** Two issues arise from that, which is not to say that it is not a good suggestion. Timing is a problem. It would be after Christmas before the European Parliament's Committee on Petitions could consider the petition.

**Phil Gallie:** We should be able to get it there more quickly than that. Once the petition has been registered by that committee, it is that committee's problem. The petition could be used as a slow-down message to Mr Fischler.

**Dorothy-Grace Elder:** We could send the petition electronically today to David Lowe, who is clerk to the European Parliament Committee on Petitions. I suggest that we do that, because the committee can hear cases very quickly, as it did in relation to the Sangatte detention centre. As the circumstances are unusual, I also suggest that, when we forward the petition to any entity that we have mentioned, we show the support of this statutory committee. We should go further than merely writing a letter and passing on the petition, because we are seeing a threat to one of Scotland's greatest and most ancient industries.

Winnie Ewing and I would like to add that the petition should perhaps be forwarded to the two UK commissioners and the Prime Minister.

**Dr Winnie Ewing:** Indeed, why not?

**Dorothy-Grace Elder:** As history has shown during the past 30 years or so, there have been several attempts to defend cod stocks vigorously. The two petitioners will perhaps remember when Britain twice conducted cod wars against Iceland. I am not saying that that was right, and it led to violence, which was appalling.

**Dr Winnie Ewing:** That was Hull.

**Dorothy-Grace Elder:** Yes, trawlers were manned up from Hull, costing £50,000 a week, to fire on the Icelanders. That was not right, but it showed how far Britain was prepared to go to defend cod stocks and the British fishing industry, as the UK Government would call it. Now, the Government completely keels over and does nothing.

**The Deputy Convener:** I will start the summing up by dealing with Phil Gallie's suggestion. The difficulty of taking the route that he recommends is that we cannot refer the petition to two places; we can refer it only to one place. If we refer the petition formally to the minister, which is possible, we could only forward it to the European Parliament Committee on Petitions for information. I ask Phil to accept that ruling.

I will run through the other suggestions. One is to send a copy of the *Official Report* of this debate to the minister. We could also send the evidence that Winnie Ewing spoke about, which was from the scientists who spoke at the public meeting last week. It is also suggested that we send a copy of the report that Richard Lochhead mentioned, which came from the European Commission last week, to Elliot Morley and the group leaders in the European Parliament. We will send it to the Prime Minister and the two UK commissioners as well. I hope that members agree that that reflects the views of all committee members.

**Dr Winnie Ewing:** Can we establish whether the committee officially supports the petition? We should put that on record.

**The Deputy Convener:** Each committee member has expressed extreme concern and support for the fishing industry, and we will reflect that in the letters that we send.

**Dr Winnie Ewing:** The fact that we support the petition?

**The Deputy Convener:** Yes.

**Phil Gallie:** I want to query one point. Can the clerk contact Ross Finnie to ask him from his negotiating viewpoint to whom it would be best formally to send the petition? If Ross Finnie says that he is well aware of our feelings and that it would be better for the petition to go to a certain location, we should allow the clerk to send the petition to that place.

**The Deputy Convener:** We will contact the minister's staff and take advice from them. Phil Gallie has made a helpful suggestion. We must be sensitive to the negotiations that are taking place—we want to strengthen the minister's hand and do not want to do anything that would derail those negotiations. This morning the committee has aired well a very serious topic. The petitioners can rest assured that every effort will be made. I remind everyone present that this Thursday there will be a debate on fisheries in the chamber. Members will have the opportunity to underline the importance of this matter.

**Fergus Ewing:** I agree with all the recommendations that members have made. When conveying the message to those who have been mentioned, can we emphasise that the priority for the industry is survival? This is not about getting the fancy financial compensation package that is being discussed in some circles—rather ominously—after the industry has been killed off. Does the committee agree to that suggestion unanimously?

**The Deputy Convener:** None of us has a problem with that. I do not come from a fishing area, but I understand the issues. We will reflect

the point that Fergus Ewing has made in our correspondence.

I thank the witnesses for their attendance this morning. I hope that they are satisfied that the committee is taking this issue seriously. In line with our standard process, we will keep them informed of the outcome of the petition.

## Current Petitions

### Scottish Prison Service (Staff Facilities) (PE557)

**The Deputy Convener:** I invite the chief executive of the Scottish Prison Service, Tony Cameron, and the director of financial and business services in the SPS, Willie Pretswell, to take their seats.

I welcome to the meeting Cathy Peattie, the MSP for Falkirk East, and Michael Matheson, who is a list member for the area.

I will refresh members' memories about the petition—if they need refreshing. Members will recall that PE557, in the name of James B McGarry, 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 Polmont Prison Officers Social Club.”

The petition was prompted by the petitioners' concern about the proposed closure by the Scottish Prison Service of Polmont social club, which was formed in 1957. The petitioners argue that the club, which provides a safe environment in which prison staff are able to socialise, has been profitable and successful in promoting positive links between the prison and the local community. The petitioners claim that closure of the club, which is used extensively by members of the community and local clubs as well as by its 350 members and associate members, would severely affect staff morale not only at Polmont, but throughout the Scottish Prison Service.

When the committee considered the petition at its meeting of 5 November, it agreed to invite the chief executive of the Scottish Prison Service, Mr Tony Cameron, to appear before it to address a number of issues that were raised in the petition and in a recent member's business debate on this topic. Mr Cameron, accompanied by his colleague Mr Willie Pretswell, is attending today's meeting to answer questions from members. The letter inviting Mr Cameron to appear before the committee indicated that it would welcome comments on a range of issues that we will now discuss.

Thank you for attending this morning's meeting. You may be aware that the Parliament has expressed serious concerns about this issue. We ask you to answer questions from members of the committee. If you wish, you may make a brief introductory statement.

**Tony Cameron (Scottish Prison Service):** In my response to the letter that the committee sent to me on 5 November, I enclosed three

memoranda. During the committee's meeting, some points were raised, and the committee's letter to me mentioned three points on which it wants further information. First, was it necessary to demolish the club? Secondly, what are the potential effects on the morale of prison staff? Thirdly, when the club closes, what plans does the SPS have to assist with alternative facilities in the community?

The precipitating factor in the closure of the club is that the SPS proposes to invest approximately £2 million in new training facilities on its site. The national training facility must be fit for all purposes and it is not. The closure of the club will contribute to improved delivery and competitiveness, which is a requirement that is laid on the SPS by the Government.

The SPS is convinced that the morale of the staff in the service will be greatly enhanced by the development. The current training facilities are inadequate and have been for some years. By building on the site, the SPS will retain approximately 70 jobs in the Polmont community, which would otherwise go elsewhere, and the facility will benefit not only the staff at Polmont, but the 4,500 staff elsewhere in the service. As a result of that decision, the board intimated to the club last August that it would not be renewing the lease.

11:15

Apart from investing in the training facility, the board is investing about £17 million in Polmont Young Offenders Institution. A new house block will provide improved living conditions for prisoners and working conditions for staff. The board is prioritising the investment of scarce resources to improve conditions in the estate and end slopping out. The development of the new training college will assist with those aims.

The board's view is not to encourage the creation or continuation of licensed premises on land adjacent to prisons. Having licensed premises in the vicinity of prisons is not in accordance with the SPS's personnel policies or its alcohol policy and is not consistent with modern personnel practices. The clubs are an anachronism from the days when it was a requirement for staff to live in quarters at the institution—those days are long gone.

Allowing the clubs to remain open with short leases is a deliberate SPS policy so that, if the buildings are required for prison purposes, they can be acquired quickly, as in this case. Alternatively, if the buildings are not required, the SPS can sell the land and use the proceeds to improve the prison estate and increase the service's efficiency. Only four Scottish institutions

have licensed premises attached to them now, and the SPS is holding discussions with another club in the estate with a view to ending that lease also. Therefore, the initiative is not directed at Polmont only.

Annexe B of the paper addresses the lack of consultation with the club committee—an allegation that the SPS refutes. A question was raised about the opportunity to purchase the club, which the board decided against as a matter of policy. Questions were asked about the cost of purchasing land in the locality and whether there was any sort of compromise, whereby the club could continue to exist. Last but not least, annexe B, paragraph 4, refers to political intervention. As I stated in a letter to Mr Matheson on 22 October, decisions and actions on the case have not been motivated in any way by political matters, but purely by the SPS's business needs.

I speak on behalf of the SPS board when I say that we deplore any suggestion that people have been warned off approaching the Public Petitions Committee. I have found no evidence of any such assertion and we would certainly not condone such action. The board has made no such warning to the club.

Finally, a summary of the key meetings and correspondence and the key letter of 4 October 2002 to Mr Green, the Polmont prison officers' social club secretary, are attached.

**The Deputy Convener:** Do you want to say anything, Mr Pretswell?

**Willie Pretswell (Scottish Prison Service):** Thank you, but I have nothing to add at the moment.

**Cathy Peattie (Falkirk East) (Lab):** I will try to limit the comments that I want to make. I am frustrated. Mr Cameron, you talked about consultation—

**The Deputy Convener:** I am sorry to interrupt, but do you want to make a statement, Cathy? We will then proceed to questions.

**Cathy Peattie:** Okay. I thank the convener for agreeing to this discussion. I am sure that my colleagues in the committee believe—as I do—that the idea behind the Scottish Parliament was to get closer to local people, serve the people of Scotland and listen to what they say. I am frustrated that the SPS tends not to do such things. I will have an opportunity to ask Mr Cameron questions later, but I suggest that the lack of information given to the officers and their families who use the club, and describing as consultation a letter that says what the SPS is doing and that it is not listening—that is my interpretation of Mr Cameron's interpretation of consultation—is neither how to proceed in modern government nor how to work with people.

As a local MSP, I welcome the college development and the new blocks in Polmont. Those are good steps forward, but it is also important that we consider the morale of officers who work in Polmont. Despite the general comment that was made that the development will lead to good morale in the prison service, we know that morale is not good. I suggest that that is because prison officers have been treated as Michael Matheson and I have been when we have tried to raise issues, as the petitioners have been in the response from the SPS, and as others have been when they have questioned the SPS. The SPS has not listened. I hope that we can progress the issue through questioning.

**Michael Matheson (Central Scotland) (SNP):** I fully support what Cathy Peattie says. A meeting took place on 20 November with Richard Simpson, the then Deputy Minister for Justice. Cathy Peattie and I attended that meeting with two local councillors and several members of the club's committee. I am afraid that the SPS's letter does not reflect the discussion that took place at that meeting and the outcome that was reached. I clearly recollect that Mr Pretswell and his colleagues should have gone away and considered several options to try to incorporate a prison officers' club facility within any new build at the college. I am afraid that the letter does not reflect the discussions in which I participated.

On the consultation that was meant to take place, the SPS continually refers to the involvement of the local authority. I want to be clear. If local authorities started to provide money for the establishment or running of social clubs, they would have a mile-long queue at their door. It is, therefore, entirely wrong and misleading to think that the local authority can take an active role in building or providing any new prison officers' club. The local authority fully supports the fight to keep the officers' club open.

I refer finally to the issue of political intervention. Unfortunately, the comments that Mr Cameron has made are somewhat misleading. The issue is not whether the SPS arrived at the decision to close the club as a result of political intervention. At least four members of the club were present when senior members of the SPS visited it. The SPS had already arrived at the decision to close the club. When the club members intimated that they were going to fight that decision, using whatever political avenue they could to pursue the issue, they were told that that would be unhelpful. Several members of the club's committee were present when that was said. It is unhelpful of the chief executive of the SPS to try to mislead members of the Public Petitions Committee into believing that, in some way, the issue was about how the SPS arrived at the decision to close the club.

**The Deputy Convener:** Thanks, Michael. You can tell from those introductory comments that this issue is being taken seriously by the Parliament. I invite questions from committee members.

**Phil Gallie:** My first question is for Mr Cameron and Mr Pretswell. Let us consider the time scales. When was it determined that you would go ahead with the new training facility at Polmont? How long had that been considered, and what other locations were considered during the period?

**Tony Cameron:** The decision to invest in our site there was made in August. Over several years, we considered alternatives to the college, involving partnership with others on other sites. We did not find an alternative site. We own the site at the college at Polmont. Our decision to go ahead with an investment at the college was made in August.

**Phil Gallie:** Did you consider Polmont prior to August, or did it suddenly come as a flash of inspiration in August that that was the location for the facility?

**Tony Cameron:** No. It had always been the preferred option if the value for money of the investment could be shown to the board as a good buy. We already had the site.

**Phil Gallie:** So Polmont was always the site?

**Tony Cameron:** Yes.

**Phil Gallie:** How long had you been thinking about the training facility?

**Tony Cameron:** For three or four years, I would guess. Over that period, we tried to reflect what, in pursuit of our new correctional excellence vision, would be the most appropriate forms of training and how that training should best be delivered to our staff. We have a proud history of good training: we have won several awards and have been widely praised for it. We wanted to build on that. Unfortunately, the premises within which some of the training takes place are inadequate for our business purposes. As you know, we are under strong pressure from the Government to reduce our costs and become more competitive.

**Phil Gallie:** Let me pick up on that point. In reducing costs, do you believe in getting value for money and not wasting money?

**Tony Cameron:** In the framework document, which governs the—

**Phil Gallie:** Sorry, it was a straight question. Do you believe in getting value for money and not wasting it?

**Tony Cameron:** I do, indeed. Not only that, but it is a requirement in the framework document. Getting value for money is a specific legal duty laid on me, alongside managing the money that is given to the prison service.

**Phil Gallie:** All right. I accept that answer and I thank you for it.

Although you were considering the site as a preferred option for a college, a couple of years ago you allowed the social club to spend around £40,000 on renovating the premises. Did you not tell the club at that time that you might have other plans and that the money might be wasted?

**Tony Cameron:** Although I was not in the SPS then, I understand that that was not done. However, the club knew that it was on an annual lease and that we were required to give it no more than 40 days' notice to quit.

**Phil Gallie:** If you wanted good personnel relationships, surely it would have been reasonable for the authorities to inform the club?

11:30

**Tony Cameron:** Indeed—we did not give 40 days' notice. You asked about value for money. The fact is that we did not decide to spend a sum of money on the club. We enter into short leases with all our clubs precisely because we might require the land, which has been purchased for prison purposes with taxpayers' money. We avoid long leases and give short leases for all premises so that we can use the land for prison purposes or, if it is surplus to requirements under the rules that govern us, we can dispose of the land on the open market and to the highest bidder.

**Michael Matheson:** I seek clarification on Phil Gallie's point about the decision to invest in Polmont. From the Scottish Prison Service's corporate plan for 1999-2002, it is my understanding that one of the key objectives for 1999-2000 was to move the SPS college.

**Tony Cameron:** Yes. I referred to our deliberations. At that point, we hoped to go into partnership with others on a new site. That seemed possible, but, after economic evaluation, such an investment did not stand up when compared with investing in the Polmont site, which we already owned.

**Michael Matheson:** Phil Gallie asked whether Polmont has always been the preferred option and my understanding from your answer was that it has. However, for 1999-2000 the preferred option was to move the college to another site.

**Tony Cameron:** I did not mean to imply that the Polmont site has always been the preferred option—I said that it is our preferred option. We considered a number of possibilities, but the one that we decided on in August was that we should invest in our own land and have a dedicated college on that land.



**Michael Matheson:** Therefore, that has not always been the preferred option. Previously, the board decided to try to find another site for a new college.

**Tony Cameron:** That is not the case. Previously, we tried to find other partners and considered doing away with a dedicated Scottish Prison Service college altogether by joining with others in a more generic facility. That did not proceed because it did not give us the best economic return compared with investing in our own site. We merely explored the option. At the time to which you refer, we had not taken a decision to find other partners, we simply explored an option that seemed to give a preferable outcome. However, when that option was examined, it was found not to be preferable.

**Dr Ewing:** Are the witnesses aware that around one third of leases in Scotland operate by a principle called tacit relocation, under which a lease continues unless it is brought to an end by notice? Here is a case in point. You had the right to give notice to end the lease. In most such cases, tenants are well warned if the tacit bit of an arrangement is going to come to an end. However, in that period, when everyone was happy in their social club, which we are told is anachronistic, the notice came as a big shock, particularly because of the expenditure of around £40,000. It is our information—perhaps you have read the previous debate on the matter—that your service knew about that considerable expenditure.

Surely, as under any tacit relocation—where even landlords behave better than the Scottish Prison Service has done in this case—some attempt should have been made to give a warning and to say that there was no point in spending the money, because the club was anachronistic and because all the other clubs like it had closed. I should point out, however, that the other clubs closed because of underuse, and that that does not apply to the one at Polmont. Some kindness should have been shown and some practical commercial consideration should surely have been shown to stop the club spending £40,000. There is no way that that can be dressed up and called acceptable, is there?

**Tony Cameron:** The decision to spend the money on the club was taken by the trustees of the club without any formal approval by us.

The legal position on the lease—

**Dr Ewing:** I was not asking about formal approval.

**Tony Cameron:** It was quite clear that we were responsible for—

**The Deputy Convener:** Mr Cameron, with respect—

**Dr Ewing:** I did not ask about formal intimation; I asked if the fact of the expenditure was known. Our information is that it was known.

**Tony Cameron:** Well, I did not know it, and I do not think that my board knew it.

**Dr Ewing:** What about the local SPS staff?

**Tony Cameron:** In an organisation employing 4,500 to 5,000 workers, it is always possible that somebody knew it—I am not denying that—but the fact is that, as you quite correctly say, a short lease was deliberately entered into so that land that had been acquired by the taxpayer for prison purposes could be optimised for use as a prison. Otherwise, we would have gone in for a long lease. That is an option that the SPS and the club had at the time, but a deliberate—

**Dr Ewing:** It was a tacit relocation lease.

**Tony Cameron:** It was a tacit relocation.

**Dr Ewing:** That is quite acceptable across the board for one third of Scottish leases.

**Tony Cameron:** Yes. Under such leases, the tenant takes a risk if he or she spends a large sum of money on the buildings, because the landlord, as is the case with commercial property, ends the lease when the requirement for the land changes. That is the case in this instance.

**Dr Ewing:** If a landlord did that, he would be regarded as heartless. I will leave that point for the moment, although I may wish to follow it up.

**Tony Cameron:** It is common, as you know.

**Willie Pretswell:** I will give some clarification. The evidence that the committee received on 5 November suggested that the Prison Service had written to confirm that it was aware of the investment of £45,000. As far as we are aware, there was no such letter. There might have been confusion about the letter that was referred to in evidence at that meeting, which was a quite different letter. Our understanding is that the Prison Service was not asked about the £45,000, did not approve it and was not aware of the details surrounding it. I note from the evidence that the club does not appear to have any records to evidence that expenditure. We did not approve that expenditure, nor were we required to under the terms of the lease.

**Dorothy-Grace Elder:** Did the governor or the governor's deputies at Polmont know about the investment? I refer back to the precise words that Mr Cameron used a moment ago, when he said that the decision by the club trustees was taken

"without any formal approval by us."

That indicates that there could have been informal approval or a warning not to spend all that money, because the SPS might want the premises back.

Is not it the case that your statement was worded craftily? Does not your statement lack openness?

**Tony Cameron:** My statement was not crafty; it was a statement of fact. I cannot say that no one knew about the investment; I simply do not know whether that was the case. All I can say is that we had no official knowledge of the investment. As my colleague said, we gave no tacit or other approval for such an investment.

**Dorothy-Grace Elder:** Does not the fact that there was no significant communication about something that was enormously important to the morale of local staff point to a gulf between the hierarchy of the Scottish Prison Service and its staff? How could that gulf grow so big that you did not know formally—or find out informally—that the prison officers were investing their money in the club?

**Tony Cameron:** That is the position. Mr Gallie asked whether I believe in value for money. The lease makes it clear where the risk lies; it does not lie with the taxpayer. The lease and the arrangements were drawn up with the club precisely to insulate the governor, the SPS and therefore the taxpayer from any commercial or other actions of the club. That was a quite deliberate policy. Without it, we would have been running licensed premises—a pub. We are not involved in such activities.

**Dorothy-Grace Elder:** It is your policy to stop the running of such premises in other areas. The successful Polmont club seems to be a victim of one of your policies. You say that licensed premises were closing on other prison sites.

**Tony Cameron:** Some such premises have closed. Four establishments have pubs on prison land.

**Dorothy-Grace Elder:** They were underused, whereas Polmont was popular.

**Tony Cameron:** We do not know whether they were underused.

**Dorothy-Grace Elder:** I think that you said that they were underused.

**Tony Cameron:** No, I did not say that. There are four establishments with pubs. I did not mention the word “underused”.

**Dr Ewing:** I did.

**Tony Cameron:** I did not.

**Dorothy-Grace Elder:** I thought that one of the two witnesses used the word “underused”. Overall—

**The Deputy Convener:** It might help if I indicated that the word “underused” is used in the documentation.

**Dorothy-Grace Elder:** Was it used by the SPS?

**The Deputy Convener:** Yes.

**Dorothy-Grace Elder:** That must be where I picked up the idea. Thank you for pointing that out.

**Cathy Peattie:** I would like to pursue Winnie Ewing's line. You made a policy decision to close the clubs. Did you discuss telling the clubs' committees and trustees about that policy? If I were a tenant whose landlord had decided, two years previously, not to knock down my accommodation and to build elsewhere, I would think that I was going to be fine. The Polmont trustees were in that situation. Was there any communication between the SPS and the members of the clubs about the SPS's policy decision to phase out the clubs?

**Tony Cameron:** We have not taken such a policy decision.

**Cathy Peattie:** You said that that was your policy.

**Tony Cameron:** In annexe A of my letter to the committee, I said:

“It is not for the SPS to encourage the creation of, or continuation of, licensed premises on our property.”

That does not mean that we took a policy decision to phase them out. We do not have such a policy.

**The Deputy Convener:** I think that I picked up that you had such a policy.

**Tony Cameron:** We do not have such a policy. I will read out the relevant words from the bottom of page 2 of annexe A. It is not our policy to phase out the clubs. If we require for prison purposes the land on which the clubs sit, then—

**Cathy Peattie:** Along with other members, I got the impression that you had a policy of phasing out the clubs.

**Tony Cameron:** We stated:

“We have permitted them to continue until either the Club closes or we require the land for prison purposes.”

**Cathy Peattie:** That is my point. Did you communicate to the clubs' trustees that that was your policy?

**The Deputy Convener:** I will try to help. In your response, you state:

“It is not for the SPS to encourage the creation of, or continuation of, licensed premises on our property. They are not in accordance with our corporate policy, our alcohol policy or consistent with our modern personnel policies.”

That is a clear statement. Are you denying it?

**Tony Cameron:** No, I am not denying it. Indeed, I read out part of that statement earlier. Cathy Peattie claims that we have reached a policy decision to do away with the clubs, which is not

the case. There is nothing in our paper that says that we have an active policy of phasing out the clubs. The clubs have existed for many years and, if we do not require the land on which they sit for proper prison purposes, some might continue to exist.

**Cathy Peattie:** You talk about licensed premises. Will the plan for the new college include licensed premises?

**Tony Cameron:** It may or may not. We have yet to reach that decision.

**Cathy Peattie:** So it is okay if the SPS decides to have licensed premises, but not if the officers want to organise licensed premises.

**Tony Cameron:** Yes.

**Cathy Peattie:** What is the difference?

**Tony Cameron:** The difference is that one would be in pursuit of a corporate objective and the other would not.

**Cathy Peattie:** The prison officers running licensed premises would not cost me—as a taxpayer—any money, but the SPS running licensed premises might.

**Tony Cameron:** It would cost money because no rent is charged, so the taxpayer subsidises the licensed premises.

**The Deputy Convener:** I will intervene to be helpful. You have contradicted what you said a few minutes ago. You are leaving the committee quite nonplussed.

11:45

**Tony Cameron:** Perhaps I can help. Which bit would you like me to clarify?

**The Deputy Convener:** You just said that having licensed premises would be a corporate objective. Annexe A of the letter from the SPS clearly states:

"It is not for the Scottish Prison Service to encourage the creation of, or continuation of, licensed premises on our property. They are not in accordance with our corporate policy, our alcohol policy, or consistent with our modern personnel policies. These clubs are now an anachronism; a hangover from the days when our staff lived in tied housing at the prison. These days are long gone. We have permitted them to continue until either the Club closes or we require the land for prison purposes. Only four of Scotland's 16 prisons have licensed premises attached to them."

**Tony Cameron:** Annexe A continues:

"It would also not, in the SPS Board's view, be appropriate to use public expenditure allocated to SPS for prison purposes to be used to subsidise alternative licensed premises in the area which would also enable such a facility to compete unfairly with other unsubsidised local licensed premises."

**The Deputy Convener:** The point is that you now say that you will allow licensed premises to continue in the new training facilities.

**Tony Cameron:** We have not reached a decision on that matter.

**The Deputy Convener:** That is certainly the suggestion.

**Cathy Peattie:** Is Mr Cameron aware that my colleagues and I visited the club? Most of the people who were in the club that evening were people who attend the college. I understand that they are regular users of the club, for obvious reasons as they are at college all day and use the club for recreational purposes; it gives them an opportunity to discuss what they have learned and so on. It makes sense to have a recreational facility for people who use the college.

I have asked my next question before—sometimes I have thought that I have received an answer to it, but when I read the documentation I realised that I have not. Is there any opportunity to consider taking a partnership approach and working with the officers? That would enable the SPS to deal with morale and show that it valued the staff, all of which are important to employers. As a taxpayer, I would expect such steps to be taken for the people who are employed on my behalf. Is there any opportunity to build a partnership if a new facility is to be built using taxpayers' money? Has that approach been discussed? Is there any intention of discussing the development of a partnership approach?

**Tony Cameron:** Yes. Mr Pretswell will elaborate on that.

**Willie Pretswell:** I refer back to the meeting that Mr Matheson mentioned, which took place with the then Deputy Minister for Justice at Polmont on 20 November. At that meeting, the SPS agreed to have a follow-up meeting with the club committee as soon as possible, with a view to having another meeting with Michael Matheson and the Deputy Minister for Justice towards the end of the month. When that meeting closed, we immediately asked, before we left the room, for suitable dates and times to meet the committee members. I subsequently had to write on 28 November to Mr Green, the secretary of the social club, to encourage him to respond to the request for a meeting. I pointed out that if the meeting were delayed, that would cause a delay in holding the follow-up meeting. In that letter, I laid out the actions that were agreed at the previous meeting: to discuss the possibility of using the college facilities and/or the prison facilities—we continue to invest in the prison at Polmont—and to consider how we could service some of the existing uses of the social club. In addition, we agreed to discuss consideration of the role that the SPS and/or the

local authority might be able to play to assist the social club in pursuing alternatives. Having agreed those actions, we immediately followed them up. Unfortunately, as of today, we have had no response from the committee about meeting to discuss matters. The SPS stands ready to start those discussions and to make progress on them as positively as it can.

It was pointed out at the meeting on 20 November that the SPS, as a public body, is funded to run the prison service. There are restrictions on what we can do with that funding. Within those parameters, however, we are more than willing to support any initiative by the club. We are willing to work in partnership with the club to come up with solutions to problems that we cannot resolve in the development proposals for the college and the main prison, which will be finalised in due course. Once prison accommodation is sorted out and there is an end to slopping out at Polmont, there will be some improvement in staff facilities.

**The Deputy Convener:** For committee members' information, we received a letter on 9 December from the Polmont staff social club, which refers to the meetings that have just been mentioned. The letter also states:

"The club would ask that the committee remain involved in this matter, in particular, whether it would consider reviewing the petition following our next meeting with the SPS to determine whether the options being considered by the SPS are feasible."

In other words, the club agrees to meet the SPS but also asks that the Public Petitions Committee delay its deliberations until after that meeting has taken place. We will hear about the outcome of that meeting later in December, but we should continue to ask questions. I wanted members to be aware of that item of correspondence.

Have you finished your questions, Cathy?

**Cathy Peattie:** I will come back in later.

**Michael Matheson:** I will go back a step or two because I want to seek clarification. A key objective in the SPS's corporate plan 1999-2000 was to move the college. In August 2002, the SPS decided to build new facilities at Polmont. What has been happening for those two years? Why was it left until such a late stage after investment in the club for the committee to be given the idea that it might not be possible to continue with the lease? Annexe A to the SPS's letter states that it would not

"in the SPS Board's view, be appropriate to use public expenditure allocated to SPS for prison purposes to be used to subsidise alternative licensed premises in an area which would enable such a facility to compete unfairly with other unsubsidised local licensed premises."

The board has lease agreements with four prison officers' clubs at a peppercorn rental of £1

per year. After Polmont and Glenochil are closed, Barlinnie and Saughton, which are both subsidised, will be left. They should close on the basis that the board does not believe that such subsidy is an appropriate use of public funds. Have you intimated to both those clubs that they are likely to be closed?

**Tony Cameron:** No. As I explained earlier, we do not have a general position. We have proceeded on a case-by-case basis. We required the land at Polmont for the development of the college and we require land for development of Glenochil, but we do not require land at Edinburgh or Barlinnie for prison development purposes. Your question is really whether we should sell the land if we do not require it. Given the financial pressures on us, your suggestion would be—

**Michael Matheson:** That is not what I asked.

**Tony Cameron:** Can I finish?

**Michael Matheson:** That is not what I asked you, and it would be helpful if you could give me an answer. You said:

"It would also not, in the SPS Board's view, be appropriate"

for public expenditure to be used to subsidise an alternative to local licensed premises. Is it the SPS's position that that applies to all prison officers' clubs?

**Tony Cameron:** Let me read it again. Annexe A says:

"used to subsidise alternative licensed premises".

We do not have alternative licensed premises in mind for any of our existing sites. The word "alternative" is key: it means subsidising another pub somewhere else.

**Michael Matheson:** No. Annexe A goes on to refer to

"other unsubsidised local licensed premises".

**The Deputy Convener:** The thrust of Mr Matheson's point is that one either agrees to allow alcohol to be sold on premises that are subsidised by the Scottish Prison Service or one does not.

**Michael Matheson:** You say that the SPS does not view it as a wise use of public money to subsidise licensed premises through a peppercorn rental of £1 per year because those premises would be in competition with other local licensed premises that do not receive such a subsidy. That is what the paper says.

**Tony Cameron:** The paper does not say that.

**Michael Matheson:** Tell me what it says.

**Tony Cameron:** The paper states that it would not

“be appropriate to use public expenditure allocated to SPS for prison purposes to be used to subsidise alternative licensed premises in the area”—

the area being Polmont, with which the paper and the petition are solely concerned—

“which would also enable such a facility”

in the area of Polmont—

**Michael Matheson:** The paper does not say that. It claims that subsidising alternative licensed premises in the area would enable

“such a facility to compete unfairly with other unsubsidised local licensed premises.”

**Tony Cameron:** The reference is to premises in the Polmont area.

**Michael Matheson:** The same considerations apply to Barlinnie and Saughton.

**Tony Cameron:** That is a different question. If you are asking me about the sentence that has been quoted, I can tell you that it relates solely to Polmont. The whole paper relates to Polmont.

**The Deputy Convener:** Mr Matheson is implying that the policy of the Scottish Prison Service must be clear one way or the other. If you have a policy, that policy must be applicable throughout the service, instead of being specific to one locality. You are saying that the policy applies only to Polmont, but members take a different view.

**Tony Cameron:** The paper refers only to Polmont.

**The Deputy Convener:** One either has a policy that affects an organisation in its entirety, or one does not have a policy. That is the point that is being made.

**Tony Cameron:** We have not agreed a policy in the sense that has been outlined.

**The Deputy Convener:** Are you saying that you are applying the policy on a piecemeal basis?

**Tony Cameron:** Earlier I said that we were proceeding on a case-by-case basis.

**Michael Matheson:** The paper states that it is the view of the SPS board that it is inappropriate to subsidise “alternative licensed premises”.

**Tony Cameron:** That is the board's view—we have not agreed a policy in the terms outlined by Mr Matheson. We have proceeded on a case-by-case basis when we require the land on which facilities are sited. That is how we have approached the situation in Polmont.

**Phil Gallie:** I want to pursue a point that Mr Pretswell made. He said that the SPS would work in partnership with the club. Does that mean that you have learned a lesson from the Polmont

exercise? In the past the club worked in isolation. Have you realised that it is best to work with those who have run social facilities in the Scottish Prison Service?

**Willie Pretswell:** This has been a learning experience. We believe that we informed the club of our plans at the earliest opportunity—in August. Within the terms of its lease, that meant that we had given it four months' notice. By working with the club and discussing its concerns quickly, we were able to agree that it would be reasonable to offer it a new lease for another six months to allow it to honour its commitments. That was very useful. The seriousness with which we view the situation is shown by the fact that two board members have been in consultation with the club committee.

Earlier, it was mentioned that we are in a similar position with the Glenochil social club, one of the four clubs that remain. An explanation of those circumstances may show how we are learning as we proceed. The lease for the Glenochil social club terminates at the end of the year, but we have extended it until the end of June. The club will close because on 5 September the Deputy First Minister announced to Parliament the outcome of the SPS estates review, which included a £110 million package of investment in prisons. Polmont is one of the main beneficiaries of that investment. We will also invest heavily at Glenochil, to upgrade the prison and to make it fit for purpose. To do that, we need an alternative access route to Glenochil. The only route that we can identify runs through the piece of land on which the social club is located. We met the trade union side and the social club committee, which agreed with our assessment. We gave the club a notice to quit at the end of the year, but in the past few days we have heard that the club has agreed to the terms of a new extension to the lease. We are working with clubs and are learning from experience.

This is not a situation that we encounter every day. There have been cases of premises reverting to the SPS at very short notice, after a club has informed the service that it cannot run a facility any more.

By the middle of next year, we will have only two clubs left, at Barlinnie and Edinburgh. In due course, we will have discussions with them about the future. Those two clubs are located at a greater distance from the main prisons, so their situation is different. Nevertheless, we will use this as a learning point and ensure that they understand the terms of their lease and what the plans might be in the future. At this point, we have no plans for the clubs at Barlinnie and Edinburgh, although we are considering the development plans for Barlinnie as an outcome of the prison estates review.

12:00

**Phil Gallie:** Let me pick up on another element. We have talked about staff morale and the effect of the clubs on staff. Would you say that teamwork is all-important in the Scottish Prison Service?

**Tony Cameron:** Yes, as it is in other organisations.

**Phil Gallie:** Does having a sense of identity and bonding help teamworking?

**Tony Cameron:** Yes.

**Phil Gallie:** Do you feel that, in the past, the clubs have created an element of identity and bonding—an association with the workplace that individuals have picked up, which has led to their taking a greater pride in their workplace?

**Tony Cameron:** That has been the case with some people. However, the answer to your question is no. The clubs are divisive. As the name indicates, they are officers' clubs. A third of our staff are not prison officers, and that proportion is increasing. The historic clubs are an anachronism because they tend to be the preserve of a specific section of our staff, not of all our staff. We are much more interested in providing facilities that are more likely to be used by all our staff, and we have built such facilities at several of our sites.

**Phil Gallie:** I got the impression that not only did all staff at Polmont use the facilities, but so too did members of the local community. How do you tie that up with the suggestion that exclusion was a factor there?

**Tony Cameron:** I am merely suggesting that we are discussing the general question of employers providing licensed premises, which was more common some years ago than it is now. In the pursuit of our correctional agenda, we now employ many people in our correctional service, and we do not see that—

**Phil Gallie:** Are you saying that, to your knowledge, the rules and constitutions of these soc and rec clubs exclude everyone other than officers from direct membership?

**Tony Cameron:** No, I did not say that. I doubt whether they do. All that I am saying is that the clubs tend to be used by a proportion—

**Phil Gallie:** I cannot see the relevance of your earlier comment about the problem with their being officers' clubs.

**Tony Cameron:** I am giving a cultural answer, not a legal answer.

**Phil Gallie:** Okay. Thanks very much.

**Dr Ewing:** In that case, I will stick to the cultural argument. Let us go back to what Cathie Craigie said—

**The Deputy Convener:** It was Cathy Peattie.

**Dr Ewing:** I am sorry about that, Cathy.

Cathy Peattie made a point about the Scottish Executive's corporate objective regarding public bodies' relationship with their communities. That point was made by the local member at the beginning of the discussion. She suggested that it was a good thing for public bodies to have some responsibility for involving communities. We took evidence from the people who run the Polmont club, and we received statistics showing the number of societies in the local community that happily use the club. The prison officers are in no way isolated, and the social objective of the Scottish Executive is fully implemented there. The prison officers are involved socially and by the fact that the building they are running successfully is used by local community groups. We were given an impressive list of those groups.

Now, the word "anachronism" was used to describe the Polmont model. If such an anachronism is successfully achieving the present Scottish Executive's corporate objectives, it is perhaps time to say that something that works so well should not be closed but imitated by all the other similar clubs. The other clubs have probably not been as good at achieving the Scottish Executive's social objectives.

In today's evidence, reference has constantly been made to the fact that the club's premises are licensed, as if there were something slightly evil about that. After all, most Parliaments have licensed premises. In fact, the House of Commons had many, and so did the European Parliament. We wait to hear with bated breath whether our new Parliament will have any. Licensed premises are not regarded as an evil by public bodies. We could go through many examples of public bodies that have licensed premises. To say constantly that we cannot have land used for licensed premises is a little bit out of touch with normal life.

However, what I find sad is that we have something that works that is about to be shut. We have what is almost a model of the social objectives that we are told about almost daily in our Parliament's debates. It looks to me as if the two witnesses are a bit out of step with the Scottish Executive's social objectives and with the genuine success that the club has achieved in integrating into the community.

**The Deputy Convener:** I will add my question to Winnie Ewing's question. There is a strength of feeling among parliamentarians of all parties on the issue. The general thrust of what was said by the Deputy Minister for Justice, Dr Richard Simpson, was supportive. There is also a strength of feeling among the local community. Given all that, what attitude will the SPS take to the issue?

It is generally accepted across Scotland that the decision that has been made cannot be right. Will that decision be revisited? Will the SPS consider how it could achieve the twin objectives of its board by placing the college somewhere on the campus that allows the club to remain where it is?

**Tony Cameron:** Let me answer Mrs Ewing's question first. I have here a list of 16 community initiatives in which Polmont is currently involved. I could produce a similar list for any of our other establishments. Part of our corporate policy is to join with others in the communities in which our institutions are situated to try to build bridges so that we can help the local community. For example, we go into primary schools and we are involved in a large number of initiatives up and down the country.

As Mrs Ewing mentioned, that objective comes from the Scottish Executive. We embrace that objective fully. Indeed, we are trying to increase the contact between the Prison Service and the community because that helps prisoners to rehabilitate themselves. That is part of our corporate objective. It is our view that the best way to do that is for each institution to concentrate on that question, so I agree entirely with what Mrs Ewing said about the objectives.

The convener's question brings us back to the more difficult issue. The budget that is currently provided for the Prison Service must be spread over a large number of objectives. The other key point that must be borne in mind is that our costs per prisoner place are more than double those of alternative providers for an equivalent value and quality of service. That comes back to Mr Gallie's initial question. The SPS is twice as expensive as the alternative providers. On 5 September and subsequently, the Government said to us in plain terms that we need to reduce our costs and improve our output.

**The Deputy Convener:** How is that connected with the issue?

**Tony Cameron:** The connection is that none of the alternative providers would subsidise clubs. They might provide a service similar to our employee assistance programme and staff welfare service. Details of that are available in this leaflet, which I received this morning through the post. We have sent out 4,500 of these leaflets. It cost us a lot of money. It is an employee assistance programme that

"May be used by all employees, their partners and dependent children.

Focus counsellors are available at the end of the phone any time, day or night, to provide confidential support, advice and information on *any* issue."

That is one of the services that we provide for all our staff. The money for it has to come out of the same pot.

**The Deputy Convener:** Can you illustrate how the Polmont club costs you money?

**Tony Cameron:** It costs us money because, if we did not need the land, we would sell it and thereby get a capital sum of some magnitude, which we would then invest in the prison estate or, if we did need the land, we would use it for prison purposes, as we propose to do, to increase our efficiency by improving our training which, as we know from other good organisations, is essential in getting value for money. That is the pressure that we are under. We need to take a number of hard commercial decisions to retain only those assets that we need to retain, and to maximise the use of assets so that we become more competitive. Those are the instructions that the Government has given us.

**Dorothy-Grace Elder:** Against whom would you be more competitive? Do you mean private prisons?

**Tony Cameron:** Yes, that is the alternative. The Government has decided that one new private prison will be built and that a second prison will be awarded to the SPS if, and only if, we can bridge the gap on time and cost with the private sector. That is the decision that the Government reached and which the Scottish Prison Service board has been charged with delivering.

**Dorothy-Grace Elder:** Have you ever been in a prison officers' club? Have you ever had a drink or a cup of tea in one?

**Tony Cameron:** Yes, I have, in Edinburgh.

**Dorothy-Grace Elder:** Not in Polmont or elsewhere?

**Tony Cameron:** No, I have not been in the club in Polmont.

**Dorothy-Grace Elder:** Were you in the club in Edinburgh more than once or just once?

**Tony Cameron:** Once, I think.

**Dorothy-Grace Elder:** It is accepted that you have big responsibilities, but the move against the Polmont club, the background to it and the lack of contact with staff is seen by many people in Scotland as part of the culture of the Scottish Prison Service. In the past 10 years, I have never had as many complaints as I have had about the Scottish Prison Service management. The allegation is that the management is bullying and insensitive. Is this not just another example of bullying and insensitivity towards human beings?

**Tony Cameron:** Certainly not. On the contrary, I referred to one of a number of initiatives that we have endorsed—

**Dorothy-Grace Elder:** I beg your pardon, but the staff are not clamouring for those initiatives.

No doubt they will consider them in the cold light of day. They want their club. Their club is successful. It helps them to bond together. It helps the community. Surely it helps people to be better employees. What is wrong with your board that you do not have the sensitivity to see that?

**Tony Cameron:** The staff are clamouring for things like the scheme to which I referred, and they are not clamouring for clubs where they do not exist, nor are they clamouring for the continuation of ones that exist, except in this case. You are right that we are under unprecedented pressure to become more competitive. That is something that has been laid on us and is new. We are one of the few parts of the Scottish Executive that has a direct comparator, so that ministers can see the differences. That has put us under unprecedented pressure. We did not go out to get at Polmont officers' club. Our objective was to improve our college and to become more competitive and efficient. In that process, it is self-evident to us that we need the land.

**Dorothy-Grace Elder:** Which college would it be competing with?

**Tony Cameron:** It is not the college that would be competing; it is the service, of which the college is a necessary part, that is competing. If we do not train our staff well, we will fall further behind. Our costs, as I said, are double those of alternative providers. Good training helps to reduce that gap.

12:15

**Cathy Peattie:** I have calmed down now—I would have exploded two minutes ago. There is a certain frustration here. In spite of all the lobbying and all the meetings that have been held with former ministers and other MSPs, in spite of the petitions that have come to the committee, and in spite of this discussion, the SPS is not listening and is not prepared to listen. Mr Cameron has said that the service has to be competitive and that it needs to train staff well. I suggest that the service needs to value staff, the work that they do and the fact that the families of staff are often involved in the work that they do.

It seems that, despite all the things that the committee has been told in relation to the petition about the importance of the club—not just to prison officers but to people who work at Polmont, to their families and to the community—the SPS is not listening. Mr Pretswell said that a meeting was being planned and so on, but—I am sorry—I am not convinced that you are planning to move one tiny bit.

Despite the fact that plans to consider other possibilities for the location of the club have frequently been requested, no such plans have

appeared. I hear—I might have heard wrongly; someone could perhaps tell me otherwise—that there is a plan for Polmont. However, it seems that that plan is rigid, that it will not move forward and that it will not include any kind of partnership. I hope that I am wrong about that, but I feel real frustration about the fact that we are moving nowhere. All sorts of red herrings are being thrown at us and Mr Cameron and the management are not prepared to listen.

**The Deputy Convener:** I will allow Mr Cameron to come back in a moment, but Cathy Peattie has got to the nub of the argument. It is about the SPS's willingness to allow the petitioners to ascertain whether there is any scope for some manoeuvrability within the existing plans and to allow the prison officers' club to co-exist with the training college.

People accept the argument on the need for a training facility. We and the petitioners are asking what scope there is to achieve all the objectives, with a solution that also fits the community. Community money is not classified as taxpayers' money, but it is community, public money, which has gone into a community club. It is not possible just to hide behind the question of whether the amount spent is taxpayers' money; it is a collective, publicly owned club and that has to be valued.

**Tony Cameron:** Mrs Peattie has drawn attention to the important point that we must value our staff—and we do. In each of the past two years, we have, in response to demands from staff representatives, reduced most staff's working week by one hour last year and another hour this year. That is equivalent to a pay increase of about 5 per cent. Notwithstanding that, we have increased pay too.

The fact that we value our staff is one of the reasons why our staff turnover is the lowest that I have ever seen it. In our main staff groups—apart from specialists, as computer people tend to come and go—the staff turnover is extremely low, and—

**The Deputy Convener:** If I may interject, Cathy Peattie was also suggesting, as did Winnie Ewing and others, that you should not only value staff, but value the community in which the prison is based. There is a quid pro quo. The community expects some reward for having a prison in its vicinity. In this case, that quid pro quo is to establish that the Prison Service will recognise that a community has to be valued as a whole, not just the prison staff.

**Tony Cameron:** I could not agree more. I have a list that refers to 16 initiatives that are being taken by Polmont prison in the local community. That is replicated throughout Scotland. The points that Mrs Peattie made—with which I agree—apply



to all our establishments, whether or not they have licensed premises subsidised by us on the site.

Those points are equally valid at Shotts, Peterhead and Perth prisons. There is not a club at any of those locations. I agree with the general point that our staff need to be valued, and I believe that they are. However, if we do not face up to the commercial realities, we will not prosper.

**Cathy Peattie:** Is Mr Cameron saying that he is not going to listen?

**The Deputy Convener:** I think you can detect a certain amount of impatience, Mr Cameron. Members have not heard about any movement at all. We keep getting the same answer in a different guise each time and members are getting frustrated. We do not detect any movement on your part to consider those plans constructively and meaningfully with local representatives such as the council, local MSPs and the local community. That is what we are trying to achieve this morning. Are you willing to go back, negotiate and consider the plans and see whether there is a way to co-exist or not?

**Tony Cameron:** As Mr Pretswell said when he read from the letter, the answer to that question is yes.

**Willie Pretswell:** I will repeat what I said earlier when we were talking about partnership. The SPS has made offers to the club committee to meet and encouraged the club committee to do what you have said. I met the club committee on 1 November. That was when we issued the notice to quit and urged the club committee to take up our offer of a new arrangement until the end of June.

I can give the committee a copy of the letter that I issued on 1 November. It ended by asking the club committee to advise me whether it wished to meet to discuss alternatives. I received no reply or acknowledgement to that and have had no contact since.

Earlier, I referred to my letter of 28 November, which followed the meeting with the Deputy Minister for Justice. Again, we have had no response to our requests or agreement to meet to discuss all the issues that you have mentioned. You will appreciate the difficulties of having any consultation if the club is not willing to discuss anything. We are more than willing to have these discussions and take forward the commitments that were made at the—

**Cathy Peattie:** We have heard this before, Mr Pretswell. Am I still right in thinking that nothing is going to change? You will say to the club that you are going to meet but you have your plans and are not prepared to listen to the club.

**Willie Pretswell:** In the meetings that we have had with the club committee, we have tried to

explain that we believe that there are some real restrictions on what we can do. We have tried not to give the club committee false hope that we are able to fund a new club.

**Cathy Peattie:** So the answer is yes.

**Willie Pretswell:** The answer is that I do not know, but we are working with the committee. We can explore alternatives. At the last meeting, we decided that it would be worth while to consider what we might be able to facilitate through the college or the new staff facilities that will come on stream at the prison.

We need to understand better what flexibility the club has to consider how it operates at the moment and how it might operate in a different environment. We have to have those discussions. Those discussions have not yet taken place because we have not had the opportunity. That would be the logical starting point, but as of 1 November we have had no response from the club to allow us to set up that series of meetings and a constructive dialogue.

**Dr Ewing:** On the question of your letter of 28 November, as one who gets hundreds of letters a week and who has acted for many public bodies, I must say that the people in the club knew that today's Public Petitions Committee meeting was happening. It would be quite illogical for them to reply before they heard what happened today. For you to keep going back to the fact that they have not replied to a letter seems to be quite absurd in the circumstances.

Someone who is involved with the issue, who knows that the meeting is coming up and who is attending as a witness—which is not an everyday occurrence—is going to wait and hear what happens today before they reply to a letter. To blame the club for that is petty and absurd. A nine-day delay in replying is nothing in normal commercial activity.

**The Deputy Convener:** I am not being rude, but I wanted to make absolutely clear at this point that in their letter of 9 December the secretary and the treasurer of the Polmont staff social club accepted an invitation to meet. Because the Public Petitions Committee is dealing with the issues, it was relevant for them to write to notify the committee. We are therefore advising everyone including members that that meeting is agreed. It will go ahead and we will also expect the SPS to write to us with the outcome of that meeting. When we come to deliberate further in January, we will know what the position is and what steps we need to take.

**Dr Ewing:** I want to put on record the fact that the constant references to the staff not replying are another red herring.

We have established that no investigation was made into the local prison staff's knowledge of the £45,000. I do not know why there was no investigation; any concerned public body with corporate objectives like those of the SPS would have conducted an inquiry. Further, no apology has been made for that omission.

In a case of tacit relocation in relation to an agricultural lease, compensation is payable where improvements have been made. No similar law requires the SPS to pay compensation, but it is incredible that, if the local prison knew about the investment of £45,000, no moral feelings seem to come into play at all. It is especially incredible given that negotiations were opened into the possibility of the staff buying the premises, which they might have been able to do if they had not just spent £45,000 on them.

The SPS has not been a good landlord, Mr Cameron. It has not obeyed the Scottish Executive's constant concern about public involvement. That poor club—which works and involves the community—is in a mess, and all that you can do is sit there and say that you are in competition with private prisons. Many of us do not approve of private prisons and, if my party became part of the Government, private prisons would go and you would not have to worry about the competition any more. Nevertheless, to bring up the issue of private prisons in relation to this club is quite outrageous.

**The Deputy Convener:** I will allow two or three members to ask questions, which our witnesses can then answer. We are getting to the point at which we need to think about drawing to a close.

**Tony Cameron:** Will the questions be in a group or will I be able to answer them one at a time?

**The Deputy Convener:** It is difficult to know what members will ask, so it would be helpful if you could note down the questions and answer them together. For example, although Winnie Ewing's point was more of a statement than a question, you could speak about compensation and investigation.

**Phil Gallie:** The Public Petitions Committee wants this issue to have a positive outcome, in whatever way that is possible. We have to accept that you are going ahead with the training centre, which will mean that there will have to be a change to the status of the club. That seems to be set in stone.

You said that you want to build a commercially successful training centre that is comparable with outside training centres. I presume that the courses that will be run there will be fairly intensive and will feature long days. Without a doubt, people will want to unwind after such a day. It would be good if they could stay in the centre and discuss

the issues that were raised during the day over a pint of beer or glass of lemonade, in a convivial social setting. A solution to the problem that you face would be for you to consider having such a facility in the training centre. That facility would be of use to the staff who have used the social club over the years, as well as being a common-sense feature for a training centre. You said that you have no particular policy on alcohol in that regard, so the option is open to you. I hope that you take that suggestion on board.

**Michael Matheson:** I want to talk about what has been said about the social club committee members not responding to the correspondence that they have received from the SPS. Both Derek Green and Jim McGarry have taken time off work to be present today for the evidence that is being provided to the committee. We have to bear in mind the fact that they are volunteers. They do not have secretaries to hammer off letters that they have dictated. Such things take them time, and some decisions have to be made on a committee basis, so they have to get together with their other colleagues. It would be helpful if we were fairer minded towards those who are trying to run the club and about their responses to requests that are made by folk who have plenty of staff running after them.

12:30

Given that the SPS now seems to be willing to consider incorporating something into the new college facility, Mr Cameron should take some time out of his busy schedule to pop down the officers' club some evening when a course is taking place at the college. He would be pleasantly surprised to see how many people from the courses at the college are using the officers' club. They find the club an environment in which they can get away from the teachers, classrooms and so on. It provides a positive change of environment, so I suggest that Mr Cameron take the time to visit. If he listens to his staff, he will recognise that they value that. If a new college is to be built, it would be better if such a facility were provided in it. Mr Pretswell mentioned his willingness to consider those issues, which prompts the question on the stewardship of the SPS of why that was not done at the beginning. Why has it taken until December, at a parliamentary committee, before he is prepared to consider those issues?

**The Deputy Convener:** I have some final questions, too. Although we have had your reply about the matter, I wanted clarification about the issue of staff being frightened off from raising matters with the Public Petitions Committee. That issue has not been raised today, but had John McAllion been here, he would have made a strong

point about that. Parliament would take a serious view of any suggestion in Scottish public society that people are being frightened off from raising matters with the Scottish Parliament through the Public Petitions Committee. I say that on behalf of John McAllion.

On Michael Matheson's last point, I had the privilege to be treated by my husband at the weekend to a short break at the Peebles Hydro Hotel. More than 50 members of staff from the Scottish Executive were also there. Clearly, the Executive values its staff if it provides a comfortable amenity such as that hotel for training and support. I would hope that that would be replicated in the Scottish Prison Service.

Although Phil Gallie's point was about staff, we should also bear in mind the fact that the club has been a community facility. We must emphasise that, and I hope on behalf of the local community that any suggested replacement would not only be for staff, but would have regard for the debt to the local community. I hope that that point is taken on board seriously in the discussions at the end of the month.

I invite Mr Cameron to answer all those points.

**Tony Cameron:** I will start with the question about warning off people from approaching the Parliament. I want to put on record how much I agree with the deputy convener's points, which is why we stated in our submission that we personally deplore any such idea. I have no evidence that there was any such warning, and I refute utterly any suggestion that there was.

Our investment proposals take account of the need for the college to provide both accommodation and other facilities. I take Mr Gallie's point about the need for a convivial and suitable atmosphere not only during the lectures and training periods, but at other times. That is why I told Mrs Peattie that we have not set our faces against providing licensed premises as part of the college. We have to be cautious, because we do not want to attract the opposite criticism that we are using public money inappropriately. However, we could explore that point.

I am pleased that the Polmont social club committee wrote to the Public Petitions Committee, but I would like to put on record the fact that, although there was a degree of formality to the meeting, we did not necessarily expect a written response; a telephone call would have done.

The question is whether something can be done either in the context of the prison development, which is at an early stage, or of the college development. Those who know the area will know that the prison and the college are not far apart; they are located on a continuous piece of land that

is owned by the SPS. A proposal that involved one of those two buildings might resolve the issue.

As Mr Pretswell said earlier, there are limits to what we can properly do. Dr Ewing referred in her statement to pressures on the SPS. I cannot comment on that, other than to say that I am subject to those pressures and must respond appropriately. The SPS must fulfil its mandate from ministers and that mandate is extremely challenging. One of the reasons that we are developing the college is to help us to do just that and to become more competitive. It would be helpful to have a discussion with the social club committee.

I have not forgotten that Dr Ewing raised the question of the £45,000. Some years ago, we took the deliberate decision to distance the taxpayer from the commercial or other actings of such clubs. That decision absolved the governor of prison establishments from having to take anything to do with the running of those clubs or their liabilities. It is easy in such cases to fall into the trap of approving something and becoming liable later if things go wrong.

A short commercial lease—it was not an agricultural lease—was entered into for precisely the reason of protecting the taxpayer from liability if the club collapsed or made imprudent investments. We know from other cases that that has happened. Our predecessors did not devise the arrangements by chance; they were entered into deliberately to protect the public purse.

**The Deputy Convener:** Thank you.

I sense that we are at the end of this morning's session. I suggest that we allow the meeting that is due to take place between the Scottish Prison Service and the Polmont staff social club before the end of December to happen before we request a formal response from Tony Cameron on behalf of the SPS. I also suggest that we revisit PE557 at a meeting in the new year, by which time we will have had an opportunity to deliberate on the evidence that we have heard this morning and on Mr Cameron's response following the meeting to which I referred.

The SPS management said this morning that the arrangements were entered into by previous management regimes. I come from a local government background in Fife and I know that, whenever arrangements were made with local organisations, a representative was delegated to attend meetings in order for liaison to take place.

Following the meeting that will take place before the end of the month, I would be interested to have the history of the liaison between the SPS and Polmont social club. It is essential that such liaison takes place and the SPS management might want to ensure that it takes place in all the

other clubs in the future, if it does not already do so. Many members made the point that the delegated system appeared not to be working and that the result was a major breakdown in communication.

Do members agree with the suggested course of action? If so, that is how we shall leave it, and we shall return to the petition in January and discuss it further.

**Members** *indicated agreement.*

**The Deputy Convener:** I thank Mr Cameron, Mr Pretswell and others who have attended the meeting this morning.

## Inadmissible Petitions

### Howwood Road Housing Scheme (IP34)

**The Deputy Convener:** The committee is invited to agree the recommendation on petition IP34, from Mr Alan Houston, calling on the Scottish Parliament to overturn the decision of Renfrewshire Council to demolish a number of homes on the outskirts of the Howwood road housing scheme in Paisley.

The petitioners claim—this is why we think that the petition is inadmissible—that Renfrewshire Council, despite giving the impression that their homes on the outskirts of the estate would be included in a second phase of renovation, now proposes to demolish those homes, many of which are privately owned, as part of its regeneration plans for the community. Furthermore, the petitioners argue that, although all the residents involved object to the proposals, the council plans to remove the residents, by court action if necessary.

As members are aware, it would be inappropriate for the Parliament to interfere in the individual executive decisions of local authorities in Scotland. It is therefore recommended that the committee agree that the petition is inadmissible. However, the committee may wish to suggest to the petitioner that he should consider submitting a complaint to the Scottish public services ombudsman, if there is any evidence of maladministration on the part of the local authority involved, or that he could pursue the matter further through the courts. Do members agree?

**Dorothy-Grace Elder:** It seems a shame that we cannot even hear the petition. I understand the need not to interfere in a local authority's business, but sometimes we have to, if something relevant is raised with us concerning a local authority's allegedly wrongful action. It seems awful that people's houses are being knocked down. Going to the local government ombudsman would be like falling down a rabbit hole, never to be seen again.

**The Deputy Convener:** There is a new public services ombudsman, Dorothy. I agree that it is always difficult for us to rule petitions on such issues inadmissible, but we can consider only more general issues. In the past, we have taken the view that we would not interfere in a decision that falls within that devolved settlement. Do members agree, on that basis, to the recommendation on the petition?

**Members** *indicated agreement.*

*Meeting closed at 12:42.*

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