

PUBLIC PETITIONS COMMITTEE

Tuesday 11 March 2003
(*Morning*)

Session 1

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CONTENTS

Tuesday 11 March 2003

	Col.
ITEM IN PRIVATE	2903
NEW PETITIONS	2904
Rented Accommodation (Complaints Procedures) (PE596)	2904
Greyhound Racing (Regulation) (PE604)	2913
Law Society of Scotland (Complaints Procedures) (PE606)	2925
Robert Burns (National Holiday) (PE607).....	2926
CURRENT PETITIONS	2928
Organic Waste Disposal (PE327)	2928
Alcohol and Drug Misuse (PE531)	2949
Doctors (Court Reports) (PE534)	2950
Further Education (Funding) (PE552)	2951
Further Education (Funding) (PE561)	2952
A96 Improvements (Elgin Bypass) (PE558)	2953
Wind Farms (North Argyll) (PE493)	2954
Renewable Energy Programme (Strategic Environmental Assessments) (PE559)	2954
Wind Farms (National Strategy) (PE564)	2954
Domestic Abuse (Support) (PE560).....	2955
Bus Services (Regulation) (PE420)	2956
Rural Bus Services (PE567)	2956
Bus Services (Re-regulation) (PE569)	2956
Borders Railway (Stow Station) (PE570).....	2960
Complementary Medicine (PE571)	2961
Adults with Incapacity (Scotland) Act 2000 (PE573)	2962
CONVENER'S REPORT	2963

PUBLIC PETITIONS COMMITTEE

5th Meeting 2003, 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 :

Doreen Graham (Scottish Society for the Prevention of Cruelty to Animals)
Hamish Hastie
Alex Neil (Central Scotland) (SNP)
Ms Krystyna Ost
Maureen Purvis (Greyhounds UK)
Arthur Robinson (Dumfriesshire Greyhound Rescue)
Howard Wallace
Andrew Wood

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Joanne Clinton

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 11 March 2003

(Morning)

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

The Convener (Mr John McAllion): I welcome everyone to the fifth meeting of the Public Petitions Committee in 2003. I extend a warm welcome to Winnie Ewing; it is great to see her back. She has been badly missed on the committee.

Dr Winnie Ewing (Highlands and Islands) (SNP): Thank you very much.

The Convener: I also welcome Alex Neil, who is here to support the second petition on the agenda.

Item in Private

The Convener: Before we move on to new petitions, may I have the agreement of the committee to deal in private with item 4, on witness expenses, as it concerns an application by individuals?

Members indicated agreement.

The Convener: It would usually be suggested that we deal in private with item 2, which is the draft report on PE327, from the Blairingone and Saline Action Group, but I have no objection to the item being held in public if no one else has. I am happy for the item to be held in public. Is that agreed?

Members indicated agreement.

New Petitions

The Convener: I inform members that PE603, from Mr Jim Slaven, on behalf of the James Connolly Society, has been deferred until the next meeting, because Mr Slaven has made a request to speak to the committee. Is that agreed?

Members indicated agreement.

Rented Accommodation (Complaints Procedures) (PE596)

The Convener: Krystyna Ost is here to speak to PE596, which calls on the Parliament to take the necessary steps to address the alleged serious inadequacies in the existing complaints procedures in relation to rented accommodation that is committed to providing care for the old and disabled.

We will follow the usual procedure. Ms Ost is allowed three minutes to make an opening presentation and then committee members will ask questions.

Ms Krystyna Ost: Last December, a young girl of 12 told the committee about years of harassment that she and her family endured from the agencies whose duty it was to protect her. At the other end of the scale, I am 79, and am a tenant in a sheltered housing scheme. I am helpless in my protests about the way that I am treated.

There is neither time nor need to go into detail, since the committee has records that describe what has happened and who is responsible. The summary of what has happened reads as follows: acts of cold, callous treatment when I was seriously ill; failure by the management to respond to written complaints; denials and distortions of fact; attempts to slander; and a catalogue of other unresolved complaints.

As I was unsuccessful in pursuing the matter on my own, I engaged a solicitor to take up the matter for me. Little did I know what was in store: collusion with the management; fraud; and bizarre silent interviews with the lawyer that lasted for three hours, during which he left the room for long periods or sat in silence writing—only he knows what he wrote. He was prompt in sending me the bill for his services, which amounted to several thousand pounds. The silent session was priced at £250 per hour. Like an experienced con man, he exploited a naive old person by establishing a good rapport through chats of a personal nature. He told me about his wife's illness, his golf, his children's education and so on. I had had a similar experience with another solicitor, and did not think that it could happen twice.

A dishonest solicitor can seriously damage one's

health—no pun is intended. The official complaints procedure recommends instructing a solicitor, but that is the route to more stress and failure. Dishonest practice and abuse of trust are made possible by the loyalty of the legal profession to its members. Such loyalty overrides their duty to the client and to the law. Those in power do nothing to change that. The young, the old, the vulnerable and others who seek justice often face a legal brick wall. Stress, erosion of quality of life and despair follow.

10:15

There is nothing unusual about the presence of unscrupulous crooks or other cruel abusers of trust. They can be found everywhere, at any level of society and in any country. The situation is alarming, scary and shameful only when such people are protected where democracy is said to exist; when the law enforcement agencies, protective agencies and the Government fail in their duty to citizens; and when the cynical, greedy, cruel and criminal go unpunished. It is alarming, scary and shameful when the country's common laws, basic human rights and rules of common decency are not respected because those who make laws and govern evade their responsibility and use political expediency as a moral right.

The horrendous Glenglova incident in Glasgow in September 1994 has been forgotten and no lessons have been learned from it. I ask the committee to consider my petition in a wider context than one defined by age or type of accommodation. I ask the committee to seek to change the culture of abuse that demeans and shames us all, to halt the erosion of basic civil rights and to insist that those who protect the abusers are complicit in the crimes and will be held to account for what they do.

We must ensure that the Scottish Parliament is the effective guardian of the country's democracy. Sadly, that is often not the case, as letters, appeals, and protests are evaded, ignored or arrogantly dismissed by the Scottish Executive and the MSPs to whom one turns for help. It is even worse when facts are distorted to protect the wrongdoers. The names of the MSPs who have failed me are in the records that I have provided. The records include my letter of 22 October to the First Minister, to which he has not replied. I will now give those records to the committee so that they can be given to committee members.

The Convener: Thank you very much. It is now open to members of the committee to ask questions.

Phil Gallie (South of Scotland) (Con): I see some merit in Ms Ost's petition.

Ms Ost: I am sorry; I cannot hear you.

Phil Gallie: I will speak up. I see some merit in the points in the petition about the complaints procedure for sheltered housing. Can you identify the sheltered housing association of which you are a tenant?

Ms Ost: I am a tenant of Viewpoint Housing Association.

Phil Gallie: Is that a publicly funded housing association?

Ms Ost: Yes. It is a charity.

Phil Gallie: You say that the complaints procedure includes a requirement to involve a solicitor. Is that a requirement or a recommendation?

Ms Ost: It is a recommendation—it is incorporated in the new complaints procedure document. A solicitor is specifically mentioned. If someone's initial complaint fails, they can go to a solicitor.

Phil Gallie: So it was your choice to go to a solicitor.

Ms Ost: Yes.

Phil Gallie: Your original complaint was about the two wardens in your complex.

Ms Ost: Not exactly. It was about how I was treated by the wardens, who have a duty of care. I had pneumonia at the time.

Phil Gallie: Your first line of complaint was about them and had to be made to them.

Ms Ost: I complained to the manager, who took five weeks to reply and responded reluctantly after I insisted that he did so.

Phil Gallie: Could you provide the committee with a copy of the complaints procedure?

Ms Ost: Oh, yes; I could provide it. I did not provide it because what was available was just a slip of paper, which I could not find. I just followed my common sense and complained to the manager in writing.

Phil Gallie: Okay. Thank you.

Dorothy-Grace Elder (Glasgow) (Ind): Ms Ost, you have drawn a valid point to our attention. It is unfortunate that many senior people do not complain—I think that you referred to that fact in your petition—and put up with far too much.

We hope that there will be a children's commissioner. Would there be value in having a commissioner to look after the rights of older people? It is obvious that one should stop at having a commissioner for people who are perfectly capable of looking after themselves, but

do you think that there should be a commissioner to look after older people's welfare in severe cases, involving cruelty to people in a nursing home for example?

Ms Ost: I do, and I suggested that in one of the papers that I submitted to the committee.

Dorothy-Grace Elder: I am sorry, but I have not seen that. You are ahead of me.

Ms Ost: I think that it would be fair if the commissioner's remit were widened to include other people who find it difficult to complain. Other people in my complex have complained of similarly callous treatment, but they are unable, unwilling or frightened to pursue the matter because there is a possibility of retaliation, which is a big threat. It would be good if someone who is generally worthy of respect and trust was responsible for complaints from people, including children, and was able to attend to a complaint immediately. It would also be good if Parliament drew up a schedule that put complaints into categories of seriousness and ensured that the most serious were attended to immediately.

Dorothy-Grace Elder: Do you feel that you speak on behalf of many old and sometimes helpless silent victims, who are intimidated, or feel that there is an atmosphere of intimidation, if they complain?

Ms Ost: Indeed I do. I cannot identify the other people who complained, but one of them is referred to in the 160-page document that I provided to the committee, which consists mostly of the writings of the management, the lawyer and me. I have indisputable proof of what I am saying. I have spoken to many people who would not consider complaining. The situation is serious.

Dorothy-Grace Elder: They feel grateful for their accommodation and do not want to rock the boat, but then things get worse.

Ms Ost: Yes. I think that the field is open to abuse. The selection of staff is another important aspect. The staff are untrained and are selected on no known basis. How they relate to people is not monitored. If I may, I will give an example, which involves three people who are resident in the complex. Two are wardens and one is a—what is the word?

Dorothy-Grace Elder: An assistant?

Ms Ost: Yes—an odd-job person. A ramp and a staircase lead from the complex to the street, and I requested that salt be put on them when they are icy, because they are dangerous. The answer I got was that that was not their job, but the gardeners' job. I do not think that that is a good enough answer. Another example was when the light on the pedestrian crossing failed and I asked a warden to ring the police. The warden said that it

was not their job to do that, which indicates the attitude to people who are actually—

Dorothy-Grace Elder: Are they getting them cheap? Are they paying low wages?

Ms Ost: Pardon?

Dorothy-Grace Elder: Are they paying low wages to staff and getting them cheap? They do not bother to screen people to ascertain whether they have the right attitude to human beings.

Ms Ost: Yes.

Dr Ewing: What is the name of the charity that owns the sheltered housing, which, according to your document, consists of 49 flats?

Ms Ost: It has thousands of tenants, but in the complex where I live there are 49 flats. Some are for couples and others are singles.

Dr Ewing: Do you know the name of the charity?

Ms Ost: I do not, but I know that it is a registered charity. I suppose it is registered under the name of Viewpoint Housing Association. Should there be another name?

Dr Ewing: I do not know. I just thought that it would be helpful to know.

The Convener: Is it Viewpoint?

Ms Ost: The Viewpoint Housing Association.

Dr Ewing: So that is the name of the charity. Dorothy-Grace Elder raised a point about staff training. I think that we could take up the point that there might an argument that staff in charities that run sheltered accommodation and which have—at least—a duty of care for tenants should be properly trained.

The Convener: Yes.

Dr Ewing: Did the manager to whom you wrote reply in writing five weeks later?

Ms Ost: He eventually replied in writing, saying that he hoped that I understood that his priority was the wardens. A copy of his letter is contained in the document that I provided to the committee.

Dr Ewing: I do not think that I have that.

Ms Ost: Following that letter, there was a series of stressful events.

The Convener: I inform members that, if any member wants to check anything in relation to the petition, the clerks have extensive background material.

Rhoda Grant (Highlands and Islands) (Lab): I have another point for clarification. Do the residents of the housing association pay rent themselves? If not, does the council pay the rent or does the charity fund the residents?

Ms Ost: How can I answer that? I hope that I understand the question correctly. It is difficult for

me to hear everything. We all pay an economic rent for assured tenancies. Another body regulates the rent. The service charges, which include a service charge for the wardens of about £700 a year, are variable and are reviewed every year. I hope that I have answered the question.

Rhoda Grant: Yes. That is what I wanted to know.

The Convener: The executive agency that is meant to monitor and regulate housing associations is Communities Scotland. It is meant to check the complaints procedures of individual housing associations such as Viewpoint. Have you had any correspondence with Communities Scotland?

Ms Ost: No. I had some correspondence with the people who regulate rents because the description of my flat was incorrect. After my experience with the solicitor, I turned to an MSP for help. Two MSPs are involved and they distorted the nature of my complaint. After that, there was no point in complaining to the ombudsman because the green light was given that this was a trivial matter.

10:30

The Convener: Have you approached the Scottish public services ombudsman?

Ms Ost: No. Photocopies of all the letters are in a bound folder of 160 pages that was deposited with the clerk.

The Convener: Do you know whether the complaints procedure to which you referred and which recommends a solicitor also recommends that people should have access to the ombudsman?

Ms Ost: The situation bears explaining. The complaints procedure was not easily accessible. It was on a slip of paper that was tucked into a handbook and which I failed to see. I heard about the ombudsman from the citizens advice bureau, but, as I explained, there was no point in going to the ombudsman when my complaint had been dismissed by MSPs and Mr Wallace, who had a copy of my complaint and all the documents. The Minister for Justice and the Minister for Social Justice had the documents, which speak for themselves. I did not write most of them; they include my letters, but they also include letters between lawyers and the management and between the management and me. The documents are valid and concern what I have outlined.

The Convener: There are two strands to what you tell us. One is a complaint about the way in which the housing association operates the complaints procedure, and the other is a complaint

about legal representation by solicitors. In dealing with your petition, the committee will focus on how the housing association's complaints procedure could be improved and tightened to ensure that you have a proper complaints procedure. Other petitions have dealt with the separate issue of legal representation, which a report by the Justice 1 Committee dealt with.

Ms Ost: Forgive me for asking, but how can the two issues be divorced?

The Convener: We have to do that.

Ms Ost: That means that no one will take up my complaint. If I cannot have representation, which is a step in the complaints procedure, where shall I go?

The Convener: If you are here to complain about the housing association's complaints procedure, we are happy to pursue the matter on your behalf, but the separate issue of how legal representation is undertaken has been the subject of several petitions. Those petitions were referred to the Justice 1 Committee, which conducted an inquiry and published a report with recommendations. We can address the housing association issue, which has not been dealt with.

Ms Ost: Treating both issues as one entity is indispensable.

The Convener: We would want to see an—

Ms Ost: My statements are serious allegations. What you describe means that if they were challenged in court, I would have no defence.

The Convener: You have a defence. Your defence relates to how the Scottish Parliament regulates and controls housing associations. That is the issue that we can pursue.

Phil Gallie: We are not allowed to pursue individual complaints. We can consider the petition because it concerns the wider issue of housing association complaints procedures. We could deal with the solicitor aspect by considering the recommendation in the complaints procedure to which Ms Ost referred. That would address both issues without our becoming involved in the difficult circumstances that the convener described.

Ms Ost: If a complaint had merit, a commissioner could take legal action on behalf of the complainer.

Phil Gallie: That relates to Dorothy-Grace Elder's suggestion.

Dorothy-Grace Elder: I do not know whether that could happen. I begin to see the confusion. The main point is that you would not have needed to waste your time in going to lawyers and falling into that rabbit-hole had the complaints system

been right. If the committee helped you in getting the complaints system sorted, perhaps you could consider returning to the committee later to talk about lawyers. I say that reluctantly, because I think that you know that I quite like having a go at lawyers.

The Convener: Careful—you are sitting next to one.

Dorothy-Grace Elder: The point today is to change the complaints system, so that nobody need undergo the stress of going to lawyers, whether good, bad or indifferent.

Ms Ost: That is the ideal situation.

The Convener: As members have no more questions, we will move on to discuss action on the petition. Ms Ost is free to stay and listen to our discussion and the recommendations that arise from it. I thank her for her evidence.

Given what Ms Ost has said, we should follow the suggested action of writing to the Scottish Executive and Communities Scotland to seek their views on the issues that the petition raises. Perhaps we should ask them to comment on the adequacy of the current system, under which housing associations are responsible for establishing their own complaints procedures, whose effectiveness Communities Scotland assesses during its inspections. We could also ask for their views on the petitioner's claim that the system breeds retaliation and deters elderly people from complaining, particularly about staff. I suggest that we ask the Executive and Communities Scotland whether the recommendation that people who are dissatisfied with the complaints procedure should turn to a solicitor is the norm for housing associations.

Dr Ewing: Do we have a copy of the 160-page document to which Ms Ost referred, which includes the complaints procedure?

The Convener: Yes. That can be circulated. Any member can see the documents, of which Steve Farrell has a copy.

Helen Eadie (Dunfermline East) (Lab): I suggest that we ask for the opinion of the Scottish Commission for the Regulation of Care, whose representatives I met not so long ago to discuss homes for disabled people. The complaints procedure should be clear. As a trade unionist, I know that disciplinary and grievance procedures should have time limits within which any complainant should expect an initial answer. If the complaint is not resolved, another time limit is provided for taking the complaint to the next management level. If the complaint remains unresolved, the complainant can take it to a final body. Time frames for resolving complaints should be laid out clearly. That is a civilised way in which

to approach such matters, and I advocate such procedures for homes. I would be surprised to learn that homes did not have such complaints procedures.

Rhoda Grant: The petition relates to sheltered housing. Does the care commission consider the service level in such housing and stipulate the level of care that is expected? The petition concerns the level of care given by a warden. Does the care commission have a role in policing sheltered housing complexes?

Dorothy-Grace Elder: There can be all the training under the sun, but if someone does not have the decency to chuck some salt on a wheelchair ramp or to look out for the petitioner when she is lying in bed with pneumonia, we do not want them to deal with anyone in a care situation.

I suggest respectfully to the committee that we should consider asking the Executive whether every housing association that deals with the elderly and every nursing home can be issued with leaflets that mention Action on Elder Abuse's helpline, which is quite good and deserves encouragement. We could ask the Executive whether it wants to increase its contribution to the helpline in Scotland. It could ensure that leaflets about the helpline are made available and that posters are put up in organisations similar to the one with which Ms Ost is involved.

Ms Ost talked about retaliation. As members know perfectly well, there is bullying everywhere where people get away with it. If Ms Ost has the slightest problem after the meeting today, does the convener agree that she should report that straight to the Public Petitions Committee?

The Convener: Yes—absolutely. We are here to be kept in touch with.

I will try to sum up what members have said. I think that we are agreed that we will write to the Scottish Executive, Communities Scotland and the care commission along the lines that were suggested. I also think that we agreed to ask the Executive to describe its distribution of leaflets and posters about Action on Elder Abuse's helpline around nursing homes and sheltered housing complexes. Are there any other points that we should cover?

John Farquhar Munro (Ross, Skye and Inverness West) (LD): The situation has been discussed fully. It is clear that a complaint may fall at the first hurdle if the complaints procedure involves an in-house judge and jury.

The Convener: It is important that Communities Scotland makes it clear how it monitors and regulates complaints procedures and clarifies the standard that it sets down for every housing association to achieve.

I thank Ms Ost for her evidence this morning. We will keep you in touch with progress as we receive information.

Ms Ost: Thank you.

Greyhound Racing (Regulation) (PE604)

The Convener: PE604, which was submitted by Mr Andrew S Wood, calls for the establishment of a Scottish independent greyhound racing regulatory body. Mr Wood is accompanied by Howard Wallace, Doreen Graham, Hamish Hastie, Arthur Robinson and Maureen Purvis. I welcome them all to the committee. Although not all six petitioners can have three minutes to address the committee, your official spokesperson has three minutes to do so. I will then open up the meeting for questions, which any of you can answer.

Andrew Wood: First, I would like to thank the committee for giving us the opportunity to submit the petition and to add extra oral evidence to the information that has been circulated to committee members.

I will outline the key points. Key point 1 concerns traceability and accountability. There is a desperate need for the registration of all dogs on a central data system. Under such a system, dog passports with individual registration numbers that were identical to the number on the dog's ear tag would be issued. We would ensure that full owner details were included on the database and that the system included a facility to reregister changes of ownership, medical treatment and past injuries. Vets would be required to verify and sign off the final departure of a dog. Annual updating and auditing of owner records would be enforced.

Key point 2 concerns the provision of independent veterinary checks. There is a clear need for independent veterinary inspections before and after races. That would eliminate the compromising situation in which local or regular vets can find themselves. We would also ensure that regular visits were made to rescue centres and that random checks were made on rehomed dogs. The Scottish Parliament would set a level and a fair rate for such veterinary costs, which would be applied to all those who use Scottish facilities.

Key point 3 concerns provision for the welfare of retired dogs in homes. Supervision and financial support would be made available to all registered kennels with records being kept on all rehomed dogs.

Key point 4 concerns the need to address the image of the sport. Unfortunately, the system suffers as a result of its Del Boy image—we need to address that. We need to upgrade the facilities and expand the social side to attract a wider

following. We should encourage a more family-friendly environment that would allow caring people to follow the track history of a dog that they might wish to rehome after the dog's retirement from the track.

10:45

Key point 5 concerns the need to make use of a valuable national resource. Greyhound racing should, and could, become an integral part of Scottish tourism, with overseas visitors encouraged to participate in evening excursions to greyhound-racing venues. Such visits could be built into package holidays, which could also include horse-racing, golf, fishing—the list is endless.

Key point 6 concerns the role of the Scottish Parliament and the assistance that it could offer. We hope that the Scottish Parliament will embrace and endorse our vision and give its support to an independent organisation of the type that the petition calls for. We hope that the Parliament will make the legislative powers to create the financial support, which would be collected from levies on Scottish bookmaking shops, for the office premises and the minimal staff that would be required in the first year. Should that not be possible, as a result of the powers being reserved to Westminster, it is hoped that the Public Petitions Committee will be prepared to support such an initiative.

Key point 7 concerns costs and staffing. In recognition that financial support could be limited, we plan to secure funding by means of a long-term loan, repayable when the system has been fully established and after we have generated our first sustainable annual accounts. We have based our office costs on rented premises of around £2,000 per month. Initially, we would need three members of staff, each on approximately £15,000 to £20,000 per annum, so that that we could complete our task in the first year and get the system up and running as quickly as possible. We envisage that the total cost would be about £75,000 to £100,000 per annum. We would buy into existing services, including data recording and veterinary inspections.

Scotland must make a start to pull together all those who have an interest in greyhound racing in order to create a fair, honest and accountable sport. There is real potential to increase the interest and demand for the sport, and the fact that we have a unified commitment provides the opportunity to upgrade facilities, address animal welfare issues and increase jobs. I ask the committee to take forward petition PE604.

Before I finish, I want to introduce the rest of the people who are here. Petition PE604 is not the

work of one person; it brings together all the sectors that have an interest in and commitment to greyhound racing. I am joined by Doreen Graham from the Scottish Society for the Prevention of Cruelty to Animals, Maureen Purvis and Arthur Robinson from greyhound rescue organisations, our vet Hamish Hastie and Howard Wallace from the greyhound tracks. I assume that it is permissible for any of them to answer questions.

The Convener: Absolutely—any one of them can do so. Before I move to questions from the committee, Alex Neil MSP is here to support the petition.

Alex Neil (Central Scotland) (SNP): In essence, there are two elements to the petition: the first is the animal welfare aspect and the other is the development of greyhound racing in Scotland. The animal welfare aspect is clearly within the remit of the Scottish Parliament. As the committee knows, within the next 12 months or so, the Parliament expects to have an animal welfare bill to debate—irrespective of who wins the election on 1 May. The committee that deals with that bill should investigate the animal welfare aspects of PE604 and give them serious consideration. It is clear from the evidence that there is an issue that needs to be addressed.

As far as the development side is concerned, we need clarification of the Scottish Parliament's powers in relation to raising levies. Perhaps the clerks can clarify whether such powers are devolved or reserved, although it is the case that the betting levy on horse-racing is reserved to Westminster. That does not stop us, as a Parliament, pursuing the need to develop greyhound racing as a sporting attraction.

The Convener: We understand that the power to introduce levies on racing dogs and betting slips is reserved to Westminster and is not currently within the power of this Parliament.

Andrew Wood: In that case, why is Quality Meat Scotland about to be given statutory powers to collect levies from farmers?

The Convener: I understand why you ask, but that power is in the Scotland Act 1998. It is not necessarily the fault of anyone here; it is just a fact. That does not mean that the Scotland Act 1998 cannot be reformed. It is a matter for the Scottish Parliament to discuss whether it wants such powers to be devolved.

Dr Ewing: The age of a greyhound can be relevant in deciding which race it is entered for. Is that the case for horses? I am ignorant about this.

Howard Wallace: Horses and greyhounds are graded more on their ability than on their age. Like us, as they get older, they are less inclined to perform well.

Dr Ewing: I see that Mr Wallace is looking at me.

Howard Wallace: Dr Ewing is excluded from that.

What we call puppy races are open to greyhounds that are younger than two years of age. Depending on their size, greyhounds start racing at 16 or 17 months old. Some greyhounds are given more time to mature because they are bigger young dogs.

Dogs that are racing when they are five, six, or seven years of age sometimes go in for veteran races. In common with all sports, people want to see the very best, and greyhounds, horses and athletes are all judged on ability.

As an aside, I would like to point out that my name is misspelt on the nameplate in front of me. That is disappointing for me, because my name is Wallace, with the Scottish spelling.

That apart, there are two codes for racing in Scotland, England and Wales—licensed and unlicensed racing. There is traceability and accountability in licensed dog racing. That is licensed by the National Greyhound Racing Club, which is the equivalent of the Jockey Club in horse-racing. As our authority, the NGRC watches over what we do. When someone sells a dog to another registered member, the authorities note the registration transfer of that dog.

There is one licensed racing track in Scotland—at Shawfield—and five unlicensed tracks. At one point in my youth, there were 26 unlicensed tracks in Scotland. The disappearance of heavy industries such as coal mining and shipbuilding meant that the natural supply of dogs for flapper races was no longer available. Most of the unlicensed tracks have disappeared, although five or six remain.

There is no accountability or traceability for unlicensed dogs. If I were a licence holder who owned a dog under NGRC rules and I sold the dog to a non-registered person, which I am legally entitled to do, I would tell my authorities that I had sold the dog and to whom I had sold it. However, if the dog goes to an unlicensed person, the new owner has no need to tell anyone that he now has that greyhound, so he can race the dog at Gretna or Ayr under different names, such as Tam, Dick, Nellie or whatever. The traceability of that greyhound would be lost forever because it has gone from a licensed to an unlicensed code. In Scotland, we could create a lead by bringing together the two codes through legislation that stated that greyhounds at all tracks must run under their registered names. We would then have traceability, which is very important.

Dr Ewing: That makes the matter clear, because it is desirable that greyhound racing be

regulated and licensed. My knowledge of horse-racing is limited to my having been the member of Parliament for Hamilton. I went to races at the racecourse there because a lot of voters also went.

I have never seen a dog race, but when I was the MP for Hamilton I often saw individuals in the central belt enjoying what looked like a very happy relationship between dog and master. I am alarmed by the suggestion that those people kill off their dogs when they have stopped racing. Is that what happens?

Howard Wallace: I do not want to hog the discussion, but I will answer that question. The Retired Greyhound Trust has put in place a rehoming scheme for ex-racers from licensed tracks that have retired because of old age, injuries or lack of ability. By and large, that scheme has been successful. Many caring people are involved with unlicensed tracks, but—as in society as a whole—a tiny minority are callous and cruel. Some will not go to a veterinary surgeon to have their dogs put down. If, in the longer term, we can bring together the two codes through legislation, England and Wales will follow us. There are many unlicensed tracks in England.

If we have traceability, I hope that we will be able to raise funds and to organise levies through bookmakers to pay for retirement homes. That issue is very dear to the many good people who are involved with greyhound racing, in both codes. In this day and age, we need to bring the two codes together. If we do not, the sport will not grow and will not provide the benefits that Andrew Wood seeks—in tourism, job creation and training. That has happened very successfully in Ireland. The 16 dog tracks in southern Ireland are controlled by a semi-statutory body. In Victoria, Australia—where an ex-Scot chairs the controlling body—arrangements are exactly the same. In Sweden, the sport is controlled by a statutory body that provides it with funds. The sport repays that support through job creation and tourism.

Phil Gallie: Mr Wallace has answered a number of the questions that I intended to ask. The only track that I have ever visited is the flapping track in Ayr. When I was there, I was struck by the fact that people were gambling without knowing what they were gambling on. The dogs could have come from Shawfield or anywhere else. Do flapping tracks have to be licensed with local authorities?

Howard Wallace: Under the Betting, Gaming and Lotteries Act 1963, tracks must have a betting licence from the local authority. They must also have a liquor and entertainment licence. The role of local authorities goes no further than that. Powers could be devolved to local authorities. As a condition of issuing licences—especially betting

licences—local authorities could insist that veterinary care be provided. At flapping tracks, veterinary care is not provided on course, whereas at licensed tracks there is veterinary attendance both at trials and at races. Local authorities should make the granting of licences conditional on the provision of veterinary care and retirement and welfare schemes.

Doreen Graham (Scottish Society for the Prevention of Cruelty to Animals): Some of the most appalling cases of cruelty with which the SSPCA has dealt have involved greyhounds at the end of their career. For the past six years, we have been one of many animal welfare groups that form part of the International Greyhound Forum. We have worked with the Society of Greyhound Veterinarians to produce a greyhound charter from cradle to grave. The charter covers everything from the number of litters that a bitch will have during her lifetime, racing and how dogs are transported to races, through to the dogs' retirement and their departing this world. The British Greyhound Racing Board has embraced the charter. However, because most tracks in Scotland are flapping tracks and are unregistered, we have no way of ensuring that it is implemented there.

In Ireland, Bord na gCon—the Irish Greyhound Board—is able to do some good things, but some practices are worrying to welfarists. For example, the export of dogs to countries such as Spain is dire news. Let us look after dogs in Scotland and put in place a statutory body that will offer them a degree of protection. We do not want any more dogs to end up deliberately drowned in quarries, with their ears cut off to remove their greyhound tags. We represent both welfare and racing organisations and would like to improve greyhounds' welfare. We ask the Scottish Parliament to support that aim.

Andrew Wood: Maureen Purvis can provide members with information on what is happening south of the border and at United Kingdom level.

11:00

Maureen Purvis (Greyhounds UK): I represent an organisation called Greyhounds UK, which is led by the actress Annette Crosbie, who, unfortunately, could not be here today. We have been working for a long time with the British Greyhound Racing Board and the National Greyhound Racing Club. We have found that they regard the greyhound as a commodity. We have also found that the safeguards that are in place are just cosmetic—they are not real—and that the abuses that have been referred to happen. The money that is gained from the bookmakers in England is just put into the promoters' pockets; it is not put into facilities for the dogs. A dog died in kennels at a track in London recently.

We have pressed the Westminster Parliament and the Government's English representatives to include in the proposed animal welfare bill a statutory code of practice along the lines of the greyhound charter that the national bodies produced, but which would have teeth and would specify all the things for which Andrew Wood has called: independent vets; a database, which could be based on DNA, for example; and training and recognised vocational qualifications for those who look after the dogs. Scotland has a tremendous opportunity to do the whole package for the animals.

Phil Gallie: I acknowledge the sporting nature of the matter, and I want to ask Hamish Hastie, the vet, about that later.

Some of the dogs that run at Ayr, where I always believed that there was a vet on track, are owned not by companies, but by individuals who, as I understand it, love and care for their animals. I do not know how training for such individuals would be enforced. They race dogs as a sport. They have their own interests.

Arthur Robinson (Dumfriesshire Greyhound Rescue): I represent the independent greyhound rescue organisations. I am the chairman of Dumfriesshire Greyhound Rescue. There is one track in Dumfriesshire, which is at Gretna. Since we were formed in December 2001, we have rehomed 43 dogs. Five of them were lurchers and four were coursers; the rest were ex-racing dogs.

It is true that some owners look after their dogs when they finish racing and have a good relationship with the dogs, but many do not. We get dogs from trainers, but only perhaps 10 per cent of the trainers at Gretna are in touch with us. The vast majority are not. I have no idea what happens to their dogs.

At the moment we have 12 dogs in our care. We do not have any kennels. The trainers keep the dogs until we can rehome them or they are put into foster care—I have one at the moment. That is the sort of thing that goes on. Some of the dogs come to us in a dreadful condition and some are abandoned. We also assist with cases that are held by the SSPCA, the National Canine Defence League and local groups.

We support what Andrew Wood is trying to do on the registration of dogs, which would mean that some record would exist. At the moment, it is true that the majority of dogs are ear-marked, but a lot of them are not and those dogs are untraceable. Nobody knows where they came from and nobody knows what happens to them at the end of the day.

Phil Gallie: I have a question for Hamish Hastie. I thought that there were always vets at dog tracks—even at flapping tracks. If that is not the

case, there are no tests for drugs and no other checks are made.

Hamish Hastie: At tracks such as Shawfield, doping tests are done after racing.

Phil Gallie: That is a licensed track. Is testing done at the unlicensed tracks?

Hamish Hastie: No. Not at all.

Howard Wallace: There is no identification. If I took a dog to Gretna to try to qualify it to race at that track, I would go along on the track's trial-session day or evening and present the dog. If the dog did the qualifying time, he would be marked up, as it is termed. In other words, the detail of his ear markings would be taken. If he did not have ear markings because he was not registered at birth, his body markings—such as colour and toenail colour—would be taken, but I could give a false name and address.

Anyone who is a sharp cookie or who is streetwise and does not want the handicapper to know that they have travelled all the way up from Manchester with the dog—because the handicapper will think that, if they have travelled all that distance, the greyhound must be pretty good—will give a local address. I did that when I was a wee boy. I got my first kiss from a greyhound. That was 50-odd years ago. The serious point is that I could present the greyhound falsely to race at a track.

I emphasise that there are many good people at unlicensed tracks—flapping tracks—or gaffs, as we used to call them years ago. Flapping is like society itself: there is a callous element in greyhound racing because there is a few bob to be made on a Friday or Saturday night. To those people, it does not matter how they get the money or whether they abuse the dogs.

We ask for traceability through a database of all greyhounds in Scotland. On 5 March, I surveyed all the major welfare centres in Scotland. They had 439 dogs, of which four were greyhounds. That gives you an idea of the situation. There are 435 other dogs that are not greyhounds in welfare centres. There is a problem in society in general, but that should not preclude us from looking at greyhound racing, because £2 billion is bet on greyhound racing in the United Kingdom, of which £221 million is bet in Scotland. It is a serious business.

We have an opportunity to regenerate Scottish greyhound racing and to get all the add-ons to which Andrew Wood referred earlier. We need only a bit of help from the Scottish Parliament to bring together the codes and make it compulsory that dogs run under studbook names. That is the starting point. After that, we will have traceability of the dogs and owners and we can get all the wise guys out the game altogether.

Dorothy-Grace Elder: Do you have any rough figures for the dogs that are retired every year? What is your estimate of those that might be abandoned or put to death cruelly?

Secondly, Doreen Graham, the SSPCA representative, referred to Spain. I ask her to elaborate on that reference, regardless of who replies to my first questions.

Howard Wallace: I would be delighted to reply to the first questions, because I have been involved in greyhound racing all my life—since I was born. I have a great passion for the sport. That is why I have undertaken an in-depth study of what is happening in greyhound racing.

The decline in greyhound racing in Scotland is quite dramatic because of the loss of certain industries—in particular, the mining industry—in which the workers were attached to greyhounds. Today, to within 5 or 6 per cent, there are 760 racing greyhounds in Scotland. Compare that with England, where there might be 13,000 to 15,000 dogs. Of the 760 dogs in Scotland, 314 are on the racing strength at Shawfield, which is a licensed track. That leaves us with 446 dogs. Those dogs are a migrant pool that floats from track to track. I could run a dog at Ayr—I do not, but I am just giving you an example—and run the same dog under different names at Gretna, Corby, Thornton or Armadale, near Edinburgh.

What happens to a greyhound is like what happens to a first-division football player. When his ability declines, he goes into the second division and the third division to get an earner. When a licensed greyhound, which tends to be a better quality of greyhound, has passed his prime, he is sold or passed down to the flapping tracks. Roughly 105 or 110 dogs are retired and passed down from Shawfield to the flapping tracks every year.

The Convener: I ask for briefer answers, because we have a lot of business this morning.

Howard Wallace: Okay. To return to the question, there are 360 retired dogs from licensed tracks. Of those, 63 are waiting for rehoming. Nineteen are racing casualties or are injured and put down at the track for rebreaking a leg, for example. Thirty-four dogs are unsuitable for rehoming—they might have a wee bit of a nasty streak and be difficult to rehome into family care. Seventy-two dogs have been euthanised and I have come across three cases of non-euthanasiation.

Dorothy-Grace Elder: Thank you. It is marvellous that you have such precise figures and that you have done a lot of work on what is, as you say, a migrant industry.

Doreen Graham: The vast majority of dogs that race in Scotland start their lives as Irish racing

greyhounds. There are regular auctions in Ireland, through which many dogs are exported to Spain. The last remaining track in Spain is in Barcelona and is owned by a very powerful man. According to figures that I was given in February, there are 1,000 dogs there, 999 of which come from Ireland. Those dogs see one hour of daylight a day and are kept in 1m² kennels, which sometimes contain two dogs. The dogs lie in their faeces and urine and have no blankets; they have a life of darkness. That is unacceptable in animal welfare terms. The SSPCA is concerned about that and would like a board in Scotland to examine the export of dogs.

Many dogs that retire from the track have lived their lives in a kennel. The SSPCA works with various greyhound groups, which often foster dogs to allow them to get used to things like staircases and televisions. In the past five years, those groups have rehomed 1,000 dogs, which is a high percentage of the dogs that have retired.

Dorothy-Grace Elder: They are nice dogs.

Doreen Graham: They are wonderful; the breed is the oldest pure breed of dog in the world.

Andrew Wood: Since we have taken up the issue and it has started to receive media attention, people like Arthur Robinson have had more dogs presented to them—the number of dogs that are presented to Arthur has increased tenfold. The problem is serious and it must be addressed.

The Convener: Have you had any response from the British Greyhound Racing Board, which, technically, is in charge of the industry in Britain?

Andrew Wood: Yes. I received a letter from the board, which, if I recall correctly, said that everything was okay in its house.

The Convener: One of the witnesses mentioned lobbying Parliament. Previously, I was a member of Parliament and I know that MPs are appointed as parliamentary consultants to the British Greyhound Racing Board—I think that Jack Cunningham MP is the present consultant. Have you received responses from MPs when you have reported the atrocities and outrages that take place?

Arthur Robinson: I wrote to Jack Cunningham once and received no reply.

Maureen Purvis: I do not think that Mr Cunningham is involved with the board at present, although he was the consultant for a time. We have lots of experience of the British Greyhound Racing Board and the National Greyhound Racing Club. I asked the chief executive of the board how long he expects owners to subsidise the industry, which is the case at the moment because prizes do not cover kennel bills and trainers are not paid enough. He said, "We'll get away with it for as long

as we can." The board is a business that looks after promoters and bookmakers—greyhound racing is a medium for betting.

Howard Wallace: There is no legislation in England either—the British Greyhound Racing Board is made up of stadium promoters and, crucially, bookmakers, which includes big public limited companies such as Ladbrokes.

The Convener: So the board is not a statutory organisation.

Howard Wallace: No—it is an industry organisation.

Doreen Graham: The welfare issues at flapping tracks relate not only to dogs. We know of two incidents involving rabbits at separate tracks. One track in the Borders used live rabbits on the lure to train dogs, which resulted in the rabbits' limbs being almost severed. All animals, including rabbits, are entitled to good welfare. There was also an incident in which live rabbits were sold outside an Ayr track for people to use in training their dogs. There have also been instances of dogs suffocating in vans on the way to races. There are many aspects to the welfare issue, which is why we want to ensure that flapping tracks are governed in some way.

The Convener: The suggested action on the petition includes writing to the Scottish Executive, the British Greyhound Racing Board and the British Greyhound Racing Fund. Given that our first job is to get a response to the petition, should we contact any other bodies?

Howard Wallace: I suggest the National Greyhound Racing Club.

Alex Neil: The committee should consider writing to the Chancellor of the Exchequer to point out that the revenue from betting on greyhounds in Scotland alone is about £221 million. The request for £3 million or £4 million of that to be reinvested in the industry is fairly modest and, it seems to me, a sensible proposition.

The Convener: I am not sure that it is the Chancellor of the Exchequer's decision.

Phil Gallie: I am not too keen on the Chancellor of the Exchequer getting the money, because I doubt whether it would be returned to the greyhound industry.

Alex Neil: Money is already received through the betting levy. All that the petitioners seek is for some of their money to be recycled and reinvested in the industry.

11:15

Doreen Graham: There has been a renaissance in horse-racing and if there is one in

greyhound racing, which is possible, it should be done in the right way.

Alex Neil: I suggest that we draw the issue to the attention of the Minister for Tourism, Culture and Sport, who might be able to initiate action through sportscotland or other Executive agencies before we move towards legislation.

The Convener: I thank the petitioners, who have given a harrowing account of what goes on in the greyhound racing industry.

Andrew Wood: I ask members to bear in mind the positive side; I do not want them to think only about dogs dying and other negative issues. The industry has fantastic potential and could be of benefit to local rural areas and, through tourism, to Scotland as a whole.

The Convener: I thank the petitioners for giving us their time. They are welcome to listen to the discussion on what to do with the petition.

The suggested action is that we write to the Executive. When we do so, we should ask specifically for the Minister for Tourism, Culture and Sport to comment on the industry's potential to contribute to Scotland.

Alex Neil: The Executive should consider incorporating the issue in the animal welfare bill that is being drafted.

The Convener: Yes. We will ask the Executive whether it intends to incorporate the issue in that bill.

We should also write to the British Greyhound Racing Board, the British Greyhound Racing Fund and the National Greyhound Racing Club. The clerk has suggested that we should get in touch with the Irish Greyhound Board to ask for its comments on how the industry in Ireland has changed in recent years. When we receive responses from those bodies, we will get in touch with the petitioners and decide what further action to take.

Rhoda Grant: Can we also contact the Convention of Scottish Local Authorities to find out whether conditions can be attached to betting and drinks licences that are issued to tracks?

The Convener: Yes. We will ask COSLA whether it has any views on animal welfare in relation to the issuing of betting and drink licences to greyhound racing tracks.

Dr Ewing: On the grounds of welfare alone, the case has been made that legislation is required to draw together the licensed and unlicensed sides of the industry. We must also ensure that other welfare measures are taken, such as the creation of a database to ensure traceability. Without such a database, we cannot be sure whether animal welfare rules are being obeyed. The new

Parliament must conduct an inquiry into the issue with a view to the production of a bill.

The Convener: It has been suggested that we ask the Scottish Executive to comment on whether the issue will be included in the draft animal welfare bill, which will be considered in the new Parliament.

We should also ask the Executive to comment on the fact that, although the British Greyhound Racing Board collects a levy for the whole of the UK, it does not appear to be considering the issues. We will ask the Executive whether the matter should be devolved to the Scottish Parliament.

Phil Gallie: A couple of points have not been covered. Comments have been made about regulation in Ireland and the fact that Shawfield is a licensed track, but I am concerned that, although licensed tracks follow the rules until—in their opinion—the dog comes to the end of its useful life, dogs are then sometimes passed to unscrupulous tracks. The story that we heard about dogs from Ireland being sent to Spain is absolutely horrendous. That is a wider issue, but the petitioners might want to consider passing a similar petition to the European Commission. The misery for the dogs is the same, whether they are in Europe or the UK. The petitioners, rather than the committee, might like to do that.

The Convener: They are listening.

Phil Gallie: Rhoda Grant mentioned COSLA. I am sure that COSLA could take action on animal welfare at unlicensed tracks. Councils could at least ensure that a vet is on site during races.

The Convener: When we receive the responses, we will get in touch with the petitioners. However, the matter will have to be pursued in the next session of Parliament, because this Public Petitions Committee has only two meetings left and we will not be able to resolve the matter in such a short period. I thank the petitioners for their evidence, which was useful.

Law Society of Scotland (Complaints Procedures) (PE606)

The Convener: The next new petition is PE606, from Mrs Katherine Smith, calling on the Parliament to take the necessary steps to improve the transparency and accountability of, and accessibility to, the complaints procedures of the Law Society of Scotland. The petition was prompted by the difficulties that the petitioner experienced in attempting to raise a civil claim for financial loss against a solicitor on the ground of negligence.

The petitioner claims that she was refused access to legal aid for her claim, despite being on

income support, and that the Law Society has failed to provide information that she requested on the specific master policy regarding the insurance of the allegedly negligent firm of solicitors and on a typical master policy. She also claims that the Scottish Legal Aid Board failed to respond to various requests that she made for information.

It is suggested that the committee should agree to write to the Scottish Executive to seek its comments on the issues that are raised and the measures that are proposed in the petition, given that the Executive would be responsible for introducing the proposed measures, rather than the Parliament, as she suggests. The committee might also wish to write to the Law Society to seek details of the rationale behind its decision not to provide copies of individual master policies or a standard master policy on request and to seek an indication of the types of circumstances in which it might decide to compensate persons who have suffered loss as the result of a solicitor's dishonesty.

Dr Ewing: I do not understand what is meant by "individual master policies". I do not see an objection to a standard master policy being issued—why should it not? However, solicitors have some leeway in what they can put in their own insurance policies. They can go all the way and increase such policies to more than the minimum—that is a personal and private matter. I do not see why anybody should have the right to know what a solicitor's own policy states.

The Convener: None of us really knows what an individual master policy is, but that is one reason why we should write to the Law Society.

Dr Ewing: The expression is meaningless.

The Convener: The Law Society can write back to explain the situation. We can simply ask for its comments at this stage. Are members agreed?

Members indicated agreement.

Robert Burns (National Holiday) (PE607)

The Convener: Petition PE607, from Safeway plc, calls on the Parliament to take the necessary steps to declare 25 January a national holiday in Scotland in celebration of Robert Burns.

It is suggested that it is extremely unlikely that the Scottish Executive will agree to declare 25 January a national holiday. So far, it has resisted other calls for additional public holidays, such as on St Andrew's day. However, the committee may wish to agree to write to the Executive to seek an indication as to whether it would consider declaring 25 January a national holiday in Scotland, if it thinks that there would be merit in doing so.

Phil Gallie: For people in Scotland, 25 January is a special and well-recognised day after the Christmas and new year holidays. Although I am keen to make the most of the Burns season, I do not know whether another holiday in January would be the best way ahead.

That said, irrespective of what the Scottish Executive says, nowhere is more conscious of Burns than Ayrshire and Dumfries and Galloway are. We could pass on the petition to councils there to seek their views on it, given that local authorities can set local holidays. They could set a holiday if they thought that the proposals had some merit.

The Convener: So we should write to Dumfries and Galloway Council rather than to the Scottish Executive.

Phil Gallie: We should also write to the three Ayrshire councils.

Dorothy-Grace Elder: It is possible to have a national day without its necessarily being a statutory holiday. To many people, Burns is much more recognisable than St Andrew, for example. Although it is customary to have a saint's day, Burns is internationally recognisable. We could ask for the day to be made an official national day and/or a holiday, which would be a wee bit of a compromise. That time of year is rotten, as is the time around St Andrew's day. Perhaps there will be a lot of popular support for such a proposal.

The Convener: Rabbie Burns was certainly no saint. I have no objection to writing to the Executive to ask whether it would consider making 25 January either a holiday or a national day. We could also write to the councils that were mentioned. Are members agreed?

Members indicated agreement.

Current Petitions

Organic Waste Disposal (PE327)

The Convener: The next agenda item is Dorothy-Grace Elder's report on PE327, which was presented on behalf of the Blairingone and Saline Action Group, on spreading sewage sludge.

I congratulate Dorothy-Grace Elder and Dr Curnow on their excellent and useful report, which we will consider page by page. The clerks have raised some matters, which I will mention. If members have any points that they wish to make, they should halt me as I go through the report.

There are no points to make on the contents page. Do members want to say anything about paragraphs 1 to 5?

Dr Ewing: Paragraph 4 mentions transparency, which is one of the main reasons behind the report.

The Convener: The clerks have asked whether paragraphs 6 and 7, which mention the environmental hazard investigation team are in the right place. There are several references to the team in the report. Would it be better to bring together those references in one section?

Phil Gallie: Perhaps we should take that advice. The EHIT report and the Transport and the Environment Committee's report do not tie up—they are entirely separate. The committee report was put together and totally ignored. The EHIT was set up and proceeded with its work oblivious of anything that the committee had said. There could be clarification.

Dr Ewing: There is a question of duplication.

Dorothy-Grace Elder: I mentioned the matter at the beginning of the report and referred to it a couple of times to remind people of it. Andy Kerr produced an excellent report for the Transport and the Environment Committee. Points relating to the EHIT are in the conclusions, anyway. There should be some guidance for people reading the report.

The Convener: If members agree that Dorothy-Grace Elder, in consultation with the clerks, can redraft the report so that references are brought together and things are tidied up, there will no problem. We should emphasise what Phil Gallie said.

Do members have any other comments to make on the page that we are discussing?

Dr Ewing: It is interesting to see what other countries do. They all seem to act better than we do.

Dorothy-Grace Elder: Blairingone was known about in Brussels when I mentioned it there.

The Convener: Blairingone has been put on the map.

Dorothy-Grace Elder: It is famous now.

The Convener: It is suggested that paragraphs 14 and 15, which again deal with the EHIT, should be put together with other material in a coherent passage.

Do members want to make any comments on the page that begins with paragraph 18?

Dr Ewing: The unsatisfactory way in which the matter has been dealt with is outlined. There has been secrecy.

The Convener: It is suggested that everything that is mentioned on the page will be put together in one paragraph.

The next page begins with paragraph 18n.

Phil Gallie: I am scanning through the page, but I cannot find what I am looking for. When I read the report, I was struck by the fact that George Reid's list of individuals went missing. Although the fact is mentioned that the list went to senior figures in the Scottish Environment Protection Agency, who suppressed it, there is no comment on that. I would have thought that SEPA would have wanted to ensure that such information moved on. I am not sure where the matter is covered in the report. I strongly feel that the director of SEPA should be called back to say precisely what happened to the information that he had and why it was not presented.

11:30

Dorothy-Grace Elder: You heard the evidence session on 11 February when we practically had to use forceps to get the information out.

The Convener: Are we talking about the page that starts with paragraph 18? Paragraph 18d says:

"Mr Reid stated that he had sent the list three times to SEPA and had spoken to Mr William Halcrow of SEPA about it."

Is it agreed that we make Phil Gallie's suggestion into an additional recommendation at the end of the report?

Members indicated agreement.

The Convener: We are back on the page that starts with paragraph 18n. Is there anything to say about that page?

Dr Ewing: It does not say much for SEPA, does it?

The Convener: No.

Dr Ewing: It is very disturbing. The issue of odour seems to be missing from our pollution

control. Noise is included, but odour is often worse than noise.

Helen Eadie: Susan Deacon brought that point out very well when she was discussing another petition last week.

The Convener: Okay. If no one wants to have anything changed on that page, we will move on to the page starting with paragraph 25.

Dr Ewing: I agree with all the points that Dorothy-Grace Elder has made on the EHIT.

The Convener: We move on to the next page, which begins with paragraph 31. The clerks have identified paragraph 35 for consideration. There is a reference to the fact that the type of meningitis involved could not be linked to the environment. Can that point be made in the conclusions as well as in paragraph 35? The point is made halfway down paragraph 35, which says that the medical adviser

"explained that meningitis of the type which could be linked with the environment had not been involved".

It is suggested that that be added to the recommendations because it is quite important.

Dorothy-Grace Elder: That is also linked with the stress that was caused by the powers that be denying information for five years.

The Convener: It is not suggested that we remove the information about meningitis, but we should repeat it.

Dorothy-Grace Elder: Fine.

The Convener: Are we agreed?

Members indicated agreement.

The Convener: Are the sections entitled "A village let down" and "New problems ahead" relevant? Could they be summarised? The report is meant to be about the health implications for the community. Although the sections are pertinent, they do not relate directly to health implications.

Dr Ewing: It looks as if the coal industry has not been very nice to the village and that it made promises that it did not keep. The land was then passed on to Snowie Ltd.

Helen Eadie: I am concerned about these paragraphs. The petition is about the specific issue of sewage sludge, but the report expands and covers a range of other issues such as British Coal and opencast mining. I know that there are strong feelings about such issues throughout Scotland, but I take exception to their inclusion in this report. It is one thing to investigate opencast coal mining, but it is not appropriate to do that in the context of this report. We should miss out that reference.

The Convener: I am not sure that I go along with that. The clerks are concerned about the

length of the report and want to make it as succinct as possible. Such issues can be referred to because they contribute to the villagers' feelings of being let down and to the effects on their well-being and health. It is just a question of summarising the information rather than going into great detail. I am sure that Dorothy-Grace Elder could agree a form of words with the clerks.

Dorothy-Grace Elder: The medical adviser was very strong on the issue that Helen Eadie mentioned. He went by the World Health Organisation definition of health, which is not necessarily just the absence of disease. He felt that the village had been under severe stress for many years. Paragraph 40 says:

"If ever a village has been raided and pillaged repeatedly, it is Blairingone ... Industry has hauled benefits out of it, put nothing back. The Reporter and Medical Adviser found that a boiling sense of injustice is one factor militating a sense of healthy well being among many."

Later, when the waste firm came in after all that other activity, it did so against a background of bad feeling. We think that we have produced proof that the locals have had every reason to be highly dissatisfied, stressed and anxious for the past 20 years about the way in which they have been treated by officialdom.

Helen Eadie: Now that Dorothy-Grace Elder has explained, I see where she is coming from. There is a similar scenario in my community of Westfield, where remediation and repair have never taken place. I understand the point.

The Convener: Okay, but is it agreed that the information should be summarised to make it more succinct?

Members indicated agreement.

The Convener: Paragraphs 50 to 58 give a personal history of the petitioner and his family background.

Dr Ewing: It is horrendous.

The Convener: I accept that it is horrendous, but should it be in the report?

Dr Ewing: Perhaps Mr Hope should come before us with his own petition.

Dorothy-Grace Elder: He has been to the committee.

The Convener: It is a very sad tale indeed. However, the report is supposed to be about the health implications. Do members think that the personal information should be in the report?

Phil Gallie: It would be a shame to lose it, but I do not know whether it is really hitting the button as far as the remit of the report is concerned. I would hate it to be lost, so is there some way that it could be included as an appendix?

The Convener: That is a possibility.

Dr Ewing: I was going to suggest that.

The Convener: Do members agree to take that information out of the body of the report and add it as an appendix to give background?

Dorothy-Grace Elder: It is an individual case that shows how, over the generations, a family has been let down. It was very touching to find

"Duncan Hope: gunner, died France, age 17"

on the war memorial. Today's Duncan Hope has not been treated well by the country that his relatives served.

The Convener: Are we agreed to take that information out of the main body of the report and include it as an appendix?

Members indicated agreement.

The Convener: Paragraphs 64 and 65 refer to Snowie Ltd making

"millions out of carcass destruction during the UK foot and mouth outbreak, gaining government contracts"

and making contributions to certain individuals in the Labour party. Are those facts or rumours and should they be in the report? Are they relevant?

Dorothy-Grace Elder: They are facts. I put them to the directors of Snowie Ltd and they answered openly. There were rumours flying around the village of very great numbers. The directors confirmed that there was only one donation of £5,000. They were rather angered at the question and said that they were not really political people but had made the donation because one Labour MP had taken an interest in them.

Dr Ewing: The company has not given £5,000 to George Reid.

Dorothy-Grace Elder: No.

The Convener: The money was certainly not given to me.

However, you have written "one local rumour". We need to be clear about whether it is a fact or a rumour.

Dorothy-Grace Elder: It was being rumoured that Snowie Ltd had made huge donations to the Labour party, so I thought that it was best to put that in the report. It was another point that caused stress in the village and it made people believe that there was something seriously wrong.

The Convener: So the rumour was that huge donations were made, but the facts are laid out in paragraph 65.

Dorothy-Grace Elder: The facts were pinned down with the directors. They did not expect that

question, but they answered it. I admit that it was like the moment in "Pygmalion" where the old dustman asks Professor Higgins for one guinea and Higgins says that he hopes that Doolittle is not implying that there is anything improper between him and his daughter and the dustman says that he would have asked for five guineas if he thought that. I think it would take a bit more than £5,000 to influence a political party.

The Convener: I suppose that there is a difference between the rumour referred to in paragraph 64 and the reality referred to in paragraph 65. Can you say that paragraph 65 is accurate?

Dorothy-Grace Elder: Yes, and the company can confirm that. The question was asked openly and I felt that it was answered honestly.

The Convener: Okay. I have just been advised that we should be careful to retain the focus on the effect on health of the spreading of sewage sludge. We are drifting away from that issue. Are members happy for those paragraphs to be left in, or should they be taken out?

Dr Ewing: Which paragraphs?

The Convener: Paragraphs 64 and 65.

Helen Eadie: I am unhappy about paragraph 64. Paragraph 65 is okay, as it is factual, but it is not necessary to include paragraph 64, as it is based on rumour, innuendo and hearsay. We operate a justice system that is based on evidence. Unless we can produce evidence to back up paragraph 64, we ought to set it aside. If the directors say that one individual declared that he had made a contribution of £5,000, I am sure that that would have been registered in the appropriate way. The Electoral Commission has laid down that contributions of more than £50 must be declared in every election expense. That is the law of the land. A businessman or a businesswoman can no longer get away with not declaring financial contributions openly.

Dorothy-Grace Elder: The directors made it clear that the contribution was not made under another name. Paragraph 64 can be taken out, if members wish. I thought that I should raise the issue of the rumour and get truth on the table. I think that I was being told the truth.

The Convener: It has been suggested that Dorothy-Grace Elder could co-operate with Steve Farrell on redrafting paragraphs 64 and 65.

Phil Gallie: As I understand it, only one £5,000 donation was made. According to paragraph 65, "there had been one" donation of £5,000, but the way that that reads leads one to ask how many more donations there were.

Dorothy-Grace Elder: The tense is not intentional.

Phil Gallie: That should be clarified, to make it quite clear that there was one donation and no more.

The Convener: Dorothy-Grace Elder can sort out the drafting with Steve Farrell. There are no other points on that page or on the page containing paragraphs 67 to 73.

The section entitled "Composting—how safe is the air?" begins with paragraph 81 at the foot of the next page and continues for nearly two pages. It has been suggested that, as the section on composting is lengthy and is not directly relevant to the health impact of the spreading of sewage sludge, it is not necessary to include it. What do members think?

Dorothy-Grace Elder: Composting was mentioned in the original petition. Mr Hope is in the public gallery and I think that he is nodding his head. PE327 referred to the health aspects of composting. Composting now forms the major part of Snowie's business at Blairingone.

The Convener: Did PE327 mention composting?

Dorothy-Grace Elder: Yes.

The Convener: I am told that PE327 did not look at the health impact of composting but at that of sewage sludge spreading. Are you talking about the remit from the Health and Community Care Committee?

Dorothy-Grace Elder: Although I do not have the original petition in front of me, it has been my understanding all along that PE327 deals with that issue.

Rhoda Grant: If there is concern that the section on composting waters down the report, why do not we include it as an appendix, as we agreed to do with the section on Mr Hope? The section on composting might be interesting, but it might be better to include it as an appendix, given that the report is on the health implications.

The Convener: It is suggested that we could summarise the section in the main report and include the whole section as an appendix.

Dorothy-Grace Elder: I have just received a note from the Blairingone and Saline Action Group that makes a suggestion about another matter, but we are not at that stage yet.

I am not sure about your suggestion. If we were to refer to the original petition, we would find that composting was mentioned. I ask that we double check PE327 to find out whether it refers to composting. If it does, I ask that the section on composting remain in the body of the report.

The Convener: We will do that. Dorothy-Grace Elder can liaise with Steve Farrell.

Dr Ewing: The issue is the distance from habitation. That is where the question mark is.

The Convener: Dorothy-Grace Elder should liaise with Steve Farrell to double check on the remit. The section on composting will appear in the report in one form or another. I am sure that we can get agreement on that.

11:45

Dorothy-Grace Elder: Composting is the suspect for the smell. Duncan Hope gave us evidence on that on 11 February, in addition to the original evidence that we received way back.

The Convener: There are no points on the pages that begin with paragraphs 74 and 82. On the page that begins with paragraph 88, it has been suggested that, as the discussion of rumours in paragraphs 92(b) and 92(c) is not especially related to sludge spreading, those paragraphs could be taken out. Paragraph 92(b) refers to

"Mr Hope allegedly 'campaigning' against new housing in the village"

and paragraph 92(c) refers to Sir Robert Stewart, former Lord Lieutenant of Clackmannanshire. Given that individuals are named under the heading "Rumours", we wonder whether those paragraphs should be kept in the report.

Helen Eadie: We might want to include those paragraphs as an appendix, as they contain research that the reporter has carried out. If they appeared in the main body of the report, they might take away from its main thrust, but it would be useful to include them as an appendix.

Phil Gallie: Paragraph 93 makes an important comment. It says:

"The EHIT turned out to be a model of secrecy. The tone was of a number of experts and professionals simply doing things 'the old way' and handing down a verdict".

That might be why all the rumours grew.

The Convener: There is no problem with paragraph 93; it is being kept in. It is suggested that paragraphs 92(b) and 92(c) be taken out, because they refer to rumours that were circulating.

Dorothy-Grace Elder: There are strong allegations that the entire campaign centred on a mere handful of people. Most campaigns are run by a handful of people who do all the work. On an icy night—it was one of the worst nights of winter—up to 70 people, or most of the adult ambulant population, attended the meeting that I arranged, even though it was difficult to walk up the path to the church, despite the efforts of local activists to clear it. Some time before that meeting, there was a meeting of about 300 people in Saline. More than just a handful of people are deeply concerned about their health.

The Convener: Paragraph 92(a) is staying. It is suggested that paragraphs 92(b) and 92(c) could be included in the appendices.

Rhoda Grant: Paragraph 93 mentions the secrecy and the tone of the EHIT. Perhaps we could insert a sentence that said that that led to rumours abounding in the community. We could put in something along those lines, because that is the point that Dorothy-Grace Elder is trying to make.

Dorothy-Grace Elder: Absolutely.

Dr Ewing: The EHIT did its investigation on five cases behind closed doors. One paragraph—I do not know which one—indicates that the EHIT did not know of any more cases. It was suggested that people should have written to the secret investigators. How could anyone else have written, when no one but the people who were involved in those five cases knew that an investigation was taking place?

The Convener: That is a fair point.

Dr Ewing: That was a ridiculous situation. The second meeting of the EHIT did not happen—the EHIT was a scandal from beginning to end.

The Convener: I agree with that.

Dr Ewing: Do we intend to put all the EHIT bits together?

The Convener: It is suggested that paragraphs 93 to 96 should be included in a section with all the EHIT bits, so that they form a coherent whole.

Should the information about Saline—I am sorry that I keep getting the pronunciation wrong—be in the report at all? Although it is interesting, it is not strictly relevant to the report.

Dr Ewing: People keep telling me that there used to be packed dances in the hall in my village.

The Convener: It has been suggested that paragraph 97 could be included, but not paragraphs 98 to 101. Although the information is interesting, it is not directly relevant to the report.

Phil Gallie: Purely from the health point of view, it is important that, although Saline is only about four miles away, there does not seem to be a problem there.

The Convener: That is why paragraph 97 should stay.

Phil Gallie: It seems that there is no health situation in Saline, as far as Dorothy-Grace Elder is aware.

Dorothy-Grace Elder: The village of Saline was included in the name of the Blairingone and Saline Action Group because there had been some complaints from Saline and also because the

smaller village of Blairingone wanted to include the much larger village of Saline and its community council in the campaign. People from Saline have been emotionally supportive of the cause, but they have not had the same degree of problems. There have been complaints about smells in Saline, but the same level of nuisance has not been perceived.

The Convener: If we develop paragraph 97 to make the point about the contrast between the two communities, we could leave out the detailed points about going to dances and so on.

Dorothy-Grace Elder: Blairingone has lost every facility except its lovely church and school. Saline is thriving, however, and I think that it is good that the bigger village is protective of the smaller one and that we do not see the usual jealousy that can exist between villages.

The Convener: Are we all agreed to tidy up that section in the way that has been suggested?

Members indicated agreement.

The Convener: We have some comments on the section headed "Comments and Recommendations".

Recommendation 1 reads:

"That the Scottish Parliament continues the system of questioning in public any group which has made a contentious public decision in private without any form of public consultation."

It is recommended that we accept that recommendation, with a slight change to the wording. Is that agreed?

Members indicated agreement.

The Convener: Recommendation 2 reads:

"Never again must any body investigating health meet in private without first intimating they are being set up, publishing their remit, proposed names of membership and ensuring proper and regular consultation with the public and their representatives."

Again, it is recommended that we accept that, with the addition of some clear reference to the EHIT process and the existing SEPA guidance and an indication of the need to place more emphasis on the importance of public consultation and to monitor what is done in each case. Is that agreed?

Members indicated agreement.

The Convener: Recommendation 3 reads:

"That there is another public meeting in Blairingone where the work of the Medical Adviser and reporter can be discussed and ideas taken forward for the future."

Again, it is recommended that we accept that. Is that agreed?

Members indicated agreement.

The Convener: Recommendation 4 reads:

"That a form of 'Blairingone Revitalisation Group' be set up swiftly, composed of all players—local councils, health and social work services, the churches, community councils, Blairingone and Saline Action Group, Local MSPs, local councillors and companies to achieve: A Village Hall, protection of the future of precious remaining assets such as the school and the church, a by pass, a shop, post office, pub or cafe etc. (A new village hall could combine several functions). The Reporter is compiling a list of some bodies which might be helpful on finance."

It is recommended that, as that recommendation is not directly related to health impacts, it could be suggested that local authorities act to co-ordinate the proposal, separate from the report.

Phil Gallie: Locally elected members have a duty in that regard. It is up to them.

Rhoda Grant: We should also take out the specific recommendations about what is to be done in the village. Decisions about that should be taken by the local group, once it has been set up, rather than by us. The situation could change over time.

Helen Eadie: Local authorities could consider the report and think about its implications. The Public Petitions Committee has always tried to encourage local authorities rather than tell them what to do.

The Convener: Do we agree to ask the local authorities to co-ordinate the activity?

Members indicated agreement.

The Convener: Recommendation 5 reads:

"That there should be a reasonable amount of new housing in Blairingone, preferably including some social housing for young families who cannot afford to buy. There is obviously a pressing need to increase population in Blairingone is a village 'on the cusp'."

Again, it is recommended that, as that recommendation is not directly related to health impacts, it should not be included.

Rhoda Grant: The recommendation should be sent to the revitalisation group as it concerns a matter that it should deal with.

Dorothy-Grace Elder: There is a repeated reference to the need for new housing throughout the report. As a result of our research, the medical adviser and I both came to the conclusion that that was an important issue. When we visited a medical practice, the nurses and health visitors pointed out that the geography of the situation was problematic. The village is on the border of three local authorities and there are always problems with finding out, for example, which social worker was responsible for which part of the area. Blairingone is falling down between various stools. Everybody thought that revitalisation would be helped by the construction of a limited number of new houses and somewhere to meet. It is stressful for a community not to have anywhere to meet—

nowhere for the brownies or for young mothers to meet, or for people to get together and have a pint to find out what is happening in their community.

The Convener: I suggest that that concern would not form part of the core recommendations of the report on the health impact. However, we could suggest that the local authorities co-ordinate a revitalisation group to consider such important issues.

Helen Eadie: Dorothy-Grace Elder's point is important. The report should highlight the fact that Blairingone is on the boundary of three local authorities as that will have had some impact on the amount of control over the situation that the community has had.

The Convener: Are we agreed to follow the recommended action in regard to this recommendation and to suggest that the revitalisation group consider that important issue?

Members indicated agreement.

The Convener: Recommendation 6 reads:

"That there should be no more open cast mining in the area."

It is recommended that that should not be included as it is not relevant to the health impacts and it is for local authorities to consider all such applications on their merits.

Helen Eadie: I agree. The guidelines have been strengthened enormously in the past few years. I speak as someone who represents an area in which a lot of coal used to be mined. The issue is contentious in my constituency, but I believe that the controls that are in place across Scotland are strict and that we should deliberate this matter at another time.

Dorothy-Grace Elder: Dr Curnow also recommends that there be no more opencast mining in the area. He said that the village has had enough of it and that he does not want the villagers to have to put up with the problems of extra dust and the associated stress.

In the documents that are before members, they can read that Scottish Coal said that there would be a risk of no more than "cosmetic cracks" appearing on local buildings, although it would be necessary to demolish Mr Hope's farm house. The man has already lost his livelihood.

Helen Eadie: I think that the recommendation would involve changing the national planning policy guideline 16, which would be a matter for the Scottish Executive.

The Convener: The committee is divided on this matter. I have a great deal of sympathy with the point that Dorothy-Grace Elder makes about the impact that opencast mining is having on local

people. However, the petition is about the health impact of sewage sludge being spread on fields and the recommendation opens up a completely new area. The matter could be referred to the revitalisation group, but that would have to be pursued separately from the report on the petition.

Phil Gallie: If we want to include the recommendation in the report to ensure that the message gets across that it is felt that the problems caused by opencast mining far exceed the benefit to the area, we could put it in as an annexe. That way, if someone were to make a planning application in relation to an opencast mine, objectors to such a scheme could use the report in their objection.

The Convener: That would be reasonable, but the recommendation cannot stand as a core recommendation.

Dorothy-Grace Elder: Dr Curnow wanted to be here today, but was unable to make it. He is extremely concerned about the future of the village because of opencast mining. I thank Phil Gallie for his suggestion.

The Convener: Do we agree to follow the suggested action?

Members indicated agreement.

The Convener: Recommendation 7 reads:

"No reassurance on any health matter should be issued without the full extent of the work on the issue being published in detail."

It is suggested that the recommendation ought instead to refer to "reassurance in relation to any publicly expressed concerns about sewage sludge spreading or similar practice." Do we agree to use those words instead?

12:00

Dorothy-Grace Elder: I meant that recommendation to be wider. We do not know if the same thing has happened before or if it will happen again. Should the public be reassured without knowing that precious little work has gone into that reassurance? People will not simply accept the word of the great and the good nowadays—at least they should not accept it unless they know how much work has been put in.

The Convener: I accept those points, but the context of our report is an inquiry into a particular problem and how that impacts on health. We have not considered "any health matter"; we have considered a specific health matter relating to a specific practice. All we are doing is rewording the report with that in mind. The point stays in, but we must reword the text so that it refers to what we are looking into rather than a general recommendation.

Dorothy-Grace Elder: We could include, “for example, sewage sludge spreading”, rather than confine the wording to that issue alone.

The Convener: The objection is to the phrase “any health matter”, because we have not taken evidence on “any health matter”. Therefore, we cannot use the phrase. We must restrict the wording to what we are dealing with. Is the proposal agreed to?

Members indicated agreement.

The Convener: Recommendation 8 reads:

“That the Scottish Parliament and local councillors continue a watching brief over Blairingone.”

Should any monitoring role be conducted by local authorities and responsible public bodies, rather than by the Parliament?

Helen Eadie: I am sorry, but I would like to go back to recommendation 7. We should consider an issue that was raised with me by the chairman of SEPA: when a planning application is considered, no health impact assessment is considered by the relevant planning committee prior to the application being approved. That matter should be picked up. In many of the planning applications that I come across, I find potential health concerns that have been raised by local people. The chairman of SEPA told me that SEPA has to run with the issues following the approval of the planning application, which presents a problem. We should perhaps make some recommendation that addresses that issue and that states that health impact assessments need to be considered prior to planning applications being approved.

Dorothy-Grace Elder: Sometimes SEPA does not even do an environmental impact assessment. I have been through the card with SEPA on the matter of the incinerator at Carntyne. SEPA is looking at things again after the Carntyne case.

Would Helen Eadie accept that SEPA should have a clear public health remit, at least to liaise with other bodies on public health? Time and again SEPA will say that it cannot consider health issues. Surely to goodness health should be part of its remit. Its remit should be reviewed.

The Convener: In recommendation 7, we could say that the experience of Blairingone would suggest that public health impact assessments should be an essential part of the consideration of planning applications.

Members indicated agreement.

Dr Ewing: Could we address the fact that odour seems to be excluded from SEPA’s considerations?

Helen Eadie: That should be borne in mind, as should what Susan Deacon said in relation to

PE517 at last week’s Transport and the Environment Committee meeting.

The Convener: Which recommendation would that come under?

Helen Eadie: Odour would be embraced under the context of the wider health issues. Odour can cause people mental health problems and all kinds of other problems, and it can affect community well-being. The issue came up when I spoke to public health consultants in Fife, who said that we all need to be concerned about community health when dealing with planning applications.

Dr Ewing: What about SEPA’s remit?

The Convener: I suggest that we make an additional recommendation on odour, pointing out that the issue is being pursued in relation to other petitions and that, although it has been a problem in the case of Blairingone, it will have to be addressed on a national basis. I am sure that we could find a form of words.

Dr Ewing: SEPA has washed its hands of odour. That is one of the things that—

The Convener: That is what I mean. It is important to include that point.

Dorothy-Grace Elder: SEPA claims to investigate odour, but I have been through the matter with it in relation to dumping.

The Convener: The point is that we can probably find a form of words that refers to odour and to the fact that the matter is being pursued in relation to other petitions.

Dorothy-Grace Elder: We could stress the importance of tackling odour for the well-being of a community. Could we also have a clear statement that SEPA should have a health consideration—“consideration” is perhaps the best word to use—remit? It has dodged health matters in every single case of pollution that I have been involved with. SEPA keeps saying that health is nothing to do with it. What, then, is to do with SEPA?

Helen Eadie: Would Dorothy-Grace Elder agree to the inclusion of a requirement for health impact assessments prior to any approvals being granted at the planning stage?

Dorothy-Grace Elder: Yes. That would be a good move. However, if possible, I would like to include something on the consideration of a health remit for SEPA. The public is wandering around from quango to quango. Indeed, Blairingone has been thoroughly quangoed; the community is suffering from quango-related stress. The public keep on being fobbed off and told that this, that or the next department deals with the matter. Responsibility for environmental matters is absolutely fragmented.

The Convener: We have already agreed to refer to the need to conduct a public health impact assessment. We will also say that such assessments are being pursued in relation to other petitions that we have received. The petition that Susan Deacon has been dealing with, PE517, is being dealt with in a similar way. We will try to work in some references to odour so that that issue may be taken on board, too.

Dorothy-Grace Elder: Thank you.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: We return to recommendation 8:

"That the Scottish Parliament and local councillors continue a watching brief over Blairingone."

It is suggested that local authorities and organisations such as SEPA, rather than the Parliament as such, should have that watching brief.

Dorothy-Grace Elder: That is a scary thought.

The Convener: We could still mention "local MSPs"; it is a local matter, rather than—

Dorothy-Grace Elder: Yes, we could put "local MSPs". The Parliament has to remain on the case.

The Convener: Would a reference to local MSPs do?

Dr Ewing: We should refer to "local elected representatives".

Dorothy-Grace Elder: Yes—including councillors.

The Convener: Shall we put "locally elected representatives"?

Dorothy-Grace Elder: Yes.

The Convener: That would include MSPs and councillors.

Dorothy-Grace Elder: As long as there is some reporting back to the Parliament. The thing about the secretive EHIT, which took place behind closed doors, is that the local MSPs were not told about it, let alone the local councillor.

The Convener: There might be a concern over Blairingone getting the Parliament to look after it, whereas nobody else in Scotland gets such treatment. That is why we should refer to local elected representatives.

Rhoda Grant: We could perhaps add a sentence restating that, if problems arise and if things do not turn out properly, there is the possibility of lodging a new petition with the Parliament. That would give some strength to people who are involved in local activities.

Dorothy-Grace Elder: Would it be possible for us still to refer to the Parliament as well as to councillors? Lots of people might be able to wriggle off hooks otherwise. Look at what has happened so far: we were not even informed that an EHIT was being conducted.

The Convener: We could say, "That a watching brief over Blairingone be continued by local MSPs and councillors, who have the right to refer any concerns to the Scottish Parliament Public Petitions Committee."

Dr Ewing: That would be fine. That would cover it.

The Convener: Is that okay?

Members indicated agreement.

The Convener: Recommendation 9 reads:

"That it is accepted by the Scottish parliament that he spreading of untreated or semi treated sewage on farmland is a revolting concept to the public and to some farmers and parts of the food industry and that Parliament should work towards banning this practice completely by ensuring safe scientific methods of disposal. An expert group should be set up urgently involving the Scottish Parliament, Westminster, the European Commission, the Waste Industry, all relevant public health bodies, the agricultural industry and food industry to assess safety of current practices, conduct field tests in various parts of Britain, review current technology and decide on safer methods."

The suggestion on that recommendation is that it could refer to the Executive's consultation on sewage sludge spreading. It is likely that regulations will be tightened, which is to be welcomed. We could suggest that it is imperative that the Executive take a robust approach, and we could work that suggestion into the same paragraph.

Dr Ewing: This is a continuing problem. If there is no right to put any of that stuff into the sea, more and more spreading on land will have to be done—it is a growing problem.

The Convener: The Transport and the Environment Committee has already made recommendations along the lines that are suggested; we should not interfere with that. We could take into account the fact that that committee has recommended steps that should be taken, so we could endorse the Transport and the Environment Committee's ideas.

Dorothy-Grace Elder: The Transport and the Environment Committee is not, however, saying that we should one day end spreading of partly treated and raw sewage on fields. On the matter of the safe sludge matrix becoming part of legislation and so on, it would be useful if we took a tougher stance. The practice at Blairingone ended four years ago, but we have been dumping sludge on land only because Britain was not prepared for when the sludge boats stopped. When the sludge

boats stopped, matter that was not safe enough for the sea was suddenly being dumped on farm land.

The Convener: I am informed that the minister has said that the practice will not continue.

Dorothy-Grace Elder: Was he referring only to raw sewage? Does that also cover partly treated human excrement?

There are all sorts of ways to dispose of the waste, such as pelleting and other far less disgusting or potentially threatening ways in which to deal with it using the proper technology. So far, we have not bothered to find the finances for that, although Europe gave us 13 years' warning.

The Convener: It has been suggested that we recommend that the Transport and the Environment Committee monitor the Executive's consultation on the issue, in order to ensure that those items are properly dealt with. We do not want to get involved in the remit of that committee or to produce recommendations to rival the recommendations of the Transport and the Environment Committee, which has conducted an in-depth study into the issue.

Dr Ewing: Do you mean on an on-going basis?

The Convener: Yes, we could recommend that, in monitoring the Executive's consultation on the subject, the Transport and the Environment Committee should consider those issues and ensure that the Executive honours its commitment to end the practice.

Dorothy-Grace Elder: I am not sure that the Executive is fully committed to ending sewage spreading. Partially treated sewage is not nice stuff, either.

The Convener: We can ask the Transport and the Environment Committee to monitor specifically whether the sewage is partially treated. It is that committee's role to do that, not ours.

Dr Ewing: We can ask the Transport and the Environment Committee to monitor whether the sewage is untreated or semi-treated.

The Convener: Yes.

Dorothy-Grace Elder: We have heard what the whisky industry has said. That is the bottom line.

The Convener: Would members be happy if we framed the recommendation to say that the Transport and the Environment Committee should ensure that the practice is outlawed by monitoring the Scottish Executive's consultation?

Dorothy-Grace Elder: Yes.

Dr Ewing: On an on-going basis.

The Convener: Recommendation 10 reads:

"That the euphemism 'organic wastes' be avoided by responsible Parliamentarians when referring to the element which means human excrement or abattoir waste. Public relations spin should not be indulged in - the public must know clearly what is being dumped near habitation. A rose by any other name will smell the same - but this is no rose."

The suggestion is that we accept that recommendation, but that we amend the wording to include only the first sentence.

Dr Ewing: We do not need the poetry about the rose—roses do not spring to mind in this context.

The Convener: It is suggested that the second and third sentences be dropped, although the image in them is colourful. Is that agreed?

Members indicated agreement.

The Convener: Recommendation 11 reads:

"That a liaison group be set up between Snowie and the villagers for exchange of information on the company's activities. Snowie has agreed to this and it is now up to the villagers. As a first step, Snowie could let the villagers and Parliament know about the idea of a catch screen at their composting site, etc."

It is suggested that we accept that recommendation. Is that agreed?

Members indicated agreement.

The Convener: Recommendation 12 reads:

"That air monitoring by the responsible public bodies be conducted at Blairingone, and reported to Parliament."

It is suggested that the recommendation could be a more general call for appropriate monitoring to be carried out at other sites where concerns are raised about public health. We could broaden the recommendation a bit.

Dorothy-Grace Elder: Should we include the phrase, "and other sites"?

The Convener: Yes. Is that agreed?

Members indicated agreement.

The Convener: Recommendation 13 reads:

"That an expert group be set up to study health in relation to composting in Scotland."

It is suggested that that is outwith our remit and that it is not necessarily something that we should sign up to.

Dr Ewing: Is that the issue that we are looking into?

The Convener: We are looking into the issue of composting. What did we agree to do on it?

Dr Ewing: It is mentioned in the original petition.

The Convener: We can check our position on that.

Dorothy-Grace Elder: The company is now pursuing composting at Blairingone. It is no longer

spreading sewage there; it has not done so for four years and does not intend to do so again.

The Convener: We will check our remit and clarify our position on that.

Finally, let us turn to the medical advisor's report, which contains lots of good material. The report is appendix E of the main report and was written by Dr John Curnow. Paragraphs 2.1 to 2.6 give the background to the problem and paragraphs 4.1 and 4.2 detail the purpose of the health inquiry. Paragraph 5.1 provides a working definition of health, paragraphs 6.1 to 6.3 talk about the health of the village and paragraphs 7.1 to 7.3 are an analysis of the questionnaires that Dorothy-Grace Elder circulated. Paragraphs 8.1 to 8.7 contain a discussion on the health implications and the report ends with some conclusions. It is suggested that Dr Curnow's report could be merged with the main body of the report to make the final report, which could be redrafted and brought back to the committee, probably on 25 March.

Dr Ewing: Paragraph 11.10 brings us back to the danger of the compost fibres blowing in the air. That is what is happening now.

The Convener: The reports duplicate each other in many respects. We could merge the two in a final draft with the appendices, as I suggested. The final report could then be brought back to the committee for approval on 25 March. Is that agreed?

Members indicated agreement.

The Convener: I suggest that we now take a two-minute break.

12:15

Helen Eadie: Before we do so, I think that we should thank Dorothy-Grace Elder for her extremely thorough report. I am sure that the people of Blairingone and Saline must be well pleased about the way in which the work has been acted upon. The community must feel empowered by the way in which it has been able to bring its concerns—which have been seriously addressed—to the Parliament. The report is another indicator of the way in which the Parliament is succeeding. We should offer our congratulations to the people of Blairingone and Saline, and to Dorothy-Grace Elder.

However, I also want to raise another matter, which concerns information that was in the papers at the weekend. I will not ask Dorothy-Grace Elder about it because I know that she has made an official complaint to the Standards Committee. Tricia Marwick has withheld official committee papers and should answer to the Standards Committee for that.

Dr Ewing: I do not know what Helen Eadie is referring to.

Helen Eadie: Let me explain to Winnie Ewing what happened. The papers were in the offices and were taken away—

The Convener: If I may—

Helen Eadie: All that I want to say is that I think that Tricia Marwick should be called before the committee to answer for withholding the papers. She did that against the wishes of the clerk, the Presiding Officer and the committee convener. It is totally wrong that that should be allowed to happen.

The Convener: I will explain: members will be aware of what has happened, but some activity has taken place in the background. An official complaint has been made to the Standards Committee, but the standing orders forbid us from commenting on the matter until the complaint has been dealt with. As soon as the Standards Committee has dealt with the complaint, we will have a full report back to the committee.

Helen Eadie: I quite appreciate that we cannot comment on the issue, but we can ask questions about why the papers have not been returned. I know that Dorothy-Grace Elder has had to work two full shifts without sleeping—30 hours at a go—in order to complete her work and to provide us with her paper. It is absolutely outrageous that a member of an Opposition party should put the committee in the position of not having the information that it needs.

The Convener: Helen Eadie is beginning to stray into the matter of the complaint. We cannot say anything just now, but the committee will have a full discussion on the matter when the Standards Committee has dealt with and decided on the complaint. We will then report back in full to the committee, but until that time we must let the Standards Committee's complaints procedure go through its paces. When that is finished, we will have a full discussion on the implications for the committee and for the Parliament.

I agree with Helen Eadie; Dorothy-Grace Elder has done a wonderful job as reporter on the petition. Dr John Curnow has also done an excellent job in supporting her and both of them deserve our gratitude. I am sure that the final report will contribute to ensuring that the law of Scotland is in the future changed so that it puts people first.

Dr Ewing: We should also send a copy of the report to George Reid, who raised the issue originally in Parliament.

The Convener: To be fair, George Reid has also played an outstanding role.

Dorothy-Grace Elder: Absolutely. George Reid scaled a mountain before I, or anyone else, came on the scene.

Phil Gallie: To add what is perhaps a humorous point, if Dorothy-Grace Elder can manage to produce such a report on a matter that is outside her own patch, thank goodness that we did not ask her to do a report on cow burners in Castlemilk.

The Convener: Perhaps she should be appointed as a reporter to the next Public Petitions Committee to carry out such investigations.

Dorothy-Grace Elder: I always get the glamorous stuff.

The Convener: We still have two items on the agenda, but I suggest that we take a two-minute comfort break—it has been a long morning.

12:18

Meeting suspended.

12:25

On resuming—

Alcohol and Drug Misuse (PE531)

The Convener: I bring the committee back to order and move on to consider other current petitions. The first is PE531, from Mr and Mrs Robinson, which concerns alcohol and drug misuse. The committee considered the petition on 24 September and agreed to write to the Scottish Executive and to Perth and Kinross Council to ask for their responses to the petition and the points that the petitioners raised. We have now received a response from both the Executive and the council.

It appears from the Executive response that much work is being done to address any gaps in services for people who suffer from alcohol and drug dependency, and to improve existing services. The response states that progress is being made on the Executive's "Plan for Action on alcohol problems" and its drugs strategy, which are backed by increased funding. However, it also makes the point that local services should decide how best to address local circumstances and needs. That said, the Executive will continue to work closely with alcohol action teams and drug action teams throughout Scotland to introduce new and improved services.

Perth and Kinross Council's view is that progress is being made on developing its local services, and that the process has been assisted by the availability of additional funding from the Executive.

Although the responses appear to be reasonably positive, when the petitioner spoke to the committee, he was particularly critical of the effectiveness of support services. As a result, it is suggested that he should be invited to comment on the information that is provided in the responses. It could also be suggested to the petitioner that—as is mentioned in the Executive's response—the petitioner should liaise with the Executive on his specific concerns about the accessibility of public information.

Are members agreed?

Dr Ewing: On a point of order, convener. I know that, even if we all agree to the suggested action, it is still read out for the benefit of the *Official Report*. However, if we are all in agreement and the official reporters have the text of the suggested action in front of them, we could simply say that the committee agrees with the suggested action in the cover note from the words "Suggested action" to the end. That would save the time it takes to read out the text of all the suggested actions. We often did something like that in Westminster committees.

The Convener: It has been suggested to me that members of the public—as well as the official report—need to hear what is being said. After all, some petitioners might be watching on the internet and will not have the papers in front of them. As a result, reading out the suggested action helps them to make sense of the proceedings. I know that it takes up time, but it is necessary so that people can understand what is going on. Anyway, given that I speak so quickly, I do not think that it makes much difference.

Do members agree the suggested action on PE531?

Members indicated agreement.

Doctors (Court Reports) (PE534)

The Convener: The next petition is PE534, from Mr Duncan Shields on behalf of Fathers Fighting Injustice and the International Men's Organisation, which concerns doctors' reports in court actions. Mr Shields submitted an earlier petition—PE532—on the same issue and was unhappy when the committee decided to take no action on it. He then submitted PE534, which we considered on 3 December. We agreed to ask the Executive for its response to the petition; we have now received that.

Petition PE534 raises concerns about flawed medical reports in courts. It is alleged that the true cause of death in cases of suicide is often concealed in order to cover up circumstances in which court rulings that have prevented fathers from having contact with their children have

contributed to the death. However, the Executive makes it clear that it has not investigated the purported link between litigation and family break-ups, and the increase in male suicide. However, the Executive document, "A National Strategy and Action Plan to Prevent Suicide in Scotland" acknowledges divorce as one of many risks that are related to suicide or attempted suicide. The Executive will establish a research programme to improve the quality, collection and availability of information on suicide and suicidal behaviour. It will also promote early and effective interventions and responses to suicidal behaviour. In the light of the Shipman inquiry, the Executive intends in the near future to amend legislation to require general practitioners to report the death of any patient that occurs on surgery premises.

That response appears to be reasonable and addresses in general terms some of the petitioner's concerns. It is suggested that we agree to take no further action on the petition.

Members indicated agreement.

Further Education (Funding) (PE552)

12:30

The Convener: The next petition for consideration is PE552 from Marion Fellows, on the subject of further education and, in particular, the current financial crisis at West Lothian College. When the petition was submitted, up to 13 staff at the college were facing redundancy.

We sought the Executive's comments on the petition; its detailed response is included in members' papers. The Executive has made it clear that, far from reneging on the commitment to support West Lothian College's private finance initiative costs, the Scottish Further Education Funding Council has revised its funding arrangements to ensure that that commitment is met. Those revised arrangements have resulted in the college's funding being boosted to cover the projected 2005-06 activity levels four years early—by 2001-02. It is claimed that the college's current financial difficulties do not stem from any perceived failure to honour the commitment that SFEFC made.

Both the Executive and the funding council have made it clear that, although they acknowledge that many colleges are experiencing financial deficits, high priority is being given to achieving financial security throughout the further education sector. Significant additional funding—most recently an additional package of £26 million—has been allocated to the sector to assist in that process. The point is made that, although colleges can enrol as many students as they wish, the funding council can fund only student activity that is in line with its funding agreements with individual

colleges. It is for individual college boards to manage that process.

The Executive suggests that one factor that has contributed to West Lothian College's financial problems is the difficulty that the college has experienced in managing its student numbers. It appears that 20 per cent more students have been admitted than were originally allowed for in the college's agreement with the funding council.

It appears that the appropriate action is being taken to address the general issues that the petition raises. The more specific local concerns that prompted the petition—the possibility of staff redundancies at West Lothian College—are a matter for the college's board. It is likely that in the new parliamentary session the successor committee to the Enterprise and Lifelong Learning Committee will conduct a review of the recommendations that were made in the report on its inquiry into lifelong learning, which referred to FE sector funding. For that reason, it is suggested that we agree to take no further action on the petition and that we pass copies of the responses to the petitioners and to the clerk to the Enterprise and Lifelong Learning Committee for information.

Members indicated agreement.

Further Education (Funding) (PE561)

The Convener: The next petition for consideration is from Mrs Mary Beck and relates to the review of the Scottish Further Education Council's revenue funding formula as it affects Hawick. At our meeting in November we agreed to ask the Scottish Executive, the Scottish Further Education Funding Council and Borders College to respond to the petition. All have now done so.

I draw members' attention to the fact that, since the papers were issued, an additional response has been received from Borders College. In that response, the college provides details of meetings that senior staff have had with the Hawick lobby group and other groups of stakeholders, including the new way officers group and the stakeholders consultation group.

The college explains that the proposed rationalisation of its accommodation stems mainly from the requirement for the college to overturn its significant operating deficit within a time frame that has been agreed with the funding council, and to maintain that situation into the future. The college has provided a full explanation of why it has decided to centralise on a single site at Galashiels and why it considers that that will allow it to take a more modern and cost-effective approach to the delivery of further education in the Borders. The college intends to submit to the funding council in March 2003 a full business case that will address the college's long-term property needs. However,

that is dependent on the success of an application for funding under the European objective 2 programme, a decision on which is expected shortly.

The funding council has explained that the college cannot assume that any application for capital grant that it makes will be granted. Any application will be assessed carefully in terms of priority, value for money, strategic fit with the FE network and affordability.

The petition was prompted by local concern about the Borders College proposals. Clearly, the funding council will scrutinise and assess those concerns properly in the context of a full business case. It would not be appropriate for the Parliament to interfere in that process. It is also suggested that the issues that have been raised do not appear to justify a more general review of the revenue funding formula for further education colleges in rural Scotland. It is noted that, as a result of dialogue via the college's stakeholders consultation group, the petitioners have presented the college with a list of options that they would like to have considered as part of the business case. Those options are currently being examined.

It is recommended that we agree to take no further action on the petition and that the petitioners be advised to continue to pursue their concerns locally with the college. It is also recommended that we pass copies of the responses to the Enterprise and Lifelong Learning Committee for information.

Members indicated agreement.

A96 Improvements (Elgin Bypass) (PE558)

The Convener: PE558, from Pauline Taylor on improvements to the A96, was considered at a meeting of the committee in November. We agreed to request the views of the Executive and Moray Council, which have now been received. The Moray Council study on the Elgin bypass will be completed later this month. In view of that news, it is suggested that there would be little point in taking any further action until the study has been completed and the Executive has responded to it. It is therefore recommended that we agree to defer further consideration of the petition until early in the new parliamentary session and that we ask both the Executive and Moray Council to keep the clerks fully informed of any developments in the interim. We might also agree to pass copies of the responses to the Transport and the Environment Committee—for information only, at this stage.

Dr Ewing: It depends on how many years it would take, I suppose.

The Convener: I know that it does, but we cannot proceed until the study is published.

Wind Farms (North Argyll) (PE493)

Renewable Energy Programme (Strategic Environmental Assessments) (PE559)

Wind Farms (National Strategy) (PE564)

The Convener: The next item is PE493 from Miss Marilyn Henderson on behalf of Avich and Kilchrenan community council. Members will recall that we wanted a reply about VisitScotland's research project on the impact of wind farms on tourism. There are also two other petitions about wind farms, from John B P Hodgson on wind farm development in Scotland, and from Mr W R Graham on a national strategy for wind farms.

We have received responses from VisitScotland, the Scottish Executive and the Scottish renewables forum. Obviously, what they say is very different from what the petitioners say. The Scottish Executive has provided a fairly robust defence of its policy on renewable energy projects. Both the Executive and the Scottish renewables forum are of the view that the current planning guidance relating to renewables development is up to date and adequate. The point is made that Scottish targets for renewable energy and planning policy are mutually supportive, with the planning system making positive provision for renewable energy developments while simultaneously ensuring effective development control. The value of a strategic environmental assessment of Scotland's renewable energy programme is also questioned, on the basis that impacts of projects are always site specific rather than general. The forum notes that developers are working proactively with Scottish Natural Heritage and others to discuss projects at an early inception stage, so that the impact can be minimised. It urges the Parliament to support that approach and trusts that good practice, training and support can be developed on renewable developments to ensure that they are properly planned and constructed and that impacts are minimised.

The Executive refutes many of the claims made by the petitioners as to the limited value of renewable energy projects, and their claims that it is exerting undue pressure on planning authorities to approve developments in order to meet renewable targets.

In relation to PE493, VisitScotland states that its research shows that a quarter of visitors say that they will not return to an area in which they feel a wind farm has been insensitively sited, and where it detracts from the scenery that has been a major reason for their visit. VisitScotland therefore believes that there should be a presumption against development within or on the periphery of areas carrying landscape or environmental designations. In other areas, planning policy should aim to avoid saturation development in the

countryside. It is suggested that members may wish to consider whether the concerns raised in the petitions, balanced against the responses received, justify further consideration by the Parliament.

Basically, the Executive is saying that there is no need for a strategic approach to the development of wind farms, because it is always site specific. The petitioners hold that that is not the case and that there should be a general policy or strategic overview on this matter. It is up to us to decide whether to pass this matter on to another committee for consideration after the election, or to end it here.

Phil Gallie: I find it strange that the Executive should suggest that it is exerting no pressure and that no strategic policy is needed, given that it has set the most remarkable targets for renewable energy. On that basis, parliamentarians should not let go of this matter. The petition should be passed on to the relevant committee. I am not sure which committee that would be, but this matter should certainly be passed on.

The Convener: Okay. However, it has been drawn to my attention that one of the petitioners numbers among wind farm protesters who will stand as candidates in the election to the Scottish Parliament on this issue.

Phil Gallie: That is nothing to do with us, but we should be concerned with the Executive's response, which is that the Executive has a policy that it must push through. I find that response somewhat surprising.

The Convener: Is it agreed that we pass the petition to the relevant committee in the new session, as it is too late to do so in the current session?

Members indicated agreement.

Domestic Abuse (Support) (PE560)

The Convener: PE560, from Ms Claire Houghton on behalf of Scottish Women's Aid, is about the protection of children and young people who suffer from abuse. As members will recall, we sought the views of the Scottish Executive and the cross-party group in the Scottish Parliament on men's violence against women and children. We have now received both responses, which go into some detail.

The Executive states that it already provides funding for the 11 local women's aid groups that currently have no children's workers in order to enable the groups to provide support for the children in those refuges until March 2004. Beyond that date, a strategic approach to the funding of children's support services will be put in place that will involve a variety of partners. Several

children's work projects are currently funded by the domestic abuse service development fund. The Executive is also taking steps to ensure a greater level of co-ordination at strategic level across Executive departments in dealing with the issue.

The cross-party group welcomes the Executive's plan to extend funding to ensure that there are more children's workers available in all local authority areas but is concerned that the money is not new money and represents only short-term funding.

The choice before us is whether we think that the Executive's response is reasonable, given the fact that it claims to be addressing the problem through short-term funding and arrangements for longer-term funding beyond March 2004, or whether we think that the petitioners' views on the Executive's response should be sought. We may want to do that in view of the cross-party group's concerns about the nature of the proposed funding. If we were to do so, we could ask the petitioners to comment with a view to dealing with their comments when the new committee is formed after the election.

Helen Eadie: We should go with option (b).

The Convener: Okay, we will ask the petitioners for their comments on the Executive's response. The petition will appear again in the new session.

Phil Gallie: The subject matter of the petition is children and young people who suffer from abuse. Yesterday, a report was published about the plight of children in the care of unfortunate individuals who have fallen under the curse of drugs. Neglect and abuse perhaps go hand in hand, so is there any way of widening the issue? Somewhere along the line, we need to consider the effect of parents who are drug abusers bringing up young children.

The Convener: We need to deal with the petition that has been presented to us. It would be for the subject committee to decide whether, on the back of the petition, it wanted to broaden out its consideration into other areas. At this stage, we will seek the petitioners' response to the Executive response. Whoever is on the committee after the election can reconsider what to do with the petition at that time.

Bus Services (Regulation) (PE420)

Rural Bus Services (PE567)

Bus Services (Re-regulation) (PE569)

The Convener: We have been dealing with PE420, from Councillor Sam Campbell on the re-regulation of bus services, for some time. The petition has been linked to two further petitions: PE567, from Mr Rab Amos on public bus services,

and PE569, from Mr William David Johnstone Cox on the re-regulation of bus services. The petitions from Sam Campbell and Rab Amos deal with Midlothian, but Mr Cox's petition deals with the Borders, and in particular with the closures that have taken place in Peebles and Kelso.

From the responses that we have received from the Scottish Executive and from Scottish Borders Council, it is clear that there is a big disagreement. The Executive is clearly satisfied that the provisions of the Transport (Scotland) Act 2001 for quality contracts and quality partnerships allow local authorities an adequate framework within which they can take forward their local transport strategies and revitalise Scotland's bus services. The Executive considers that re-regulation would offer no additional benefits that cannot be provided under the existing legislative framework.

The petitioners who submitted PE420 and PE567, along with Midlothian Council, are of a contrary view. They feel that, although the legislation is helpful, it does not go far enough. Both Midlothian Council and Lothian Buses plc are of the opinion that neither re-regulation nor the implementation of quality contract schemes would address the fundamental problem, which is that councils do not have the money or the resources to subsidise non-profitable bus services in rural communities.

In response to PE569, Scottish Borders Council offers no comment on the new legislative framework but indicates that it does not agree that the current bus service provision is damaging to the economic and social fabric of the Borders. Bus depot closures in the Borders appear to be a purely commercial matter.

We can take two positions on the matter. We could agree with the Executive that the provisions of the Transport (Scotland) Act 2001, which include the quality contract and quality partnership approach, are the right way forward and should be given time to bed in. If members are of that view, they could agree to take no further action on all three petitions. On the other hand, we could agree with the petitioners that the petitions present an opportunity for the relevant provisions of the 2001 act to be reviewed by the successor to the Transport and the Environment Committee in the new session, to determine whether they are effective in practice. If members are of that view, they could agree to refer the petitions to the Transport and the Environment Committee in the new session.

12:45

Helen Eadie: I do not think that there is any harm in suggesting that legislation should be reviewed as time moves on. Indeed, by the time

that any committee got round to doing so, the legislation would have had time to bed in. As a result, I recommend that we refer the petition to the Transport and the Environment Committee, which will probably not get round to the work before the end of the year. I ask members to support that approach.

Phil Gallie: I take an opposing view on the matter. We in this new Scottish Parliament have gone to a lot of time and effort to examine the content of and pass a whole raft of bills. Although I recognise that the way in which we consider our legislation is somewhat deficient, and that at times legislative scrutiny is not of the highest standard, I think that reviewing the 2001 act—on a major issue that the Executive must have considered—so shortly after its implementation simply demeans the Parliament. Therefore, I feel that we should choose the first of the suggested actions.

The Convener: Actually, the second option in the recommendation suggests that we would first consult the Transport and the Environment Committee and find out whether it would be prepared to accept the petitions as a means of reviewing the Transport (Scotland) Act 2001. If it said no at that stage, we could decide that there is no point in going forward with the petitions and the matter would stop there. If we choose the second option, the Transport and the Environment Committee will at least be approached in the new session and asked whether it is prepared to consider the petitions as part of the review of the 2001 act.

Phil Gallie: I am feeling awkward today, convener. It is an absolute nonsense to pull back a bill that we have just put through Parliament on such a major issue. If we had been talking about a minor tweaking, that would be fair enough. However, the petitioners are seeking a major change. If the Executive and the ruling parties have not considered the issues before they put together a bill that we vote for—or, indeed, vote against—they have not done their job. I am prepared to accept that, on this occasion, the Executive has done its job, has considered all aspects and has put through the bill in good faith.

Helen Eadie: With respect, I think that we must accept that there are many local authorities and individuals out there. I have just had a major public meeting in my constituency on the issue of bus services and will have another one next week. In some areas, the services work very well, but in others, they are not serving the communities' needs. If that is happening because resources are not available, we must revisit the matter. However, that does not mean that we need to revisit the entire act. For example, after receiving representations from doctors, Malcolm Chisholm is revisiting an aspect of one of the bills that he put through Parliament.

No one in the Scottish Executive would claim that all its bills are perfect; there is always scope to do better than we are doing at the moment. We are not doing well enough in the area in question, and people are suffering as a result. As the people from Midlothian and the Scottish Borders pointed out, although many people like to use bus services, they are unable to access them. I can tell the committee for a fact that bus services are an issue in my area; indeed, wherever I have gone in the past few months, I have heard nothing but complaints about bus services across my constituency. The system is not working and we must ensure that people are better served by buses.

The Convener: For Phil Gallie's benefit, I should point out that the second option under discussion does not suggest that there should be a review of the entire Transport (Scotland) Act 2001. Instead, it suggests there should be a review of the sections of the act that deal with subsidies for rail and bus services.

Phil Gallie: It goes further than that. It pushes us along the lines of re-regulation, which I am sure the Scottish Executive considered. The situation with respect to doctors that Helen Eadie mentioned is entirely different in that a specific, unforeseen flaw has been identified in the legislation in question. Such a minor tweaking could bring major improvements. However, these petitions deal with the philosophy behind and a major aspect of the 2001 act that the Executive should have considered during its passage through Parliament. If the Executive failed to address the issue at the time, it might bring into question the authenticity of the 2001 act itself.

Helen Eadie: The information from Midlothian Council and Lothian Buses supports your point to some extent. It concerns neither re-regulation nor the implementation of quality contract schemes, but resources. We want to encourage the public to travel by bus, because it is great for all of us that they do that. If resources are not provided, some who want to travel by bus cannot access buses. We must ask for the reasons for that and review the situation. There is nothing wrong with reviewing and revisiting a bit of a policy that is not working. That is all that we ask for; we do not ask for the entire act to be reviewed. Clarification is needed. Many people are hurting because we cannot help them with the provision of buses.

The Convener: If we cannot reach a resolution, we can have a vote.

Phil Gallie: Is it not part of the remit of the councils that are involved to provide the services that people in their area require? At present, any one of those councils could adopt the policy that the petitioners seek, but if the issue is resources, to which Helen Eadie referred, that is a matter for

the Parliament. If councils require those changes, the Executive must ensure that it can fund them. We should not look to legislative change in such circumstances, because we have the powers already.

The Convener: Legislative change is not being suggested. Option (b) in our briefing papers suggests that we defer consideration of the petitions until the new session, when the new Transport and the Environment Committee will be asked whether it would be prepared to examine subsidies for rural bus services, which are at the heart of the petitions. We are not asking for a new transport act or for re-regulation.

Dr Ewing: I suggest that we take a vote and get rid of the matter.

Phil Gallie: If the Transport and the Environment Committee receives the petitions, what will it consider? Will it consider the allocation of resources? If we are talking about resources, should we not send the petitions to the Finance Committee?

The Convener: Could we approach the Transport and the Environment Committee first in the new session? We will make no steadfast decision. The question is whether we should keep the petitions going. If we have a vote, I suspect that Phil Gallie will lose.

Phil Gallie: I do not mind. How I feel is on the record and I will not press the matter to a vote.

The Convener: Do we agree to option (b) and to refer the petitions to the Transport and the Environment Committee in the next session to find out whether it is interested in taking the issues up? We will draw Phil Gallie's concerns to that committee's attention.

Members indicated agreement.

Borders Railway (Stow Station) (PE570)

The Convener: PE570 is from Mr W J L Jamieson and is about the need to take urgent steps to ensure that towns and villages in the Scottish Borders, such as Stow, are properly served by the proposed Borders railway. We agreed to take up the petition with the Waverley railway partnership, which will sponsor a private bill in Parliament to establish the new Borders railway.

The partnership has replied that it has clear and valid reasons for the decision not to include Stow in the proposals, not least of which is that including it might jeopardise the perception of the line's viability and make much harder the case for reinstating passenger links for the larger population of the central Borders. It is suggested that we agree to defer consideration of the petition

until the partnership has introduced the private bill. At that time, the committee could decide whether to refer the petition to the Transport and the Environment Committee's successor for further examination, because it will deal with the bill.

Phil Gallie: Why not send the petition to that committee now?

The Convener: That committee will not have time to deal with the petition and the committee will be different when the private bill is introduced.

Phil Gallie: We are sending PE420, PE567 and PE569 to the present committee.

The Convener: No—we will send them to the new Transport and the Environment Committee. There is no point in sending PE570 to that committee now, because nothing will be done between now and the end of the month.

Phil Gallie: Okay.

Complementary Medicine (PE571)

The Convener: PE571 is from Mrs Ethne Brown and is about the implementation of complementary alternative medicine. I declare an interest, as my wife runs a national health service homeopathic clinic in Dundee. We wrote to ask the Executive and the British Medical Association for their responses to the petition. We have also received letters from Dennis Canavan MSP and from the General Osteopathic Council in support of the petition.

The Executive again stresses the need for NHS boards to decide how best to deploy their resources to meet the health care needs of their local populations. It says that it would be inappropriate to introduce legislation to remove NHS board discretion over the provision of complementary alternative medicine. The Executive also highlights that it is funding four current projects and one research fellowship on complementary medicine.

The BMA stresses that the efficacy of complementary medicine must be determined to justify any action that will be taken to introduce a comprehensive provision policy or to implement compulsory training as part of the medical curriculum.

Although it is unlikely that the Executive will move from its firm position on the discretion that NHS boards take in allocating their resources, it is suggested that the committee agree to put the petition on hold until after the election. In the meantime, the clerks will monitor the progress of the Executive's current research projects. As the Executive suggested in its response, the committee may also wish to write to the General Medical Council seeking its comments on the

issues that were raised in the petition. Is that agreed?

Members indicated agreement.

Adults with Incapacity (Scotland) Act 2000 (PE573)

The Convener: The final current petition from Dr J Beatson calls for an amendment to the Adults with Incapacity (Scotland) Act 2000. In particular it calls for the removal of the assessment and certification work requirements that have been placed on general practitioners.

The committee agreed to write to the Scottish Executive and the BMA's Scottish general practitioners committee. Responses from both have been received, and it appears from the Executive's response that it recognises the difficulties that general practitioners have in complying with the provisions in part 5 of the 2000 act. The Executive plans to consult on proposals for changes to the code of conduct as well as on amendments to the act itself, including those that the BMA suggested.

It is suggested that the committee agree to put the petition on hold until after the election. In the meantime, the clerks will monitor the progress of the Executive's consultation. Following the election, the new Public Petitions Committee may decide to ask the successor to the Health and Community Care Committee whether it wants to continue considering those petitions.

Phil Gallie: I welcome the Executive's stand on the matter. I also welcome that it is considering implementing necessary change and wants to proceed as swiftly as possible. Such progress may make it unnecessary to remit the petition to the Health and Community Care Committee.

Convener's Report

The Convener: Before the committee goes into private session to consider witnesses' expenses, I would like to remind members that there is an additional meeting of the Public Petitions Committee on Tuesday 18 March. On Tuesday 25 March, the German public petitions committee will visit us. There will be a meeting with that committee in the afternoon, and there is an optional buffet lunch to which all members are cordially invited. I hope that as many members as possible will come along.

Dr Ewing: Is the meeting of 25 March in the morning or in the afternoon?

The Convener: The session is in the morning, but there will be a separate meeting in the afternoon. There is also an informal dinner in the evening with the German public petitions committee. Again, I ask all members to be there if possible.

Members may remember the petition about the Scottish Transport Group pension fund surplus. The committee wrote to Ruth Kelly, the Financial Secretary to the Treasury, to ask whether she would meet the Scottish Bus Group Pensioners Action Committee and their representative. The committee has now received a letter saying that she is not prepared to meet them, either in Edinburgh or anywhere else. That result will form the basis of a report to next Tuesday's meeting. In the meantime, that report and a copy of the letter will be circulated to the committee and to all MSPs who have shown an interest in the matter.

12:58

Meeting continued in private until 12:58.

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