

PUBLIC PETITIONS COMMITTEE

Wednesday 26 November 2003
(*Morning*)

Session 2

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PUBLIC PETITIONS COMMITTEE

8th Meeting 2003, Session 2

CONVENER

*Michael McMahon (Hamilton North and Bellshill) (Lab)

DEPUTY CONVENER

*John Scott (Ayr) (Con)

COMMITTEE MEMBERS

*Jackie Baillie (Dumbarton) (Lab)

*Helen Eadie (Dunfermline East) (Lab)

*Linda Fabiani (Central Scotland) (SNP)

Carolyn Leckie (Central Scotland) (SSP)

*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

*Mike Watson (Glasgow Cathcart) (Lab)

*Ms Sandra White (Glasgow) (SNP)

COMMITTEE SUBSTITUTES

*Frances Curran (West of Scotland) (SSP)

Susan Deacon (Edinburgh East and Musselburgh) (Lab)

Phil Gallie (South of Scotland) (Con)

Mr Rob Gibson (Highlands and Islands)

*attended

THE FOLLOWING ALSO ATTENDED:

Stewart Stevenson (Banff and Buchan) (SNP)

Bill Welsh (Action Against Autism)

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Joanne Clinton

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Wednesday 26 November 2003

(Morning)

[THE CONVENER *opened the meeting at 10:03*]

New Petitions

The Convener (Michael McMahon): Good morning colleagues and welcome to the eighth meeting this session of the Public Petitions Committee. We have, as ever, a busy schedule this morning. I reiterate the comments that I made to members earlier: we want to give everyone an equal opportunity to have their petitions heard, so I ask members to bear in mind the time. We try to allow everyone equal time and if we overdo scrutiny of some petitions, we do not leave enough time for proper scrutiny of others. It would be useful if we could retain our focus on all the petitions.

Childhood Vaccines (PE676)

The Convener: The first petition this morning is PE676, on childhood vaccination programmes. The petition, which is in the name of Bill Welsh, on behalf of Action Against Autism, calls on the Parliament to urge the Executive to inform all relevant health care professionals involved in childhood vaccination programmes in Scotland that parents can opt for the mercury-free vaccine Infanrix for the immunisation of children against diphtheria, tetanus and pertussis. Mr Welsh is here to give a brief presentation.

Bill Welsh (Action Against Autism): Good morning. I am the chair of Action Against Autism, which is a children's charity. The story behind the petition is that in 1999 the United States Government started to remove childhood vaccines that contained mercury—I use the word mercury rather than thimerosal—because of parental pressure about the number of children who were being diagnosed not just with autism but with many neurological problems, as is happening in the United Kingdom, Canada, Australia and New Zealand. It took the US Government two years to remove those vaccines, and other childhood vaccines were manufactured that did not contain thimerosal to replace those that contained the mercury. There was a free exchange system: the new vaccines, with the mercury removed, were put on the shelves and the ones that contained thimerosal were removed freely. There was no

admission that mercury in the vaccines was in any way connected with neurological problems, but the suggestion was made that there was a suspicion that it might be.

About three years ago, I raised the issue with Susan Deacon, the then Minister for Health and Community Care. She said, "We are phasing out the use of mercury in childhood vaccines in the UK." I raised the issue again this year with Malcolm Chisholm and he said, "We are phasing out the use of mercury in childhood vaccines in the UK." Nothing has changed.

I had Nicola Sturgeon raise the issue in the Scottish Parliament. We are continuing to use this known neurotoxin in childhood vaccines. We are injecting mercury into the bloodstream of eight-week old babies—a procedure that has been banned in most other developed countries. The response from the Scottish Executive was that mercury is contained only in the DTP vaccine, which is given at two, three and four months—it is given to children three times—and that an alternative vaccine called Infanrix, which does not contain mercury, is available to parents if they wish it. Therefore, parents who are informed and who ask their doctors can have Infanrix.

I have provided members with a copy of the *Official Report* of the debate held on 6 February 2003, and it is pretty clear to me from letters in the newspapers that Infanrix should be available. However, the experience of parents trying to access Infanrix has been awful. Just last week, the immunisation co-ordinator for South Lanarkshire said that there was no way he would give Infanrix to parents who asked for it. He did not think that the Scottish Parliament had that sort of jurisdiction over a medical procedure. That is parents' experience, and it is driving a wedge between parents and doctors.

The deputy chief medical officer wrote to every doctor in Scotland and told them not that Infanrix was available but that there was no scientific proof that the use of mercury in childhood vaccines was causing neurological problems in children. He did not quote the debate and he did not send out the message, which should have been sent out, that if parents choose Infanrix, they should have it. The way to resolve the issue—I am an advertising man so advertising comes into this—is to advertise to parents and professionals the fact that the Scottish Executive has decided that a choice should be available should parents request it. That is the basis of my petition.

Linda Fabiani (Central Scotland) (SNP): I sympathise with your cause, because I have been dealing with somebody, who I think was in South Lanarkshire, whose doctor was completely of the opinion that you outlined. That person was told,

"You don't know what you're talking about; you can't have this."

I am totally behind what you are trying to achieve. My only worry is about how far we can go to make people aware. We talk about raising awareness, but what do we really mean by that? A full-blown advertising campaign would be needed to get the message across effectively, rather than just asking doctors to be more open about matters and to clarify the situation by putting posters up here and there in childcare centres. If you were given free rein, what would you like to happen, apart from banning the injections with mercury, which I do not think is likely to happen?

Bill Welsh: I have been advised that I cannot ask for that through the Scottish Parliament. Perhaps it is not a devolved issue.

Frankly, I think that ordinary general practitioners are victims in this case and a letter should go to GPs telling them that the Infanrix vaccine, which has been licensed for children of two, three and four months, should be made available to parents if it is requested. Just that simple step would resolve the situation.

At present, my charity is being contacted by parents who say that they are being refused that vaccine. When I give the parent a copy of the *Official Report* of the debate and they give it to their doctor, the doctor often says that they did not know and the parent will get the vaccine. Even a simple letter from the deputy chief medical officer to all GPs saying that the vaccine should be made available if parents request it might resolve the situation.

Linda Fabiani: I am bothered by the "on request" idea. If that letter says that the vaccine should be available only on request, some doctors might not impart the information. How do we make sure that parents are knowledgeable about the subject, so that they will make that request?

Bill Welsh: The world is getting smaller and the internet is telling many parents about the problems with vaccination programmes that are being experienced throughout the world. A simple leaflet pinned up in surgeries would be enough. There is plenty of information in doctors' surgeries and another simple leaflet would help. However, I am not an expert in that matter.

John Scott (Ayr) (Con): You said that the letter to GPs from the deputy chief medical officer had not made doctors aware of the existence of the alternative vaccine. Why did he not do that? I appreciate that that point is speculative.

Bill Welsh: It is speculative. I deal with such issues all the time and I do not think that the medical hierarchy respects the Scottish Parliament. It believes that it is in charge of things

medical and it does not like interference. I have met Dr Andrew Fraser, the deputy chief medical officer, and I think that he is a very astute man who is also a very good politician. I have to be careful with my phraseology here but, perhaps by omission, he managed to cultivate a situation in which his view—and not that of the Scottish Executive—was presented.

John Scott: Is it a matter of cost?

Bill Welsh: Yes, cost comes into it, although I believe that that would be denied. The Infanrix vaccine is double the cost of the normal DTP vaccine. It costs approximately £10 more and if each child is given that vaccine three times, that is £30 more per child. We are talking about 50,000 to 60,000 children per year, so the cost is almost £2 million more. Cost definitely comes into it.

Ms Sandra White (Glasgow) (SNP): I was concerned when I read your submission and the debate on—I will call it mercury because some politicians did not know how to use the terminology. The issue was first raised in 2000 and then, in February 2003, it was said that a vaccine without the mercury was available.

During the February 2003 debate, Frank McAveety said that the Executive was going to monitor what was happening. I certainly have not seen any figures that show that it has been doing so. He also said that parents were being given a choice, but you are saying they are not. Your submission mentions that you have further evidence; perhaps you could give me that evidence in your answer. The Executive also said that cost is not a factor, and whooping cough has been mentioned.

I know that I am asking you several questions. You have already answered the question about cost, saying that the mercury-free vaccine will cost more, but the Executive said that the vaccine that contains mercury is more effective and that it has a longer shelf life. Could that be the reason why doctors say that they will not give the injection that does not contain mercury? Do you believe that the GPs should ask the chief medical officer about parental choice? When a parent goes to their GP, surely they should be offered a choice of vaccine. Rather than have an advertising campaign or posters, would that not go a longer way towards alleviating parents' fears?

Bill Welsh: Doctors have to know that there is a choice, because at the moment they do not know that. In my experience, when a doctor eventually contacts the deputy chief medical officer for advice on this matter, he is told that the parents have a choice. We should be able to circumvent that and tell all doctors that a choice is available.

You are going to have to start at the beginning again, because you asked me so many questions.

10:15

Ms White: Sorry. You covered costs, but what about whooping cough?

Bill Welsh: It is said that, according to research, the DPT vaccine, which contains mercury, is more effective against whooping cough than is Infanrix, which is why doctors suggest that they do not want to recommend a vaccine that is less effective. However, the truth of the matter is that mercury is not going to make any difference to the effectiveness of a vaccine. It is a preservative that increases the shelf life—as you put it—of the vaccine, but it does not increase its effectiveness against any disease. It is up to the manufacturers to produce vaccines that are both safe and effective. That is not an issue for parents.

Frances Curran (West of Scotland) (SSP): My question is not specifically about the petition. I have a child who has not had the measles, mumps and rubella vaccine. Information is very important. The first thing that I do—and I think this is the same for a lot of parents—when there is a debate is that I use the internet to get a wide range of information. Why do you think that thimerosal has not been phased out? At the moment, the petition puts the onus on the parent to ask, rather than on the authorities to phase out the vaccine that contains thimerosal.

Bill Welsh: We are moving into an area—that of why the vaccine has not been phased out—that is outwith my petition. We have been looking at the role of vaccination and the number of children who are being diagnosed with neurological problems in the UK. The number of kids in Scotland, England and Ireland with mild to severe neurological problems has more than doubled in the past 10 years. A similar situation is occurring in many other parts of the world. We have to ask what is common to the children of Hawaii, Alaska and Edinburgh. The one thing that is common is vaccination programmes.

That work is all parent driven. We started to examine the safety and role of vaccinations because the medical hierarchy seemed totally unwilling to do so. It has a blind belief system as far as vaccinations are concerned. Let me give members a few examples. This year alone, we found out that the wrong haemophilus influenzae type B vaccine had been injected into every Scottish child, and that all Scottish children have to be revaccinated with the correct HIB vaccine. We found out that there is porcine gelatin—that is, from pigs—in the MMR vaccine that has been injected into Muslim and Jewish kids against their religion. We are finding out that mercury is still being injected and that it is not being phased out from earlier vaccines.

I am a businessman and people who do such things would not survive in my industry. There seems to be a cavalier attitude that vaccination is the greatest thing since sliced bread; however, I do not think that it is.

Why is mercury not being phased out in the UK? I have asked that question of the Committee on Safety of Medicines, the Joint Committee on Vaccination and Immunisation, and the Medicines Control Agency. Frankly, they have not given any reasonable or plausible answers. They do not see the use of a neurotoxin in childhood vaccines as a danger, therefore they have no sense of urgency to remove it. They keep exonerating themselves by quoting the World Health Organisation, which states that there is no proof that using mercury in childhood vaccines causes damage. However, there is no proof because nobody has looked for it; nobody has carried out the appropriate research to find out if this neurotoxin is causing damage.

I am sorry if I am drifting away from the point raised by Frances Curran. Mercury was introduced in childhood vaccines in 1934 and autism was identified as a new condition in 1943. I know that that is just a correlation, but it is such that it demands that somebody investigate whether there is any connection between the two. There was increased use of mercury in 1990 in America, and the United Kingdom has the most aggressive use of mercury in vaccines for children under four months old. The increased use, and the increasingly early use, of such vaccines have coincided with a massive rise in autism and neurological problems in children. I do not know why the use of mercury has not been phased out—it is a national scandal that it has not.

The Convener: Do members have recommendations on how we should proceed with the petition?

Linda Fabiani: I think that the petition is straightforward and sensible. We should write to the Executive to point out that the guidance that it has rightly given is probably not being followed in the spirit that was intended. We should ask the Executive to demand that those who can make a difference are a bit more proactive about doing so. We should use the petition's terms—or stronger ones, if possible—to express that.

Frances Curran: Would it be within the committee's remit to raise the issue about phasing out the use of mercury?

The Convener: That issue is not raised in the petition. The petition asks us to take specific action and we must decide whether or not to do so.

Frances Curran: Okay. I just wanted to clarify that.

John Scott: Would it make sense to suggest to the Executive that, in the meantime, it makes doctors and, indeed, parents more aware that an alternative vaccine is available?

The Convener: Yes, the committee could include that view in its comments to the Executive. We would expect the reply to relate to Linda Fabiani's comment about how information gets into the public domain, but there would be no harm in our saying that we would like the Executive to be proactive about ensuring that the information is publicly available. Are members happy with that?

Members indicated agreement.

The Convener: Unfortunately, the petitioner who was due to speak next has not yet arrived. With members' permission, we will hold PE677 in abeyance until the petitioner is here.

Listed Buildings (PE662 and PE678)

The Convener: I suggest that we take the next petitions together, as they are both from Mr David Wilson and relate to the same issue. PE662 is about disputes that relate to applications for listed building consent and PE678 is about the preservation of listed buildings, with particular regard to listed building consent for demolition. The petitions are detailed and, with members' permission, I will provide some of that detail for the record, as it is important that as much information as possible is placed in the public domain.

The petitioner's main objective appears to be the restoration of Museum Hall at Bridge of Allan, which is in the process of being sold to a developer by Stirling Council, following a Court of Session ruling that granted permission for that disposal.

PE662 calls on the Parliament to urge the Executive to employ the services of an independent reporter to adjudicate in disputes that relate to applications for listed building consent. The petitioner claims that Historic Scotland gave a commitment to take into account public opinion in the event of any application for listed building consent, when in fact the decision on the redevelopment of Museum Hall had already been made.

The petitioner argues that Historic Scotland and the Executive would inevitably have shown bias in any subsequent application for listed building consent and that there is therefore a need to appoint an independent reporter to adjudicate in disputes relating to such applications. The additional papers provided by Mr Wilson this morning include a letter from Historic Scotland, which refutes his claims and assures him that, should an application for listed building consent be made for works to the hall

"all representations will be ... taken fully into account when a decision is being made whether the application should be called-in for determination by Ministers rather than the Council."

Historic Scotland makes it clear that any decision on the matter is "certainly not ... predetermined."

Petition PE678 calls on the Parliament to urge the Executive to honour published Government policy in respect of the preservation of listed buildings with particular regard to listed building consent for demolition. The petitioner refers to the opinion of the Court of Session on an application by Stirling Council for approval to dispose of Museum Hall, which was held as common-good land. He claims that the court decided that the hall, a grade B, band 1 listed building, has insufficient heritage value to attract lottery funding and suggests that that would mean that no building in the UK in the same category would be eligible for such funding. However, nowhere in the opinion does Lord Penrose specifically mention that the hall has insufficient heritage value to attract lottery funding, as the petitioner suggests.

Lord Penrose concluded:

"the structure of the Museum Hall has so deteriorated that its restoration cannot be justified in view of the total cost which would fall on the wider community, and I am satisfied that authority must be given for its disposal."

In addition, in the papers that have been handed out this morning, the petitioner has included a letter from the Heritage Lottery Fund that makes it clear that the Court of Session's opinion in no way prevents that organisation from funding buildings other than those that are listed at grade A. In that letter, the Heritage Lottery Fund confirms that it would consider any application for funding for Museum Hall and offers to provide Mr Wilson with an application pack. It is therefore clear that it is for Mr Wilson, Stirling Council or any developer to pursue the matter further. It is not the Parliament's role to interfere in individual listed building cases.

Do members have any comments on the petitions? Although the petitions ask for general actions to be taken in relation to the way in which such issues are dealt with, they are specific to one building. I wonder whether the committee would be stepping into territory into which it has so far made it clear that it does not want to step. We do not sit in judgment on the decisions of other bodies. There are procedures and processes that Mr Wilson can go through to raise his concerns over Museum Hall.

Linda Fabiani: I think that you are absolutely right. We spent a lot of time on previous petitions by the same petitioner, which are closely related to the same issue. I do not think that we can go any further with the petitions.

The Convener: Do members agree? We should make it clear why we take that view. It is not that we disagree in any way with what Mr Wilson says about the building in question; it is simply that it is not the Public Petitions Committee's role to sit in judgment on the decisions of any local authority or non-departmental public body that has the role of making, or the authority to make, such decisions.

Mike Watson (Glasgow Cathcart) (Lab): I broadly share that view, but I have only just had the chance to read through the papers from Mr Wilson that were on our desks when we came in this morning. I do not quite understand how Historic Scotland gets to the point that it reaches in the final paragraph of its letter of 17 November to Mr Wilson, because I understood that Stirling Council was on the point of disposing of the building. I do not know whether disposing of the hall means selling or demolishing it or something else. In the final paragraph, the director of Historic Scotland, Graeme Munro, says:

"I hope you can be persuaded to view recent events positively and constructively as steps towards promoting the retention and re-use of significant elements of the Hall."

That seems to be a more positive position than the one that I understood we were in when I read the papers prior to the meeting. The case might not be as black and white as Mr Wilson has suggested.

The Convener: The information that I have received is that one of the conditions is that part of the building be retained by any developer. In other words, some aspects of the building must be preserved.

Mike Watson: We understand that that is not enough for Mr Wilson, who wants the building to be preserved in its current state.

The Convener: That seems to be the case. I think that he wants it to be retained entirely for community use, but that is not a decision on which we can sit in judgment.

Mike Watson: No, we cannot do that.

The Convener: Do members agree that we should write back to the petitioner to advise him of our inability to sit in judgment on the decision in question and to tell him that the due processes are there for him to take advantage of?

Members indicated agreement.

Helen Eadie (Dunfermline East) (Lab): I support that. The petitioner is calling for a reporter to be introduced for cases that go to arbitration. From my experience of reporters, I would prefer the determination of such matters to be left in the hands of local government rather than handed over to a reporter in a central agency. I do not agree that it would be wise to go down that route. I support the view that the convener and other committee members have expressed.

The Convener: Is everyone happy with that?

Members indicated agreement.

HMP Peterhead (PE667 and PE675)

The Convener: We still do not have the petitioner to speak to PE677, so we will go on to PE667 and PE675. We will take them together, because they are fairly closely related. PE667 is about alleged discrimination against convicted sex offenders and PE675 deals with conditions at Her Majesty's Prison Peterhead. Stewart Stevenson has joined us this morning to speak to the petitions.

The very nature of the Public Petitions Committee means that some of the petitions that come before us raise media attention. That is fine and we should not complain about it. We should not shy away from issues that become the focus of media attention. That is not the purpose of the committee or of the Parliament. However, I am disappointed that two MSPs, Nicola Sturgeon and Margaret Mitchell, acting in their capacities as their parties' shadow spokespeople for justice, saw fit to respond to press coverage by suggesting what we should do with PE667 and PE675. It is not appropriate for any MSP, regardless of their role in their party, to instruct the Public Petitions Committee on what we should do before we sit down to deliberate the petitions that come before us. It was totally inappropriate for them to go to the media and make the comments that they did.

10:30

I would not tell any other committee what it should do, whether that be one of the justice committees or the Education Committee. I do not believe that it is right for members of those committees to instruct the Public Petitions Committee on what we should consider and what we should decide in respect of the petitions that come before us. Regardless of the source of petitions, if they are valid, they will be heard by the Public Petitions Committee. We will deliberate on them and make our decisions. Interference from MSPs from outside the committee is not welcome and I will not tolerate it.

Petition PE667, which was submitted in the name of Mr R Carruthers, calls on the Scottish Parliament to investigate alleged discrimination against convicted sex offenders who are held at HMP Peterhead. The petition was prompted by the petitioner's own experiences. He is 64 years old and claims that, even though he is medically unfit, he is being denied a transfer to an open or semi-open prison. The reason given is his refusal to undertake the sex offender treatment programme in 2000. He describes conditions at HMP Peterhead as Victorian and lists slopping out, no

power or television in the cells, continual cuts to the food budget and no pension for the elderly or disabled. He also argues that it is inappropriate for social workers to conduct risk assessments.

Petition PE675, which was submitted by Mr Robert Moffat, calls on the Parliament to investigate the suitability of Peterhead prison for the long-term imprisonment of convicted sex offenders. Again, the petition draws on the petitioner's experience as a prisoner and raises similar concerns about poor conditions at the prison. Mr Moffat also says that prisoners are being refused transfers to other prisons and that they are bullied to undertake prison programmes with threats of the refusal of parole. Mr Moffat further suggests that only 24 of the 300 prisoners at Peterhead are enrolled on the STOP programme. Members might wish to note that Mr Moffat claims in PE675 that he was told that he would be severely dealt with if he approached other prisoners to ask them to sign his petition for the closure of Peterhead prison.

In 2002, Her Majesty's chief inspector of prisons reported that the conditions in which some prisoners were being held at Peterhead were among the worst in Scotland. By 2003, the situation had not improved. Indeed, there was an increase in the number of prisoners who double up in cells that are suitable for only one prisoner. Furthermore, due to limited availability, most prisoners are not undertaking the STOP programme. Given that Peterhead is the main prison in Scotland that deals with long-term sex offenders, opportunities for transfers to mainstream prisons in the central belt are limited.

Members are reminded that the committee is unable to become involved in the individual cases of the two petitioners. However, their evidence, together with the conclusions of the most recent report by Her Majesty's inspectorate of prisons for Scotland, suggests that there may be a need to consider some of the general issues that are raised in petitions PE667 and PE675.

As no member of the committee has any comment to make on the petitions, I invite Stewart Stevenson to speak to them.

Stewart Stevenson (Banff and Buchan)

(SNP): For the avoidance of doubt, I will split my remarks into two parts. I will preface them by saying that, although I have had communication with these prisoners, as I have with many others on many other aspects of the running of the prison, I am not before the committee at their request. My objective in being here today is to inform the committee and supplement what is before you so that you are able to make the decisions that are rightly and properly yours to make.

First, the two prisoners make the point that slopping out continues and that there is no power in the cells. They state that the location of the prison discriminates against prisoners from the central belt. They raise the refusal of requests to transfer and the lack of protection for prisoners in the prison. They also make reference to multiple occupancy of the cells. They mention prisoners being blackmailed into taking part in the STOP programme and other programmes—there is a wide range of programmes in the prison. They say that they want to choose the communities into which they are released. They make various comments about social workers, particularly in relation to top-end prisoners who are heading for release. Finally, they express their general concerns about the parole system.

I will now move to my observations. The prison was built in 1888—it is certainly a Victorian prison. The physical structure remains sound but, clearly, it does not have the facilities that we would want to have in a prison that is suitable for the 21st century. Like other prisons, Peterhead's role is to protect society from offenders by implementing the sentence of the court. Most critically, however, it is also supposed to reduce the risk of reoffending by prisoners following their release. It is fairly well recognised that Peterhead plays a substantial role in achieving that in relation to sex offenders. Of course, it is a prison within which only long-term sex offenders—those with sentences of more than four years—are incarcerated.

The Scottish Prison Service has just commenced a £1 million programme to put power in the cells. That will take a year to achieve. During that year, conditions will worsen in many ways, because cells will have to be taken out of commission and doubling up will therefore increase. It might be that a committee of the Parliament will want to consider that.

Until recently, there was no doubling up in the prison. However, there is increasing pressure on the Prison Service in relation to sex offenders. It is worth pointing out that it is believed that, in France, more than half of prisoners have a sex offending element to the offence for which they are incarcerated whereas, in Scotland, the figure is under 10 per cent. However, the number of sexual assaults in Scotland has risen by something like 50 per cent in the past 10 years. The problem is increasing.

On matters of fact, one of the petitions makes the point that 95 per cent of prisoners in Peterhead are from the central belt. That is not the case; they are from all over Scotland and the proportion from the central belt is substantially lower than 95 per cent, although it is the majority. Members should consider that many of the sexual offences have been committed against members

of the offenders' own families and that families often desire the removal of the offender from the immediate area.

Finally, I will deal with the point that is made about my colleague Mr Salmond and an agreement that was achieved with the Prison Service on the discharge of prisoners. Prisoners are returned to the communities from which they came, which means that the community in Peterhead takes back those offenders who come from Peterhead but does not end up with a disproportionate share of such offenders, which might happen if they were all discharged into Peterhead. Wherever the prison is, that measure is an essential part of ensuring that the facility is accepted in the local community.

I am clear that the petitions have some merit and I continue to campaign for the building of a new facility in Peterhead as that will be necessary to deliver the facilities that are required for any prison in the long term. The key test, however, is whether Peterhead, in its current state, can deliver public safety through its programmes. It has some difficulties in that regard, but it does extremely well.

Incidentally, there is one matter that I have so far failed to address. Given the fact that prisoners are at Peterhead for a very long time, the number of them who are doing programmes at any one point is comparatively low. However, over the period of their sentence, very nearly half the prisoners will do serious programmes to address offending. The two prisoners in question are both from B hall, which contains the prisoners who do not wish to acknowledge their crimes and who therefore do not wish to address their offending behaviour by participating in programmes. I hope that that background information will help the committee in its deliberations. I will be happy to answer any questions that I am capable of answering.

Jackie Baillie (Dumbarton) (Lab): You seem to be aware of the percentages for where prisoners are from. Could you give us an indication of those?

Stewart Stevenson: I would dearly love to but, unfortunately, I could not locate the relevant bit of paper this morning. I will pass that information to the committee later. A breakdown of where prisoners have come from by local authority area is available.

Jackie Baillie: Would it be accurate to say that the majority of prisoners come from the central belt, but that that majority is not as high as 95 per cent?

Stewart Stevenson: That is correct.

John Scott: Much of what we have heard is not very relevant. What is absolutely relevant,

however, is the terms of the petitions. Despite the dreadful nature of the crimes that the prisoners have committed, the prison conditions, which are essentially medieval, are unacceptable. The petitions address the suggestion in the inspectorate's report that the conditions at Peterhead are among the worst in Scotland, and we should concentrate on that point. I am flabbergasted to learn that there is no electric power and no night sanitation in the cells. We really need to invite the Executive to look into that.

Stewart Stevenson: If I may clarify, there is electric lighting in the cells, but there are no 13 amp sockets to power radios, televisions and so on. However, the Executive and the SPS are undertaking a programme that will deliver that facility within about 12 months from now. That particular provision is in course.

Mike Watson: This is not really a question for Stewart Stevenson, although I would welcome any comments that he has to make in response. The two petitions before us deal with different things. In PE667, Mr Carruthers refers to discrimination against convicted sex offenders. Our briefing on the petition says:

"Her Majesty's Inspectorate of Prisons Report (2003) stated that most prisoners are not doing STOP due to the limited availability of the programme."

That is different from Mr Carruthers's point. He says that he does not want to do the programme, and I understand that individuals are allowed to opt out. If the programme was introduced because it seemed that it would be beneficial to offenders, I would be concerned about its limited availability, and I think that we should take up that point with the Executive. There is also the question of the coercive nature of programmes. Are prisoners freely able to decide whether to participate in the STOP programme? If they decide not to participate, are they discriminated against as a result?

In PE675, Mr Moffat asks for Peterhead prison to be closed, which is rather odd to see. He asks for prisoners to be moved to a new sex offenders unit in the central belt. I recall the campaign that was started when the Executive and the Prison Service announced that they wanted to do that. There was a huge local outcry and, ultimately, the Executive changed course and decided to retain Peterhead. If there was a proposal to build a sex offenders prison in the central belt, there would be even more outrage there than there was in Peterhead at the suggestion that that prison would close.

If there is a community that wants to keep a sex offenders prison in that community, that is positive. For that reason alone, the central-belt argument would fall. I do not think that the area that the majority of prisoners come from should be the

issue. As Stewart Stevenson said, the prisoners are from all over Scotland, and the important issue is what is done in the prison and the treatment that prisoners are offered there. Perhaps that point ought to be made in response to Mr Moffat. We need to get indications from the Executive of when the sort of changes that Stewart Stevenson mentioned—the provision of power points in cells—will be completed.

Stewart Stevenson might have hit on a related issue: what will happen when the cells are being modernised and the prisoners have to double up? That could have implications that should at least be thought about. There is potential for problems there. Peterhead has had trouble with prisoners in the past, although perhaps not in that block. Members will recall demonstrations, rooftop occupations and so on.

The Convener: I will take that as a recommendation that we write to the Executive and ask those questions.

Linda Fabiani: Mike Watson has covered most of what I was going to say, but I emphasise that I am shocked that the availability of the STOP programme is limited, because I was under the general and mistaken impression that, as Peterhead is a centre of excellence for such treatment, the programme was available to all prisoners apart from those who refuse for various reasons to go into it. I want to emphasise that to the Executive and ask for further information on that point.

10:45

The Convener: Is everyone happy with that? Mike Watson has recommended that we write to the Executive asking for a time scale for the improvements.

Ms White: I will not go over what Linda Fabiani and Mike Watson said—I was going to raise those points as well—but one of the other issues, which I think Mr Moffat raised, was that the prison authorities would deal with him severely if he asked any other prisoner to sign the petition. That issue is separate from what we have already mentioned, but could we ask whether there is any truth in it?

The Convener: Without any evidence to that effect, it is an allegation, and I wonder how we would be able to obtain any information, whomever we wrote to. I am not against the idea of asking the question, but the committee cannot ask a question about every allegation that comes before it. We were in the same situation a couple of weeks ago when we asked for information about allegations that could not be substantiated, and we must be careful not to set a precedent that, every time someone makes a claim to the

committee, we try to find out the substance of the claim. It is for petitioners to prove the substance of their claims before they make them to us.

Ms White: Yes, but it is a worry—

The Convener: It is a worry if it took place, Sandra, but what evidence is there that it happened?

Ms White: It is in the petition—it is there in black and white—so would the Prison Service not wish to reply to it?

The Convener: We could ask for a general comment on the allegation.

Linda Fabiani: I was going to suggest that. We could say that the allegation has been made to us and that the committee would be concerned if there was a culture of prisoners not being allowed to petition us—I was going to use the word “freely”. No matter where people reside, they have the right to petition the Parliament and should not be stopped, so we should make a general comment in our letter to the Executive.

The Convener: Is everyone happy with that?

Members indicated agreement.

Schoolchildren (Bullying) (PE668)

The Convener: Petition PE668, from Mr Frank Harvey, calls on the Parliament to take the necessary steps to protect children from being bullied by other children in Scottish schools. The petitioner believes that effective action to prevent bullying in schools has yet to be taken and highlights a number of recent cases in which it is believed that bullying led to schoolchildren committing suicide. He argues that every school should employ an extra janitor to patrol the playground and take care of the children; that children who are accused of bullying should be expelled from school until a complaint has been resolved; and that the police should be informed immediately if it is considered that a victim is in any danger. Mr Harvey has supplied additional papers that have been handed round.

As committee members will be aware, the Executive is taking a hard line on bullying in schools and has introduced a number of measures that are aimed at tackling it, including monitoring how local authorities are implementing the recommendations of the discipline task force's report on bullying and indiscipline and providing funding for the anti-bullying network, the Scottish schools ethos network and the ChildLine anti-bullying helpline.

The previous committee considered two petitions—PE81 and PE412—on bullying in schools and agreed to take no further action, on the basis that the Executive was tackling the

problem through a number of initiatives. Committee members will note that the petitioner has submitted a total of 55 petitions on a wide range of subjects, and, although there is no doubt that he is well intentioned in raising issues of concern, the majority of those petitions relate to high-profile issues that are already recognised and being addressed by the Parliament, the Executive or other public bodies.

Helen Eadie: I was interested in the petition when I read it. In fact, I have done some work on the matter in my constituency. It is true that the Executive has taken on a host of issues—anybody can look on the internet to see the extent of the work that it has undertaken—but one or two questions need to be put to it. How does Her Majesty's Inspectorate of Education monitor the work to deal with bullying in schools? In that monitoring, does the inspectorate examine schools' codes of practice and guidance notes to parents and pupils? In dealing with a local secondary school from which the parents of a child had moved their child because of bullying, I examined such documents, which showed me, the parents and my researcher insufficient evidence that matters had been taken on board satisfactorily. Those questions about monitoring by the inspectorate could reasonably be put to the Executive.

Jackie Baillie: I do not necessarily dissent from that view, but the petitioner does not ask us to ask those questions. I accept that the issue is serious, but it could be pursued in other general ways. I do not want to discourage petitions, but I am slightly concerned that this is the 55th petition from Mr Harvey. If we have taken no further action on two previous petitions because the Executive is taking the matter seriously, we need to be consistent and take no further action on this petition.

I do not want to discourage petitions, but I wonder whether we could have a word with Mr Harvey about focusing petitions not on general issues about which everybody shares legitimate concerns but on specific matters on which we might make progress. I do not know whether the clerks can do that or whether it is appropriate to write to him.

The Convener: Helen Eadie has asked us to do something and Jackie Baillie has made a suggestion.

Ms White: I take a similar view to Helen Eadie's, because we must monitor what is happening. The Executive has produced anti-bullying measures but, sometimes, they do not work. If Helen Eadie wants to press her view, I will support her. Obviously, her questions can be pursued in other ways. I am sure that she knows that she can write to the Executive. I leave the matter with her; if she wants to pursue it, I am more than happy to back her.

John Scott: I am with Helen Eadie on the issue. The question must be asked whether local authorities are implementing in schools the measures that the Executive has introduced. That has been an issue in my constituency and I would be happy if the Executive produced a response. Is HMIE checking on the matters that have been raised?

Linda Fabiani: I have sympathy with what Helen Eadie, Sandra White and John Scott said, but the reality is that we are the Public Petitions Committee. We have a petition from Mr Frank Harvey and we must decide what to do with it. He asks for an extra janitor for every school and the expulsion of children who are accused of bullying, even if not convicted—I know that that is the wrong word; I should have said "proven to have bullied". He also asks for the police to be informed immediately about a victim in danger. We have covered all those points before, so we should take no action on the petition.

We all have cases about bullying and we are all concerned about it, but such matters can be raised elsewhere in the Parliament. It is not for the committee to decide to raise issues of its own through this forum.

Mike Watson: I will focus on the three points that Mr Harvey makes in his petition. Two of them do not have merit, and the other suggestion would be followed anyway. The petition says that every school should employ an extra janitor to patrol the playground. Two schools in my constituency have more than 1,000 children. How can one janitor patrol the playground of such a school, or the corridors when children leave school? That is unrealistic.

The petition also says that children who are accused of bullying should be expelled from school until a complaint has been resolved. In this country, people are innocent until they are proved guilty and not the other way round. As for reporting a victim in danger to the police, any teacher or head teacher who was worth his or her salt would do that anyway.

I do not think, therefore, that the petition has merit. I am also concerned about the fact that Mr Harvey's letter, which is dated 12 September, quotes an incident about which he read in the *Scottish Daily Express* on 11 September. The petition seems to be a knee-jerk reaction, and I do not think that what he proposes has merit. For that reason alone, I do not think that the petition should go any further.

The Convener: I have sympathy with Helen Eadie's general concerns about bullying. We all share those concerns, but our specific job is to address what Mr Harvey is asking us to ask the Executive to do. We must focus on that.

Helen Eadie: I accept that it is unrealistic to ask for every school to have an extra janitor. That is not the way forward, and there are other issues that need to be addressed. I can ask my constituents who have had to take their child out of school and move them to another school to present their own petition to the Parliament, outlining their specific concerns. If they want to do that, that will be down to my constituents. I have already suggested that to them. The committee can then discuss the subject in that context. I am happy to accept the reservations that colleagues have expressed.

The Convener: Okay. I seek the committee's agreement to follow Jackie Baillie's suggestion to write to the petitioner, advising him that he must, in future, adhere to the guidance on petitions. We must encourage petitioners to follow the guidance on petitions, and I am not sure that, in submitting his 55 petitions, Mr Harvey has always done so. We can reassure him that we have attempted to address his concerns in other ways before—it is not that we are dismissing his right to petition the Parliament or his concerns. However, the committee has to act appropriately. We can also make the point that, although there is no doubting his good intentions in raising these issues, the majority of his petitions have related to high-profile issues that are already recognised by the Parliament and the Executive. We must highlight to Mr Harvey that we are not dismissing his concerns about the issue, but that the Parliament is already trying to do something about the issue. Is everyone happy with that?

Members indicated agreement.

Motor Neurone Disease (PE674)

The Convener: Petition PE674 is on funding of services for sufferers of motor neurone disease. It is the last of the new petitions that are before us and comes from Jan H van Atten, who is based in the Netherlands and is a member of the Scottish Motor Neurone Disease Association. The organisation informs and supports health and social care professionals who work with people who are affected by MND, and it raises awareness about and promotes research on the condition.

The petitioner calls on the Parliament to consider the funding of services for people who suffer from motor neurone disease in the context of the SMNDA's manifesto for the Scottish Parliament, which calls for increased funding for the overall care, treatment and support services that are provided by the national health service to those who suffer from MND. It also calls on the Parliament to ensure that the SMNDA can continue its valuable work.

The SMNDA manifesto calls for: a commitment

from Parliament to encourage NHS boards and trusts to work with the Scottish MND community in raising awareness, and to direct resources to services for those who are affected; a requirement that all health and social care staff who are involved in the care of people with MND undergo specific MND awareness training; and recognition by statutory authorities of the rapidly progressing nature of MND and the need to fast-track requests for services from people with MND.

Jackie Baillie: Given the nature of the petition, it is perfectly legitimate for us to write to the Executive and to seek its comments on how it intends to take action in those areas. It is ultimately down to NHS boards and trusts to decide how they operate and interface with the Scottish motor neurone disease community. Nevertheless, the Executive has a pivotal role and, as a first step, it would be useful if we wrote to find out what it is doing.

The Convener: Is that agreed?

Members indicated agreement.

Shop Workers (Safety) (PE677)

The Convener: I am advised that the petitioner cannot make it to the meeting after all, but that does not prevent us from considering the issues in PE677. The petition is about safer shopping partnerships and was introduced by Sir Bill Connor on behalf of the Union of Shop, Distributive and Allied Workers. The petitioners call on the Scottish Parliament to work in partnership with retailers, the police and local authorities to improve the safety of shop workers by promoting and resourcing safer shopping partnerships.

Mike Watson: I am perfectly happy to deal with the petition just now, although if Mr Connor has been delayed, perhaps we should delay consideration of the petition until another meeting. I see that he is based in Manchester.

11:00

The Convener: Apparently it is not that he cannot make it, but that he is not coming. We have discovered that only now. However, he is happy enough for the petition to be considered. The clerks were in touch with his office this morning to see whether he had been delayed, but apparently it is just that he will not be here.

As the petitioner is not here to give evidence, I should mention something about the papers that he has submitted. The petition is prompted by concern over the apparent recent increase in the number of incidents of violence and abuse against shop workers. The papers highlight statistics from 2001 that show that 31 per cent of Scottish shops have experienced at least one violent incident

against a shop worker. However, it is argued that the figures underestimate the scale of the problem because many incidents go unreported. The petitioner therefore requests that the Scottish Parliament

“work in partnership ... to improve the safety of shopworkers by promoting and resourcing Safer Shopping Partnerships”,

and that Parliament

“introduce a police Key Performance Indicator for retail crime to ensure that the police can give this growing problem the attention it deserves.”

USDAW launched its freedom from fear campaign in September 2003. Safer shopping partnerships are being promoted by the British Retail Consortium in co-operation with local authorities. It is reported that such partnerships have been successful in reducing violent retail crime in many shopping centres. Under the schemes, local retail businesses work with police and local authorities to share information about known troublemakers and to ensure that all shops have a decent standard of crime prevention.

Ms White: I should declare an interest—I used to be a shop steward with USDAW, although I have never met Sir Bill Connor.

We should consider the issue seriously, because it is a worry. I know that, in some areas in Glasgow, shops have what is called a panic button underneath one of the shelves. If workers are assaulted or there are problems, they immediately push the panic button and the police arrive fairly quickly. However, only some shops have that. I suggest that we write to the Executive to highlight the concerns that the petitioners have raised and to ask whether any detailed measures are being considered to prevent the continuation of such problems in shops.

Frances Curran: I agree with what has been said and I know that there has been a campaign on the issue. I have also met Bill Connor—or Sir Bill Connor. I have no problem with the first part of the petition, but can someone explain what is being called for in the second part? What does it mean concretely?

The Convener: I think that it is about the Scottish Executive getting behind the safer shopping campaign. The campaign is being promoted locally and the petitioners want to flag it up nationally.

Given that the Antisocial Behaviour (Scotland) Bill is going through Parliament, we could ask the Scottish Executive whether the campaign would fit with the bill’s antisocial behaviour strategies. I agree with Sandra White that we should ask the Executive what it will do, but we could also ask specifically whether the Executive sees any scope

within the Antisocial Behaviour (Scotland) Bill to deal with the issue.

John Scott: We could invite the Executive to consider the petition in its deliberations at the various stages of the bill. The Executive could then decide whether the issue was relevant.

Frances Curran: I am still not clear about the second part of the petition. If the Executive accepted what the petition asks for, would that mean that specific concrete measures would be introduced? There is no action point—it is almost as if the petition calls for a discussion. What does “police Key Performance Indicator” mean? Is there a resources issue? Would such a key performance indicator release resources for the police to address the problem? I do not have any problem with asking the Executive, but I am not clear about what we would be asking it to do.

Jackie Baillie: I think that the petition’s second point is essentially that, when something is measured, it is exposed and therefore given importance that might result in resources following thereafter. At the moment, the question is whether the problem is measured adequately and whether we understand its scope. Given that we are into evidence-based policy making, it is legitimate at least to measure the scope of the problem.

The Convener: Are members happy to ask those questions of the Executive?

Members indicated agreement.

Current Petitions

High Court (Appeals System) (PE617)

11:05

The Convener: The first current petition is PE617, by Mr James Crossan, which calls on the Parliament to take the necessary steps to establish a system of independent appeals against Crown decisions in the High Court. The petition is prompted by the petitioner's experiences: he is unable to appeal a High Court decision of not proven in relation to the murder of his son. The petitioner is particularly aggrieved that, in the original trial, the Crown Office failed to call the police, forensic experts or the petitioner—who was the only witness to the incident—to give evidence and that the jury heard only four hours of evidence before giving its verdict. The petitioner believes that victims' families should have the option to appeal against decisions of the Crown in murder trials.

Members may recall that we heard a presentation by the petitioner on 25 June and that we agreed to request comments from the Executive and the Crown Office, as well as to ask the petitioner to provide copies of correspondence between the Crown Office and Mr John McAllion, in his capacity as constituency MSP at the time of the case. In its response, the Executive states clearly that it does not support the call for a third-party system of appeals against decisions in the High Court, and that such a system would be inappropriate and unworkable. Both the Executive and the Crown Office have provided details of the role and development of the victim information and advice service. They are of the view that many of the issues that the petitioner raises have been addressed by the significant improvements that have been made in victim liaison as a result of the work of the VIA service.

The Executive also provides details of the forthcoming pilot victim statement scheme, which will give victims of certain crimes, and the victims' families in murder cases, the right to submit a written statement to the court that outlines the emotional, physical and financial impact that the crime has had on them. Do members have any views?

Helen Eadie: Should we ask the clerk to write to the petitioner to ask for his comments on the responses that we have received? We can consider his comments at a later meeting.

The Convener: The standard action when we receive reports from the Executive on specific cases seems to be that we ask petitioners for their views on the response; it would be wrong of us to

sit in judgment on the response without hearing the petitioner's views. Are members happy to contact the petitioner to ask for his views on the responses?

Members indicated agreement.

Violence (PE621)

The Convener: The second current petition is PE621, by Christopher Yorkston, which calls on the Parliament to urge the Executive to address the violence that affects Scotland by providing violence-intervention programmes and anger-management courses to anyone who feels that such a course would improve their quality of life. The petitioner believes that the Executive should promote actively intervention in all types of violence and aggression that exist in Scotland, but particularly domestic, social, racial, sectarian and international violence, which he claims are increasing. The petitioner would like such programmes to be available to anyone who requests them, not only to offenders and psychiatric patients.

We considered the petition on 3 September and agreed to write to the Executive to ask for its views, and for details about promotion of violence-intervention programmes and anger-management courses. The Executive has provided details of the range of anger-management services that are available through the health service, the voluntary sector or the Scottish Prison Service and has given details of its work with local authorities to create a positive ethos in schools and to tackle indiscipline. Anger-management services seem to be targeted at those who are identified as having a clear need for them. Such services are already stretched, although in an effort to address the situation steps are being taken to train clinical psychologists and other psychological therapists.

Do members have any comments on the petition or recommendations on what to do with it?

Ms White: We had great sympathy with the petitioner. The Executive's response appears to say that it has been rolling out anger-management programmes, which are unfortunately not preventive, but only once somebody has shown anger do they get on a programme. It all comes down to cost. I would like more preventive programmes, but I believe that the Executive is doing as much as it possibly can at the moment. We cannot take the petition any further because the money for anger-management programmes is limited. Perhaps individual MSPs should write to the Executive on the issue next year, but at the moment, we cannot take the petition any further.

The Convener: Do members agree with that?

Members indicated agreement.

Matrimonial Law (Women's Land Rights) (PE624)

The Convener: The third current petition is PE624, by Ann Mallaby, on a proposal for new legislation to protect women landowners. The petitioner calls on the Scottish Parliament to take the necessary steps to introduce into matrimonial law new legislation that would ensure that women landowners are not arbitrarily dispossessed by the courts, that spousal commercial matters are resolved in the commercial courts and that farming cases are heard by special judges. The petitioner is concerned that, when farming business partnerships are dissolved under matrimonial law, the divorce courts tend to favour the male farmer and to strip the female partner of the land, proprietary title and business assets against her will.

We heard a presentation from the petitioner on 25 June and agreed to write to the Executive requesting its views on the issues that are raised in the petition, with a particular request for confirmation of whether the problems that the petitioner highlighted could arise under Scots law. We also agreed to ask the European Parliament's Committee on Petitions for details of the outcome of its consideration of a related petition.

The Executive states that it is satisfied that current procedures do not discriminate against female partners when farming businesses are dissolved under matrimonial law in Scotland, and that the principle of equal sharing is applied in the courts. It explains that relevant matrimonial legislation is written in gender-neutral terms and provides details of the principles that guide the courts in making orders for financial provision on divorce.

Ms Mallaby's petition to the European Parliament is still being pursued, although the Committee on Petitions has established that there is no infringement of any EU legislation and that the only recourse for the petitioner would be through the courts on human rights grounds. However, the United Kingdom Government has been asked to respond to the issues that the petitioner has raised.

Members will recall that when the petitioner spoke to the Committee in June, she was unable to provide any evidence of the problem that she claims to have faced arising in Scotland; it appears that her concerns are based on the outcome of individual decisions in divorce actions in the English courts. Members will also note the additional material that she has supplied to the committee for consideration.

Do members have any views on the petition?

Linda Fabiani: You just summed the matter up. I remember that, when first we considered the

petition, we were concerned that no evidence had been given to us that the problem related to Scotland and that therefore we could not recommend anything. The Executive's answer also makes that point: it does not think that the problem would arise under Scots law, so I am not convinced that we can take the petition any further.

Jackie Baillie: I concur with that view. We need to consider the petition in terms of Scots law; the Executive is clear about whether the problem would arise, so I support Linda Fabiani.

Can I raise a side issue, convener?

The Convener: I will give you some leeway.

Jackie Baillie: Thank you. Among the papers in support of the petition that were circulated this morning, there is an interesting e-mail from Robbie the Pict, of whom the committee has experience. I find his reference to me to be inaccurate, offensive and actionable. I will pursue that separately, but I would have thought that papers should not be circulated if they contained clearly offensive and inaccurate comments.

The Convener: That is a fair comment. I had not picked up on that, although I have addressed such an issue previously. I am assured that the new guidance that we will discuss later this morning will make it clear that such comments are inappropriate and that the committee will not accept them. I take your point on board.

Do you have a view on what we should do with the petition?

Jackie Baillie: Yes, I expressed that view before I got on my high horse. I do not think that we can take any further action with the petition.

The Convener: Do members agree?

Members indicated agreement.

Solar Power (PE637)

The Convener: Petition PE637, which was submitted by J Russell Thomson, concerns the installation of solar panels on new buildings. The petitioner calls on the Scottish Parliament to amend planning and building regulations to ensure that all new buildings be fitted with sufficient solar panels to provide an adequate hot water system for the building.

The petitioner claims that an advanced form of solar panel, which is designed and developed for use in Scotland, produces electricity to run the system's pump in addition to heating water. The system involves less installation time and is more cost-effective than traditional methods. The petitioner restates the argument that he set out in PE267 that the installation of solar panels on all

new buildings could contribute to a reduction in the use of fossil fuels. It would encourage owners of existing properties to adopt solar panels and it would stimulate jobs in manufacturing, fitting, servicing and research and development.

11:15

We considered the petition on 3 September 2003 and agreed to write to the Executive. We asked for the Executive's view on the petition and whether it has plans to amend building regulations or the relevant guidance on planning, design and building to encourage the use of solar heating. The Executive's response has been circulated to members.

It appears that over the next few years, through implementation of the European Union directive on the energy performance of buildings, and through changes to building regulations to include requirements for renewable energy sources for buildings, the Executive will seek to encourage use of renewable technologies, including solar power. Grants are also available to householders and communities under the Scottish community and householder renewables initiative to assist with installation of renewable energy technologies, including solar heating systems.

Although those measures appear to be a step in the right direction, they do not go as far as the petitioner would like. He calls for a requirement that all new buildings be fitted with solar panels. Do members have suggestions as to how we should deal with PE637?

John Farquhar Munro (Ross, Skye and Inverness West) (LD): The current planning and building control regulations give sufficient safeguards that properties are built to appropriate standards. To impose a condition that properties have to incorporate solar panels would be to impose a condition too far. I suggest that we agree on the recommendation that is set out in the paper. It is sufficient that we cover requirements in this respect.

The Convener: Do members agree to that suggestion?

Members indicated agreement.

John Scott: Parliament had the opportunity to consider the subject last year with the passing of the Building (Scotland) Act 2003. No need was perceived at that time for the introduction of such a measure.

The Convener: The recommendation is that we take no action on the petition. Do members agree?

Members indicated agreement.

Water Fluoridation (PE649)

The Convener: Petition PE649 was submitted by Lois MacDonell on behalf of the Highland movement against water fluoridation. The petitioner calls on the Scottish Parliament to take the necessary steps to prohibit compulsory artificial water fluoridation of the public water supply in Scotland.

Petition PE649 is prompted by the petitioner's concern about the options that were considered by the Scottish Executive in its consultation on children's oral health in relation to adding artificial fluoride to the largest water supplies in Scotland. Since 1977, the Highland movement against water fluoridation has campaigned against water fluoridation on grounds of human rights, health risk and cost.

The Committee considered the petition on 1 October 2003 and agreed to write to the Scottish Executive. We asked when the Executive would be in a position to publish its response to the consultation on children's oral health. We also asked it to say whether it is likely to support proposals for water fluoridation.

The Executive informed us that the response to "Towards Better Oral Health: A Consultation Document on Children's Oral Health in Scotland" exceeded expectations. It received 1,346 submissions from individuals or organisations, more than 1,000 pre-printed anti-fluoride postcards, and petitions containing over 6,000 signatures.

The Executive explained that it has appointed an independent researcher to collate and analyse the responses. It expects to publish the report of that analysis, together with a statement of its future policy on the issue, before the end of the year. Until that time, its position on water fluoridation remains neutral. Do members have comments on the petition?

Linda Fabiani: People on both sides of the argument feel strongly—the number of responses bears that out. Until the Executive publishes the collation of responses and its plans, there is no merit in our doing anything further.

Mike Watson: Publication is likely to be very soon.

The Convener: Will we keep PE649 in abeyance until we receive the results of the consultation, or will we end the discussion now? Is this as far as PE649 can go, especially given that Parliament will have a debate on the subject?

Frances Curran: We are going to have a debate on the subject, petition or no petition.

The Convener: Is the right way to proceed to end consideration of the petition here?

Members indicated agreement.

Sub-post Offices (Review and Closure) (PE651)

The Convener: The next petition for consideration is PE651, from Fergus Ewing MSP, on the review and closure of sub-post offices. Fergus Ewing is calling on the Parliament to obtain from the Post Office information relating to the review and closure of sub-post offices. His petition was prompted by his concerns about proposals to close Culduthel branch post office. He argued that that was likely to disadvantage, in particular, senior citizens and those with restricted mobility who relied on the wide range of services that the post office provided. Since the submission of the petition, the post office has closed, but Fergus Ewing's general concerns relating to the process for the review and closure of post offices remain.

On 1 October 2003, we decided to write to the Post Office seeking confirmation of whether it would be willing to make available the information requested by Mr Ewing. A response has now been received. The Royal Mail provides details of the background to its network reinvention programme, together with details of the process that is followed in identifying potential closures, the consultation procedures that are followed when closure proposals are made and the impact that the programme has had in Scotland to date.

Fergus Ewing has provided the clerks with a response to the petition. He says:

"I thank Mr King for his response. However, the impression of my constituents many of whom complained about the closure of their PO was that the process of consultation had a pre-ordained conclusion. Mr King does not say how many POs in Scotland have applied under the scheme so far, nor whether, following the consultation ... any in Scotland were saved from closure. My understanding is that none have been saved and all closed.

Nor does he answer the criticism that the process adopted by the PO of providing for Postmasters or mistresses controlling the process may lead to large swathes of our towns and cities having no office at all.

I thank the committee for considering this petition which may well be of relevance to other MSPs and constituencies."

Do members have any comments?

Mike Watson: No member of the committee will not have had or be about to have a local post office closed. I certainly fall into that category. A number of issues concern me. Fergus Ewing's point is valid. I do not know of the reprieve of any post office as the result of a campaign. I have run two such campaigns in my constituency and am about to start another.

The six-week consultation period is also a matter of concern. Mr King says that the period has been extended from four weeks to six weeks,

but that is still not very long. Last week, it was announced that two post offices in my constituency would close—in a six-week period leading up to the end of December. We all know what happens in the second half of December, so there will not really be a six-week consultation period. That may be a special case, but there are still questions to be asked. The difficulty is that we must deal with the petition as it stands. I am not satisfied that the closure programme is being handled with sufficient sensitivity to local needs.

Helen Eadie: I concur with Mike Watson. Similar things have happened in my constituency. From dealing with both the Post Office and Postwatch, I have the impression that they hear what is said but do not really listen to what communities are saying. I am inclined to support Mike Watson's view but, like him, I am not sure how we continue the petition. However, we must consider how we interact further with the Post Office. There is continued unhappiness with the Post Office, which is not hearing what MSPs are saying. Perhaps we should write back to it and say that. Would it be appropriate for us to do so?

The Convener: I wonder whether it would. As Mike Watson said, every MSP must have some knowledge of a post office closing; there is certainly one closing in my constituency. However, the petition has highlighted the fact that the matter is reserved. Ultimately, responsibility for post offices lies with MPs. We can all support our colleagues in campaigns about post office closures, but can the committee do anything in respect of the strategy that the Royal Mail has adopted?

Ms White: The petition is relevant to Fergus Ewing's area, but it relates to the review and closure of sub-post offices generally, rather than to closures in a specific area. The petition is wide ranging.

Like Helen Eadie and other members, I have in my constituency instances of post offices being closed. About 20 post offices are being closed in the Glasgow area alone. Some of those are in areas of hardship and deprivation where elderly people live.

It seems to me and to my constituents that the consultation process is such that the Post Office's mind is made up before proposals go out to consultation. As far as I know, none of the post offices has been given a reprieve, even though the public want to keep them.

The matter might be reserved, but that does not prevent us from writing to the Post Office—it certainly has not prevented the Post Office from sending £1 million to the London Olympic bid while still shutting sub-post offices. That is an aside. We

should at least write to the Post Office asking what the criteria are for the closure of sub-post offices.

The Convener: That is what we did and we received a response. It is fair to say that Fergus Ewing is disappointed with the response, but I think that he is resigned to the fact that his post office closed and he has thanked the committee for taking up the petition. We have written to the Post Office, received a reply and had the information provided in relation to Fergus Ewing's petition—he has thanked us for taking up the matter on his behalf. What more can we do?

Helen Eadie: We should close the petition, but pass the information to our colleagues at Westminster, because they need to be informed about the disappointment felt throughout communities.

The Convener: To whom at Westminster would we send the information? Do we write to every MP? I really do not know what to do.

Helen Eadie: We could send the information to the chair of the appropriate committee. You and the clerk could identify which would be the appropriate committee. Committees at Westminster carry out inquiries into such matters, but I do not know where they are with their inquiries at the moment.

The Convener: I do not have any difficulty with doing that, if we can identify the appropriate committee.

Linda Fabiani: The petition is closed, but perhaps we should—if this is in our remit—write to the Post Office saying that we note its response and that, although the petition is closed, there is a general concern about how the organisation is going about things.

Frances Curran: There is the specific point that the Post Office will finish the programme 15 months earlier than anticipated. The question is why, given that the Post Office wants the consultation, it is so keen to close the post offices so quickly.

The Convener: We could write back to Mr King and send him a copy of the *Official Report* of our consideration of the petition. He would then be aware of the concerns that we are raising. Are members happy with that?

Members indicated agreement.

Scottish Society (PE654)

The Convener: Petition PE654, from Jeevan Lakhanpal, calls on the Scottish Parliament to debate and consider the development of a more caring society in Scotland. It is prompted by the petitioner's concern that society is becoming more individualistic and selfish, together with his desire

to see a return to a more caring, respectful, fair and friendly Scotland.

We considered the petition on 1 October and agreed to ask the Executive for its comments. The Executive has responded, confirming that many of its policies, as outlined in the partnership agreement, are targeted specifically at forging a sense of ownership, pride and belonging in communities and saying that it is of the view that such policies address many of the issues raised in the petition. The Executive explains that it is proposing a range of measures to deal with antisocial behaviour, on which it plans to legislate during the current session, including the Antisocial Behaviour etc (Scotland) Bill. The point is made that ministers agree with the petitioner that people in communities have an important role to play in preventing antisocial behaviour. The Executive's intention is to give communities the tools and confidence that they need to be able to do that.

Mention is also made of initiatives such as the "One Scotland. Many Cultures" campaign, which is aimed at tackling discrimination and intolerance. The Executive's policies are targeted at creating opportunities for people to integrate actively in their communities. Mention is also made of practical steps such as the free central heating and installation initiative and the Executive's role in supporting the voluntary sector in its work in helping to improve communities. Details are also provided of the role that community safety partnerships can play in changing attitudes, modifying behaviour, preventing crime and improving home, community and road safety.

On the petitioner's point about responsible citizenship, the Executive advises the committee that it is working with Learning and Teaching Scotland on education for citizenship. The aim of that initiative is to promote the idea that citizenship is about respect for and care of other people, the natural world and the environment. On family unity, the Executive states that it has a range of policies to support families with young children, particularly those who are vulnerable or deprived.

11:30

Jackie Baillie: I think that the Executive's response is comprehensive. We can be encouraged by the range of initiatives that are being undertaken and the work that is being done in the various policy areas and, therefore, I do not think that there is anything further that we need to do with the petition.

Mike Watson: I agree with Jackie Baillie. Can we send Mr Lakhanpal a copy of the Executive's letter?

The Convener: There would be no harm in that at all. He will receive that as a matter of course.

Council Tax (PE656)

The Convener: Petition PE656, from Sheila Gibb, deals with a proposal for a council tax dispute resolution process.

The petitioner calls on the Parliament to take the necessary steps to implement an appropriate dispute resolution process for council tax in Scotland, to investigate the service provided by the Scottish public services ombudsman and to initiate legislative change to ensure that no third party is able to intervene in the collection of council tax.

The petition is prompted by the petitioner's concern that there is no procedure, outwith the courts process, for resolving disputes relating to the levying and collection of council tax. The petitioner highlights her own experiences to illustrate the nature of her concerns.

The committee considered the petition on 1 October 2003 and agreed to write to the Executive requesting details of its position on the issues. From the Executive's response, it appears that the local valuation appeal committee in each local authority area can already deal with the majority of complaints and appeals about the collection of council tax. However, it seems that the various sorts of appeal that exist would not assist the petitioner as it was not the decision of the council that she should pay the council tax on the property that she was letting; rather, payment was deducted from her rental deposit by the letting agent.

The committee has already advised the petitioner to consider taking independent legal advice with a view to pursuing the matter with the letting agent in question.

Do members have any comments?

Jackie Baillie: Regretfully, the position is clear. A range of appeal mechanisms exist but, because of the particulars of this case, the suggestion that the petitioner should take independent legal advice is sound, as it was the letting agent, not the council, that made the decision. I do not think that we can do anything with this petition other than provide that advice to the petitioner.

The Convener: Does everyone agree with that?

Members indicated agreement.

Inadmissible Petition

Superfast Ferries (Scottish Jobs) (IP50)

11:32

The Convener: Petition IP50, from Norrie McVicar, calls on the Scottish Parliament to secure jobs for Scottish seafarers on the Superfast Ferries Rosyth to Zeebrugge route.

Mike Watson: The issue is important, but unfortunately there is nothing we can do about it.

The Convener: The issue is reserved to Westminster.

Mike Watson: Is there a mechanism by which we can pass such petitions to the appropriate committee at Westminster?

The Convener: I think that we can send the petition to the Minister for Transport, Nicol Stephen, and say that we cannot deal with the subject but would like to bring it to his attention.

Ms White: The issue is important. The problem is that the Scottish Parliament does not have full powers, which means that Mike Watson is right: there is nothing that we can do at the moment. I am not being facetious, but I think that it would be a travesty for the Scottish Parliament to turn around and say to the petitioner that we are sorry but there is nothing that we can do, even though Scottish people are subject to discrimination in relation to employment opportunities while citizens of other European states are not. We should send the petition to Westminster. We should alert the petitioner to the fact that he can raise the matter with his MP. We have to do something; we cannot just say that the petition is inadmissible and leave it at that.

I would be happy to support Mike Watson's proposal to send the petition to Westminster and to inform the Government that we have concerns on the matter.

Helen Eadie: Having been involved in securing the Superfast Ferries service for Rosyth, as one of the MSPs for the area, I am concerned when an issue such as this arises. I would be keen to send the petition not only to Alistair Darling, the Westminster Secretary of State for Transport, but to Gwyneth Dunwoody, the chair of the House of Commons Transport Committee. I keep an eye on that committee's website and know that, from time to time, it takes evidence in relation to various inquiries.

The Convener: That is a useful suggestion.

Jackie Baillie: There is no getting away from the fact that the petition is inadmissible. We have 72 MPs at Westminster and I suggest that Sandra

White makes use of them instead of indulging in fantasy politics. The Public Petitions Committee should live in the here and now.

I am delighted that Sandra White agrees with the suggestion that we should send the petition to Westminster, where it should rightly go. That is confirmation that she understands the political process.

Frances Curran: Can the Public Petitions Committee take a view on the petition?

The Convener: Yes, we can. Our view is that this is an important issue—

Frances Curran: Our mouth is zipped on it—

The Convener: That is not what was said, but we recognise that the matter is reserved. Whether members want that to be the case—and we can take it as a given that Sandra White does not approve of the status quo without her having to repeat that at every meeting—the reality is that the Public Petitions Committee can deal with only those matters that the Scottish Parliament can deal with. This is not one of those matters. We have expressed the view that, because it is an important issue, we will send the petition to the Transport Committee at Westminster, making that committee aware of our views on the issue. No one's mouth has been zipped and we have not torn up the constitution of Britain.

Are we agreed that the petition should go to the Transport Committee at Westminster? That is the only action that the committee can take, as the petition is inadmissible.

Members indicated agreement.

Convener's Report

11:35

The Convener: We have to get new, updated guidance on the submission of petitions into the public domain, which will take account of how matters have been progressing on the committee. The clerks provided me with a copy of the draft guidance, which I approved on Monday. Members should receive a copy of that guidance today if they have not received it already. We have a very tight time scale for getting the guidance published, and it should have been given out earlier. I ask members to read the guidance today, if possible, and to get back to the clerks by tomorrow with their approval or concerns over it. Given the time scale, if members do not get back to the clerks by tomorrow, we will take it that the guidance is approved. If members have any concerns about the content of the new guidance, they should raise them with the clerks by tomorrow, as they are working to a tight publication time scale. The guidance will be made available in a range of ethnic minority languages, which is an advance. It would be useful to have members' input before the guidance is published.

Helen Eadie: It is pleasing to hear that the guidance will be made available in ethnic minority languages—that is first class. It would be helpful to know in what way the guidance differs from the previous guidance. I do not know whether the clerks are able to tell us that now. That could perhaps have been flagged up in bold letters.

The Convener: Specifically, there will be guidance on e-petitioning and on our decision at last week's meeting to discuss petitions if the petitioner wishes to remain anonymous. The changes are all highlighted in the new guidance. If you have concerns about any of the new aspects, could you let the clerks know by tomorrow so that we have time to address them before the guidance goes for publication?

Mike Watson: I was going to ask about the changes, too, but they are highlighted—although I cannot see them. At our previous meeting, we also decided that we would discourage MSPs from becoming petitioners, although we cannot ban that.

The Convener: I do not think that we can do much about that. It would be up to the Procedures Committee to consider that.

Mike Watson: We could mention our decision, although perhaps the guidance is not the appropriate place for us to do that.

The Convener: I have written to the convener of the Procedures Committee, asking him to consider the issue so that it can be addressed.

The guidance also advises people that we are not a court of appeal. We want to discourage people from petitioning on decisions by local government or other organisations over which we have no authority. Although such petitions are submitted and are valid because the petitioners generalise, their motivation is to try to have a local decision overturned. When the supporting papers are submitted, it becomes apparent that the petitioners want us to consider a specific case.

In relation to the point that Jackie Baillie made earlier about published comments that are made about petitions, there is guidance on what would and would not be admissible.

The guidance is an update, with some changes, based on the committee's experiences. We are trying to adapt the information that the public have about how to get a petition brought before the committee to receive a fair hearing. If members do not notify the clerks of any concerns by tomorrow, we will take it that they approve the new guidance, so if members have any concerns, it is in their interests to let us know.

Members may recall a previous petition on behalf of the kirk session and the congregation of Riccarton parish church in Kilmarnock—PE620 from Mr Robert McWilliam. We have received a response from the Scottish Executive, which states:

"I have conveyed the Committee's recommendation to Historic Scotland that clear and accurate guidance be provided to applicants on levels of funding where grant-aided repair work is being undertaken in separate phases. I am advised that Historic Scotland has now amended its standard guidance for applicants to contain an explicit 'health warning' making it absolutely clear that levels of grant may be varied in the course of a phased scheme of repair ... Historic Scotland has also undertaken to give applicants as much notice as possible where it proposes to vary the level of grant."

That is a positive outcome on the specific points that the petitioner made. It is another tick in the box for the Public Petitions Committee, as we have seen some progress. It would be useful for us to let the petitioner know that we have received that response.

Linda Fabiani: Do you think that "Newsnight Scotland" will cover it?

The Convener: Do not hold your breath.

Mike Watson: There are journalists in the room. Perhaps they will pick that up.

The Convener: There is one other issue that I have to raise before I close the meeting. Steve Farrell, the man who sits next to me and keeps me right, has been the clerk to the Public Petitions Committee since the start, four years ago, but is leaving us as of today. He has done a tremendous job in helping me since I became the convener.

Steve is going to clerk the Equal Opportunities Committee and the Communities Committee, in what he sees as a promotion. As of next week, the clerk to the Public Petitions Committee will be Jim Johnston, who was previously the clerk to the Equal Opportunities Committee.

Linda Fabiani: Is he getting demoted?

The Convener: I will let the clerks debate who is getting promoted and demoted. All I want to say is thank you very much to Steve Farrell for all the work that he has done on behalf of the committee. He has been invaluable in helping me to settle into my role as convener. I am not sure that I have settled into it, but think how bad it would have been if Steve had not been sitting here. I thank him personally for all his help and wish him every success in clerking the other committees. I hope that he will enjoy it—I am sure that he will. I wish him good luck.

Helen Eadie: I echo everything that you have said. I am really very sad, too. I have been on the committee for the same amount of time, since it started in 1999, when we were all elected. I am sorry because this is the end of an era.

John Scott: I echo those sentiments. Steve Farrell has made an immense contribution to the quality of the committee. I am sure that that would be John McAllion's view, too. I served on the committee under John McAllion's convenership. The shape, structure and efficacy of the committee are, in no small measure, due to Steve Farrell's efforts. Well done.

The Convener: Does anyone else want to say anything?

Linda Fabiani: Good luck, Steve.

Ms White: This is the first committee that I was on and it was a learning process for us all. Steve Farrell was the clerk then and we all learned together. I am sure that he knows more about the Public Petitions Committee than any of its members, and he has kept us all right. I am sorry to see him go, but I wish him good luck in his new position.

Mike Watson: And so say all of us.

Jackie Baillie: If members miss him that much, they can always seek a free transfer to the Equal Opportunities Committee or the Communities Committee.

Frances Curran: The Equal Opportunities Committee is my normal committee, so I welcome Steve to it.

The Convener: Before we get any tears, I close the meeting.

Meeting closed at 11:45.

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