

PUBLIC PETITIONS COMMITTEE

Wednesday 21 January 2004
(*Morning*)

Session 2

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PUBLIC PETITIONS COMMITTEE

2nd Meeting 2004, 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 :

Ron Aikman
Scott Barrie (Dunfermline West) (Lab)
Bruce Fraser (Union of Shop, Distributive and Allied Workers)
Jim Greig
Fiona Hyslop (Lothians) (SNP)
Bristow Muldoon (Livingston) (Lab)
Sarah Ner (St Columba's High School)
Jeremy Purvis (Tweeddale, Etrick and Lauderdale) (LD)
Philip Sutherland
Keith Thomas (St Columba's High School)
Karen Whitefield (Airdrie and Shotts) (Lab)

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Joanne Clinton

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Wednesday 21 January 2004

(Morning)

[THE CONVENER *opened the meeting at 10:00*]

New Petitions

The Convener (Michael McMahon): Good morning, colleagues, and welcome to the second meeting of the Public Petitions Committee in 2004. We have received apologies from Sandra White; Carolyn Leckie has advised that she will be a bit late.

The petitioners for the first petition on the agenda are running late because of transport difficulties coming from Fife. With members' agreement, we will move to the next petition.

Minority Sports (Funding) (PE699)

The Convener: Petition PE699, in the name of Philip Sutherland, calls on the Parliament to review sportscotland's vision world class policy and to ensure the equal treatment of world-class athletes by sportscotland and the national lottery. Philip Sutherland, Jim Greig and Ron Aikman are here in support of the petition. They have three minutes in which to make a presentation; after that, we will ask questions.

Philip Sutherland: Good morning, ladies and gentlemen. I submitted the petition because I feel that sportscotland's policy has changed. I and others received talented athlete awards and met the criteria that sportscotland had set down, but the organisation has withdrawn such awards. I feel that there is no longer a level playing field. My sport of field archery will suffer, as will other small sports with small governing bodies.

Jim Greig: I have had the same problem with sportscotland as Philip Sutherland has had. The problem is mainly to do with communication—sportscotland has revamped its system and we have been allocated partnership managers. However, the new system is rather strange; it is a bit like a waltz in which everybody changes partners when the music stops. We are now on to our third partner, but we have been notified of that only by telephone conversation. Our initial partnership manager suddenly disappeared and got another job in sportscotland and we were given a second manager. Apparently, we are now to get a third one—we have a list of names of

people whom we have never met or dealt with. We find that confusing.

Phil Sutherland mentioned the talented athlete programme. On our side of archery, we not only equalled the criteria for that programme, we beat them and raised the levels higher. Archers went to a tournament abroad and came back to find that their TAP awards had been stopped in their absence without any notification. The money has been withdrawn, despite the fact that those archers have won a considerable number of gold, silver and bronze medals in world and European championships.

Ron Aikman: I was involved in establishing the matrix for the criteria that talented athletes had to achieve, which took a considerable amount of time and a lot of bother. The system was established around 1999, but since then the magical Olympics has taken over. For years, sportscotland's mantra was "sport for all". I wrote to your Minister for Tourism, Culture and Sport through Jeremy Purvis to ask when or if the Scottish Executive and members of the Scottish Parliament had decided to drop the idea of sport for all in favour of the idea of sport for all as long as it is an Olympic sport. With great skill, the minister answered two thirds of the letter and ignored that particular part; I asked Jeremy Purvis to go back and ask why it was ignored.

We did a lot of work on establishing the matrix, which was within 3 per cent of world championship winners or scores. That is a far tighter arrangement than any other section of the sport had achieved. We have looked at results from other places, and they would not qualify under any circumstances if they were sticking to a similar matrix.

The Convener: We are joined by Jeremy Purvis MSP and Fiona Hyslop MSP. Do you have anything to add in support of the petition?

Fiona Hyslop (Lothians) (SNP): Philip Sutherland first contacted me as a constituent and raised the issue of target archery. Since then, I have been contacted by a number of other Scottish, European and world champions in a number of sports including ice skating, karate and tug of war. The petition is not just about one particular sport; it raises the issue of how we support minority sports, particularly those that represent Scotland and achieve for Scotland. The issue that we are discussing is a window to a wider issue about how sportscotland has decided on the 10 sports that it plans to support financially.

Linda Fabiani (Central Scotland) (SNP): One quick question comes to mind. I see that a consultation document has been sent out by sportscotland, and that responses must be returned by the end of February. What input have

you had into that? Have the minority sports people been lobbied to respond to that consultation?

Philip Sutherland: We have not heard about it. As I said, communication between sportscotland and our governing body is rare.

Linda Fabiani: Does that go for Jim Greig as well?

Jim Greig: If the document exists it will have been passed on to our coaching director, whom we will contact and ask about that.

Linda Fabiani: So as sportsmen you are unaware of the consultation document.

Fiona Hyslop: One point that is striking is the general lack of communication. The consultation was a surprise to many of the people who contacted me and Philip Sutherland. They had not even been warned about it. Individual sportsmen and sportswomen have been treated quite shabbily; they had no idea that there had been a change, let alone a consultation, and all of a sudden they received notification that their funding was being withdrawn. That is another aspect to consider.

Helen Eadie (Dunfermline East) (Lab): Have there been any meetings with representatives from sportscotland?

Philip Sutherland: Since I submitted the petition, no.

Helen Eadie: How about prior to then? When was your last meeting with sportscotland?

Philip Sutherland: The last communication that I had—

Helen Eadie: Sorry, but when was your last meeting? Have you met sportscotland?

Philip Sutherland: Not in the past year.

Helen Eadie: Have any of the MSPs who represent you arranged meetings with sportscotland?

Ron Aikman: The last official meeting took place a year past January, when we were introduced to the new partner. As a result of the KPMG report, which was particularly scathing, sportscotland came up with a new system that was going to work wonders. There was a meeting in November and we were supposed to have a follow-up meeting with the new partner in January, but that never came about. Subsequently, we found that there had been a change of partner. We received nothing in writing. We discovered in a phone call to Jim Greig that someone else was handling us. In the document "Achieving Excellence", there is another name that we have never heard of—Fraser Walker, who is supposedly in charge of archery. I have not read the KPMG

report, but it was totally scathing about the administrative side. There has been no improvement whatever as far as the minority sports are concerned. If anything, the situation is even worse.

Mike Watson (Glasgow Cathcart) (Lab): In a previous incarnation as sports minister, I remember visiting the field archery group at Gilmorehill in March last year, just after they had returned from the world championships with a number of gold medals.

I had preliminary discussions with sportscotland then, but I was not able to follow those up because the Parliament elections took place soon afterwards. However, I remember that I was trying to get to the bottom of why field archery should be treated differently from target archery. The latter is an Olympic sport and the former is not. Before we deal with the issue of whether that should be the dividing line for sportscotland, can any of the witnesses tell me why that difference exists and whether there is a possibility of field archery becoming an Olympic sport?

Ron Aikman: The logistics of field archery preclude it from being included in the Olympics. Each field archery course needs about 20 acres of land and will take only 110 or 112 people. Target archery, for modern safety rules, needs an area that is a little bit bigger than a rugby field and can be done in a single field. Olympic archery is different from normal target archery, because target archers do not normally shoot on a knockout competition basis—that was introduced to cater for television coverage and to maintain interest for spectators. Therefore, Olympic target archery has adjusted its rules slightly to cater for televised coverage.

Mike Watson: Do any archers participate in both forms of the sport?

Ron Aikman: Yes.

Mike Watson: That includes members of your organisation.

Ron Aikman: Yes.

Mike Watson: So sportscotland might support one form of archery but not the other.

Ron Aikman: Yes. We expected the criteria for being considered a talented athlete to be based on a level playing field in terms of qualifications. Everything seems to have been removed from the websites. Information about records and people's current positions in world rankings have suddenly disappeared.

Mike Watson: That is worrying because there are opportunities for field archery, which has a recognised world championship. The criterion that is used to decide whether a sport should be

supported should be whether we can measure the success of Scottish sportsmen and sportswomen against those from other nations in an international setting.

I am concerned about the fact that sportscotland's consultation seems to be news to the petitioners. I would have thought that sportscotland would have sent the consultation document to the governing bodies of all sports in Scotland. If that has not happened, the consultation process is severely flawed. We should ask sportscotland why that has not happened. If certain sports have been missed out, I suggest that the consultation period should be lengthened to enable the participation of everyone who has not so far heard about the consultation.

Jackie Baillie (Dumbarton) (Lab): Executive consultations usually last for 12 weeks, whereas sportscotland's consultation will last for only about eight weeks. We should ask that the consultation period be extended, given the evident communication difficulties that have been outlined to us.

I want to play devil's advocate for a minute. People tell us that the amount that is available from the lottery is decreasing and that that leads to them prioritising what funding they give. If you were responsible for prioritising funding, what approach would you take? What is the difference between what you are suggesting and what sportscotland seems to be suggesting?

Ron Aikman: The biggest query over funding support is that we are advised, through newspapers and so on, that sportscotland is sitting on something like £13 million. That is nice. Sportscotland is chopping support to blokes who only get it to the tune of £2,000 or £3,000, while its latest statement is that it is keeping money for a rainy day—as far as minority sports are concerned, there is a deluge. I have been involved in national negotiations for my sport for 30-odd years and the situation has never been as bad as it is now. The previous sportscotland people dealt far better with more limited resources.

I do not accept the business of the lottery money coming down. That has made no difference to us whatever. The lottery money may go down to the projected £18 million—that is fine. However, the people at sportscotland are projecting for 148 world medals from Scots from 2003 to 2007. That does not seem like a good investment to me. Sportscotland's "Achieving Excellence" document realises that the world medal count for Scots during that period might hit 250. Sportscotland will claim credit for that, although it would mean that a further 102 medals had been won by people who sportscotland had not supported. There is something wrong with the system—or sportscotland's expectations are pathetic—if only

148 world medals are expected to be won by people whom sportscotland is pouring a lot of money into.

John Scott (Ayr) (Con): Is that a general picture? Have you been in touch with other minority sports? There is an issue about ice hockey in my constituency. I know that there is an inability to get adequate support from sportscotland for ice hockey, too.

10:15

Ron Aikman: We have nothing in writing, but we have spoken to people and we have become aware of the problem via the media. We heard about the problems in ice skating when someone told us about the brother and sister who were going to have to abandon Scotland because they had been dropped. They are not the first and they will probably not be the last. There has to be a better system.

Could the committee find out who designed the sport 21 criteria? As far as I am aware, there was no consultation on the criteria at grass-roots level. Some people in their ivory tower must have come up with their vision of what Scotland should be doing. Surely the Executive should try to be led by the wishes of the people. Surely that should be the case for sport.

I know that there is a limited amount of funds, but we are not asking for massive amounts of money. We would like far more efficiency in communication and a level playing field. If we have talented people, they should also be supported. They will give us the goods if we support them.

John Scott: Are you suggesting that the money should be used not necessarily just to create medal winners, but to support a wider social agenda?

Ron Aikman: Yes.

John Scott: I agree that that is necessary.

Ron Aikman: It is very dangerous for someone to think that their vision can create 148 medals. Where are they coming from? The centre at Stirling supports only around 137 athletes at the moment.

Jim Greig: It covers only 10 sports.

Ron Aikman: Yes, and yet it has had millions of pounds invested in it. In the value-for-money society in which we live, that does not look like value for money to me.

John Scott: So, you would rather see the money spread more thinly than see it concentrated on those 10 sports?

Ron Aikman: There is an awful lot of benefit to Scotland from all the smaller sports that will never get into the Olympics. Archery is a choice sport. If the United Kingdom bid wins, the next Olympic games will be held in London. If it does not, the games could go to another nation that might say, "We don't have many archers. We are not interested in archery." If that happens, archery could be dropped again, as it has been in the past. Archery was dropped for decades before it came back in Germany. As I said, it is not one of the sports that is chosen automatically; it is a sport of choice. We are being asked to revolve around a thing that might or might not happen.

The Convener: I will take points from Jeremy Purvis and Mike Watson before we discuss the recommendations for PE699.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I started to take an interest in the petition when the national championships were held in my constituency. My point follows on from those that were made by John Scott and Helen Eadie. Rather than ask for a meeting, I discussed the matter with the chief executive of sportscotland. The discussion was founded on the Executive's direction to sportscotland. The funding of large participative sports meets many other targets, especially those for health and fitness, instead of the focus being solely on sporting excellence for Scotland. A policy issue is involved in the subject of the petition.

I wrote to the convener of the Enterprise and Culture Committee asking whether his committee could look into the matter. I am happy to provide a copy of the correspondence if that would help your discussions. The convener did not feel that there was time in the Enterprise and Culture Committee's work schedule. However, the Public Petitions Committee might want to consider PE699 in the wider context of other sports.

Following on from what John Scott said about the impact on sports in local areas, I want to say that, although the national championships are small in comparison with a typical football game, they have an impact on rural areas. That is the case in my constituency, and it is one that will be shared with other members with rural constituencies. When small championships take place in rural areas, they have a disproportionately high impact in terms of tourism or the profile of an area. Mountain biking championships also take place in my constituency and they are the tourism flavour of the month, but without a consistent approach to how sports are treated and funded, we will not make progress. I thank the committee for the opportunity to speak.

Mike Watson: Mr Aikman talked about sport 21, which is a five-year strategy; its second phase started last year. The strategy was widely

consulted on. One issue is that the witnesses' organisation falls into a void, as it was not on the list of consultees. We should also make a point about minority sports.

Jeremy Purvis made an important comment about mountain biking. I know that the world mountain bike championships came to Fort William last year. They were successful and did much for tourism in that area, so a strategy covers that.

We must accept that it is important to promote sports that fall under the Scottish Institute of Sport's remit, which is separate from the community sport initiative—that is a separate part of sportscotland.

We need to ask sportscotland about the consultation, which seems to have been flawed. As Jackie Baillie said, rather than just having an idea of the consultation's outcome, we should ask for the process to be extended to ensure that sports whose organisations have not been consulted have an opportunity to be consulted. After that, we can return to sportscotland's response.

The Convener: What do members think of that recommendation?

Jackie Baillie: I support that recommendation. We should write not only to sportscotland, but to the minister, to raise concerns about the consultation's timescale and scope, because sportscotland is ultimately accountable to the minister. It would help the minister to know what is going on.

We need to touch on the wider issue of poor communication and the policy matter of realising more equitably the strand that is achieving excellence. In that context, we should ask whether a reserve of £13 million exists and, if so, what it is for.

Linda Fabiani: I am concerned about minority sport in general. I have learned a lot today, for which I thank the witnesses. I am worried that the thrust of sportscotland's work is an almost Soviet method of supporting just sports that will obtain us medals and world kudos. I am not a sporty person, but to me, sport is about inclusion, health and allowing people to participate at all levels, and not just about winning national glory.

I am interested that Jeremy Purvis has already written to the Enterprise and Culture Committee's convener. Perhaps that committee has a role, not on the petition's specifics, but on the wider issue of what we are trying to achieve in funding sport in general. I would like to leave that avenue open, but I agree with finding out more about the consultation issue, which seems strange. I would like the committee that deals with sport to be

aware of what we are doing, so that it has the opportunity to consider the wider issue.

John Scott: When we write to the minister, we should ask whether he is content with the strategy on minority sports that sportscotland is pursuing. Fiona Hyslop mentioned many such sports. I know about ice hockey and ice skating in my constituency. The social inclusion agenda is important, as is the obesity agenda. Is the money that sportscotland receives from the lottery being spent to the minister's satisfaction?

The Convener: Do we agree to write to sportscotland to ask how long the consultation lasted and what level of information it contained and to write to the minister to ask whether he is happy with sportscotland's consultation and overall agenda? We could wait for those responses before deciding whether to refer the petition to a committee, as Linda Fabiani suggested.

Linda Fabiani: We should avail ourselves of the information that Jeremy Purvis has.

The Convener: It would be helpful if Jeremy Purvis would provide that information.

Fiona Hyslop: I, too, have information that I can supply to the committee.

The Convener: Once we have received information from the minister, sportscotland, Jeremy Purvis and Fiona Hyslop we will reconsider the petition. Is that agreed?

Members *indicated agreement.*

Violent Crime (Sentencing) (PE696)

The Convener: Now that Linda Fabiani has turned the meeting into "Emergency Ward 10", we will carry on with the next petition.

Petition PE696, which is on sentencing policy, is from Sarah Ner, who is a pupil at St Columba's High School in Dunfermline. The petition calls on the Scottish Parliament to urge the Executive to carry out an investigation into sentencing policy on violent crime. Sarah Ner is here to give a brief statement to the committee in support of the petition, along with her teacher, Keith Thomas, and another pupil, Raylene Ford. Welcome to the committee. I have met you all before, so I know that you are well prepared for coming before the committee and that you have done an awful lot of work on the petition. After you have given us a presentation, we will ask you questions and consider what to do with the petition.

Sarah Ner (St Columba's High School): I thank the committee for giving me the opportunity to back up my petition and I will set out the reasons for it. Young people lack the protection that they need in Scotland and I would like to see

more done about that. There is not a lot of consultation with young people about the law and there needs to be more. There also needs to be a review of sentencing to bring about appropriate punishments. The punishment should fit the crime, but it is also important that more places are provided for people who are mentally ill to get treatment and help.

Keith Thomas (St Columba's High School): The school is proud that the youngsters here today have taken up the issue, which shows the social conscience that many youngsters in modern Scotland have. Young people are not all neds and hooligans; they have an awareness of what goes on in our communities. The youngsters were motivated by a sense of outrage at what they saw as leniency on the part of our judiciary. I know that there has to be a separation between the legislators and the judges, but perhaps firmer guidance needs to be given to our judiciary as to what is appropriate. That is especially true given that we know that the cases that we have seen so far of children being abused in the home are only the tip of the iceberg. Perhaps we should consult our youngsters more about the legal and legislative processes.

The Convener: We are joined by Scott Barrie, who supports the petition. Do you wish to add anything before we go to questions?

Scott Barrie (Dunfermline West) (Lab): I echo Mr Thomas's comments that the petition is a result of the initiative of pupils at St Columba's, who should be commended for the way in which they have pursued it vigorously and raised the issue locally and nationally, as it affects young people throughout Scotland. It is excellent to see what has happened today, with young people taking up an issue and bringing it to the Parliament.

Mike Watson: It is gratifying to see that the school pupils are engaging with the Scottish Parliament on an important issue. There are important lessons for many people in that. Yesterday, the Justice 2 Committee considered another case in relation to sentencing policy. I wonder whether the clerks have any information on what the committee decided to do, because that might assist us in deciding how to proceed with the petition.

The Convener: We have some information on that. Jackie Baillie could perhaps give us a briefing.

Jackie Baillie: As a member of the Justice 2 committee, I can enlighten the committee. We considered a similar petition; it was from different people, but on a similar subject. We decided, on the basis that the Executive has already set up the Sentencing Commission to look at the whole area, that it would be appropriate to pass the petition on

to the commission so that it can reflect on the incidents that the petition describes and reflect on the desire for, if you like, the punishment to fit the crime—with exceptions that we noted. Given that the Justice 2 Committee has done that, I recommend that that would be a useful route to go down on this petition.

Linda Fabiani: I know that the commission is doing its work as a rolling programme and that it is reporting on an on-going basis, but when is that work expected to be completed with a view to legislation? Does anybody know?

The Convener: The information that I have is that, although the chairperson of the commission has been appointed, its full membership has not yet been determined, so I think that we are a good bit away from seeing the outcome of the commission's work.

Sarah Ner mentioned consulting young people. I would like that to come out of the petition. The commission should hear the voices of young people and what they are saying about the impact of crimes on them.

10:30

Linda Fabiani: Given that the commission is not quite set up yet, perhaps we could suggest that one of its members should be a representative of youth. The position might be co-opted rather than full, but the representative would inform the process.

Excuse me for wriggling about, but I have a sore foot.

John Scott: Perhaps the convener could bring the issue to the attention of the Scottish Youth Parliament, which could make representations to the Sentencing Commission, given that the commission seems to be some way off arriving at a conclusion to its deliberations.

Helen Eadie: That is exactly the point that I was going to make.

As a neighbouring MSP to Scott Barrie, I warmly welcome our young friends and congratulate them on their appearance before the Public Petitions Committee. It is very good to see them raising such an important issue and I whole-heartedly concur with the view that they have expressed.

Mike Watson: My first point is about the Scottish Youth Parliament, which John Scott mentioned. I hope that pupils from St Columba's might find out, if they have not already done so, how they can participate in those activities.

My second point is that I agree with the suggestion about having a young person on the Sentencing Commission. However, I note that the chair of the commission was appointed two or

three months ago and that the members of the commission are being appointed. Whatever we do today, if we believe that it is appropriate that a young person should be considered for appointment to the commission, we should write as a committee now so as not to lose any time. It may already be too late for this round of appointments.

My third point is that the petition is very brief. If the idea is to express a view to the Executive, the petitioners could perhaps make a more detailed submission. I do not necessarily mean that they should give more details of the individual case that brought the matter to their attention, but perhaps they could express their thoughts about what aspects might be introduced when sentencing is considered in future. The petition is only four or five lines—I understand why that is the case, but, if the petitioners want to make further points, a longer submission might be appropriate.

Jackie Baillie: I do not want to sound a discordant note, but my experience is that it would let us and the Sentencing Commission off the hook simply to have one young person involved. That could be tokenistic. I would much prefer us to send a signal about engaging with young people, whether that is through the Scottish Youth Parliament or through young people in their communities, to ensure that the issue is dealt with far more systematically than it would be by having one young person on the commission. I hate to sound a discordant note, but I get desperately worried when we put one young person in such a position.

The Convener: My information is that the full commission will be appointed shortly. Its remit is expected to be divided into stages and it will report to ministers on a rolling basis its recommendations for improvements to the sentencing system in Scotland. There might be occasions when people can go on and off the commission. We could make the point that, at some stage, young people should have their voice heard in whatever way the Sentencing Commission sees fit. Committee members seem to be suggesting that we recommend that the commission seriously considers the voice of young people with regard to sentencing policy.

John Scott: Perhaps instead of placing a great weight of responsibility on one person's shoulders, the committee might wish to seek the views of the Scottish Youth Parliament. That would be a useful piece of work for both parties to undertake.

Carolyn Leckie (Central Scotland) (SSP): I apologise for being late and for missing the start of the presentation on the petition. As usual, it was because of the trains.

Although I support some of the issues that the witnesses have raised and concur with some of the suggestions that have been made, I share Jackie Baillie's worry about how the issue should be dealt with. It needs to be addressed on a wider basis, in greater depth and across the board.

Scott Barrie: I remind members that the Scottish Youth Parliament has a justice committee, which engaged with the previous Justice 2 Committee in shaping the bill that became the Criminal Justice (Scotland) Act 2003. It would be useful to seek that justice committee's views, given that young people in civic Scotland are already involved in this area. The issue would certainly be on the agenda.

The Convener: Do the witnesses have any comments before we conclude this discussion?

Keith Thomas: I just want to thank the committee for its considerations. We will certainly take up the matter with our school-link MSP. I want to put it on record that Scott Barrie has been very helpful in this whole process. We will no doubt consult him with a view to making a submission to the Scottish Youth Parliament.

The Convener: Are members happy to take forward the recommendations to the Sentencing Commission?

Members indicated agreement.

The Convener: On behalf of the committee, I thank the witnesses for bringing the matter to our attention. I hope that their actions send out a signal to many more young people that the Public Petitions Committee is here for them as well, that we listen to young people and that we take seriously the issues that they raise with us.

Shop Workers (Christmas Day and New Year's Day Working) (PE700)

The Convener: Petition PE700, in the name of Bruce Fraser on behalf of the Union of Shop, Distributive and Allied Workers, concerns the closure of shops on Christmas day and new year's day and calls on the Parliament to support statutory protection of both days in order to prevent shops that are larger than 280m² from opening. Bruce Fraser, who is accompanied by Lawrence Wason, has three minutes to make a brief statement to the committee in support of the petition, after which we will ask questions.

Bruce Fraser (Union of Shop, Distributive and Allied Workers): USDAW is the United Kingdom's fifth largest trade union and the largest in the retail sector. In Scotland, we represent 36,000 members, of which 70 per cent are shop workers.

USDAW wants large stores to be banned from opening on Christmas day and new year's day. We define large stores as shops that are bigger than 280m² or 3,000ft², which is about the size of a tennis court. We believe that there is widespread support for our campaign among not only shop workers but the general public. So far, more than 14,000 people have signed our petition.

Although trading on Christmas day and new year's day is not commonplace and is indeed practically non-existent among large stores, there are indications that retailers are considering opening on those days. USDAW members are concerned that, if one store opens, its competitors will follow suit, which will lead to widespread opening. Christmas day and new year's day will then simply become just normal working days, as happened with Sundays. Our concern is shared by many retailers, who told a Department of Trade and Industry consultation in 2002 that they have no plans to open on Christmas day, but would consider doing so if their competitors did. That is exactly what happened with Sunday working.

Until new year's day 2004, no large stores opened on January 1 in Scotland, but this year Debenhams opened its stores in Glasgow and Edinburgh. USDAW views that development with great concern and believes that it demonstrates the need for legislation as soon as possible to preserve the special nature of new year's day in Scotland. We therefore welcome Karen Whitefield MSP's proposed Christmas and new year's day trading in Scotland bill, which has attracted support from 35 MSPs of all parties—except the Conservative party. We believe that such a bill would satisfy the terms of the resolution for which we have petitioned the Parliament.

Recently, some scaremongering has been taking place. It has been claimed that to prevent shops from opening on those two special days would harm the tourist trade. If that is indeed the case, which USDAW disputes, we must ask why, if the retail trade is so concerned with tourism, it has not already opened on those days. As I have pointed out, opening on those days is not commonplace and not opening has so far done no harm to our tourist trade. On the contrary, the fact that we in Scotland hold Christmas day and new year's day as special days has been a benefit to tourism. To protect those days would not only benefit tourism, but, more important, ensure that shop workers were also allowed to celebrate them and spend the time with their families.

The Convener: We are joined by Karen Whitefield MSP, who has proposed the aforementioned bill. Karen, do you wish to add anything to Bruce Fraser's comments?

Karen Whitefield (Airdrie and Shotts) (Lab): I am pleased to be here and that USDAW has been

given the opportunity to present its petition to the committee. The issue has been raised with me by my constituents and by many people throughout Scotland since I lodged the proposal for the bill; there seems to be considerable support in Scotland for the proposal. There will obviously need to be a period of consultation, which will, I hope, start shortly, but so far indications are that there is wide support for ensuring that shop workers are guaranteed those two special days off. There is also support for allowing many other workers in Scotland those days off. If shops were to open on Christmas day and new year's day, many bus workers would have to work, so that we did not have reduced services, as would emergency service workers and many other workers throughout Scotland who are currently able to spend Christmas day and new year's day with their families.

Linda Fabiani: I have some points of clarification. My first, which is for Bruce Fraser, concerns the 280m²—I am glad that you said how big that is, because I am hopeless at picturing such things. How did you arrive at that criterion? Did you consider the number of workers in a shop, exempting family businesses? I also seek clarification from Karen Whitefield as to whether her bill would exempt shops of a certain size or with a certain number of workers.

Bruce Fraser: The figure of 280m²—or 3,000ft²—comes from the Sunday trading legislation. We were advised that it would be easier to stick to that than to try to introduce something new. Equally, we have no desire to prevent family-owned shops or small corner shops, many of which are owned by ethnic minorities that do not hold Christmas and new year as holidays, from opening on those days.

Karen Whitefield: I will obviously consult on the proposal, but I am minded to take USDAW's advice and to use the Sunday trading legislation as the starting point for the consultation. I will have to await the views of people from throughout Scotland on the matter.

Helen Eadie: I warmly congratulate USDAW on being one of the best campaigning unions in Scotland. That is not a declaration of interest—I am not a member of USDAW, but I have observed from its publications and activities that the profile of the union has been raised in the past few years. My question is about wider support for USDAW. Does the union have the support of the Scottish Retail Consortium on the issue?

Bruce Fraser: My understanding is that the Scottish Retail Consortium has no problem with our proposal for Christmas day, but that it has reservations about that for new year's day. You would be best to put that question to the consortium.

10:45

Carolyn Leckie: I thank USDAW for its presentation. I have already indicated my support for Karen Whitefield's proposed member's bill. My question follows on from Linda Fabiani's. I want to tease out the results of the consultation. What is your view on petrol stations that also serve groceries and which, as they are quite large, might meet the criteria? My other question concerns groceries that are owned by ethnic minorities—by the Asian community and so on—as some of them might cross the floor-space threshold. Had you thought about that?

Bruce Fraser: Most petrol stations would not be caught by the legislation. At large supermarkets, the petrol station tends to stand alone. I do not know how the proposed legislation would tackle that, but normal petrol stations would not be caught by the 3,000ft² criterion; there are few that are the size of tennis courts. I have already mentioned shops owned by the ethnic community, which we have no desire to close. Such shops tend to be smaller corner shops, so they would not be caught by the proposed legislation. At the moment, all retailers in Scotland can trade 24 hours a day, seven days a week, 52 weeks a year. We do not think that it is asking much to have legislation that requires them to close their doors for two days a year.

Mike Watson: Like Karen Whitefield and one or two others, I was at a reception given recently by the Scottish Retail Consortium. The consortium listed a number of issues of concern, one of which was the proposed Christmas and new year's day trading in Scotland bill. I am aware of its position on that—I have no doubt that that will come out during the consultation.

You mentioned Debenhams. I wondered whether USDAW organises in Debenhams. If so, what was the position of staff who worked on new year's day this year? Were they put under pressure? When Sunday opening was being discussed, employers said that they would ask people to work, and if they were prepared to work, that would be fine. We all know that it is a bit more complicated than that, and that pressure can be put on staff indirectly as well as directly. What are your fears on that score, and what lessons were learned from the fact that Debenhams opened on new year's day this year?

Bruce Fraser: I cannot give you an answer about Debenhams because we do not negotiate with the store.

Mike Watson: Are the staff organised by another union?

Bruce Fraser: No. We have a few members in Debenhams but we have been unable to attract sufficient members to gain recognition with the store.

Your point is well made with regard to the comparison with Sunday trading. With Sunday trading and the customary holidays throughout the year—Easter day, May day and so on—employers start off by saying that they will ask for volunteers. It always starts that way, but it ends up with contracts being changed or other methods being found to force staff—that is how I would describe it—to work on those days.

A prime example of the need for legislation is the fact that both the Westminster Parliament and the Scottish Parliament have had to introduce legislation to give shop workers the right to refuse to work on Sundays, for the simple reason that employers were finding ways to force them to work on Sundays. Our fear is that the same thing will happen with Christmas day and new year's day. The employers might start off with the best intentions by asking for volunteers, but once they find that key personnel, such as managers and supervisors, do not want to work, they will move away from a voluntary system very quickly.

John Scott: Are you in any way concerned that the protection for shop workers that you are suggesting might be unfair, given that hospital workers, firemen, ambulancemen, policemen and people in the food production industry will have to work on those days? Do you not think that you are seeking an unfair advantage?

Bruce Fraser: I do not think so. No one would deny that there are essential services that have to remain open. I do not think large retail stores can be classed as providing an essential service, especially given the number of hours during which stores are allowed to trade in the run-up to Christmas and new year. There is ample time for customers to get in all the supplies that they want. Besides, we have already said that the smaller stores would be open.

As a trade union, we have to reflect the views of our members, who are concerned that they would lose those holidays. Society itself would lose something if we end up having trading on every day of the year, including Christmas and new year. Regardless of whether we hold Christmas as a religious holiday or just as a holiday, it is a special period. We are not in any way ashamed of asking for such protection for our members.

Carolyn Leckie: I think that John Scott's concern about essential workers might well be misplaced. I must declare an interest: I am a member of Unison and, as such, I am familiar with the concerns of people who work within the health service. Do you agree that if Sunday working and Christmas and new year holiday working were normalised, that might impinge on the terms and conditions of workers who already have to work at Christmas and new year on a rotation basis? Such

a proposal could put at risk the premium rates that working on those days attracts.

Bruce Fraser: That is a valid point. In the past, we have found that, generally speaking, all the retailers with whom we have had agreements have made double-time payments for Sunday working, for example. However, although the same has applied to working on the other customary holidays that I mentioned, such as Easter, Sunday very quickly became a normal working day, as you suggest. Particularly in the past two years, we have seen more and more pressure from retailers to do away with premium payments. In many cases, people have to work on Sundays for what we call straight time.

Your point is valid—if shop workers and everyone else had to work on Sundays or other traditional holidays, there would be pressure to get rid of premium payments. That would impinge on members of Unison in the essential services, for example. I have never dealt with members in the essential services, but I presume that they work on the holidays in question on a rota so that the people who agree to work on those days get the benefit of the premium payments. That could disappear.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Good morning. I am sure that many people present will remember that, not too many years ago, Christmas day was just another working day. That is history—things are changing. I am interested in looking at the petition from two points of view. You suggest that big stores should not open on Christmas day and new year's day, which I accept is fine; on the other hand, you say that you want to protect the welfare and conditions of the work force. I just wonder whether your priority is to protect Christmas day and new year's day or to protect the conditions of the work force. I know that the two issues are related, but one must be the priority for you, as a union representative.

Bruce Fraser: Obviously, the priority for us is to protect the terms and conditions of our members. We also believe that Christmas day and new year's day are important holidays for society in general. I was involved in retailing for 22 years. I started working in shops when I was 16 years old and I am 57 now. In all that time, Christmas day and new year's day were traditional holidays, and there was no question of our working on Christmas day. Indeed, until fairly recently, it was traditional for Christmas day, boxing day, 1 January and 2 January to be holidays. Our members and retailing staff in general have been very co-operative with the retailing companies, and shops are now open on boxing day—they have given that away. They have also given away 2 January, to a great extent. Along with others, we

are simply saying that enough is enough. We have to protect those holidays and protect the staff.

John Farquhar Munro: So, if we were able to establish the principle that Christmas day and new year's day were official holidays, that would be sufficient to support your argument. I support the concept that nobody should be forced to work on Christmas day or new year's day.

Bruce Fraser: As I understand the question, if we get Christmas day and new year's day defined in law as holidays, with the proviso that stores over a certain size cannot open, that would satisfy the terms of our petition.

The Convener: Do members have any recommendations on the petition?

Linda Fabiani: There seems to be general agreement with USDAW, and Karen Whitefield has lodged a proposal for a member's bill on the subject. Not an awful lot can be done until we can look at the results of the consultation. I do not know whether there is much merit in passing the petition on to another committee. The initiative has been taken.

Helen Eadie: We could ask the Scottish Executive whether it is going to support Karen Whitefield's proposed member's bill. It would be good if the committee received clarification on that point.

Carolyn Leckie: I was just going to suggest that. It would be worth while for us to forward the views of USDAW to the Executive before the consultation results are known, if we are interested in the success of the proposed bill. We could do that now.

Mike Watson: I have two suggestions. The first, which is a slightly stronger course of action, would be for us to say that the committee supports the proposed bill and to seek the Executive's view on the issue. My second suggestion is to ask Karen Whitefield to give us an idea of when she thinks that her proposed bill might be introduced.

Karen Whitefield: I am in the process of drawing up the consultation document, which I am discussing with the non-Executive bills unit. I hope that the consultation process—which has to last a minimum of three months—will start by the end of February. Once the consultation process is finished and the legislation has been drafted, I will then need to get a legislative slot if we are to go any further.

Linda Fabiani: I disagree with Mike Watson's suggestion. I do not think that it is our role to say that we support anything prior to the public consultation.

John Scott: I am afraid that I, too, disagree with Mike Watson's suggestion. I would not feel easy

about supporting Karen Whitefield's proposed bill at this time.

Carolyn Leckie: What has happened in the past?

The Convener: There have been occasions on which the committee has given a clear signal of its support for a specific issue.

Carolyn Leckie: I would not have any problem with that.

Helen Eadie: As a member of the previous Public Petitions Committee, I can confirm that that is the case. I support Mike Watson's proposal. I know that that might place other members, such as John Scott, in a difficult position, but I would have no problem in supporting Karen Whitefield's proposed bill. In fact, I am a signatory to it.

The Convener: This issue might fall into a different category because Karen Whitefield already has a proposal for a bill, which any individual MSP can sign up to. I have signed Karen's proposal and I support it. There is no difficulty in that. However, we are caught between two stools. Clearly, the Public Petitions Committee has previously supported other petitions, but I do not know that it has ever been asked to support a petition that coincides with a bill. Each member could indicate their support for the issue by supporting the proposed bill.

Mike Watson: Given that Linda Fabiani has suggested that it would be inappropriate for the committee to support a member's bill, I suggest that we write to the Executive to say that we support the petition and that we ask the Executive for its views on Karen Whitefield's proposed bill.

Linda Fabiani: I am not yet sure whether I support the petition.

John Scott: We should write to the Executive only to seek its views on the petition. That would not commit us to anything.

Mike Watson: We should seek the Executive's views on the proposed bill rather than on the petition, although they are the same thing—

The Convener: Mike, you almost got away with it there.

Mike Watson: I see no reason why we should not state that a majority of committee members are in favour of the proposal.

Linda Fabiani: There might be a majority, but the committee would not be unanimous. Personally, I am not yet convinced about the proposal. I would be interested to see the results of the consultation on Karen Whitefield's proposed bill. At the same time, I would not say that I do not support the proposal; I just have an open mind on it.

John Scott: I cannot say either way, so I want to reserve my position.

The Convener: We could send notice to the Executive that although the petition had support from members, it did not have the support of the committee. Would that satisfy people?

11:00

Carolyn Leckie: It would be particularly sad if we were to do that. Apart from John Scott, members have expressed their clear support for the petition. If we were to follow the convener's suggestion, it might dilute the perception that the proposed bill has received our support. I would be cautious about using that wording.

John Scott: That is why I suggested that we should seek the Executive's views. The committee need not express a view at this point. We could do that subsequently, once the consultation has taken place, if that is the desire of the committee at that time.

Jackie Baillie: Let me try a classic compromise by suggesting that the committee should support the principles that underlie the petition and seek the Executive's view. Naturally, John Scott has suggested that the devil will be in the detail, but we will not know that until the consultation process is under way and the results emerge. I have no problem with supporting the underlying principles—I do not think that anyone around the table would have.

John Scott: I am not entirely sure that I can commit myself to supporting the underlying principles.

Helen Eadie: Convener, it is the majority view.

The Convener: Is there a willingness in the committee—

Linda Fabiani: This is a completely unnecessary conversation. We have a proposal for a member's bill and we have a petition, on which we should ask for the Executive's views. Why do we need to support either of them just now?

The Convener: I would rather that we had an agreement that we could all sign up to.

Helen Eadie: I move that we support Jackie Baillie's proposition—

Linda Fabiani: And what a wonderful woman Jackie Baillie is.

Helen Eadie: Jackie Baillie is absolutely right. We should vote on it. I am looking for a seconder for my proposal.

Mike Watson: I second it.

The Convener: The difficulty is that John Scott has already said that he does not support the principle.

Linda Fabiani: Convener, this could set a precedent.

Helen Eadie: We should vote on it.

The Convener: I do not want to bring the matter to a vote. I would rather not have the committee take a position that not all of us are signed up to before we have even had a chance to hear the Executive's view.

Helen Eadie: We have had votes before.

The Convener: We have divided on issues before, but we try to avoid that where possible. It would be helpful if we could find a position that the whole committee could agree to and that did not tie us down to one position or another.

Mike Watson: I am slightly uneasy with that proposal. That would mean that, on any issue, one member could prevent the committee from taking a position. That would not be right. I am happy to go along with Jackie Baillie's proposal. I do not want to put the matter to a vote, but it is clear from the discussion that a majority are in favour of the principles behind both the petition and the proposed bill. On that basis, we should ask for the Executive's comments. We need not state the matter more strongly than that. It will be clear to anyone who reads the *Official Report* which members were not behind that position. People are perfectly entitled to take a view.

The Convener: The majority view of the committee is clear, but I need to try to achieve a position on which there is consensus. If we cannot do that, I would certainly sign up to Jackie Baillie's proposal and I would have absolutely no difficulty in supporting Mike Watson's recommendation. I have tried to get a consensus, but that has not been possible.

John Scott: In the interest of promoting a consensus, I point out that we have often sought the Executive's views on issues that we have agreed with or disagreed with without necessarily expressing a position on the petitioner's proposal. I see no reason why we cannot all agree that we should write to the Executive to ask for its views and leave the matter at that.

Helen Eadie: I would not be happy to do that.

Mike Watson: The Executive's views will not change my views.

The Convener: We will need to have a vote to find out who supports the proposal and who does not.

Linda Fabiani: I want to record in the *Official Report* that I will vote on the general principle of

what we should do rather than on the issue itself. The way in which we are talking round the issue is becoming a bit ridiculous.

The Convener: There is a difficulty. Helen Eadie has suggested that the Public Petitions Committee should write to the Executive to support the underlying principles of the petition. Are members happy with her proposal, rather than with saying that we support the proposed bill? I think that the majority of members agree to the proposal. Members should not worry—they have expressed their views and there will be a show of hands. I am sorry, Karen, but I am trying to sort things out among ourselves.

Karen Whitefield: On a point of information, convener. It would be more appropriate for the committee to write to the Executive to support the underlying principles, as there is no bill yet. Consultation has not begun, so there is only a proposal, which amounts to two lines. It would be more appropriate and correct for the committee to say that it supports the underlying principles of the proposed bill.

The Convener: Helen Eadie proposed that we should support the petition. Apparently, I must ask for a show of hands to determine the majority position.

Carolyn Leckie: I thought that we were going to discuss a nice, uncontroversial petition.

The Convener: I know, but the committee tends to divide on non-contentious issues.

The question is, that the committee supports the general principles of petition PE700. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Leckie, Carolyn (Central Scotland) (SSP)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Watson, Mike (Glasgow Cathcart) (Lab)

ABSTENTIONS

Fabiani, Linda (Central Scotland) (SNP)
Scott, John (Ayr) (Con)

The Convener: The result of the division is: For 6, Against 0, Abstentions 2.

We will write to the Executive to ask for its views on the petition and to indicate the committee's majority support for it.

Secret Societies (Membership) (PE693)

The Convener: The next petition is PE693, in the name of Sidney McKechnie Gallagher, on the membership of secret societies such as the freemasons. The petition calls on the Parliament to introduce legislation that requires anyone who is involved in legal proceedings to declare membership of secret societies such as the freemasons. The petitioner claims that he experienced a miscarriage of justice as a result of masonic bias by the police, lawyers, court officials and witnesses. His experiences are detailed in his submission. I remind members that the committee cannot become involved in the petitioner's individual case and that the issue has been considered recently. A few months ago, we considered a petition that raised the issue of secret societies, so we have already considered some aspects of the matter. However, I welcome comments from members.

Helen Eadie: For the reasons that you have given, I suggest that we simply write to the petitioner enclosing all the *Official Reports* of meetings of the Public Petitions Committee and Justice 2 Committee in which there have been discussions about the issue and say that the Parliament is not minded to take the issue any further.

Carolyn Leckie: I support the suggestion that we write to the petitioner with that information, but I do not see that there would be anything wrong with copying the content of it to the Justice 2 Committee in relation to its consideration of the previous petition on this subject, PE652.

Jackie Baillie: As a member of the Justice 2 Committee, I suggest that we do not do what Carolyn Leckie has suggested, for the simple reason that that committee decided to take no further action on the petition until we had more substantive evidence from people about the main issue of the petition, which is the membership of masonic societies. The only aspect of PE652 that was taken forward by the Justice 2 Committee relates to the 100-year closure order on some of the material that was part of the Dunblane inquiry. As PE693 deals mainly with membership of the freemasons, I suggest that we do what we did with PE306 and take no further action until we have much more substantive information.

The Convener: We are still considering PE652. It is not a dead petition. However, we have to deal with the specifics of PE693, which calls for the membership of secret societies to no longer be secret. We have to discuss whether we want to pursue the petition and ask for legislation on that to be considered, as requested.

Carolyn Leckie: Some of the references in the petition relate to court records and transcripts. To

be honest, without having those, I do not know whether the version that we have been presented with is accurate. It is therefore a shame that the petitioner is not here. If some of the references to what happened in court and to the lodge membership of the police and others are proven to be substantiated—and I would not rule that out—that would constitute substantial evidence and I would therefore be concerned about just binning the petition.

The Convener: If we start to go through court transcripts and so on to determine whether a petition is valid, there is a danger that we will get into a serious situation. It is not our job to do that; it is for the petitioner to provide that evidence. If the petitioner feels that they have not had a fair trial, they can seek legal redress. It is not for us to sit as a sort of court of appeal in respect of that person's case. I have read the petition and have every sympathy for the person if they suffered a miscarriage of justice. However, it is not for us to decide whether they suffered a miscarriage of justice and whether that was a result of freemasonry. The petition asks us to ask the Scottish Parliament to consider passing legislation that will force membership of secret societies to no longer be secret. That is the essence of the petition, not whether the person's trial was fair.

Carolyn Leckie: I understand that but, on the question of legislation, obviously the Justice 2 Committee has had some sort of discussion about the need for substantive evidence.

I do not know why the petitioner is not here, as I would have liked to ask him some questions and ask him to supply some information, such as transcripts. Perhaps we do not have the time for that, but somewhere in the Parliament there should be, especially in relation to considering whether such legislation is necessary.

The Convener: I will explain why the petitioner is not here. I have to make a judgment on whether the information that has been provided would allow us to make a decision without the petitioner coming before us. Some of the petitioners who come before us have provided lengthy submissions, but it has been decided that it would be useful for members to have the chance to ask them about the wider aspects of the petition. I did not think that there was anything in the petition that we could not discuss without the petitioner being here. We know what the petition is about and what the petitioner is asking for. I do not think that any questioning of the petitioner would have helped us to get a clearer picture of what they were asking for. That is why his request to speak was not granted.

John Scott: In addition, has the petitioner not already appeared before the Public Petitions Committee?

The Convener: A petitioner has appeared to talk about the same issue, but it was a different person.

John Scott: Does the new Freedom of Information (Scotland) Act 2002 stop membership of secret societies being secret? Could the clerk clarify that?

Jim Johnston (Clerk): I do not know off the top of my head, but obviously I could find out.

John Scott: It will not have any impact on the situation.

Jim Johnston: I would not have thought so.

Linda Fabiani: I have it in the back of my mind that a colleague considered the issue before through the Standards Committee. I am confident that such societies are not affected by that act.

John Scott: Presumably then, such societies must have been considered when the Freedom of Information (Scotland) Bill was drafted and the committee considering that bill must have decided not to stop those societies being secret. Is that a fair comment?

Linda Fabiani: I do not know. Like Carolyn Leckie, I understand what you are saying about the individual case, convener, but it would be worth sending the petition to the Justice 2 Committee, even if that is just for information rather than to ask that committee to consider the case. This is yet another case in which there is a suspicion of goings-on in the background that should not have happened, and that suspicion should be recorded. The same basic complaint lies behind this complaint as lay behind previous complaints. We should at least send the petition to the convener of the Justice 2 Committee.

11:15

The Convener: The point that concerns me about the petition is that, although the petitioner may have been able to identify that the individual whom he was charged with assaulting was a freemason, he provided no evidence whatever that the other people involved, such as the procurator fiscal, the police and the sheriff, were freemasons.

Linda Fabiani: Maybe he is scared.

The Convener: He wants the legislation to be changed on the basis of a suspicion.

When we discussed the issue previously and took a view on it, I was contacted and asked whether I was a member of the freemasons. I put it on the record that I am not a member of any secret society—the idea that I might be a member of the freemasons is laughable.

John Scott: I also put it on the record that I am not a member of the freemasons.

Helen Eadie: Can I put it on the record that I am not a member?

Jackie Baillie: This is silly.

The Convener: The point that I was making was that, after the Public Petitions Committee made its recommendation, I was challenged about whether I had influenced the committee because of my membership of the freemasons.

Linda Fabiani: There are a lot of theories and suspicions around the subject.

The Convener: I simply want to make it clear that my points are about the petition and the evidence that has been produced to sustain it. My concern is that we do not have the remit to consider the issue. The petition may well fit in with the work of one of the Parliament's committees—I do not rule that out—but I do not think that we have to look into the circumstances of the case.

Linda Fabiani: I agree.

Carolyn Leckie: I would have appreciated the opportunity to question the petitioner and I am a wee bit concerned about the decision not to question him. It would have been worth while to do so. I support the principle of the petition; all those involved in public life, including those in the courts, should have to declare membership of secret societies. I would like the petition to go somewhere.

The Convener: To clarify, the reason why the petitioner was not chosen to come before the committee was because the issue is not new. The petitioner is asking for something that has been asked for before. There may be special circumstances, but the individual is asking for legislation in respect of secret societies, which the committee has considered before. I must consider priorities. As we have only a certain amount of time for people to speak to us, we try to keep the number to three or four people in each meeting. The petitioners from whom we heard this morning all raised issues that had not been discussed previously by the committee. Although we have previously considered sentencing policy, we have not done so in respect of young people; we have not considered Christmas opening hours; and we have not considered the sportscotland consultation. Those were all new issues for us, but this petition does not raise a new issue. The petitioner is asking for something that has already been considered by the Justice 2 Committee. That is the basis on which we are considering the petition this morning. Do members have recommendations on what we should do with it?

Helen Eadie: I proposed at the outset that we should not pursue it any further. However, in view of what has been said, it might be best to send it

to the Justice 2 Committee for information, as Linda Fabiani suggested.

The Convener: Are members happy with that suggestion?

Members indicated agreement.

Census Forms (Legal Status) (PE697)

The Convener: The next petition is PE697, on the legal standing of census forms. The petition is by Joyce Macdonald and calls on the Parliament to urge the Executive to ensure that the information on a census form has the same legal standing as that on a birth certificate. The petition is prompted by the petitioner's own case, in which she tried unsuccessfully to establish a claim on a share of her uncle's estate since his death in 1998. Her claim rests on the contention that her late father was prevented through illegitimacy and the laws of succession, as they then stood, from inheriting any part of his father's estate. She argues that census records should have been sufficient evidence to establish inheritance rights. Her experiences are detailed in her submission, but members are reminded that the committee cannot become involved in the petitioner's own individual case.

Linda Fabiani: We obviously cannot discuss the individual case, although I sympathise with it very much. I am sure that there have been other similar cases in which people may have felt that information contained in census forms could have helped. However, the reality is that individuals fill in census forms. Those forms have no legal standing and there is no proof that anything that is written in them is in fact true. That is the harsh reality. By their very nature, census forms have to be kept confidential, or the vast majority of people will stop telling the truth on them.

It is quite clear that the Executive would not be willing to change things but, out of courtesy to the petitioner as much as anything else, we should write to the Executive and ask for its view and relay that back to the petitioner.

The Convener: That is a good suggestion. Do members agree that we should do that?

Members indicated agreement.

School Closures and Mergers (Consultation) (PE701)

The Convener: The next petition is PE701, by Frank Mullarkey, which calls on the Parliament to urge the Executive to review the consultation arrangements regarding school closures and mergers to ensure that the concerns of local communities are fully taken into account, that proper risk assessments are conducted and that detailed costings are made available.

The petitioners believe that South Lanarkshire Council failed to address the concerns of the local community in its consultation on the proposed closure of three high schools in East Kilbride. Members have copies of a briefing paper supplied by the petitioners, but are reminded that the committee is unable to become involved in the petitioner's individual case.

Do members have any comments?

Jackie Baillie: I would probably not have said much on this petition, but it has recently emerged that a school in my constituency is likely to be subject to closure. I think that a couple of points arise from looking at the legislation that underpins the requirement to consult. The consultation must happen over not less than 28 days in the period between arriving at the agreement to consult and coming to a conclusion. That is not a huge amount of time. It is actually a very short period of time in which parents have an opportunity to put their views, and they are not usually backed up by professional expertise in the way that local authorities are. On the time issue alone, there is something to be said for extending the period and looking again at the consultation procedures for closures and mergers.

Without looking at the specifics of either case, I note that the Executive agreed some time ago to introduce revised guidance in the context of an Education, Culture and Sport Committee report on the closure of rural schools. I think that we should go back to the Executive and ask where that revised guidance is. It is clearly an issue that is popping up in different parts of Scotland. It does not affect just rural areas and it is important that we get the process right so that people can have confidence in the process even if they disagree with the outcome.

Linda Fabiani: Obviously, people know that Carolyn Leckie and I and many others have been involved in this particular case. I am shocked by what I have seen of the consultation. Real consultation should be about participation, but it would appear that that is not what happens. There are an awful lot of very disappointed people in South Lanarkshire—in East Kilbride and Hamilton. People feel very strongly about the outcome. They are angry that the consultation was completely inadequate and that the goalposts were changed many times.

I am very disappointed that we have not received the documentation that the Executive promised to give us. If the petitioners can force the issue, they will have done future cases of this kind a favour.

Carolyn Leckie: Petition PE701 highlights huge issues about the consultations on school provision, particularly given that they were

conducted by an elected local authority. The issues are similar to those that are confronted in respect of health service provision. I support the petitioners and I supported the campaigns throughout the consultation process. I want to place on the record that I have two daughters who are at high school in East Kilbride. As they are affected by the proposals, I also participated in the consultation as a parent.

The report that was submitted in support of PE701 is well worth reading. It gives an accurate picture of what happened and highlights the contradictions between the information that was submitted by parents and that which was put forward by the council. There is no confidence in the process. It is believed that the outcome was planned and was a foregone conclusion.

That is probably the public's perception of public consultations on schools or hospitals up and down the country. The Executive must look into the issue of local consultations urgently. The guidance needs to be revised and an obligation needs to be placed on councils for the information that they obtained in consultations to be made available publicly. Before councils or health boards take decisions, they should have to make publicly available all the information that they hold, including the evidence that they gathered and the statistics and demographics that they used in the process. The public should be able to examine all that information.

John Scott: What I intended to say has been said eloquently by others. I am surprised that the Executive appears to be dragging its feet on the issuing of guidance. The Executive has made a commitment to issue guidance. It would make a great difference if that were done. The sooner it gets on with it, the better.

The Convener: I get the feeling that members support Linda Fabiani's suggestion that we ask the Executive where it is with the matter.

Linda Fabiani: We should tell the Executive to hurry up.

Carolyn Leckie: I am not sure whether the committee would normally do this, but I wonder whether we could give the minister sight of the report that was submitted in support of PE701. The campaign may have put it into the minister's hands already, but is it possible for us to do that?

The Convener: It would be okay for us to do that. The report is seen as supporting evidence and it can go to the minister with the letter that we are to send to him. Are members happy to proceed on that basis?

Members indicated agreement.

Current Petitions

Care Homes (PE522)

11:28

The Convener: The first of the current petitions is PE522. The petitioner calls on the Scottish Parliament to encourage the Scottish Executive to investigate and remedy the lack of care homes for young physically disabled people in Scotland, including in Tayside. At its meeting of 25 June 2003, the committee agreed to approach the Health Committee with a view to determining whether it would consider the issues that were raised in PE522 together with linked petitions PE551, PE576, PE597 and PE599. Members have received a copy of the response from the Health Committee on the subject of PE522, which is to refer the petition back to the Public Petitions Committee for further consideration. The Health Committee also agreed to close PE551, PE576, PE597 and PE599.

The committee may wish to note that the Equal Opportunities Committee is currently consulting on the European year of disabled people 2003. It is inviting views on what it should be examining as part of its forthcoming inquiry into disability. We have indicated that, where necessary, we could take on inquiries ourselves, but I do not think that one on that subject fits into a suitable category for us. It may well be that the Health Committee has a busy work load and, although it saw merit in the petition, it did not want to carry out the work itself. I think it would be best to ask another committee to examine the matter. If the Equal Opportunities Committee is conducting some work in that area, we should invite it to take the matter up. We must ensure that our time is used as effectively as possible.

11:30

Mike Watson: I agree with that proposal. I notice that the response that Capability Scotland issued says:

"In January 2002, the Deputy Minister for Health & Community Care gave an undertaking to the Parliament's Health & Community Care Committee that 'work will be undertaken to improve our knowledge and understanding of the needs of younger people'".

It goes on to say that, as at September 2003—more than a year and a half later—no results had been published. Are we aware of any results having been published since then? If not, an inordinate amount of time—two years now—seems to have passed since that undertaking was made. We should ask the Executive what became of that work, which might help the Equal

Opportunities Committee, as well as allaying some of the fears of the petitioners.

The Convener: Should we ask the Executive, or should we recommend that the Equal Opportunities Committee do that?

Mike Watson: The Equal Opportunities Committee could do that, yes. In any case, it seems odd that nothing has been heard since that commitment was made two years ago. That is not the way in which the Executive usually operates.

The Convener: We will recommend to the Equal Opportunities Committee that it ask where the information from the Executive is.

John Scott: The information ought to be provided from somewhere. If £1.3 billion is being spent on the sector, it is a matter of public interest to know that money is being properly and adequately spent. It might even be a matter of interest for Audit Scotland. Although the Convention of Scottish Local Authorities might not be able to provide the information, the Executive should be able to collate information on the subject, given the resources and the amount of money that it is spending in that area.

The Convener: Is everyone happy with the proposal?

Members indicated agreement.

Solvent Abuse (PE580)

The Convener: Petition PE580 calls on the Scottish Parliament to recognise the serious problems concerning solvent abuse in Scotland and to introduce preventive safety measures to help combat it. At our meeting on 12 November 2003, we agreed to invite the views of the petitioners on the responses that the committee had received from the Executive, the Scottish Retail Consortium, the Scottish Consumer Council, the cross-party group in the Scottish Parliament on oil and gas and Shell UK. A copy of the petitioners' response has been circulated. The petitioners state that they have recently petitioned the UK Parliament, calling for a legislative change to be made at Westminster. They also suggest that further action be taken by the Scottish Executive. What do members think of the response from the petitioners?

Helen Eadie: You will note that Mr O'Brien, the main petitioner, has congratulated Shell on the work that it has been doing on solvent abuse. I have been involved in that work as a member of the cross-party group on oil and gas and I raised the issue at a meeting of the group at which a Shell representative was present. I asked whether the oil industry could inject some kind of component into certain products to give them a very bitter smell, which would deter people from

wanting to take them. Shell has done a lot of work on the problem, and it has produced a very good response, which I will share with the clerk. It says that it would not be feasible for Shell and the other companies in the industry to inject such a component up stream. However, Shell said that it would be possible for the people who make lighter fuel to inject such a component at the manufacturing stage further down stream. Shell makes it clear that it might require legislation to do that, however.

I do not know whether that would be for the Scottish Parliament or for the Westminster Parliament to do. However, Shell's letter says clearly that the injection of the deterrent component—a substance called Bitrex—into lighter fuel must be done by agreement with all the industries involved, such as the manufacturers of canisters and lighter fuel. We need to secure the injection of Bitrex through agreement across the industry or through legislation. Shell's letter states:

"In 1995 the Advisory Council on the Misuse of Drugs published a report, which led to an announcement by the Department of Trade and Industry that it would seek the co-operation of industry in establishing an industry-led forum to help combat Volatile Substance Abuse. It was clear from the above meeting that such an industry-led forum is vital, with active involvement from the DTI to co-ordinate the activities of the cigarette lighter refill companies in the UK."

It is clear that no progress has been made since 1995. The situation is urgent because many lives are being lost every year. I was present at the meeting of the previous Public Petitions Committee to which Marilyn Livingstone brought the petition.

There is also an issue about the size of lighter refill canisters. Their volume is 250ml—which represents several years' supply for an average smoker—but smaller canisters could be made. It is imperative to get the canister manufacturers involved because the combination of smaller canisters and the inclusion of Bitrex would go a long way to preventing young people from inhaling the canisters' contents. I will give Shell's letter to the committee clerk. We must write to the appropriate manufacturing consortium and find a way of getting the manufacturers to take on board what Shell has said.

The Convener: I take your point. However, our information is that the petitioners have recognised that the issue is a UK legislative one and have petitioned Westminster to deal with it.

John Scott: It is obvious that the manufacturers must be well aware of the problem by now, but have chosen thus far to do nothing about it. Therefore, the only way for the problem to be resolved is for Westminster to deal with it. However, it is incumbent on Scottish ministers to seek the views of Westminster ministers and,

indeed, press them to produce legislation to make the manufacturers of lighter refills put in Bitrex to deter abusers.

Mike Watson: I agree with that. I note that John MacDougall MP has proposed a private member's bill on solvent abuse. Perhaps we could write to him to ask how that is progressing. Compared with a member's bill in the Scottish Parliament, the chances of getting a private member's bill through Westminster is extremely slim. I think that only six private members' bills are accepted every year. It would be interesting to know whether there has been any progress on Mr MacDougall's bill.

The Convener: So John Scott recommends that we write to the Executive and ask what pressure it is bringing to bear on the issue, and Mike Watson recommends that we contact the MP who has proposed a bill on the issue at Westminster.

John Scott: We should write to the Executive and ask it to bring pressure to bear and to invite the Westminster Government to produce legislation with a view to resolving the problem.

The Convener: Are members happy with the recommendations?

Members indicated agreement.

Rented Accommodation (Complaints Procedures) (PE596)

The Convener: Our next petition is PE596, on complaints procedures in rented accommodation used by the old and disabled. The petitioners call on the Scottish Parliament to take the necessary steps to address the alleged serious inadequacies in the existing complaints procedure for rented accommodation that is committed to providing care for the old and disabled. At its meeting on 11 March 2003, the previous Public Petitions Committee agreed to seek comments on the issue from the Scottish Executive, Communities Scotland and the care commission. Those comments were circulated to members. What do members think of them?

Carolyn Leckie: I am not sure that private rented accommodation housing disabled people comes under the auspices of the care commission. We need to check that. Is it not organised and regulated facilities, such as nursing homes and sheltered housing, that come under the care commission?

The Convener: I think that the petition relates to the degree of care of the old and the disabled in rented accommodation. It refers to those who are "committed to providing a degree of care".

I do not know who that—

Linda Fabiani: Can we have clarification of that? When I read the petition, I did not find it easy. There is a difficulty about whether housing associations are referred to as private. Does Communities Scotland's role in the matter arise because we are talking about registered social landlords? Is the petition about that rather than about private accommodation?

Mike Watson: The care commission's director of operations says in his letter that

"the Commission will have a role in the regulation of such services as from 1 April this year"

—that is, 2003. Therefore, according to its letter, the care commission does have the responsibility.

The Convener: The petition is about

"the existing complaints procedures in rented accommodation committed to providing a degree of care for the old and disabled".

It is about inadequacies in legislation. The care commission says that it has responsibility, but I take it that the petitioner is asking whether the procedures under which the care commission can act are adequate.

Linda Fabiani: I am a wee bit confused. Are we talking about cases that come under Communities Scotland because they relate to registered social landlords? There are private providers who have set up accommodation with a degree of care. What concerns me is whether we are on to the right people.

The Convener: I think we are. There is an overlap.

Linda Fabiani: Okay.

The Convener: What do members think we should do with the responses? Are we satisfied that the care commission has a remit and is looking into the matter?

Linda Fabiani: The reason for the confusion is that the petition was dealt with by the previous Public Petitions Committee. If the complainant is talking about cases in which Communities Scotland and the care commission have remits, I am fairly satisfied with the answers.

The Convener: The care commission makes it clear that it has responsibility in respect of the petition. The petitioner is specific about what she sees as inadequacies and the care commissioner says that he can deal with the petition. That is my reading of the situation.

John Scott: We should let him get on with it then.

The Convener: Okay. Are members happy to close the petition?

Members indicated agreement.

Abandoned Properties (PE602)

The Convener: Our next petition is PE602, on the recovery of abandoned private sector properties. Bristow Muldoon MSP has joined us, as he has an interest in the petition.

The petitioners call for the Scottish Parliament to take the necessary steps to decentralise to local authorities the previously centralised authority that the Scotland Office held under planning legislation to recover abandoned private sector properties. The previous Public Petitions Committee considered the petition at its meeting on 25 February 2003 and it agreed to seek responses from the Scottish Executive, COSLA and the Greater London Authority. Responses from the Scottish Executive and the GLA have been circulated to members for consideration, but no response has been received from COSLA, despite several reminders.

I invite Bristow Muldoon to add his comments.

Bristow Muldoon (Livingston) (Lab): I have not seen the responses, so I look forward to hearing members' comments on their contents.

The petition was initiated by Dedridge community council, which is in my constituency, but the issue affects several communities in my constituency and I am sure that it affects communities in the areas that other members represent. I am aware of several abandoned properties in the Livingston area that are in a poor state due to fire damage and vandalism. For whatever reason, the private owners choose not to bring them into a state of reasonable repair and the properties drag down otherwise good communities. They can result in structural damage to neighbouring properties and they become a target for vandalism by people who choose to indulge in such activities.

I raised the issue with Margaret Curran before the elections last year and I have discussed the matter in detail with the senior housing manager in West Lothian Council. The view of the local authority is that the procedures that are currently in place are extremely time consuming and would result in several years passing before it could repossess a property.

The sort of thing that the community council is looking for—which I support—is the local authority having the power to give a form of improvement notice that sets a time limit on a private owner bringing a property up to a reasonable state. If that notice were not complied with, the local authority would have the power to apply to the sheriff court to get approval to move towards compulsory purchase. The local authority would then get an evaluation from an independent evaluator, purchase the property at a fair price, undertake the

work to bring the property up to a reasonable state and put it into its pool of rented properties. That is the sort of response that I am looking for from the Executive, to move matters forward. I look forward to hearing the responses from the various bodies.

11:45

The Convener: The relevant point in the Executive's response is:

"We do not feel it appropriate for the Scottish Executive to consider removing the requirement for compulsory purchase orders to be confirmed by Scottish Ministers."

The Executive also says:

"Since May 1999, local authorities have submitted 14 housing related compulsory purchase orders."

I do not think that we have received an indication from the Executive that it wants to move along the road that you suggest.

Jackie Baillie: I would like some clarification. The problem seems to be the timescale rather than who makes the decision—is that correct? Irrespective of whether the minister has the final say, something being done to streamline the process would allow the kind of regeneration activities that Bristow Muldoon says are needed when private owners abandon their properties. If that is the case, do not the housing improvement task force's work and the proposed private sector housing bill present the kind of legislative opportunity that is being sought to tidy all this up?

Bristow Muldoon: I agree with Jackie Baillie that the biggest issue is not who makes the decision, but the years of delay that can pass in the current process. I agree that there would seem to be legislative opportunities to streamline the process. My only concern, based on the convener's report of the Executive's response, is whether the Executive is willing to make such improvements. That would not seem to be forthcoming in the Executive's response.

John Scott: It is important that ministers have the final say. I am totally in agreement with that; however, I agree with what you are trying to achieve. I am aware of situations in which derelict housing is left and is damaging to the fabric of the area. I am also aware that some local authorities perhaps do not look after their properties as well as they might. The question is who the arbiter is in all this. The decision must go as high as it possibly can, and Scottish ministers should have the final say.

Helen Eadie: I recognise clearly a number of the points that Bristow Muldoon makes, which chime with my experience in my constituency. In the light of that and of the points that Jackie Baillie made, which I understand and acknowledge, perhaps we could write to the Minister for

Communities, asking for the Executive's view on empty homes and about the scale of the problem and the Executive's current policy on the issue. It would be helpful to have that information. I agree that we cannot tolerate properties being left abandoned year upon year with no end to the process. The situation blights communities, as people will not invest in an area and purchasers will not come and buy homes. I very much support the points that Bristow Muldoon has made.

Carolyn Leckie: There seems to be a gap between the scale of the problem that Bristow Muldoon reports and the number of applications that the Scottish Executive has received from local authorities. Is there a logjam in the processes at council level, too?

Bristow Muldoon: I think that because of the length of time it takes, local authorities do not proceed with the process and they try other means of persuasion to get the property improved. The problem is down to a small number of owners who refuse to upgrade their properties because they may require tens of thousands of pounds to repair the damage. The problem is far greater than is suggested by the figure of 14 properties that the convener identified in the Executive's response. I support Helen Eadie's comments. We should encourage the Executive to identify the scale of the problem by surveying local authorities for their knowledge of the size of the problem, and we should identify whether the Executive intends to streamline the process.

In response to John Scott, my experience of abandoned and derelict properties in West Lothian is that none of them is owned by the council. Every single one of the derelict and abandoned properties that I am talking about is privately owned.

John Scott: It is a matter of degree. Any decision on what blights an area is arbitrary. Sometimes one wants the decision to be taken at the highest level.

Linda Fabiani: As the petition was dealt with by the previous committee, I seek clarification. Are we talking about houses that are owned but which have been dumped and the owners have disappeared, perhaps because they need extensive repairs? Most people who own a property have some form of mortgage, and the properties can be repossessed by the building society or the bank. Are we talking about cases in which that does not happen?

Bristow Muldoon: The circumstances vary but I know of a couple of properties that are badly fire damaged, for example. They have gaping holes in their roofs, the windows are boarded up and they require tens of thousands of pounds of repairs. I

can only presume that the reason why no one is repossessing them is that they are fully owned.

Linda Fabiani: Were they right-to-buy properties?

Bristow Muldoon: Either that or they were inherited from deceased relatives. Those are the circumstances that we are talking about. The fact is that the properties are so badly damaged that it would take a large investment to bring them up to a reasonable state of repair, and whoever owns them has chosen not to make that investment.

Linda Fabiani: Perhaps the folk are not insured.

Bristow Muldoon: Absolutely.

Linda Fabiani: A policy that repossesses something that someone owns has to be applied strictly, so I can understand that the Executive would be loth to decentralise the authority to 32 councils. I see that the average time taken to deal with a compulsory purchase application is 34 weeks. What Carolyn Leckie said is valid: councils are reluctant to get the ball rolling. I agree with Helen Eadie's suggestion that we should request information, but it might also be worth getting information on specific cases from West Lothian Council to discover why it has not bothered to address the problem.

Bristow Muldoon: I suggest that the committee corresponds directly with West Lothian Council, because it has been trying to pursue a number of properties. I find it disappointing that COSLA has chosen not to respond, given that the committee first dealt with the issue in March last year. It has had a considerable time to respond to the inquiry.

The Convener: On Linda Fabiani's point in response to Helen Eadie's suggestion, I say that we cannot take up an individual case with a local authority. We do not do that. Bristow Muldoon's point is much more pertinent, because COSLA has not even responded to the petition. We could ask COSLA once again to comment in general terms, because, regardless of how disappointed we might be with the Executive, we have not even had a response from COSLA and the feedback is not complete without one.

Linda Fabiani: COSLA should have details from across the board.

The Convener: You would think so.

Helen Eadie: I was just seeking examples to back up what Bristow Muldoon is saying. I know of examples in my community. One home is owned by an American who has simply gone off and abandoned it. There was a big fire and nothing has been done to the house for at least four years. The same owner has abandoned tenement properties, some of which are totally neglected

and are falling into a state of full disrepair. That pulls down the surrounding community.

Linda Fabiani: The Parliament debated private sector housing about two weeks ago, because the Executive has received the housing improvement task force's report. It might be worth asking the Executive whether it has borne the issue in mind when formulating legislation on private sector housing, because it might well fit in with that.

The Convener: I think that Jackie Baillie suggested asking the housing improvement task force about that.

Carolyn Leckie: I agree with that and with the suggestion in our briefing paper to seek the views of Shelter and other organisations about the legislative question. I am interested in whether such organisations want the authority to be devolved to local authorities.

Like Bristow Muldoon, I am extremely disappointed that COSLA has not responded. We should write to COSLA to express our disappointment and to seek a response. We should also consider writing to every local authority to ask about its experience. I am worried about the gap. I do not understand what is happening in local authorities.

The Convener: I understand what you say. We would not write to a local authority about a specific case, but there is no harm in writing to all local authorities.

Mike Watson: The letter from Ken Livingstone mentions the Empty Homes Agency, which I had not heard of.

Linda Fabiani: We have a similar initiative here.

Mike Watson: Does the agency have a Scottish equivalent?

Linda Fabiani: Yes. We have an empty homes initiative.

Mike Watson: That is not mentioned in the correspondence. Has Bristow Muldoon contacted that initiative about the case?

Linda Fabiani: The initiative does much work in Fife.

Bristow Muldoon: I understand that the empty homes initiative, which the Executive sponsored, has ended. It was a scheme under which the Executive made resources available to allow local authorities to purchase empty properties, which, generally, were transferred to housing association ownership. The problem with the empty homes initiative was that it required a willing seller. If someone was trying to sell a property, the council could buy it. However, I understand that, in several cases, sellers said that they would sell their properties only for the full market value, although

£40,000 or £50,000 of repairs was required. Obviously, local authorities felt that that was not a prudent use of public money. If a local authority were to buy a property, it would take into account the level of disrepair.

The Convener: I have the feeling that a bit of work still has to be done on the petition and that we will have to obtain answers from several places. The Empty Homes Agency might be worth contacting. We will write to COSLA, individual local authorities and the Empty Homes Agency.

Mike Watson: I see that the Empty Homes Agency is a charity and is different from the initiative that Bristow Muldoon outlined.

The Convener: To get a better picture, we still have issues to pursue.

Linda Fabiani: Another issue is the proposed legislation on private sector housing.

The Convener: We will also ask the housing improvement task force for its views.

Mike Watson: The London letter says:

"There are nearly 100,000 empty residential properties in London".

Does the Executive or COSLA know the number of such properties in Scotland? Perhaps we should not bother with COSLA, as it will say that it does not collect such figures centrally.

The Convener: Rather than writing to the housing improvement task force, we should ask the Minister for Communities for her views. I seek Jackie Baillie's approval that that is right.

Jackie Baillie: The housing improvement task force has ceased its work. The minister needs to take the initiative. The Executive needs to be asked whether it intends to rectify the situation in the promised legislation, which would put it behind the eight ball.

The Convener: We still need some answers. I thank Bristow Muldoon for his helpful comments.

Do members agree with the proposed course of action?

Members indicated agreement.

Ambulatory Oxygen and Pulmonary Rehabilitation (PE648)

The Convener: Petition PE648 is on portable oxygen and pulmonary rehabilitation. The petitioner calls on the Scottish Parliament to take the necessary steps to ensure that the national health service in Scotland provides truly portable oxygen and pulmonary rehabilitation classes throughout the country. The committee agreed to write to the Executive to seek its views on a number of issues that the petition raised. The

response from the Executive has been circulated to the committee. Do members have any views on the response?

Helen Eadie: We could ask the petitioner for his views on the Scottish Executive's response.

12:00

Linda Fabiani: At first glance, my response was "Gosh, that's great—it's happening." However, if I remember rightly, it was promised before—I think that October 2003 was the date by which it was supposed to happen. I agree with Helen Eadie, and the committee should also perhaps ask in April 2004 whether the target date has been met.

Carolyn Leckie: I agree with that point. I am getting representations from individuals who are still having difficulty in obtaining the service, so it is not happening.

Mike Watson: I agree with Linda Fabiani's proposal.

Jackie Baillie: I agree. However, the reason why people are having difficulty in obtaining the service is because it will not be available until April 2004. I take Linda Fabiani's point, which is that we should ensure that it is brought in then. Until then, people will face difficulties.

The Convener: We also need to get the petitioner's response. Is that agreed?

Members indicated agreement.

Yorkhill Hospital (Centre of Excellence) (PE655)

The Convener: The last current petition is PE655, which is on resource difficulties at Yorkhill hospital. The petition calls on the Scottish Parliament to investigate the resource and other difficulties currently faced by Yorkhill hospital as a result of its status as the cardiac centre of excellence for Scotland and to consider whether it is appropriate for the hospital to continue in that role. At its meeting on 1 October 2003, the committee agreed to seek the views of both the Scottish Executive and Yorkhill NHS Trust. The responses have now been received and I ask members to comment on them.

Carolyn Leckie: Specific information on comparative staffing levels and ratios of particular staff would help us. It would be useful to know what the ratios were before centralisation and what they are now. That would help us to take a view. The petitioners are concerned that the service has diminished. We have not received that sort of specific information in the responses and it is necessary for us to get such information in order to come to a view.

The Convener: Do other members have views?

Helen Eadie: We should send the petitioners copies of the responses from the Executive and from Yorkhill NHS Trust and invite them to respond.

The Convener: Yes. We can see what they say about the responses. The petitioners' response, once we have it, and the additional information that Carolyn Leckie seeks will help us to get a fuller picture. Is that approach agreed?

Members indicated agreement.

Mainstreaming Equality

12:02

The Convener: Item 3 is on mainstreaming equality. The committee has been invited to consider recommendations from the Equal Opportunities Committee on mainstreaming equality in the work of committees. A paper from the clerk has been circulated to members. Now that they have had a chance to consider the paper, do members have any comments on it?

Helen Eadie: I am happy with the paper. The only thing that I would urge the committee and every other committee in the Parliament to do is to ensure that when equality issues are on a committee's agenda, they are not put at the very end. My recent experience on another committee, which shall remain nameless, was that equality issues were not given proper consideration when they came up in the course of questioning. I hope that we keep such issues high on the agenda.

Jackie Baillie: I agree with the recommendation contained in the paper for the simple reason that although, on the face of it, the measure may not apply entirely to the work of the Public Petitions Committee, I think that monitoring who has access to the committee—in terms of gender and background—might be useful for us. It would be helpful if the clerks could review our work and consider where it would be appropriate for us to adopt equality guidelines.

The Convener: I agree entirely with Jackie Baillie's comments. Jim Johnston and I have already discussed the fact that the number of men who come forward with petitions at the committee is quite striking. I do not know whether there is any reason for that. I have always tried to deal with petitions based on the issue and have not based my decisions on whether the petitioner is male or female—I do not know whether gender would skew decisions one way or another. We must get information on whether more males are petitioning the Parliament and on whether the issues that they raise are examined more closely than others. The committee must be careful to ensure that there is no bias, intentional or otherwise, in the way that the committee hears petitions.

Jackie Baillie: We need to ensure that the system is sufficiently inviting to encourage people of both genders and of all ages to submit a petition. I hope that the fact that we have taken evidence from young people today will encourage older people as well. The additional paper should consider where it would be appropriate to apply the equality guidelines.

The Convener: As well as examining the number of petitions that we receive, we need to

consider the number of petitioners from whom we take evidence who are from ethnic minority and other groups. It is important that we are not open to any accusations of bias. I hope that there has not been any bias. If there has been, it has been inadvertent. We need to look into the matter and ensure that any issues are addressed.

Carolyn Leckie: We have an element of control in ensuring that there is no bias or discrimination in our responses to petitions, but we have limited control over the petitions that are submitted. If the information that is collated shows, as we suspect, that our petitions come predominantly from white males, we will need to consider what we can do about that. The Public Petitions Committee should be as inclusive and accessible as possible to the whole of the community. We need to think about how we will ensure that that is so.

The Convener: As I said, I have spoken to Jim Johnston about that. We will monitor the situation to ensure that we cover all the bases in our assessment of equality issues.

Linda Fabiani: I see that our e-petition system will be launched on 11 February. I give my apologies in advance, as I will be down at the Holyrood site that day. Perhaps equalities issues could be mentioned in any speechifying that is done by the convener or the Presiding Officer at the launch.

The Convener: I have no problem with that.

I thank members for their attendance. We have done not bad this week again.

Meeting closed at 12:06.

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