

PUBLIC PETITIONS COMMITTEE

Wednesday 31 March 2004
(*Morning*)

Session 2

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CONTENTS

Wednesday 31 March 2004

Col.

ITEMS IN PRIVATE	661
NEW PETITIONS	662
Local Government Finance (PE719).....	662
Aberdeenshire Harbours (PE716)	674
Planning Applications (Scrutiny) (PE710).....	682
Local Authorities and Public Agencies (Public Petitions) (PE713).....	687
Judiciary (Membership of Freemasons) (PE720)	688
Maternity Services (Island and Rural Communities) (PE718)	692
Consultant-led Maternity Services (PE689)	692
CURRENT PETITIONS	703
Hospital Closures (Public Consultation) (PE643)	703
Health Service Configuration (Consultation) (PE707).....	703
Further Education (Management Practices) (PE574)	707
Further Education (Governance and Management) (PE583)	707
NHS Prescribed Drugs (Effects on Children) (PE631, PE638, PE639 and PE640)	709
Children with Learning Difficulties (Support and Information) (PE663)	709
HMP Peterhead (PE667 and PE675)	711
Public Finance and Accountability (Scotland) Act 2000 (PE683)	713
Historic Scotland (Remit) (PE703)	714
COMMITTEE EVENT	716

PUBLIC PETITIONS COMMITTEE

6th 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)
Rob Gibson (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED :

Elizabeth Duncan (Help the Aged)
Christine Grahame (South of Scotland) (SNP)
Phyllis Heriot
George Lyon (Argyll and Bute) (LD)
Robert Stephen
Stella Stephen
Stewart Stevenson (Banff and Buchan) (SNP)
Mr Jamie Stone (Caithness, Sutherland and Easter Ross)
(LD)
John Wilson

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Joanne Clinton

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Wednesday 31 March 2004

(Morning)

[THE CONVENER *opened the meeting at 10:02*]

Items in Private

The Convener (Michael McMahon): Good morning. Welcome to the sixth meeting of the Public Petitions Committee in 2004.

Item 1 on our agenda concerns a decision to take items 5 and 6 in private. Do we agree to take item 5, which relates to a draft report, and item 6, which relates to the committee's procedures, in private?

Members *indicated agreement.*

The Convener: I notify members that Carolyn Leckie has said that she will be unable to make it this morning until about half past 10.

New Petitions

Local Government Finance (PE719)

10:03

The Convener: Petition PE719, on local government finance, is from Elizabeth Duncan on behalf of Help the Aged. It calls on the Scottish Parliament to establish an independent expert body as part of proposals to review local government finance with a remit to consider specifically the fairness of the current council tax and water charging systems and administration, and the viability of other more equitable revenue raising measures.

Elizabeth Duncan, Phyllis Heriot and John Wilson will give evidence to the committee in support of the petition.

Elizabeth Duncan (Help the Aged): Thank you for outlining the request in our petition. The issue of council tax is the hot topic of the moment and is causing considerable unrest among older people in England and Wales, who are currently experiencing what they perceive to be massive rises in their council tax payments.

We believe that Scots pensioners have been suffering a much higher cost for more than 10 years consistently across council tax bands when measured against comparable properties in England. Despite that, pensioners in Scotland have to pay those bills out of the same amounts of pensions and benefits that are awarded throughout the United Kingdom—there is no Scotland weighting. A disproportionate tax on older people in Scotland is thus rendered even more disproportionate.

Although we are presenting the petition on behalf of Scotland's pensioners, we believe that a more equitable collection system for council tax and water costs would have significant implications across our communities for low-wage earners, for single people and for all those who are adversely affected by bills that take little account of personal circumstances or ability to pay. We are not saying "Can't pay, won't pay"; we are asking for a system that offers some equity across the board and that does not force a disproportionate burden on Scotland's poorest people.

Sitting next to me are John Wilson and Phyllis Heriot, who wish to say a word or two about how the disproportionate burden affects them in their daily lives.

John Wilson: We have already contacted the Chancellor of the Exchequer, Gordon Brown, and have called on him to acknowledge the special

circumstances that apply in Scotland. One in four women over the age of 60 suffers extreme hardship and lives in poverty. Women are twice as likely as men to need to resort to means-tested benefits. Some older people now face the prospect of having to cut back on their weekly essential outgoings. Like the rest of the population, pensioners need local services such as home helps, libraries and public transport to enable them to enjoy some quality of life. They cannot be expected to pay another huge increase in council tax if the state pension is to rise by only £2.15 a week.

Phyllis Heriot: As John Wilson said, we are getting an increase in our pensions from £77.45 per week to £79.60. As you and we know well, £2.15 will not go very far. Council tax rates and water and sewerage rates are increasing. Apart from that, we have our fuel bills and our phone bills to pay. I am in sheltered housing now, and I have had an increase in my rent, thank you. The Executive has put some money into promoting a plan for supporting people, which means that I now pay £3.80 a fortnight for stair cleaning, and that people in sheltered housing will pay £4.50 a week for a community alarm system, which is necessary.

The current poverty of pensioners is well known. I am sure that many parties support us strongly in our appeal to the UK Government to increase pensions in line with earnings. That policy went out with Mrs Thatcher in 1981, and it has not been reintroduced since. All we have got has been more and more means testing. We have got some relief towards fuel bills and so on, but it is nothing much—we are in worse straits now than we were. We appeal to Parliament for a review. Everybody in Scotland, of whatever age, will support that review, so that we can establish a fair system. We would thank you, convener, and the other MSPs who are here today to support our petition.

Helen Eadie (Dunfermline East) (Lab): I have a question about the time over which you pay your council tax. A pensioner came into my constituency office last week and appealed to me to make representations on the matter. Would you concur with the view that, rather than have council tax payments spread over 10 months, it would be more helpful, as that gentleman said, to have them spread over 12 months? Does Age Concern have a view on that?

Elizabeth Duncan: I cannot speak for Age Concern, but—

Helen Eadie: I am sorry—I meant Help the Aged.

Elizabeth Duncan: Help the Aged does not have a point of view on that. Whether payments are spread over 12 months or over 10 months,

they are still a disproportionately high burden on people who have limited incomes. It would really make no difference.

Phyllis Heriot: I would just add that, for the couple of months that we do not have to pay, it is a great relief not to have to bound away up to the rents office.

Let us face it: the older generation has always met its commitments. We try so hard to do that. If people do not have the wherewithal to meet their commitments, my God, it puts them under stress. Older people are the carers for the rest of the community—they care for young people and for their partners—and we do not want any more stress to be put on them. It does not matter whether the payments are spread over 10 months or 12 months; please bring the total down.

John Wilson: It should be remembered that pensioners in Scotland have contributed to the wealth and economy of this country for all their working lives. Surely the time has come to give them sympathetic consideration on such matters.

Linda Fabiani (Central Scotland) (SNP): In your petition, you say that you would like an independent review panel to consider the council tax. You will be aware that the Executive has said that it will review local government finance. What do you feel should be specifically added to that Executive review to do justice to your case?

Elizabeth Duncan: There is to be an inquiry into local government finance, but we do not know when or where. It could be this year or next year but, even this morning, we could not find out when it is likely to take place. I do not believe that there is any reason why an independent expert body could not be set up now to examine the subject of our petition. The council tax is becoming a disproportionate burden for many people.

Linda Fabiani: So, you would be happy for the investigation to be part of the review of local government finance if it specifically examined council tax and water charges for people on lower incomes.

Elizabeth Duncan: As I said, it is not a question of “Can’t pay, won’t pay.” We will pay. We appreciate that there is an element of social insurance in that we do not just pay for what we get ourselves, but pay into a fund for the greater good. However, because the cost of that greater good falls disproportionately on the many, as opposed to falling on the few higher earners, the process has to be transparent. We know that the end result will not please everyone. There will be winners and losers whatever happens.

We ask for the assembly of a body that is as expert as possible, in exactly the same way as the Executive put together a development group to

consider personal care, in respect of which the Executive brought in experts from many fields to consider the situation and what it should and could be. The work of such a body would not satisfy everyone but, if there is transparency and if people understand how conclusions are reached, we might end up with a happier community.

Jackie Baillie (Dumbarton) (Lab): I welcome the witnesses, and Phyllis Heriot in particular, of whom I have experience. I must say that Phyllis was extraordinarily brief today; I have heard her in full flow. I am sure that she will come back at me for that.

I have a lot of sympathy with the arguments about fairness and ability to pay. I think that the witnesses will find that the Executive has sympathy with those arguments, too. The Minister for Finance and Public Services has spoken about fairness and about ability to pay for all households. He mentioned pensioner households specifically, so there is something for you to hang your hat on.

However, as you would expect, I argue that considerable strides have been taken for pensioners in Scotland. I think that the witnesses would acknowledge that. Those strides have been taken not least by the UK Government and the Scottish Executive working in partnership.

I accept the need to balance fairness and ability to pay. On that basis, I want to push you slightly. You mentioned council tax and water charges. Those charges come under different ministerial portfolios. Which charge causes the most problems?

10:15

Elizabeth Duncan: The council tax certainly causes the most problems. The fact that it includes both charges just adds to the bills. Ordinary people do not care where the money goes—they just know that it goes somewhere else and they do not think that they get value for money, so the fact that two separate bodies are responsible for council tax and for water charges is a bit of a red herring.

We understand that the average water bill in Scotland is £263, or £5.06 per week, which represents 6.5 per cent of the basic state pension. That is another way in which a very limited income is sliced away. We have all sorts of questions about the fact that charges are based on the size of the house, rather than on the amount of water that is used.

Jackie Baillie: That is helpful. The chancellor announced a payment of £100 to pensioners. What will be the net effect of that payment on your council tax payments?

Elizabeth Duncan: Given that we do not know

how or when that payment will be made and that I understand that it will be made only to the over-75s, we think that it is a sop.

John Wilson: I understand that the £100 payment will be made per household, not per person. We regard it as a sop that will be of no great benefit to pensioners.

Phyllis Heriot: It will be a one-off payment and Gordon Brown tells us that people over 80 will get a bit more. It will not be an addition to our pensions and it might not be given next year. However, will our rates go down or up next year? Other people get pay rises, but we do not. We are on fixed incomes and we have to make them stretch. Something has to give. Also, we must pay tax on any other pensions that we receive. We pay our fair share into the country in tax.

The bulk of the council tax goes on education, which is fair enough—we were educated, too, and it is right that that is passed on to the younger generation. The Government is going to give teenagers £30 per week to stay on at school; it has the right to decide to do that. However, the Scottish Parliament must also consider fairness and equity across the board, which is what we are asking for. As Elizabeth Duncan said, the review that we are calling for would consider not just pensioners but the problem for society as a whole. I think that you will agree that it is about time that that happened. It has been a long time coming.

Ms Sandra White (Glasgow) (SNP): Good morning—I shared a taxi with Liz Duncan this morning and I know Phyllis Heriot and John Wilson very well. Jackie Baillie said that Phyllis Heriot's opening statement was brief, but I am sure that she took it as a compliment, rather than anything else.

A few points arise from the questions that Linda Fabiani and Jackie Baillie asked about the bonus and so on. First, would you be happy to give away such bonuses if your pensions were index-linked? You can answer that in any way that you wish.

Secondly, do you agree with Glasgow City Council that there should be separate bills for water charges and council tax, to make it easier for people to decipher their payments?

Thirdly, I note that the Deputy Minister for Finance and Public Services said that the review of local government finance that you seek will take place some time after the Easter recess, although he did not say when. To pick up on Linda Fabiani's point, that review will consider all forms of local government finance—including rates and all the other ways in which local government is financed. Might that muddy the waters? Would you prefer there to be a separate review of the council tax—conducted by the Scottish Executive or independently—that would consider local income

tax and other forms of gathering local tax? I support a local income tax, on which a few motions have been lodged in Parliament. I am sorry to ask so many questions.

Elizabeth Duncan: I will take your final point first. We would be reassured if an expert group were set up, either as a separate entity or—as was suggested—an incorporated group. However, I believe that such a group would get a bit lost if it were subordinated within a general re-examination of local government finance. That kind of practice is becoming a bit of a feature, but people would like to know that something was going on. Obviously, any review would have to be concerned with local government finance. I understand absolutely that that is exceptionally complex.

Most people out there just do not want to know about all that, however. I am sorry, but that is true. They do not want a blow-by-blow description of what is happening in local government. They want to know how it affects them. They want to know about the local authority in terms of how availability of services will affect them. I believe that we are all basically terribly selfish. It is a simple equation; our being forced to pay a tax—or what seems to be a tax—that bears no relation to our ability to pay affects our quality of life in many ways.

On whether it would help if council tax and water bills came in separately, I do not believe that it would. Payments would continue to go out and they would be based—for the time being, anyway—on the same disproportionate apportioning. I have forgotten what the first question was.

Ms White: On the chancellor's one-off payment of £100, would you prefer that pensioners got a decent index-linked pension to their having to rely on a bonus whenever it suits the Government?

Elizabeth Duncan: The £100 gesture is just that: a gesture. Offering that to some pensioners is one issue, but we emphasise that the council tax issue is crucial not only to pensioners, but to all lower-income members of our community, to whom the chancellor did not offer £100. I do not want pensioners to be ghettoised because they get a payment that others do not get. The council tax is a community issue. It just so happens that all the pensioner organisations in Scotland signed our petition and want the matter to be brought up. However, they also regard the council tax as an issue for the whole community.

Means testing is just tinkering about. We understand that there are huge failures in the council tax benefit system. For example, we understand that take-up rates are only about 65 per cent for pensioners and 45 per cent for owner-

occupiers. The higher figure arises because those in public-sector housing tend to have better access to benefit resources and so can be helped out much more. Owner-occupiers tend to have less access to all that. Overall, the levels of council tax benefit are low anyway and do not mitigate the full effect of the council tax. More than 70,000 pensioners are not receiving their benefit entitlement. Rather than tinker with that bit of the system, let us try to look at the whole system for everyone. There will be winners and losers.

Phyllis Heriot: On water rates, I would leave things alone because we have always paid water and sewerage rates, which are part of what we get from councils. That is their responsibility. They have tried hard to improve things in our area. They have had to bring things up to European water standards, which is costing a lot of money. However, I was not happy with what they did with the water boards. For efficiency for pensioners, it is as well to leave things as they are and just to explain the costs—which happens already. The changes in the system and questions whether there are to be discounts and so on have caused more problems. However, we must remember that, although we have to pay to meet European standards, we have about the lowest pensions in Europe.

John Wilson: Just to add to that, no pensioner likes to go cap in hand for all the little pieces of money that the Government offers, even if that is done by means testing. A decent pension is what pensioners really need. The Government should decide clearly what pensioners need so that pensioners can hold their heads high and pay what they must pay with dignity and without having to go cap in hand for the Government's handouts. They are only handouts and there is no guarantee that they will be there all the time. A decent pension is what we want and nothing else.

John Scott (Ayr) (Con): Phyllis Heriot spoke about income relative to outgoings. Do you have examples of a dozen or 15 case studies that clearly illustrate the point? That might be helpful, particularly for the consultation that may begin after Easter. That sort of evidence would back up your case.

Elizabeth Duncan: We do not have such examples with us, although I have figures that give proportions and what has happened to pensions. If it would help, we could prepare and submit a number of case studies that consider the changes in pounds and pence, the impact that they have on day-to-day living and the choices that people on low incomes—particularly pensions—are left with. That might be a choice between heating and eating, or between paying council tax and buying a new winter coat. We could provide that information, if someone will advise me how it

might be submitted.

John Scott: I imagine that you would do so in the same way in which you submitted the petition.

The Convener: There would be no harm in sending the information to the clerks. We will ensure that it gets to the appropriate people.

Elizabeth Duncan: We can do that relatively quickly.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Good morning, folks. I am sure that you will be encouraged by members' responses. There seems to be unanimity that your petition is credible and worth supporting. As a pensioner, I must declare an interest.

The petition has been further supported by statements in Parliament in recent weeks, not the least of which was that by the Minister for Finance and Public Services, who pays particular attention to pensioner households. I hope that matters will move on, but even if we achieved a reduction in the council tax and water charges for pensioners in the coming financial year, there would be little point in doing so if pensions remained static. As everyone here would agree, pensions have never been set at a realistic level and rises are constantly behind the rises in gross domestic product and inflation. Do you agree that, even if we achieve a reduction in the council tax for pensioner households, there must be a much wider debate to secure a realistic level of pension?

Phyllis Heriot: We would welcome that, but we know that it is not in the Scottish Parliament's remit to decide the level of pensions. However, we would appreciate support from MSPs and the Scottish Parliament on the issue. Parliament has shown in many ways that it supports change. Many statements have been made. The latest statement from the Adam Smith Institute says that pensions should be doubled, although it argues that people should not claim a pension until they are 68—there is always a sting in the tail. Such an increase would be very nice indeed and could affect many people.

What we are doing today will be appreciated by younger people in the years to come. We are asking for fairness. Within Parliament's remit, can you help us: can you look into the matter and make some decisions on it, as you did on free personal care for older people? I know that Parliament has a big job to do and that you must consider many different matters, but there are a lot of angry people out there. We want to harness that. We do not simply want to be listened to; we want something to be done. It is all very well to lend a listening ear, as Tony Blair says, but if you do not do anything, nobody will have much faith in you. We hope that you will take on board what we are saying today and that we will be able to say to

our people that the Scottish Parliament is trying and is going to do something. We are showing our faith in you; we hope that you will not let us down.

The Convener: Thank you. At least you also know what the committee's remit is.

Mike Watson (Glasgow Cathcart) (Lab): I thank the petitioners for their presentation and the way in which they have answered the questions this morning. Most of the questions that I wanted to ask have already been answered; however, I have two other questions. First, I think that Phyllis Heriot mentioned that the link between pensions and the retail price index was broken more than 20 years ago.

10:30

Phyllis Heriot: It was broken in 1981.

Mike Watson: I believe that the pension is being increased to £79. If the link had not been broken, how much would the pension be now?

Phyllis Heriot: I think that it would be another £30 higher than the basic pension.

Elizabeth Duncan: I do not have those figures with me.

Mike Watson: But it would amount to 50 per cent more.

John Wilson: I can tell you that it would be a considerable amount.

Mike Watson: I think that, when Elizabeth Duncan was giving evidence, she said that Scotland's pensioners were treated more harshly than pensioners in England. However, the petition says nothing about that. How have you reached that conclusion?

Elizabeth Duncan: When we carried out a rough comparison between houses of certain sizes, and council tax bands in England and Scotland, we found that our council tax is proportionately more expensive. I know that mine is. Although we carried out our research in a slightly anecdotal way, there is no doubt that I am charged a great deal more for the council tax on my house than my sister-in-law in Lewes in Sussex is on her house, despite the fact that on the open market her house would be worth considerably more than my house in a Glasgow backstreet. The facts are pure and simple.

Mike Watson: But I do not understand that. You are talking about everybody, not just pensioners; it is a Scotland versus England split. Furthermore, charges vary from local authority to local authority.

Elizabeth Duncan: Yes, indeed.

Mike Watson: If, like me, you live in Glasgow, you will know that the council tax in the local

authorities on the periphery of or just outside the city tends to be rather lower.

Elizabeth Duncan: I appreciate that we are talking about averages.

Mike Watson: So you are going on averages. Okay.

Elizabeth Duncan: On that basis, we can highlight that, since 1993, council tax has risen by 80 per cent in Scotland, which is twice as much as the increase in the basic state pension. That does not include the additional and now separate water and sewerage charges. If we include those charges, it turns out that the overall rise since 1993 has been 91 per cent. Again, we need to relate that to the 40 per cent rise in pensions. The two figures simply do not equate.

Mike Watson: But I am trying to get at the percentage difference between Scotland and England.

Elizabeth Duncan: I am sorry; I do not have the figures for England. I am not particularly concerned about presenting them.

Mike Watson: But you mentioned them in your opening remarks.

Elizabeth Duncan: I am particularly concerned about having a local inquiry in Scotland. We absolutely appreciate that pensions and UK taxation are reserved matters. However, in Scotland, we should concentrate on making a difference through our own social justice targets.

Phyllis Heriot: I was about to say to Mike Watson that Birmingham, for example, has a larger population than many parts of Scotland. I know that Glasgow and Edinburgh are the major Scottish cities and have fair-sized populations. Indeed, 1.5 million of our 5 million people live in the Glasgow area. However, 50 million people live in England, which means that more money will be accrued through the tax and rates system. As a result, although the percentage increase in England appears to be the same as that in Scotland, when it all averages out, pensioners south of the border are not paying quite as much as Scottish pensioners—or, if one looks at property values, Scottish ratepayers. Some pensioners are property rich but poverty stricken.

Carolyn Leckie (Central Scotland) (SSP): I apologise to the petitioners for being late and for missing the start of their presentation.

A couple of things strike me from what I have heard. In relation to Mike Watson's comments about Scotland and England, there are wide geographical differences in Scotland itself.

Mike Watson: Absolutely. That was my point.

Carolyn Leckie: However, that takes us away

from the issue. Even if pensions were increased in line with earnings, we would still have the council tax, which means that those who are better off will only ever pay three times as much as those who are worse off. Although I totally agree that the basic state pension is inadequate, increasing it will not address the regressive nature and inequalities of the council tax. That point must be emphasised. It is unfortunate that, although the Parliament has had two opportunities in the recent past to vote to abolish the council tax in principle, it has not taken either of those opportunities. I hope that the evidence that you submit will be effective in advancing that debate.

I would like confirmation of the main thrust of your concern. Is it about the inequality of the council tax or is it that the present pension is inadequate to enable pensioners to pay the council tax? Can you confirm that your main problem is the inequality of the council tax? That is the part of the discussion that I have picked up on.

I notice that it is recommended that we pass the petition to the Executive to consider as part of its review. I would like you to comment—if you have not done so already—on the fact that you have specifically requested an independent review of the effect of the council tax on pensioners. If you have already commented on that, please ignore my request—that is my fault for not having been here to hear you.

In the recommended action, there is a reference to the fact that, although two members' bills on the council tax are in preparation, they are unlikely to be ready to be introduced this year. I am not sure that that is the case as regards consultation and the beginning of the first stage. I think that it is highly likely that Tommy Sheridan's bill will be ready to be introduced this year. I do not know where the information in the petition's cover note came from.

Elizabeth Duncan: The question whether the petition is about pensions or council tax came up earlier. It is about both, but because of the position in which we in Scotland find ourselves—whereby one of those subjects is a reserved matter, while the other is a devolved matter—we will have to tackle each issue from a different angle.

Under the Executive's social justice strategy and targets, we have an opportunity to create a fairer system for all in a Scotland in which everyone matters and in which we know that their contribution matters, too. Such a system must be based on ability to pay. There are and will continue to be issues about pension rates, benefits, minimum income guarantees and taxation systems. We will continue those arguments with the Westminster Government. If the Executive felt that it could comment on that fight, so be it, but it may choose not to go in that

direction.

However, it can do something about the present situation in Scotland. The inequalities throughout Scotland have rightly been pointed out. That situation is unfair for everyone. The issue is not just about pensioners; although they are heavily impacted on by the council tax, other people in our communities are affected as well. We would like to iron out those inequalities a little bit.

On the issue of establishing an independent group, we would ask many people for advice on who should belong to that group. I am not in a position to suggest exactly who should be on the group. We would ask the committee to support our proposal and to consider carefully recommendations about who the best people to sit on such a body might be. If we were to be asked about that or to be involved in the process in any way, I would find it difficult to make many suggestions—other than to recommend people who knew their way around balance sheets and understood parts of the benefits system. After that, I would have to ask for advice.

The Convener: Jackie Baillie is next. I am looking for recommendations, so I hope that you are going to be helpful. In response to Carolyn Leckie's comment, the clerks checked with the non-Executive bills unit about the bills on the council tax. It was NEBU that suggested that they would not be ready—that is the basis of what is in the briefing.

Carolyn Leckie: That is interesting.

Jackie Baillie: I will attempt to be helpful to the convener and the petitioners. When you make assertions, it is enormously useful to your case if you present the evidence to back them up. Arrangements have been made to ensure that the kinds of case studies that you talk about emerge.

The committee was struck by the arguments about fairness and ability to pay, so I recommend that we pass the petition to the Executive—in particular, to the Minister for Finance and Public Services. We should ask a number of questions. First, we should ask him to confirm that the remit of the independent review group will include consideration of fairness and ability to pay and will have regard to pensioners. I diverge from the petitioners on their request to set up an independent panel. Given that they were keen to position the council tax as something that affects the whole community, not just pensioners, I suggest that we ask that the group that the minister sets up takes specific evidence and consults the pensioner community. That is a much better way of operating and I would expect the group to do that.

On the separate issue of water charging, although there are relations between the two

ministers I would have thought that a letter to the Minister for Environment and Rural Development, who has specific responsibility for water, would also be helpful.

Carolyn Leckie: In line with what we have done previously when there have been relevant members' bills, I ask—if it is okay with the petitioners—that their evidence and subsequent representations also be passed to both Tommy Sheridan and Mark Ballard.

The Convener: That is standard practice. Is everyone happy with those suggestions?

Members indicated agreement.

The Convener: I thank the petitioners for their time.

Phyllis Heriot: Thank you.

Scottish pensioners have led the way on many things, such as concessionary travel and free personal care—you name it. They are watching us down in England because they want a lot more for pensioners and everybody there—we want to lead the way and we want to lead the way on this unfairness.

John Wilson: May I also say that, when we were young, pensioners operated for many years on behalf of the people sitting here now. We will not benefit to the same extent as you will. I hope that you will take that into consideration and remember that when the time comes you will be old age pensioners too.

Aberdeenshire Harbours (PE716)

The Convener: Our next petition is PE716, in the name of Robert Stephen. It calls for the Parliament to take the necessary steps to annul the Grampian Regional Council (Harbours) Order Confirmation Act 1987 and to replace it with equitable legislation.

Robert Stephen is present to give evidence in support of his petition. He is accompanied by Stella Stephen. I welcome you to the committee. You have three minutes in which to make opening remarks, and then we will ask some questions.

Robert Stephen: I apologise for the quality of my voice. I suffer from a dry throat—I am 77 years old.

I will focus on equity. The issue is all about equity in law. The Parliament's mace is all about wisdom and equity. The undeniable long-term injustice in this case is discrimination by withholding rates money from Peter to pay Paul. That is a breach of trust. The council obstinately denies its duty and rejects equity. Equity is defined in Malachi chapter 2, verse 6:

"The law of truth was in his mouth ... he walked with me in peace and equity, and turned many away from iniquity."

Where there is no equity, there is iniquity.

Micah chapter 3 states, beware lest ye "pervert all equity" and

"build up ... with blood ... and iniquity."

Loss of equity is not to be taken lightly; there has been a loss of £200,000 over 25 years to Cairnbulg harbour.

A well-known event crystallises the whole issue. Genesis chapter 4 outlines that Cain murdered his brother Abel because of jealousy and arrogance. The Lord God said to Cain, "Where is thy brother Abel?" Cain said, "Am I my brother's keeper? I'm not responsible for him. I'm not his keeper." That is what the local council says. It says that

"the power is not a duty".

The council says that it is not the keeper and is not responsible to those five villages or under equity law. That is Cain talking in 2004 from Banff and Buchan.

However, Cain was right. He was not his brother's keeper; he was his brother's brother. At the Parliament's opening ceremony, members all sang "A Man's a Man for a' that", which says:

"Its comin yet for a' that,
That Man to Man the world o'er,
Shall brothers be for a' that."

Members pledged that before 100 million viewers.

We petition the Scottish Parliament to be a brother to the villages of Gardenstown, Pennan, Sandhaven, Cairnbulg and Boddam, to practise brotherly love by granting us equity legislation for peace and to establish the law of truth because, in our Scotland, a man's a man for a' that, including those five villages in Banff and Buchan. I rest my case.

10:45

The Convener: We are joined by Stewart Stevenson, who is the petitioner's local MSP.

Stewart Stevenson (Banff and Buchan) (SNP): With others, Robert Stephen has campaigned for a considerable time on behalf of several village harbour trusts. The Grampian Regional Council (Harbours) Order Confirmation Act 1987, which Robert and his colleagues petition to overturn, was passed at Westminster. It was not the subject of enormous debate, as it was passed under the equivalent of our negative procedure. The act was not subject to huge scrutiny and the reasons why it was passed are probably lost in the mists of time—I have not been able to find them.

I will quote a few provisions from the act to show what it is about. It takes into the bailiwick of the

former Grampian Regional Council—so not just my constituency is affected—several harbours in the north-east. The act excludes other harbours. The basis of the petition is that as a result of that and the lack of stewardship from the successor council, which is Aberdeenshire Council, we should go back to basics and revisit the matter.

The act contains interesting provisions. For example, it gives the council the power to serve a notice to

"require the owner or occupier of a pier, landing place or embankment"

that is in an "insecure condition" or is in "want of repair" to do something about that. The council does not undertake such work, because some of the liability for fixing things would then fall on it.

The act arrogates one harbour that was then in a state of disrepair. It also says:

"Where a tidal work is abandoned or suffered to fall into decay"—

that applies to many of the trusts to which Robert Stephen's petition refers—

"the Secretary of State may by notice in writing require the Council at their own expense ... to repair"

or restore the work. That has not happened, of course.

The act says up front that

"It is expedient that the administration and control of the ... harbours"

that were taken over be governed by the council. It also gives the council the power to maintain and renew harbours. The 40-page act contains quite a lot, but its essence is that the north-east has privileged harbours and neglected harbours. In 2004, it is unclear why there should be discrimination between one set of harbours and another. The petitioner simply seeks to set aside the act, which was passed in 1987, so that we can introduce legislation that better meets the needs of the north-east's harbours.

The issue may have broader applicability to other coastal areas throughout Scotland, although the petition focuses on five important harbours for tourism, practical and leisure purposes in the north-east.

I am happy to be here to support the petition. If members feel that I can answer any questions, I will be happy to support the petitioners in that regard.

John Scott: When the act was passed, what were the criteria for including the harbours in the order? There must have been some reason at that time to choose some and not others.

Robert Stephen: The old town councils that ran the harbours became defunct. Some of the

harbour trusts disbanded, such as Banff trust, so the town council simply ran the harbour and kept it in some sort of repair. When the old town councils became defunct, Aberdeenshire Council took over the harbours. In Grampian region, there were 10 village harbours and two commercial harbours—at Buckie and Macduff—when the 1987 act was passed. The council does not talk about owning the harbours because it cannot own the harbours. When the trusts disbanded, the ownership should have returned to the landlord, but it did not—the whole thing became defunct. The terms “vested”, “control” and “ownership” are talked about instead.

The council controls six or seven harbours and spends an average of £10,000 a year on them, such as on Rosehearty harbour, which is just along the road from us, but we get absolutely nothing. I have been trying to get money out of the authorities for about 25 years, but I have had nothing at all because of the 1987 act. They have said that their responsibility goes only as far as the act requires, that they do not have a duty to us and that they have the power not to support us because of the act. It is a dubious act and the council would not let me see the feus.

Our trust is a society and if our society had disbanded, it would have gone back to the landlord automatically and he would have sold it to the oil companies a few years ago.

Stewart Stevenson: I offer a brief supplement. From looking at the list of harbours that were included, the basis for inclusion is not clear. In 1987, working harbours that were still commercially viable were excluded and harbours that were probably not working harbours were included. It is entirely unclear what is happening with a further set of harbours because the trustees can no longer be traced. That opens up a wider question about the management of harbours and whether a root-and-branch revision is required.

Robert Stephen: Macduff is the commercial harbour in Aberdeenshire. It used to be that about two thirds of the money was spent on commercial harbours and one third was spent on the village harbours, as we call them.

Linda Fabiani: I will develop that theme further. Are the harbours that are run by community trusts still working harbours? I am a bit confused about who runs the harbours that are not under council control. Who are the trustees? Who is running the show? Who provides the money that is required to maintain the harbours that are currently under trust? I recap what Stewart Stevenson said—I have heard of the same problem in relation to other harbours in the country, so it is not only in Aberdeenshire that there appears to be a problem.

Robert Stephen: As I said, Macduff is a working harbour that has a little bit of industry left after the

reduction of the fishing fleet. The only place where one can get a crane in the north-east is from Macduff shipyards. Many of the tradespeople in Fraserburgh and Peterhead have packed in their business. That is about the only biggish thing left; it is a working harbour. The rest of us are part-time fishermen. We have a few small boats—about 20 or 30—which we would like to put into marinas, but that needs a deep harbour, and not many of our harbours are deep enough for that.

We are a benefit-of-the-community company. It is written in the law. It is in an appendix that you do not have, so I will read it to you. It says:

“The Society shall be called ‘CAIRNBULG BOAT HAVEN LIMITED,’ and its objects are: ...

(b) To provide amenities or services, including, without prejudice to the foregoing generality, leisure, promenade and picnic facilities, children’s play areas, public access to said boat haven and surrounding areas, for the benefit of the community.”

So we are a benefit-of-the-community harbour. That benefit-of-the-community law started to come into force in about 1980. In 1985, Albert McQuarrie MP introduced a miscellaneous provisions bill so that charities in law—we are a charity too—could get public money because they serve the public and provide a service that is not provided by the council in those villages.

Linda Fabiani: Are there six different community trusts running six different harbours or does one organisation run the six harbours?

Robert Stephen: They are all separate organisations, but five of them work together.

Linda Fabiani: How are repairs and maintenance carried out? Who pays if any work needs done?

Robert Stephen: We give free labour. The council pays for its own vested harbours, and it costs roughly £10,000 a year.

Linda Fabiani: Who pays for the ones for which the council has not taken responsibility?

Robert Stephen: We go round with a begging bowl. We have galas and have to share the gala money with halls and old-age pensioners’ Christmas chocolate boxes, for example.

Linda Fabiani: That is what I was trying to find out: it is entirely voluntary fundraising.

Robert Stephen: Dues are small, because we have to compete with Peterhead, which has a deep marina and charges about £400 a boat. Whitehills has a deep harbour and a marina. The trust there got money from the European Union or from the Government. It has about 40 boats at about £500 a boat. We can charge only about £30.

Linda Fabiani: So the money from harbour dues goes into the trust.

Robert Stephen: We get only about £1,000 a year from harbour dues and sheds.

Linda Fabiani: You also do fundraising events.

Robert Stephen: Well, we got £1,000 from the gala last year, but that money fades away sometimes. We got £1,000 from a bonfire the year before that, but I am afraid that the bonfire got washed and winded out. The insurance for it was £300 or £400, and it set fire to our precious road.

Rosehearty harbour, which is along the road, got £20,000 last year and another £20,000, if it so wanted it, from the council out of my rates. That is robbing Peter to pay Paul, and we ask you for equity in legislation.

Linda Fabiani: I can see where you are coming from with that. You have to raise the money to maintain the harbours, and meanwhile the council charges you rates and does not return any money to you for maintenance.

Robert Stephen: Yes. That is it. We do not get anything back, and the council gets our money. That is what I have said. It is a case of Cain and Abel, and I am asking you to be our brother. You all sang about brotherhood.

Helen Eadie: I will not be your brother, but I will try to be your sister. I have a question about community ownership, which is ownership by a community business or co-operative. Do you own the harbours or do you run the trusts to manage them?

Robert Stephen: The trust feu is held by Cairnbulg Boat Haven Ltd on behalf of the village of Cairnbulg. It was gifted by John Duthie, who was the famous shipbuilder in Aberdeen who built the Thermopylae and other sailing boats, including one called the Cairnbulg—he was a Cairnbulg man. He gifted Duthie park, I think, and he gifted the harbour to us at a feu of 1/- a year. I redeemed it for 7/-. It is quite a bit of property with an access road, so that was a good day for me and a bad day for the landlord.

Before they went to St Fergus, the oil people were thick on the ground. They were in with the landlord and we thought we had better find out what they were doing. The harbour was almost unable to function, and had been since 1925 when it was gifted. It was just a pier. We thought that we had better find out the feu for the harbour, so I went to our secretary, who is a lawyer. He charged us only £100; he is more of a nominal secretary. He said, "Well, I don't know if there is a feu." It took three years and a full search to find out the feu. It turned up, as I say, three years later, at the time the oil people went to St Fergus.

11:00

The harbour had not been completed because it ran out of money in 1925. There had been a grant and loan to employ labour during the slump, but the harbour had not been completed or maintained, so when I saw the feu I said, "Oh my, we're going to lose this harbour automatically because of the feu burdens." However, I am glad that, according to Jim Wallace, the Land Reform (Scotland) Act 2003 means that those burdens are gone. Nevertheless, the burden of ownership has not gone. That is made clear in one of my papers; Alex Salmond raised questions about it. If our company disbands, we will lose the harbour to the landlord.

Helen Eadie: Do you agree that one of the issues is that many harbours in Scotland have been privately owned, for example by a laird?

Robert Stephen: Some are still owned by the laird.

Helen Eadie: This harbour has been gifted to you by a private owner and gone into community ownership.

Robert Stephen: We are more publicly owned than the vested harbours that the council has. The 1987 act says that the council can lease any wharf or any part of a harbour to anybody. That nearly happened at Macduff before Macduff Shipyards took it over. It nearly happened to us when the Spaniard was after the harbour.

Helen Eadie: Is it the council's view that it will not fund repairs to harbours that have been, or continue to be, in private ownership?

Robert Stephen: Absolutely. The council will not fund the harbours at all. That is the crux of the matter. Among my papers is a summary that I sent to Stewart Stevenson. I went to the law department but was sent on various routes away from the law department. If you go to the law department, they send you to the education department. It has taken about three years of correspondence to—

The Convener: I think that we can try to cut through that, Mr Stephen. Carolyn Leckie has a question.

Carolyn Leckie: I wanted clarification on the same points as Helen Eadie. It would be helpful to know the actual ownership situation at particular harbours. Who owns them, and has the question whether ownership could be transferred to the council been pursued? If the ownership were transferred to the council, would that be acceptable to the petitioner, or does the petitioner want to maintain ownership but receive council funding?

Robert Stephen: After Rosehearty Town

Council disbanded, people in Rosehearty were offered the harbour and asked to run it instead of the council. Naturally, the people refused, because the harbour would get money in rates support if it were vested in the council.

Let me read to you from a letter from the law department of Aberdeenshire Council to the principal engineer. The letter is from Keith Jones, who is one of the heads of the law department. He says:

"It should be stressed however that the 'power' is not a 'duty' and in exercising its power a local authority must take on board budget constraints"

and so on. Out of convenience, the department is saying, "There's no money for you lot." There has been no money for 25 years.

Stella Stephen: The harbour is a community harbour. People walk there; every day, droves of folk go there. It is our promenade, just as in Fraserburgh they have the beach. I do not know what you have here.

Robert Stephen: If we are considering the benefit of the community, the harbour cannot be closed off as a private harbour.

The Convener: I understand that. These details can be checked. I invite Stewart Stevenson to comment and then I have a suggestion to make myself.

Stewart Stevenson: I can well understand why questions of ownership are arising. However, for many of our harbours, we will continue to be unable to answer those questions, for a variety of reasons. The act that the petition seeks to annul gave Grampian Regional Council—and now Aberdeenshire Council—responsibility for the harbours that it took over. That does not include the harbours in the petition. The act did not change the ownership position, so this is not a direct issue about ownership. Nonetheless, if public money is to be spent, one must be clear about the ownership. However, the trusts that run the harbours all ensure that the community benefits from any investment of public money through the operation of those harbours. That point is perhaps more important than ownership, which we will not bottom out anyway. We await eagerly the committee's views on where it will take the matter.

The Convener: A number of questions and a series of issues have been raised, which will be indicated in the *Official Report*. We could take the matter directly to the Scottish Executive and ask for clarification about ownership, the scope of the act and the other matters that have been raised this morning.

Linda Fabiani: I completely agree with that, but I think that we should also drop a line to

Aberdeenshire Council, so that we have its view on record.

The Convener: There is no harm in that. Are members happy to do that?

Members indicated agreement.

The Convener: Thank you, Mr Stephen. The committee will get back to you once it has had a response from the Scottish Executive.

Robert Stephen: Legislation in 1973 said that there had to be agreement with the trustees—

The Convener: We will try to find out what agreements stand in place, Mr Stephen, and we will get back to you with a response from the Scottish Executive. We will ask the Executive for its views on any possible legislation, or amendments to the legislation.

Planning Applications (Scrutiny) (PE710)

The Convener: Petition PE710 is from Clive Fairweather, on behalf of Sidegate Residents Association. The petition calls on the Parliament to urge the Executive to ensure that, when considering planning applications in areas of historical and cultural significance, such as Briery Bank in Haddington, local authorities consult relevant bodies such as Historic Scotland and the Royal Fine Art Commission for Scotland. The committee considered a similar petition by Clive Fairweather in 2000, calling for an independent inquiry into the designation of land for housing at Briery Bank in Haddington. The committee agreed to take no further action on the petition on the ground that the Parliament is unable to overturn or intervene in the executive decisions of local authorities on planning matters. The committee noted, however, that Scottish ministers indicated in correspondence that they would expect any subsequent development proposals on Briery Bank to be developed in consultation with Historic Scotland and the Royal Fine Art Commission, to ensure that the environmental quality and the character of the area are preserved.

Petition PE710 was prompted by the submission of a new planning application to build housing at Briery Bank, to which the petitioners again object. A number of letters of support have been received on the petition. Christine Grahame is here to make a contribution.

Christine Grahame (South of Scotland) (SNP): I fully accept that the committee is not an appeals court for planning applications and that there has been a previous petition. Against that background, I refer specifically to the issue of non-referral to Historic Scotland and the Royal Fine Art Commission. Although there is one signature on the petition, there have been many more signatories since. I do not know whether the

convener is aware of whether e-mails have gone to the committee clerk and to committee members about the background to the petition, because—

The Convener: We all received them.

Christine Grahame: So you know about the background of the historic St Mary's church, which is at the centre of the matter. I have been at the locus. We are talking about the royal burgh of Haddington which, to some extent, has avoided the planning blight that has occurred elsewhere in Scotland, when builders develop luxury houses similar to the ones that are planned. Fifty luxury houses are to be built, with the carrot of 10 social houses. I am sure that the committee has seen such developments. I take the view—and I hope that the various bodies that I have referred to also take the view—that that is a serious matter when planning applications are being considered.

I refer members also to the 1997 planning advice note "Planning in Small Towns" and the document, "Designing Places: A Policy Statement for Scotland", which are not strictly related to this matter, but which indicate that there should be a bottom-up approach to planning. Such an approach is not being taken to the application that we are considering.

I refer also to a document that 74 residents of Briery Bank signed, paragraph 7 of which says that if the development goes ahead,

"the landscape to St Mary's Church will be completely spoiled."

We are talking about the thin end of the wedge in relation to luxury developments, because it is suspected that if the development goes ahead, the next step will be to build to the west of the site, across the road. The new houses will not be for the people of Haddington, because there are not many jobs in the town, so we can set aside the idea that the development would benefit the community. Developments will encroach and grow like a carbuncle—as somebody once said of a building.

The petition is also supported by the Haddington and District Amenity Society, which makes it plain that the development would blight the amenity of the area. Members might have a copy of the letter from HADAS to Mr Peter Collins, the head of environment at East Lothian Council.

The Convener: I am not sure whether we have a copy of that letter.

Christine Grahame: I will provide the committee with a copy of the letter, which is dated 22 December 2003—it is fairly recent.

The Convener: We do not have a copy because the letter refers specifically to the development proposal rather than to the petition.

Christine Grahame: I am coming to that. The letter refers to the statutory requirement to consult. It says:

"As a statutory body for this brief, the Royal Fine Art Commission for Scotland (RFACS) requested to be consulted at every stage of planning and design, as indicated in a letter from them to ELC (Roy Hannah, 2 Sept. 2002). We wonder therefore why ELC did not automatically send RFACS a copy of this current planning application by CALA."

The letter is very pertinent.

The Convener: I am not saying that it is not pertinent—

Christine Grahame: I will provide a copy of the letter, but I am not clear about which documents the committee has.

Finally, both the Architectural Heritage Society of Scotland and HADAS oppose the development because it will spoil the setting and change the view of St Mary's church. People feel strongly about that—at one stage 1,500 people signed a petition.

The development needs to be considered in the context of the aesthetics of the landscape of the royal burgh of Haddington. The petition does not suggest that houses should not be built in Haddington—there are sites in the area where social housing could be built—but the development should be considered carefully, because once the houses are up, they will be up for good.

Jackie Baillie: I have two questions, but I am conscious that we do not want too much detail. A long time has passed since December. Can you give us an update on the situation?

Secondly, the submission from Haddington and district community council, a copy of which was circulated to members, says that if there was a proposal to build affordable housing at Briery Bank for local people, a number of objections would fall. That seems to be slightly contrary to what you said about alternative sites. Will you clarify the matter?

Christine Grahame: I understand that the planning application is still under consideration and that there has been no decision on it. I see that people are nodding from off stage, so I take it that that is correct.

I take it that you are looking at the faxed letter from Haddington and district community council that is dated 28 March 2004. The community council seems to be giving out mixed messages, as it also says:

"The objectives of the Edinburgh and the Lothians Structure Plan 2015, currently under review, are set out in para 2.16 of the March 2003 Finalised Plan",

bullet point 2 of which is the objective

"to reduce commuting to Edinburgh from the landward Council areas".

That is not happening. The submission continues:

"The proposed development at Briery Bank is"

not

"a product of 'bottom up' planning",

so the community council objects to the development.

The submission mentions social housing, but the development was never about social housing. The builders want to build very expensive, luxury houses, because that is where the profits are. Social housing was never an issue.

Mike Watson: The submission from Norman Lawrie on behalf of Haddington and district community council mentions rail links. I should probably know the answer to this question. Does Haddington have a railway station?

Christine Grahame: No.

11:15

Mike Watson: So it is not just improved rail links that are required. A new station would have to be built if the pressure on the roads that is mentioned in the community council's submission is to be alleviated.

Secondly, I refer back to petition PE292, which was submitted four years ago. On that petition, the briefing note states:

"The Committee did however note from correspondence that Scottish Ministers would expect any subsequent development proposals regarding Briery Bank to be developed in consultation with Historic Scotland Buildings and the Royal Fine Art Commission."

Has that been done in this case? If not, the lessons of the previous application have not been learned by the developers.

Christine Grahame: That is quite right. First, I point out that I did not address pressure on roads, transport or congestion because they are not pertinent to the petition. I tried to speak to the narrow issue.

Mike Watson: I appreciate that.

Christine Grahame: Secondly, the answer to your question is that the bodies that you mentioned have not been involved in the matter in the way in which the previous Public Petitions Committee directed.

Mike Watson: My question was purely historical; we must find out the effect of the fact that those bodies have not been involved; does that not undermine the application? Secondly, I presume that the case is within the planning process at East Lothian Council. If something that

ought to have been done has not been done, the council should surely have picked up on that and drawn it to the attention of the developers. We must ask whether that has been done.

Ms White: I will not take long, as Mike Watson covered one of the points that I wanted to raise. I am concerned that lots of developments are going ahead against the wishes of local communities, and sometimes against the wishes of local councils. Has there been a public inquiry, or has that idea been mooted? As Mike Watson said, the ministers said that Historic Scotland and the Royal Fine Art Commission should be consulted, but the letter from Margery Clinton mentions that there has been no contact with those bodies. Therefore, I assume that we must write to either the minister or the councils to find out exactly what is happening. I would have thought that a shadow would be put over the development if the developers have not spoken to the people to whom ministers stated they should speak.

The Convener: Before Christine Grahame replies, I point out that we cannot write to the council about the matter because that would involve asking questions about its planning process, and that is not our responsibility. We can ask the Executive whether it is confident about its demands for the matter to be referred to certain bodies, but we cannot take the matter to the council because that would involve intervening in the planning process.

Ms White: I just asked; sorry.

The Convener: I know that, but I am just making the point.

Ms White: Yes. No problem at all.

Christine Grahame: There has been no public inquiry on the matter. Its history is given in the fax from the community council, which states that the first proposals to build on the site were made in 1976. There has been a battle to preserve the area for a considerable period of time. Proposals for development recurred in 1998 and they were turned down, but on appeal the site was zoned for housing. The community has been fighting to protect the area for a considerable number of years. Indeed, there was an attempt to raise lottery funds to buy the land to preserve it for the community for all time. However, one cannot compete against major developers.

Carolyn Leckie: I support the petition on the issue of the lack of consultation of Historic Scotland, but the bigger issue that concerns me is the proportions of private development and social housing. The community council raises those concerns along with its concerns about through traffic. Christine Grahame stated clearly that the main concern is about the aesthetic aspect of development in the area. Have the petitioners

considered submitting a petition on the proportions of private development and social housing in planning applications that are granted? That issue affects a swathe of communities throughout Scotland. Perhaps the Parliament should examine how councils take those decisions, how they are persuaded to grant applications in former green-belt areas, and the lack of social housing in such applications. That is the issue that needs to be developed and it would be helpful if there was a petition to progress it.

Christine Grahame: I have been very good and have spoken exactly to the remit of the petition. I have every sympathy with what you say, but that might be another route for petitioners to take.

The Convener: It is not a route for this petition.

Helen Eadie: I suggest that we write to the Executive, because the overarching concern is whether the relevant bodies are being consulted in the process. The committee should agree to write to the Scottish Executive asking what it is doing to ensure that every local authority in Scotland is consulting agencies such as Historic Scotland and the Royal Fine Art Commission.

The Convener: That is a valid recommendation. It is fine for the Executive to say that it wants consultation to happen, but we have to ask what it is doing to ensure that it does. Do members agree with that suggestion?

Ms White: Can we send a copy of the petition to the council, just as we are doing with the petition on harbours in Aberdeenshire?

The Convener: I see no harm in sending the council a copy for information.

Jackie Baillie: I am slightly nervous about that.

The Convener: We are not asking for anything to be done. We are just letting the council know what is happening. We have done that on previous occasions. Is that agreed?

Members indicated agreement.

Local Authorities and Public Agencies (Public Petitions) (PE713)

The Convener: Our next petition is PE713, on consideration of public petitions by local authorities and public bodies. The petition is in the name of David C Wilson and calls on the Parliament to urge the Executive to issue guidance to local authorities and public bodies to ensure that they take into consideration relevant public petitions within their decision-making processes. The petitioner suggests that all public petitions, especially where signatures have been collected in support of a particular cause, should be taken account of when public authorities make decisions. The petitioner provides the example of

a petition containing 1,500 signatures on the restoration of Museum Hall in Bridge of Allan, which he claims was rejected by the public authorities concerned. There does not appear to be any current guidance or legislation that covers the issues raised in the petition. Do members have views?

Linda Fabiani: The petition is interesting. We all get representations from people who believe that their views are not listened to, some of whom have appeared before the committee recently. We should write to the Executive and ask it for its views on people being listened to when petitions are submitted and whether it feels that it would be worth considering guidelines.

Ms White: I agree with Linda Fabiani. Councils have different ways of dealing with petitions. The council of which I was a member heard petitions, so petitioners were able to speak to them before a committee. I do not know whether that happens in all councils; it would be interesting to find out exactly what councils do. I back Linda's recommendation that we write to the Executive for clarification of that.

Carolyn Leckie: The point that I would like emphasised is that it is not even about councils demonstrating that they have listened to petitions; there has to be an obligation on any of the bodies conducting consultations on anything on which petitions have been submitted to provide a rationale of why they have discounted petitions and the clear views of the community. They should have to explain that when they publish their findings, which they do not do at present. I would like the Executive's view on that point.

The Convener: There is no harm in asking those questions. Does everyone agree?

Members indicated agreement.

Judiciary (Membership of Freemasons) (PE720)

The Convener: Petition PE720 is in the name of Thomas Minogue and calls on the Parliament to request that all members of the judiciary declare membership of organisations such as the freemasons and that a register of that be made available on request. The petition is identical to Mr Minogue's earlier petition, PE306, which was submitted in 2000 and considered by the Justice 2 Committee. In January 2003, the Justice 2 Committee agreed to take no further action on petition PE306, with the proviso that it would consider revisiting the matter should the petitioner provide evidence of further specific cases where difficulties had arisen over the question of judicial membership of the freemasons or the Speculative Society. The Justice 2 Committee considered a further five examples supplied by the petitioner

before agreeing to take no further action on this issue.

The petitioner claims that he was not given an adequate explanation from the Justice 2 Committee as to why petition PE306 was closed, and argues that he is entitled to receive details of the reasons for that decision. Members are reminded that this committee has no remit to comment on a subject committee's consideration of or decision on a petition.

Linda Fabiani: Mr Minogue's issue seems to be with the Justice 2 Committee, and it is for them to argue out the issue. Given that the new petition is identical to the previous one, I do not see that we can do anything with it.

Helen Eadie: Linda Fabiani is right. The petition was considered by the relevant committee in the Parliament. We cannot undertake an inquiry and we cannot instruct another committee to do something, so we can only live by the Justice 2 Committee's recommendation and accept its word.

Jackie Baillie: I have nothing to add. The points that have been made are valid. Clearly, the previous petition was considered by the Justice 2 Committee over a number of months. It would not be an effective use of our time to address exactly the same petition when it has already been considered.

Carolyn Leckie: I take a slightly different view. I am not sure what the Public Petitions Committee's view was of the merits of the petition in November 2000, but the idea of requesting judges to declare membership of the freemasons or other secretive societies has merit, and I support it. I defend the right of any person to submit a second petition, because by submitting the second petition they are declaring their dissatisfaction. We might not have a remit to declare our dissatisfaction with the outcome of a committee's investigation or deliberations, but clearly the petitioner is dissatisfied. He has a right to submit a second petition.

It would be okay for the Public Petitions Committee to take a view on the issue. This is, after all, a new Public Petitions Committee. The whole question of membership of the freemasons merits examination. If the rest of the Public Petitions Committee were of that view, there would be nothing to stop us sending the petition to the Justice 2 Committee. Its members might well decide not to examine the petition again, but that would be up to them. We do not need to close the door before the Justice 2 Committee is given that opportunity.

The Convener: I have a couple of points on what you have said. The petitioner has the right to resubmit the petition. That is why we are looking at it again. He resubmitted the exact same petition

because he was not satisfied with the decision of the Justice 2 Committee. It is not for us to sit in judgment on the previous decision of the Justice 2 Committee.

Carolyn Leckie: I am not proposing that we do that.

The Convener: I know that that is not what you are proposing. We have a difficulty. The petitioner has submitted the same petition, asking for the Scottish Parliament to take a view on it. The Public Petitions Committee acted on the petition the last time. The only thing that we can do with the petition is what was done with the first one. That would call into question the decision of the Justice 2 Committee, and I do not think that we want to be seen to be second-guessing the committee that examined the issue when it was first raised.

If a petition comes in that calls for something else to be done in respect of the issue, we will have to look at it in a different light, but we are being asked to note that the petitioner was unhappy with the response that he got the first time. We are not at liberty to go back to the Justice 2 Committee and ask it to revisit the original decision. That committee should not sit in judgment on its predecessor committee. What can we do with the petition now that it has been resubmitted? Members who have spoken are clear that we cannot do anything with it. We do not have an avenue down which to take it.

Carolyn Leckie: The Justice 2 Committee might wish a fresh opportunity to consider the issue—the membership of the committee will be different.

The Convener: No—I do not think that any committee would feel at ease with the idea of second-guessing a decision made by a predecessor committee.

Helen Eadie: That might also falsely raise the expectations of the petitioner. If the matter went to the Justice 2 Committee but was then sent back without any further action being taken, for the reasons that have been discussed, then that would just have been a bureaucratic measure, which would have taken up time. The petitioner would not gain from that in the end. Many people in Scotland might be sympathetic to Mr Minogue's petition, but the fact is that the Justice 2 Committee has considered the matter.

11:30

The Convener: It would be different if we were being asked to consider something new, but that is not the case. The petition has been resubmitted with a new number, but it is the same petition as the one that instigated the original inquiry. I do not see how we can take the matter further. If the petition were new and brought us new information,

that would have been an entirely different matter and a new inquiry could be undertaken.

Mike Watson: Mr Minogue states in his letter to Jim Johnston of 23 March:

"I require a reasoned determination of my petition in accordance with Article 6 of the Human Rights Act 1998 so that if minded I can take the decision of the Justice 2 Committee for judicial review."

There is a serious question there as to whether the Human Rights Act 1998 applies—it may well do, and it may have to be tested. However, I repeat the point: I do not see how anything that we do will either make it easier for Mr Minogue to pursue a judicial review or make it impossible for him to do so. There might be general benefits to the 1998 act being tested but, aside from that, I would simply echo the points that have already been made—although I take issue with what Carolyn Leckie said: if we invited people to reopen issues on the basis that a committee might take a different view from that of its predecessor committee, that would be a recipe for a deluge of petitions.

The Convener: It would be groundhog day in the Scottish Parliament.

Mike Watson: On the general issue, Mr Minogue has a point about what the Human Rights Act 1998 does or does not say in relation to parliamentary decisions and the ability for them to be explained. However, I do not think that there is anything that this committee can do on the fresh petition that could help the petitioner.

Ms White: I know that I am sometimes called to order for going over the score, but I think that in this case we were asked to find out what we could do with the petition, we forwarded it to the Justice 2 Committee, and that committee dealt with it. The outcome might not be to Mr Minogue's liking—although I agree with some of the things that he says—but it is not our place to resubmit the petition to another committee, which would be to go against another committee's recommendation.

Thousands of people have submitted petitions to the Parliament and are not happy with the results, but if we were to set such a precedent, that would get them coming back again and again. Our job was to find out what we could do with the original petition, and we sent it to the Justice 2 Committee. I agree with what Linda Fabiani said. I do not think that we can continue with the matter any further. I am sure that Mr Minogue can take the matter to the European Court of Human Rights if he wishes, but I think that this committee has fulfilled its remit.

The Convener: Do we agree to close the petition and take no further action?

Members indicated agreement.

Maternity Services (Island and Rural Communities) (PE718)

Consultant-led Maternity Services (PE689)

The Convener: The next petition is PE718. I invite members also to note petition PE689, which is a current petition. The petitions are related. We received responses on PE689, which, as members will recall, Jamie Stone brought to the committee some time ago. I seek the committee's agreement that, rather than discuss the same issue later in the meeting, we consider both petitions together, and that we consider the new petition in conjunction with the response that we received to the previous petition, as they are on very similar matters.

Members indicated agreement.

The Convener: PE718 is from Freda Ferguson, on behalf of the Rothesay Maternity User Group. The petition calls on Parliament to urge the Scottish Executive to review urgently the provision of maternity services for Scotland's island and rural communities.

To refresh members' memories, the petitioners behind PE689 call on Parliament to ensure the availability of consultant-led maternity services throughout Scotland. The committee agreed to seek the views of the Executive, which launched "A Framework for maternity services in Scotland" in February 2001, and subsequently established an expert group on acute maternity services at the beginning of 2002. The Executive states:

"Both the framework and the Expert Group's report provide a strategic direction and a framework for the implementation to help ensure that NHS Boards in Scotland continue to provide modern, safe maternity services appropriate for the needs of women and families in Scotland."

The response also refers to the specific issue of Caithness general hospital. However, as the committee is aware, the Executive has no remit to become involved in individual decisions of NHS boards. George Lyon is here to speak to petition PE718 and Jamie Stone has joined us to consider the response to petition PE689.

George Lyon (Argyll and Bute) (LD): I give Freda Ferguson's apologies; she is unable to be here because of a previous engagement.

Petition PE718 is on behalf of the Rothesay Maternity User Group. It covers a different issue from the petition that my colleague Jamie Stone will speak about in that it expresses concern about the proposed removal of an out-of-hours midwife maternity service, which at present is staffed with a full rota. The service is to be replaced with an on-call service at night, with no full-time midwifery service in place. The issue concerns the whole of Argyll and Bute because the proposal to

downgrade the out-of-hours service from full time to on call affects Oban and Bute. There is general concern about the impact throughout Argyll and Bute, and there is particular concern that the impact on Bute will be that there will be more evacuations by air at night of mothers-to-be who have unexpected problems or babies that arrive at short notice. There are fears that delays may occur in receiving expert attention if emergencies happen out of hours because people will have to wait for the on-call midwife to get to the hospital to provide treatment.

There are also fears that the move will lead to fewer babies being delivered locally. One key concern is that the number of births on the island has declined year on year because mothers have been encouraged to go to the mainland to have their babies delivered at the consultant-led service, which used to be at Inverclyde royal hospital, but which is now in Paisley. Figures that the Rothesay Maternity User Group presented to Argyll and Clyde NHS Board show that there are more births between 6 pm and 6 am than there are during the day. That reinforces the point that there is a need for a fully staffed midwifery service at night.

I hear the same concerns from Oban, which is in the north end of my constituency. The genuine concern is that the service will not meet the needs of local mothers and that the change will lead to more mothers being airlifted from the island at night. People are concerned that the move will lead to a poorer service and to a reduction in its availability, so the petition has been submitted to Parliament to seek its support.

As I said, the issue is different from that which Jamie Stone has raised because we do not have a consultant-led service in our bit of the world. The Royal Alexandra hospital in Paisley is the nearest consultant-led service. I ask the committee to consider the petition seriously and to take action on behalf of my constituents.

The Convener: I ask Jamie Stone whether he has any comments on the reply to his petition from the Executive.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Yes. I would like to mention two fairly fundamental flaws, which should be of concern to the Public Petitions Committee and the Health Committee. Highland NHS Board asked Professor Andrew Calder to write a report on the future of maternity services in the area. Members will recall that I and others made great play of the issue of distance and the fact that inclement weather sometimes means that roads are blocked and aircraft cannot fly. At my party conference last weekend, I met a gentleman whose sister-in-law and her child had died in an ambulance not so long ago before the consultant-led service was

introduced.

Professor Calder was asked to write a report. In that report, he flagged up at some length the dangers that are involved. He flagged up the fact that the road is long and that there are hold-ups, and he mentioned snow, aircraft, the fact that there are many minor roads that have passing places and so on, but he did not address those specific issues in his conclusions and recommendations. It is a matter of public record that when I pushed him on the matter, he said that it was a matter for Highland NHS Board to consider but, on balance, he thought that downgrading to a midwife-led service would be best.

I will come to the nub of the matter. Professor Calder was given a clear remit by NHS Highland and four terms of reference. I will furnish the clerks with copies of his report. First, his team was invited to consider

"The balance of risk between the current consultant led service and of not having this service in the future."

When members have copies of the report, they will see that Professor Calder has not attempted to address that matter—they can take that from me. I am being forensic when I say I am afraid that that would invalidate the report for a lawyer. Professor Calder has not stuck to his terms of reference.

I have copies of other documents that I will supply to the clerks. NHS Highland is due to meet next Tuesday to consider the report. Highland Council and Highland and Islands Enterprise have come out strongly on the matter and said that there is a much wider issue, in that there is a social and economic context to the matter. They have commissioned a social and economic impact report, as is right and proper.

NHS Highland met and considered Calder's report in Wick on 16 March, when I made the point to which I have just referred; that is, that he had not addressed the issue of distance. NHS Highland's minutes of the meeting report the recommendation that

"a meeting be organised between Highland Council and NHS Highland to discuss the scope and timing of the Council/HIE sponsored 360 degree study."

No decision was taken on Professor Calder's recommendations. However, an item on the agenda for next Tuesday's meeting is:

"That the board asks the Deputy Chief Executive (Modernisation) to lead work to ... assess how the 'stringent conditions' relating to Option D may be met with a view to consultation".

The board is asked to

"agree with the conclusions of the report that options A, B and E are not viable option to consult on."

The status quo and all the other options are

therefore out of the window. The board is saying that it wants to go down the midwife-led route, despite the fact that only days earlier, it agreed that it would meet the council and Highlands and Islands Enterprise in respect of sponsoring a 360-degree study. The danger is that a decision will be taken next Tuesday.

There is a contradiction in what NHS Highland has said. It said that we should consider social and economic impacts, but a few days later, it recommended a route to take—never mind the study. From a legal point of view, the two flaws demonstrate something about which we should be greatly concerned.

I do not have a vote on the committee and I hope that I am not wrecking my case by paying tribute to Carolyn Leckie and others, but there is cross-party support on the matter. I have seen the biggest demonstrations on the matter that any of us has ever seen in Caithness and I ask members earnestly and from the bottom of my heart to remit the matter to the Health Committee or to think of appropriate stronger action. The matter should be of major concern to the committee

Tom McCabe was in Wick on Friday. The *Inverness Courier* reported that he said:

“Our view would be when this arrives on the health minister’s desk it will be objectively assessed against the EGAMs report and we would not want to do anything whatsoever that would make services available to women here in Wick any less safe than they were in the past.”

I have questioned the safety issue, which I do not believe Professor Calder addressed. I have also pointed out fundamental inconsistencies in NHS Highland’s modus operandi.

Carolyn Leckie: I have some questions to George Lyon about the Rothesay service. When you talk about a move to an on-call service, from where will it be on call? Will it be from the community midwives’ homes? How many are on an on-call rota? How many births are there? How many people are likely to be called out overnight? Would you explain a wee bit more about why a move from a rostered hospital-based overnight service to an on-call service from home would lead to more airlifts, so that I understand matters better?

11:45

George Lyon: I do not have the figures with me for the number of births, but I will pass it to the committee for information. The mothers are concerned about the delay in rostering the midwives out if there is an emergency and about the temptation to proceed with an airlift rather than deal with a birth in the local hospital. They are also concerned that mothers will, because of the move to an on-call service, be encouraged to go to

hospital on the mainland for the birth rather than stay on the island. Those are the three concerns that mothers on the island have.

Carolyn Leckie: I understand that last point clearly: that is part of the problem in Wick. What concerns me greatly about the move towards centralisation in maternity services is that it is going full steam ahead without all factors being taken into account and without any reasonable attempt being made to resolve the problems that are being used to justify closure and centralisation. It is as if the outcome has been decided before the process has begun.

I have a couple of questions to ask Jamie Stone before I say what I think should happen. In the Calder report—which is flawed, as Jamie Stone pointed out—references are made to midwives raising concerns, but those concerns are not documented. That relates to the wider issues that we have been looking at in terms of consultation, obtaining evidence from experts and that evidence not being properly documented in the public domain, with the result that the public cannot examine the rationale behind that evidence being discounted. This is another example of midwives documenting their concerns about a proposal in relation to Wick, but we cannot see those concerns or ask questions on them. There is no rationale in the Calder report for why the midwives’ concerns have been discounted; therefore, the public do not have the opportunity to examine the matter.

However, on Tuesday, the health board may well decide to close the unit at Wick and to replace it—which is in effect what it is doing—with a midwife-led unit. That will have an impact on the hospital’s ability to continue as a general hospital. I have read some assurances in our papers, but they are cheap. If there is the change to a midwife-led unit, that will—as the Calder report acknowledges—impact seriously on the anaesthetic service; if there is no anaesthetic service, the hospital in Wick cannot operate as a general hospital.

Because of the urgency of the situation and its relevance to all the other issues that relate to maternity services throughout the country, we cannot afford to wait for the formal outcome of the consultation by NHS Highland on the hospital in Wick. All such issues are relevant to the Health Committee’s deliberations on maternity services. My view is that the process should be stopped and be left up for grabs, because the economic impact has not been examined. I ask that both petitions be referred immediately to the Health Committee, which is in a position to do something by trying to get such issues sorted out.

The Convener: I will take some points from other committee members and then allow Jamie

Stone to respond. We are combining our consideration of the petitions because we have received a response from the Scottish Executive to the earlier petition. We need to focus on that as well, rather than try to explore individually the circumstances of Rothesay and Wick—although I accept fully that that is why George Lyon and Jamie Stone are here. It is legitimate for us to explore those circumstances, but there is a wider point and we have received a response from the Scottish Executive on the earlier petition. I therefore ask members to focus on that.

Jackie Baillie: I am not going to ask questions; I just think that there are similarities in principle between both petitions, which they also have in common with the petitions about the Queen Mother's hospital. I want to talk about generalities rather than specifics.

It strikes me that distance and access are key issues that underpin a number of the petitions that we are considering, particularly those on maternity services. The reduction in quality and the consequent impact on the safety of women and their children is an equally important underlying issue. The notion that health boards have preset agendas has been illustrated by the discussion that Highland NHS Board is about to have.

As many of the points that have already been made suggest, a real bugbear for many of us is the distinct lack of regional planning. Whether we are talking about Rothesay, Caithness, the Vale of Leven or the Queen Mother's in Glasgow, common themes are emerging. For that reason, I strongly support our passing petitions PE689 and PE718 to the Health Committee. As others have said, decisions will be made in the near future so it would be helpful to ask the Health Committee to consider matters in the round.

Ms White: My first question is for George Lyon. The Rothesay situation is slightly different, because it involves a night-time service, but it is linked to the lack of regional planning. I wonder whether George Lyon or the people of Rothesay are aware that, because of the situation at the Vale of Leven, the Royal Alexandra hospital in the Paisley area is sometimes full to capacity. That will undoubtedly have a direct impact on anyone in Rothesay if the night-time service is closed.

I remember Jamie Stone's involvement in PE689. The theme that runs through all the closures—as I would call them—is references to the report by the expert group on acute maternity services. As we in the Glasgow area know to our cost, there are actually two equally good reports that contradict each other. In relation to George Lyon's case, I would like to know whether two expert reports have been received or just one—the clinical report of EGAMS—and how that affects regional planning.

I agree with Carolyn Leckie and Jackie Baillie that we should forward the petitions to the Health Committee, but I am concerned that the recess starts next week, which means that the Health Committee will not meet next week. I think that Jamie Stone mentioned that Highland NHS Board's meeting is on Tuesday. I wonder how Parliament being in recess will affect the situation.

We will go on to deal with the petitions about the Queen Mum's. My concern is that we are seeing the same pattern all over the country. I know that the committee cannot recommend that there be a moratorium on closures—it is for individual MSPs to lodge motions on such matters—but I would prefer us to up the ante. Rather than just send the petitions to the Health Committee, I would like us also to send them to the Minister for Health and Community Care and to tell him of our concerns. We should enclose a copy of the *Official Report* of today's meeting.

Such reductions in services are happening all over the country. We will be in recess next week, so what will happen if Highland NHS Board meets before the Health Committee meets? The minister must be aware of just how difficult it is for people to get their heads round what the health boards are doing. Similar things are happening all over Scotland. There must be a moratorium. I hope that the Minister for Health and Community Care will consider all the issues to do with all the maternity closures in Scotland. We as a committee cannot ask him to do that but I, as an individual, can. The need for a moratorium should be examined. The people who have lodged petitions cannot all be wrong. Something is wrong; I think that the health boards are wrong. I would like the petitions to be sent to the minister, along with an explanation of our concerns. If we send them only to the Health Committee, it might be too late.

The Convener: There is a difficulty with that. We have already had a response from the minister on one of the petitions. We can keep the petition live and ask the minister about it or we can refer it to another committee, but we cannot do both. The fact that we have already received an answer from the minister rules out the possibility of our going back to him. Either we do nothing with the petition or we take it forward.

John Farquhar Munro: The convener is correct. The response that we have had from the minister merely states that any decision that is taken by health boards will have to be approved by him. We have no idea what changes are being proposed.

George Lyon and Mr Stone will accept that a similar position with regard to maternity services is developing all over the country, in urban as well as in rural areas. There is a wide-ranging debate throughout the country about the best provision of

maternity services. That is the purpose of the exercise and the petition addresses that. Do you agree that the diminution of the consultant-led facility in maternity units and its replacement by a midwife-led one is putting a tremendous responsibility on midwives? For example, if they do not have professional back-up for the resuscitation of a newborn child, they are in a vulnerable position. Do you have a view on that?

George Lyon: Argyll and Bute has never had a consultant-led service. We have always relied on midwife-led maternity services throughout the constituency. Of the two consultant-led units that were referred to, the one in the Vale of Leven served the north of the constituency and the one in Inverclyde served the south of the constituency. The key issues are distance, access, the safety of mothers and the need for an open decision-making process. Those issues have not been addressed in the discussions on changes to the service in Rothesay. An exacerbating factor is that the Inverclyde consultant-led service has closed. It was always the nearest consultant-led service for Kyle and the Rothesay area. The move from Inverclyde to the Royal Alexandra hospital in Paisley has created significant problems for my constituents in terms of accessibility because it is difficult to get there by public transport. The amount of time that it takes to get to Paisley is an exacerbating factor.

The worry is that, if we lose a fully staffed service at night, the temptation will be to recommend that women go up the road to Paisley rather than hang around, in case a baby starts to arrive during the night. Human nature is such that an expectant mother will always agree that that would be the best course of action because she will not want any risks to be taken with her baby. Therefore, the service will be further eroded. Over the past 10 years, the number of babies that are born locally has declined steeply because of the rule that first-time expectant mothers over a certain age are automatically sent to the mainland. In some ways, that is wrong.

The Convener: I will take John Scott first; then I will say something before I come back to Carolyn Leckie.

John Scott: I have a great deal of sympathy with what George Lyon and Jamie Stone are saying and I agree with what Carolyn Leckie said. As I have said previously, there is inadequate strategic thinking about the location of maternity services. That is illustrated by what has been said about women who previously went to Inverclyde now having to go to Paisley. There is a similar situation further south, in Ayrshire. Probably as we speak, an announcement is being made about the relocation of paediatric services away from Ayr—it

is almost certain to happen—to Crosshouse hospital in Kilmarnock.

Paediatric, neo-natal and maternity services are all linked and we are centralising everything in the central belt in the name of clinical excellence and supposed improvement in services, but that does not have regard to the strategic siting of consultant-led facilities. Not only Rothesay, but areas such as Greenock and Ayr are becoming peripheral areas, which the Executive must address. Health boards are acting independently of one another, which means that there will be an anomalous situation in which maternity hospitals will be concentrated in the Glasgow area and much of the rest of Scotland will not be served at all.

The Convener: I will make a comment that I hope is helpful, although I am not sure whether it will be. We are discussing a new petition and a current petition together because the issues raised by the two communities that produced those petitions are connected.

We have also received responses to two other current petitions on maternity services in Glasgow—PE643 and PE707. Before we conclude our discussion on petitions PE718 and PE689, I suggest that we move straight to discussing the two petitions on the merits of the consultation on the Queen Mother's maternity hospital.

Without pre-empting what we will decide on either set of petitions, I will say that the comments that Jackie Baillie, Sandra White, Carolyn Leckie especially and John Scott just made suggest that general concerns are felt about maternity services reviews and the direction in which consultations are going. I will give Jamie Stone the chance to respond to comments that have been made, then Carolyn Leckie will speak, after which we will move on to the two current petitions. Do members agree to that proposal?

Members indicated agreement.

12:00

Linda Fabiani: I apologise for having to leave shortly.

John Scott: I too will have to leave soon.

Mr Stone: John Farquhar Munro asked about midwives. Carolyn Leckie is correct to say that deep unhappiness is felt in that profession in the far north about the fact that midwives would be left exposed if consultants were more than 100 miles away.

I will go to the nub of the issue. The convener said that the Executive's response was about the EGAMS report. That is the light to which any health authority's proposals will be held. The

EGAMS report is marbled with talk of risk, risk minimisation and risk assessment. I repeat that although Professor Calder was called on to assess

“The balance of risk between the current consultant led service and of not having this service in the future”,

he failed to do that. Worse still, NHS Highland has turned a blind eye to that.

I will quote again today’s edition of the *Caithness Courier*, which says:

“Mr McCabe”—

on the record—

“admitted the rurality of Caithness was a concern that still had to be addressed and suggested that the NHS Highland board should await the impact assessment commissioned by the Highland Council and Highlands and Islands Enterprise before deciding whether to approve plans to downgrade consultant-led maternity services in Caithness.”

The minister then talks about transport. However, on the agenda of next Tuesday’s NHS Highland meeting, there it is—a fait accompli.

I must be careful about my language, but I have extraordinary concerns about the process. The board should at least take a long look and have a long think, because a snap judgment is being made. I have just uncovered—by privilege—that that leaves the board open to the suggestion that the decision was made long ago.

Carolyn Leckie: I will make a couple of points that it is important to place on record. I have an addition to Jackie Baillie’s litany of common themes, because another common theme that is emerging is selective reference to and implementation of the EGAMS report. The report requires maternity units to deliver one-to-one midwifery care in labour for all women, but not all maternity units do that. It also refers to local access. Serious concern is being expressed that that is not being implemented appropriately or that the wrong judgments are being made in many areas about the value of such access.

Some health boards have manipulated the report to justify what they are doing, because the problem is a lack of planning: there are not enough bodies in the system to deliver enough consultant cover. The trend is to view the report from the wrong end of the telescope and to think that the only solution to a lack of consultant cover is to centralise. In Caithness, no attempt has been made to examine consultant rotation in and out of Raigmore hospital to ensure that skills are updated, or to consider consultants’ contracts in NHS Highland.

In response to John Farquhar Munro, I say that midwifery care is not inferior care. It is appropriate care for women who need midwifery care. I would like more women to be looked after in pregnancy and childbirth exclusively by midwives, because

research shows that that makes outcomes better. People should have access to appropriate care when they need it; if midwifery care is not appropriate for them, they need to have access to consultant care.

If women have a fear that they cannot access consultant care quickly and locally, their outcomes are likely to be worse because they are less likely to have midwifery care throughout their pregnancy and when they are in labour, as George Lyon said. They will err on the side of caution and go where they can get consultant care. The arguments that are being put forward by health boards that the system of midwifery-led care will be better are true, but not in the context that is being proposed by the health boards. In my opinion, the reverse will be the case because women will travel to access the consultant care and there will be even fewer home births than there are at the moment—and there are very few just now—and fewer births that are conducted only by midwives. That point needs to be hammered home.

The Convener: Your view is on the record.

Before we come to a decision on the two petitions that we are discussing, PE689 and PE718, we will move to item 3 on our agenda to deal with the two related current petitions, as we agreed earlier.

Current Petitions

Hospital Closures (Public Consultation) (PE643)

Health Service Configuration (Consultation) (PE707)

12:06

The Convener: Petition PE643 relates to public consultation on proposed hospital closures and PE707 relates to consultation on the configuration of health services.

Petition PE643 calls on the Scottish Parliament to take the necessary steps to improve public consultation on any proposals to close hospitals for which additional public funding has been provided through fundraising and other donations. Petition PE707 calls on the Scottish Parliament to urge the Scottish Executive to consider a new legal framework for consultation on the configuration of health services that would include advice on the proper use of guidelines and an independent process for the selection of expert advice, particularly where the provision of national services is affected, and to create a process for the establishment of integrated maternal and child health services.

On 4 February 2004, the committee considered PE643 and agreed to seek comments on the issues raised in the petition from the Minister for Health and Community Care. The committee expressed particular concerns regarding apparent flaws in consultations on proposed hospital closures by health boards across Scotland, as illustrated by the petitioner in relation to Greater Glasgow NHS Board.

The committee took the view that the consultation process employed by all health boards should be more meaningful than it has been and that all submissions to such consultations should be publicly available. The committee also asked whether the Executive plans to introduce guidelines on consultation procedures for health boards as part of the National Health Service Reform (Scotland) Bill. The committee expressed concerns regarding the configuration of maternity services and sought the Executive's views on the apparent lack of strategic planning as regards the location of maternity services in Scotland. At its meeting on 3 March 2004, the committee agreed that, given the similarities between the points raised in PE643 and PE707, we would ask the Executive to address the specific points raised in PE707 as part of the response to PE643. Specifically, the committee requested the Executive's comments on the

petitioners' claim that, during the consultation process, Greater Glasgow NHS Board

"provided misinformation to the public and misquoted National Guidance documents, including EGAMS and BAPS".

The committee also agreed to seek the views of Greater Glasgow NHS Board. The committee has now received responses from the minister and from Greater Glasgow NHS Board and I would like to hear the committee's comments on those responses.

Helen Eadie: I did not comment on the previous two petitions because I will get a chance to do so when they come before the Health Committee.

On petition PE643, I have received a copy of the draft guidelines on consultation that, I believe, have been sent to all MSPs. I think that the consultation period ends at the end of April. As far as consultation is concerned, that is one of the most crucial documents that we have had to deal with in the five years of the Scottish Parliament. We must express our views on the document and urge the wider community to do likewise as the guidelines will set the pattern for the future.

Jackie Baillie: Although petition PE643 says that it is about additional public funding through fundraising, the petitioner's presentation was nothing to do with that. It would therefore be helpful if we could set that issue to one side.

I welcome many of the assurances given by the minister. My colleague Pauline McNeill, who sends her apologies for not being here as she is convening another meeting, is of a similar view and would like the petitions to be sent to the Health Committee.

However, a number of issues remain unresolved, not the least of which is that, although the EGAMS report is quoted, no evidence has been provided of regional planning and it is not evident that the health board has taken on board a substantial body of opinion. That comes back to the issue of preset agendas. My colleague Pauline McNeill, who has been actively involved in the issue, and I suggest that we should send the petitions to the Health Committee because they fit into wider issues about maternity services that the Parliament needs to address.

John Scott: At present, health boards throughout the country appear to take decisions in isolation from elected representatives. Although there is cross-party opposition to the closure of units, health boards ignore elected members' views and proceed. I can speak specifically only for Ayrshire, although I suspect that the same is true in other areas. The issue is almost a constitutional one. Health boards take such action despite unanimous cross-party opposition.

The Convener: That point will be taken on board.

Ms White: Although Dorothy-Grace Elder's petition relates to fundraising, it also mentions the fact that the Queen Mother's hospital and Yorkhill hospital have a good location. Without fundraising and money from the public, those hospitals would not have Ronald McDonald House and other facilities. Dorothy-Grace Elder argued that, because money from the public is involved, a separate consultation process should be carried out. I do not agree, but I wanted to mention part of the reason why Dorothy-Grace Elder lodged the petition. The public have gladly given millions of pounds, but that money will disappear if the health board swallows up the hospitals. However, I agree with members that we could not have a separate consultation process.

I agree with Jackie Baillie about the reply from the minister. The minister's reply is not unwelcome, but I do not see anything positive in it. He says that he will make his decision after 20 April when the health board has made its decision. I hope that we can persuade him to take action either before or after that. I agree also with Jackie Baillie that, although the minister mentions regional planning, the EGAMS report has not been taken on board. As I said to Jamie Stone and George Lyon, the health board seems to be working with the EGAMS report, but there are two reports, which are as good as each other. Both the reports mention that strategic planning and regional planning should take place. However, such planning has not been carried out at all, as can be seen from the number of petitions on hospital closures that we have received over the months.

I have several points about Professor Arbuthnott's reply. I submitted written evidence to the health board. He mentions the EGAMS report and he is good enough to mention that two versions of the report were produced. However, the health board did not tell anybody during the consultation process that there were two versions. He goes on to say that both versions have equal weight. The health board's working group said that the EGAMS report was everything, but that is not the public's perception. I question the validity of the documents that were produced on that issue.

Professor Arbuthnott admits that there was an error about the British Association of Paediatric Surgeons guidance in the consultation documentation, which we have been saying since that documentation was produced. However, that did not stop the health board producing documents based on the BAPS guidance—I think that 35,000 papers were sent out with what I call misinformation. Professor Arbuthnott has kindly mentioned that there was one error about the

BAPS guidance. That might have been minor to the health board, but it certainly was not minor to the people who looked at those documents.

Professor Arbuthnott mentions that the advisers were part and parcel of the consultation process. One of those advisers, Dr Barker from Sheffield, did not come up to Glasgow to have a look and the advisers who came were in Glasgow for only half an hour. It is unacceptable that the person who had the most input into the health board's decision—Dr Barker—did not even visit the Queen Mother's hospital or the Yorkhill hospital.

I shall finish on this final point, because I know that there are other points that people want to raise. The reply mentions the fact that the consultation mentioned the safety of all maternity patients; it also mentioned services at the sick children's hospital. When I gave evidence to the board, Margaret Reid told me that the Queen Mother's hospital was a separate issue from the Yorkhill hospital and that I was not to refer to the Yorkhill hospital again in the same context. She said that the Royal hospital for sick children was a separate issue, yet Professor Arbuthnott's reply to us mentioned the fact that Yorkhill was looked at closely when the decision was taken regarding the Queen Mother's hospital. When I gave evidence to the working party, however, I was told in no uncertain terms not to raise Yorkhill because it had nothing at all to do with the issue—I was even told not even to call the hospital Yorkhill, but to call it the Royal hospital for sick children.

I find all those contradictory facts in Professor Arbuthnott's reply not puzzling or surprising but quite disgraceful. I certainly know for a fact that half of the stuff that he has sent back to us is still blatantly wrong. I shall obviously wait to see what the committee has to say regarding a recommendation to do with all the health services. I am glad that we have the replies back, but I am still not satisfied with them.

12:15

The Convener: It is quite clear that all four petitions raise concerns. It was mooted earlier that we should send the petitions to the Health Committee, and I know that Sandra White has said that the issue should be referred back to the Executive. We have now reached a point at which we have gathered together a lot of information about concerns with regard to the reviews and consultations, and I think that it would be useful to pass that information on to the Health Committee and ask it to consider the issue in a wider context.

Carolyn Leckie: I agree. Professor Arbuthnott's response illustrates one of the big issues. It states:

"There is no evidence that the pre-consultation Working Group failed to take into account the views of current Yorkhill staff".

Such assertions are made, but there is no opportunity to examine the basis on which they are made.

Even in some of the consultations on secure units, people have had complaints about how they have been carried out, but the criteria and the scoring exercise have been reasonably transparent. The public has had no opportunity to weigh the various submissions that have been made against the conclusions of the health board in relation to maternity services. We have no opportunity to trawl through the evidence that has been submitted and to get the health board's rationale and its explanation why it favoured certain evidence and discounted other evidence. We need to be able to scrutinise that process independently but, at the moment, we do not have the facility to do so.

That is the big question that needs to be addressed in the review of consultation. We need to ask exactly what consultation is, and there is no point in having a consultation if all the facts and evidence are in the domain of only a select few.

The Convener: That is a valid point. There are specific concerns about all the reviews and consultations as well as concerns about the generalities. Are members happy that we draw out all the main points, send the four petitions—PE718, PE689, PE643 and PE707—to the Health Committee and ask that committee to look at them specifically?

Members indicated agreement.

12:18

Meeting suspended.

12:27

On resuming—

Further Education (Management Practices) (PE574)

Further Education (Governance and Management) (PE583)

The Convener: The next petitions are PE574, on the openness and accountability of further education college boards of management, and PE583, on the governance and management of further education colleges.

PE574 calls on the Scottish Parliament to consider commissioning an investigation into management practices at the Central College of Commerce in Glasgow and to overhaul the Further

and Higher Education (Scotland) Act 1992, so that the openness and democratic accountability of college boards of management are guaranteed.

PE583 calls on the Scottish Parliament to inquire into the governance and management of Scotland's further education colleges and to consider reforming the legislative framework governing further education.

At its meeting on 10 December 2003, the committee considered a response from the Scottish Executive and agreed to invite both principal petitioners to comment. Mr McCracken's response appears to focus primarily on the management of the Central College of Commerce. However, members are reminded that the committee is unable to become involved in that specific case. Mr Eyre states:

"The Executive's proposals fail to address the main flaw in the present system of the governance of colleges: the requirement, under the 1992 Act, that a majority of members of college Boards should be representative of business interests. This business domination of college Boards was brought about at significant cost to the representation of other legitimate interests".

Do members have any comments on either or both of the petitions?

Jackie Baillie: Although I do not want to stray into the specifics of petition PE574, I think that it is worth noting that the employment tribunal did not find in favour of the college. I therefore cast my comments of principle in light of that.

There is something in what has been said about the issues raised in response to petition PE583 to do with the principle that underlies the composition of boards of management in colleges. For that reason, I think that it may be worth pursuing the matter further by inviting the views of the Executive on the specific response that we have had to PE583 from the petitioner, suggesting that there should be a more interesting balance on college boards that would allow for trade union representation in particular.

12:30

Carolyn Leckie: I agree. The Further and Higher Education (Scotland) Act 1992 was introduced by a Tory Government. Petition PE574 raises issues about the merits of that legislation, which need to be examined. It concerns me greatly that employment tribunal cases are outstanding.

There are broad questions about how and in whose interests the boards of management of further education colleges are operating. It concerns me that financial decisions are being made that are affecting the type of education that is available to students, because courses that require resources are less likely to be offered. The

comments by Joe Eyre in particular, the confidentiality arrangements at board level, the lack of representation and the ability to represent members and students effectively on boards give me great cause for concern. Those general issues need to be examined further. The Further and Higher Education (Scotland) Act 1992, the composition of further education college boards and who is in control of them and the lack of democratic accountability are all up in the air given the issues that are flagged up in the petitions. The whole system pertaining to further education colleges needs to be examined extensively.

Helen Eadie: I agree with Jackie Baillie's recommendation.

Mike Watson: I agree with Jackie Baillie as well.

Ms White: I am glad that the case mentioned in petition PE574 was upheld. Like others, I feel that the whole area needs to be looked at and overhauled. That should not be up to just one individual but, unfortunately, we find ourselves in that position. We should try to prevent the situation arising again. I agree with Jackie Baillie's recommendation that the petitions should go to the minister for his comments. I would not like the situation that we had in Glasgow in the Central College of Commerce to arise again, although I am sure that it is just waiting to happen in other colleges. It is wrong that a board should be unaccountable to the students and members of staff. I ask the minister to consider the petitions and the comments that we have made today and to reply to us.

The Convener: Petition PE574 was specific and we have had a reply from the petitioner. Do we agree to close our consideration of that petition, but to take action on petition PE583 and ask the Executive for its views on the general principle about boards and management?

Members indicated agreement.

NHS Prescribed Drugs (Effects on Children) (PE631, PE638, PE639 and PE640)

Children with Learning Difficulties (Support and Information) (PE663)

The Convener: The next five petitions are linked, in that they were all submitted by the same organisation. PE631 is on the lasting effects of prescribed neuroleptic and similar drugs. PE638 is on the prescription of vitamin supplements for nutritional imbalances. PE639 is on the storage and dispensing of national health service-prescribed drugs in schools. PE640 is on banning the prescription of neuroleptic and similar drugs to children. PE663 is on support and information services on learning difficulties.

Petition PE631 calls on the Scottish Parliament to urge the Scottish Executive to investigate the effect on the future employment, housing and insurance cover of individuals who were prescribed neuroleptic and similar drugs as children. PE638 calls on the Scottish Parliament to investigate whether certain vitamin supplements should be prescribed by the NHS to help children with a nutritional imbalance caused by an addiction to NHS-prescribed drugs. PE639 calls on the Scottish Parliament to investigate the storage and dispensing of NHS-prescribed drugs in schools. PE640 calls on the Scottish Parliament to take the necessary steps to ban the prescription of neuroleptic and similar drugs to children. PE663 calls on the Scottish Parliament to take the necessary steps to ensure that the need for support and information services for parents of children with learning difficulties and behavioural problems is recognised by the Scottish Executive.

The Executive provided a detailed response to each of the petitions, while pointing out a number of issues that impact on reserved matters. Members have had a chance to read the responses. What do you think?

Carolyn Leckie: I think that we should ask for the petitioner's view of the responses; he will probably be able to pick up on more issues than I could, although a couple of things in the Executive response concern me. In the second paragraph under the heading "PE361: Effects on Future Employment, Housing and Insurance Cover for Individuals", the response states:

"From a pharmacological point of view neuroleptic drugs are reversible inhibitors. They are excreted from the body over a period of weeks or months".

My understanding—and I do not think that I am wrong—is that there is limited research on the effect of such drugs on children. The physiology of children is very different from that of adults. I am concerned at the assertion that has been made in the absence—I think—of adequate research. I think that the matter needs to be examined further, and the Executive needs to take responsibility for ensuring that that happens.

Paragraph 4, under the heading "PE640: Ban on the Prescribing of Neuroleptic and Other Brain Altering Drugs in Children", states:

"Finally, in relation to a national data base of children prescribed neuroleptic and other drugs, the prescription data available centrally are not patient-specific and do not identify the condition for which the medicine has been prescribed ... Data on items dispensed in hospitals or hospital-based clinics are not collated centrally."

That is an absence in the system. There is concern that there is a trend towards an increase in the prescription of such drugs. If the data on the number of children being prescribed those drugs are not being monitored by the Executive, then

that is an absence. It is incumbent on the Executive to examine both the data and the consequences. We take responsibility for health policy and it is not acceptable simply to leave the control of trends in this area to individual general practitioners. It is the responsibility of the Parliament to look into the issues. I am happy for the petitioner to be asked his views first, but I would think that there would be merit in the Health Committee examining some of the issues at some stage.

The Convener: Will we wait until we see what comments the petitioner makes on each point?

Helen Eadie: I agree that we should do that. Paragraph 4 of the page of the Executive's response concerning PE639 comments that the Health Department's chief scientist office, or CSO, has

"no current plans to commission research into ADHD but would be pleased to consider proposals for such research which would, of course, be subject to the usual peer and committee review."

I would like the Executive to be a little more proactive than that and put out a call for that research. Otherwise, the Executive is heavily reliant on the general public reading the detail of the various documents that are in front of us now to pick up on that scope for possible research. From other discussions that we have had on the matter, I think that there is a clear case to be made on the whole issue of supplements and alternative treatments, whether for children or for adults. There needs to be some more detailed research in that area.

The Convener: I agree—that is a good question to ask the Executive—but that would have to wait until we get a response back from the petitioner. The petitions will come back before us once we have seen the response, and we can make that point at that stage. We will keep the petitions open, with the prospect of getting more information from the petitioner. Is everyone happy with that?

Members *indicated agreement.*

HMP Peterhead (PE667 and PE675)

The Convener: The next two petitions are linked. PE667 calls for the Scottish Parliament to investigate the alleged discrimination against convicted sex offenders held at Peterhead; PE675 calls for the Scottish Parliament to investigate the suitability of Peterhead prison for the long-term imprisonment of convicted sex offenders.

At its meeting of 26 November 2003, the committee agreed to link the two petitions and to write to the Scottish Executive, requesting its comments on the issues raised in both petitions. The committee has received a response from the

Scottish Prison Service, stating that work has begun on the installation of electric power in cells in HMP Peterhead, and that the work is due for completion in August 2004. However, there are no plans for in-cell sanitation.

On the STOP 2000 programme, the SPS states:

"In the current year, particular problems have been caused by a number of staffing difficulties"

but that

"This situation is being addressed by the Governor and a multi-disciplinary 'Succession Planning' group, whose work has resulted in an increase in the target for STOP completions from 24 in 2003-04 to 50"

in 2004-05. Further correspondence has also been received from one of the petitioners questioning the apparent success of the STOP programme.

Do members have any comments on petitions PE667 and PE675?

Ms White: As far as the delivery of rehabilitation programmes is concerned, we should perhaps refer these petitions to the Justice 1 Committee, which is examining the matter. However, I do not think that the committee will touch on in-cell sanitation. The SPS letter says that there are no plans to introduce such a measure; however, when I checked with HMP Peterhead as to whether at-risk prisoners were a factor in its decision, I discovered that centralised research and a risk assessment had concluded that there was no danger that the prisoners would do something when they got out of their cells. As a result, the SPS felt that it was not in-cell sanitation that prisoners needed, but access to sanitation. Can we refer that aspect of the petitions to another committee or will everything go en masse to the Justice 1 Committee? It is terrible that people do not have sanitation in their cells.

The Convener: There is no reason why that aspect cannot be referred to the Justice 1 Committee.

Mike Watson: I agree that the petition on the treatment of prisoners at Peterhead should go to the Justice 1 Committee. On Sandra White's point, I am surprised that the SPS's response does not refer to any risk to prisoners. Instead, it mentions that

"the safety of staff and security of the establishment"

will be placed at risk.

Members will recall that proposals to close Peterhead prison were subsequently reversed by the Executive. However, I thought that part of that decision included the requirement that cells had to be brought up to what might be called modern standards. As a result, I am also surprised that the SPS's response states that there are no plans to install in-cell sanitation. I do not know whether it is

the Minister for Justice's responsibility, but the Executive should be required to clarify what happened at Peterhead prison after its rethink and decision to retain the facility. The SPS's response is out of line with my own recollections, although other members might remember differently.

The Convener: Shall we write to the Executive and ask for clarification on that matter?

Members indicated agreement.

Carolyn Leckie: We should also write to those in charge at Peterhead prison and ask for their views. I am extremely concerned that, although the idea was to install in-cell sanitation, the SPS has subsequently evaluated the costs and decided not to go ahead with it. I understood that the policy was to end slopping out, even though it was probably not being implemented as quickly as some of us would have liked. In that light, I would be concerned if the SPS did not have any plans to end the practice.

The Convener: That is a valid question. We could specifically ask the Executive, either directly or through the SPS, about its plans in this respect. After all, when the issue was debated at length in the previous parliamentary session, decisions were made and commitments were given. I imagine that we are entitled to ask what has happened to those decisions and the plans to implement them. Obviously, we will refer the petitions to the Justice 1 Committee for its consideration. We could ask a specific question about the future of slopping out at Peterhead, because I do not think that that would form part of any investigation that the Justice 1 Committee might carry out on the general issues raised in the petitions. Are members agreed?

Members indicated agreement.

Public Finance and Accountability (Scotland) Act 2000 (PE683)

The Convener: We move on to petition PE683, on the annual audit of public expenditure. The petitioner is calling on the Scottish Parliament to modify the Public Finance and Accountability (Scotland) Act 2000 to ensure that the annual audit of the bodies and office holders mentioned in the act is expanded to include the examination of technical as well as financial matters.

The Committee agreed to seek the views of the Executive, which states that it is

"still not entirely clear what Mr Alexander means by 'technical matters'".

The Executive also states that it is unclear whether the proposed examinations into

"legality, economy, efficiency and effectiveness"

in every audit of annual accounts should apply to every item within the accounts. The Executive states that, if that is the case, such an approach would

"add a significant burden and cost"

and that

"It is also unclear ... how the Auditor General for Scotland would direct such examinations each year".

On the petitioner's call for a public consultation, the Executive states:

"At the moment, we do not think that there is a sufficient demand for a change in accounting procedures to justify a consultation".

We have circulated to members a letter dated 18 November 1999 from the then Minister for Finance, Jack McConnell, which the petitioner has submitted. The petitioner states that the minister intimated in his letter that there would be a

"move away from simply concentrating on financial regulatory audit"

and states that that, in essence, is what his petition is all about.

Do members have comments on the responses?

12:45

Carolyn Leckie: We should ask the petitioner what his response is. If I remember correctly, it was a wee bit difficult to pin him down on what criteria he wanted to be assessed. I have some sympathy with the petitioner because of my experience of private finance initiative projects; the current system does not audit or examine the quality of the building, the contract or how the contract operates after handover, which is what I would like to happen. We should ask the petitioner to respond to the Executive and be more specific about what criteria he wants to be made part of the audit process. If he is vague, it is easy for the Executive to say that the cost burden would be too high; if he is more specific we can perhaps examine the petition further.

The Convener: Are members happy with that?

Members indicated agreement.

Historic Scotland (Remit) (PE703)

The Convener: We dealt with petition PE689 earlier, so the last petition under current petitions is petition PE703, which concerns a review of Historic Scotland. The petitioners call for the Scottish Parliament to urge the Scottish Executive to amend, as part of its review of Historic Scotland, the organisation's remit to ensure that it is accountable for its decisions and responsive to communities' views.

At its meeting on 4 February 2004, the committee agreed to invite the views of Historic Scotland and the Minister for Tourism, Culture and Sport. In its response, the Executive states that it published its review of Historic Scotland on 12 February and that the report

"looks to the Agency to be more open its dealings with the public, partner organisations and others with an interest in the historic environment. The Chief Executive has established a Change Management Group within the Agency to take forward the recommendations made in the Review."

Do members have any opinions on the response? It might be worth chasing up timescales.

Mike Watson: I was going to say the same. The results of the review have been announced and they will have to be put into effect, so it would be helpful to know over what period that will be done. I do not know what the life of the change management group is. The response says:

"The Chief Executive has established a Change Management Group within the Agency to take forward the recommendations".

It is presumably an ad-hoc group with that specific remit, so it would be helpful to know over what period it is expected to act and report.

The Convener: We can ask those questions. Is everyone happy with that?

Members indicated agreement.

Committee Event

12:47

The Convener: Our next agenda item concerns a committee event. The clerks have circulated a paper that proposes a committee event that is aimed at promoting the public petitions system. The paper suggests holding such an event in Dundee on 14 June 2004.

I assume that members have had a chance to read the paper. Are there any comments on the paper?

Jackie Baillie: It is fine. I have no problem in principle with the proposal, but I wonder about the timing: it strikes me that we are trying to spread over a full day what might be achieved in a morning or afternoon. For example, the paper proposes an hour for a speaker on the petitions system, but we will have given up the will to live at the end of that hour.

The Convener: I spoke about the petitions system at a Hansard Society event a couple of weeks ago, and the clerk and I could have done with more time to go into all the issues. We had to cut the presentation short in the end. A few people in the audience who had been part of the consultative steering group had specific issues to raise.

That part of the event need not be an hour-long speech: it could be a question-and-answer session based on what we did at the Hansard Society meeting and led by someone who was on the CSG and has monitored the Public Petitions Committee. What do members think?

Helen Eadie: We should accept the recommendation in the paper, because you and the clerk know what questions you have had from previous experience. We will leave it with you to proceed.

The Convener: Linda Fabiani has had to leave, but she wanted to know about the possibility of expenses for participants who might find it difficult to attend but would have a contribution to make. The purpose of the event is to engage with the public and make ourselves available to groups that might otherwise not have access to the Parliament; expenses might be pertinent in that respect.

Mike Watson: Witnesses should always receive expenses when coming to Scottish Parliament committees or, indeed, events such as the one we are talking about. There should be no question about it. That should certainly apply in this case if it does not apply to ordinary committee meetings.

On who we might invite, we have already identified some of the groups that are not participating as much as we might expect. That is the sort of audience that we want. There is no point in inviting organisations that already engage with us. We should invite those that do not.

The Convener: The clerks and I wanted to focus on community groups and we chose Dundee because it has many active community groups that might want to participate. Perhaps Jim Johnston can let the committee know where we are up to.

Jim Johnston (Clerk): The clerks and colleagues in participation services have already visited Dundee to liaise with local community groups. The idea is to focus on community groups in Dundee and in outlying areas.

On the expenses issue, a bid has to go to the Conveners Group in any case, and we could include contingency for some expenses in that bid.

Carolyn Leckie: I agree; that is really important. Groups representing ethnic minorities should be targeted, as well as those representing young people and schools, but not just those that are organised. I want us to get beyond people that are already organised, whether they are in community groups or trade unions. I support advertising the event in the local press. Having considered the practicalities, it would also be a good idea to have general advertisements in community centres and youth centres. We should use any way we can to target young people and get them involved, particularly in working class communities.

Helen Eadie: We should focus on the most disadvantaged areas throughout the central belt. The social inclusion partnerships finish today and there are target groups in every disadvantaged local authority area. Could the clerks give some particular regard to advertising the event in such areas? I am thinking of Dundee and the outlying areas in Tayside and Fife. The local policy planning team in Fife would be able to give us its top 10 or 20 most disadvantaged areas in Fife and I am sure that that could also be done for Tayside. Those are really the people who would benefit from being aware of the process.

The Convener: Are members happy that we work on that basis? Obviously we will come back to the committee with more details at a later date.

Mike Watson: I hear what Jim Johnston says about Dundee, but I would not want to think that people from other parts of Scotland who want to participate would be excluded. We could centre our pitch on Dundee but people should be encouraged to come from every part of Scotland.

The Convener: The experience of the unit that supports this type of event is that if we hold it in Edinburgh, we will get a lot of Edinburgh-based

groups with a few from elsewhere. The idea is to get the event to Dundee and hopefully groups from outwith Dundee will come. We think that we can get a good balance of community-based organisations that will want to participate in something like this if we went, as we do not often do, outside the central belt to other communities and hear what they have to say.

Carolyn Leckie: I would like it to be like a roadshow; we should not stop at Dundee.

The Convener: No, we certainly want to make ourselves as accessible as we can. We are always looking for an opportunity to hold a committee meeting elsewhere. It might well be that we can pull together local issues that are pertinent to one area and find a venue where we could address all those issues at once. We always keep an eye on where the petitions are coming from.

However, we work to a tight timetable. When a petition comes in, it should be in front of the committee within four to six weeks. It is difficult to arrange to hold a meeting elsewhere, but Jim Johnston, Joanne Clinton and I consider that issue periodically to see if there is any prospect of our getting away from Edinburgh to hold a meeting somewhere else. We monitor that all the time.

We thought that Dundee would be a good location on this occasion because it would get us out to an area that has not had access to the Parliament in a way that we would like.

Members indicated agreement.

The Convener: Before we go into private session for items 5 and 6, I point out that Brian McConachie has been a committee assistant for the past six months and has been supporting the work of Jim Johnston and Joanne Clinton. He is going back to the chamber desk after this week, so I wanted to put on record our thanks for the work that Brian has done. He has been a big help to me and the clerks and his work has benefited the committee. I thank Brian for the work he has done and I hope that he enjoys going back to the chamber desk. [*Laughter.*] I do not know if your laughter will be on the record.

12:56

Meeting continued in private until 13:05.

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