

# **PUBLIC PETITIONS COMMITTEE**

Wednesday 26 May 2004  
(*Morning*)

Session 2

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## PUBLIC PETITIONS COMMITTEE

### 9<sup>th</sup> 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)

\*Campbell Martin (West of Scotland) (SNP)

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

\*Mike Watson (Glasgow Cathcart) (Lab)

#### 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:

Ann Mallaby

Peter Siddons

Jan Wilson (Royal Burgh of Haddington and District Community Council)

#### CLERK TO THE COMMITTEE

Jim Johnston

#### ASSISTANT CLERK

Joanne Clinton

#### LOCATION

Committee Room 1



## Scottish Parliament

### Public Petitions Committee

*Wednesday 26 May 2004*

*(Morning)*

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

### Interests

**The Convener (Michael McMahon):** Good morning everyone, and welcome to the ninth meeting in 2004 of the Public Petitions Committee. Agenda item 1 is a declaration of interests. We have a new member on the committee. Campbell, welcome to the committee. Do you have anything to declare?

**Campbell Martin (West of Scotland) (SNP):** The only pertinent thing that I have to declare is my trade union membership. I am a member of the National Union of Journalists.

**The Convener:** We have received apologies this morning from Helen Eadie—who is on a visit to the Western Isles with the Health Committee—Carolyn Leckie and John Farquhar Munro.

## New Petitions

### Egg Stamping Legislation (PE733)

10:03

**The Convener:** Agenda item 2 is new petitions, the first of which is PE733, by Peter Siddons, which calls on Parliament to urge the Executive to provide guidance to egg producers in Scotland on relevant legislation relating to egg stamping and whether it is compatible with the provisions of the Council of the European Union decision 94/371/EC. Peter Siddons is present to give evidence in support of his petition. Welcome to the committee, Mr Siddons. You have three minutes, after which we will ask questions.

**Peter Siddons:** The legislation is, of necessity, precautionary but one order clearly contradicts the other. The precautionary legislation states clearly that nothing should be done to possibly, or even conceivably, damage the surface of an egg, but here we have legislation that makes it mandatory to stamp every egg, which could conceivably damage the surface, thereby making it unsuitable for human consumption. Whether there is any sense in that or not does not matter, because the legislation is precautionary for health reasons.

The issue is not just eggs being stamped now and again. For instance, one thing that you are not allowed to do is allow a spot of water to get on an egg, but how many eggs are there likely to be in a day's laying that get a spot of water on them? The legislation states that every single egg that is produced will have to be stamped and there is no way to prove whether stamping damages the surface. At this month's pig and poultry show, egg-stamping equipment was being sold, but we were warned that some dyes penetrate the shell—the whites of some stamped eggs are coloured after they are cooked.

That is about the size of it. There has been salmonella legislation for a long time; I have, along with many other people, challenged it as being irrelevant, because what it states about eggs is not possible in practice. We seem to have a clear contradiction. Eggs will have to be stamped for traceability purposes, but those purposes are mainly commercial in that supermarkets want to be able to identify where eggs came from when there are cases of health problems—they want to pass the buck, if you like. However, can the importance of tracing eggs be equated with the legislation's aim of preventing eggs from becoming contaminated?

**The Convener:** Do members have any questions for the petitioner?

**Linda Fabiani (Central Scotland) (SNP):** Just to be clear, Mr Siddons, are you against the stamping of eggs in general because you are worried about health issues?

**Peter Siddons:** I am against mandatory stamping of eggs. I can understand the purpose of stamping eggs if they are going to multiple-source packing stations. For example, you might want to identify whether somebody is palming off cage eggs as free-range eggs. There is no need to stamp eggs when they are sold direct. In fact, the general public do not want stamped eggs. The point is that the legislation on the health and safety aspects of eggs states clearly that one must not do anything to the surface of an egg. Whether that is sensible or not does not matter; the legislation says that it must not be done, yet here we have legislation that states that eggs—not just one or two, but every egg that is produced—must be stamped.

**Linda Fabiani:** That is what I am trying to understand. Does your petition relate mainly to the fact that there is an anomaly between the legislation and directives? Do you want it to be sorted out one way or the other, regardless of what the solution is, or do you have a problem with stamping?

**Peter Siddons:** The situation must be sorted out one way or the other. As far as I am concerned, we should either stamp eggs or legislate on the perceived—I emphasise “perceived”—health risk. Which is more important? It has always been emphasised—as one MP did right at the beginning—that even one salmonella bacterium in an egg is too many. It does not make any difference. It does not make the egg more dangerous to eat, because the number is tiny. We are talking in general about tiny proportions.

It has been said that eggs can be tested, but the point is that one day a hen can lay an egg that is perfectly all right and will not let anything through the shell, but the next day it can lay an egg that will. It is all or nothing.

**Mike Watson (Glasgow Cathcart) (Lab):** Mr Siddons, I notice that you are the proprietor of Muirfield Hatchery.

**Peter Siddons:** That is right, yes.

**Mike Watson:** How are the eggs that are produced there sold? Are they sold to supermarkets?

**Peter Siddons:** I produce day-old chicks. It is all breeding stock.

**Mike Watson:** I see. You do not sell eggs.

**Peter Siddons:** The only eggs that I sell are surplus eggs; however, I am here to represent my

customers throughout the country, from Shetland to Land's End.

**Mike Watson:** You may not, therefore, be able to answer my second question. We have been told that the Scottish statutory instrument that will implement the requirement will come into force soon and that the legislation will provide sanctions for non-compliance. Do you know what those sanctions will be?

**Peter Siddons:** They will be very heavy. I am not sure what they will be, but I understand that they could even include custodial sentences. That reflects the seriousness of the situation, which is completely anomalous. Eggs are completely protected by nature against bacteria, so if the Government wants stamping, it should be done for the purpose of stamping only, not for tracing possible salmonella contamination. There is nothing wrong with stamping as such, but there is under legislation in respect of health and safety.

**John Scott (Ayr) (Con):** The situation must be of some concern to egg producers throughout Europe and, certainly, in Britain. Is there an egg-producers body that has taken the matter up? What response have you received following your discussions with the Government? Surely, your concerns must have been taken up before now.

**Peter Siddons:** I am a member of the United Kingdom Egg Producers Association, which is very much against the legislation.

**John Scott:** I presume that the matter has already been raised with the Department for Environment, Food and Rural Affairs.

**Peter Siddons:** It has been raised, but we got absolutely nowhere. DEFRA has embarked on a course of action and the problem is largely that it will not listen.

**John Scott:** Has DEFRA given reasons for why it does not want to listen, or does not appear to be paying attention?

**Peter Siddons:** No, it has not. It is a ridiculous situation, but there it is. Similar situations exist in respect of asbestos, foot-and-mouth disease and BSE—all those things are handled totally wrongly in law, but the Government will not listen.

**John Scott:** Have you been in touch with the Scottish Executive Environment and Rural Affairs Department at Pentland House?

**Peter Siddons:** I have not been in touch with SEERAD directly—not that SEERAD could do much about the situation, although I do not know that. That is why I submitted a petition. I have discussed the matter thoroughly with all the people with whom I have discussed it, including experts and so on.

**The Convener:** Do other members have questions, or do we have an idea about what we would like to do with the petition?

**Mike Watson:** There seems to be a clear clash between the EU Council's directive and the European Commission's regulation. As they are not compatible, we need—at the very least—information about how the new regulation can be introduced. We should perhaps ask the Executive for clarification. Jim Wallace, as the responsible minister, would be the one to write to.

**The Convener:** We could ask for that information as a starting point.

**John Scott:** I would have thought that the responsible minister would, more likely, be Ross Finnie. It is an agricultural matter. We could write to the Scottish Executive and SEERAD, asking for more details about the regulation and how it is to be implemented. We could also ask which legislation will be implemented because the Executive demonstrably cannot implement both if what Mr Siddons tells us is accurate.

**Mike Watson:** I would be content with that.

**The Convener:** Will we write to the appropriate minister and ask for a response that we can assess at a future meeting?

**Members indicated agreement.**

**The Convener:** Thank you for bringing the matter to our attention, Mr Siddons.

**Peter Siddons:** It is a very serious matter: there is no question about that. We are challenging the law.

**The Convener:** We appreciate your bringing it to our attention. Thank you for your time.

### State Hospital (PE730)

10:15

**The Convener:** Petition PE730 from Patricia Ann Mallaby calls on Parliament to urge the Executive to ensure the closure of Carstairs state hospital. I welcome to the committee Ms Mallaby, who is present to give evidence in support of her petition. You have three minutes in which to make a statement, after which we will ask questions.

**Ann Mallaby:** I had requested the presence of Mr McCardle, who is being held unlawfully in Carstairs state hospital, to answer any questions that members may have about the hospital. As Margaret Curran MSP said on "Newsnight" last week, particular attention should be paid to people who have first-hand experience. Today's meeting presented a good opportunity to hear from someone with first-hand experience of Carstairs.

I have observed Mr McCardle in court. He is intelligent, observant and articulate, although he is under the constant threat of forcible injection.

**The Convener:** I am sorry to interrupt you, Ms Mallaby, but I think that the clerks advised you that we cannot consider the circumstances of one case. Please focus on the petition and the general issue that it raises. We cannot hear allegations along the lines of those that you are making about an individual case. We must know the purpose of the petition and why the general issue should be addressed.

**Ann Mallaby:** I was pointing out that Mr McCardle had a valuable contribution to make to any debate on the use or misuse of mental hospitals and of Carstairs in particular. Mr McCardle, the patients advocacy service and I made every effort to obtain his attendance today, but I was informed that parliamentary adviser Dr McDonald did not wish Mr McCardle to attend. That is all that I have to say on the matter.

Members of the public have the serious concern that whistleblowers and victims of organised crime such as Mr McCardle are being silenced in our mental hospitals to protect some individuals. It is significant that the Home Office has not ordered a public inquiry into that.

As for the alternative to Carstairs hospital, mental institutions and psychiatry in general, I refer the committee to the extensive research that the Citizens Commission on Human Rights is undertaking. Its findings are that psychiatry is an abuse of human rights, that the current regime should be abolished and that proven alternatives are available. I suggest that the committee should invite the commission to attend its next meeting to discuss the proposed closure of Carstairs hospital, possible alternatives and the need to repeal mental health laws that allow state psychiatrists to authorise abduction and compulsory treatment of whistleblowers.

**Linda Fabiani:** The convener might tell me that this is not a question that I should ask. Am I right in thinking that you have been to the committee with a petition previously?

**Ann Mallaby:** Yes.

**Linda Fabiani:** Was that petition about women who were being held unlawfully in prisons and who were suffering abuse?

**Ann Mallaby:** No.

**Linda Fabiani:** Was it about land grabbing?

**Ann Mallaby:** The petition was about land rights.

**Linda Fabiani:** I thought that you looked familiar.

**Jackie Baillie (Dumbarton) (Lab):** You have given one example of a case. We are not here to examine individual cases, but your suggestion is that such practices are rife in Carstairs hospital. Do you have any other examples?

**Ann Mallaby:** From Carstairs or from other hospitals?

**Jackie Baillie:** From Carstairs, because you ask for that hospital to be closed.

**Ann Mallaby:** Personally, I have no more examples.

**Mike Watson:** Later, we will consider another petition that relates to Carstairs. That petition complains about the lack of suitable treatment for people who have mental health problems. It seems to be rather strange that you suggest that Carstairs should be closed when there is a clear need not just for Carstairs, but for the other establishments that might accommodate people who are released from Carstairs before they return to the community. Closing the hospital would be a drastic step, whatever the rights and wrongs of the case that you have brought to us. Are you aware of a country in the world that does not have a state mental hospital or an equivalent establishment?

**Ann Mallaby:** I was pointing out that there are alternatives, which is why I suggest that you ask the Citizens Commission on Human Rights to speak to you.

**Mike Watson:** Are you saying that there are alternatives for people who have been what you term whistleblowers, or for everybody who has mental health problems, has committed offences and who requires to be detained?

**Ann Mallaby:** I mean everybody with mental health problems.

**Mike Watson:** I cannot quite understand that point. People in hospitals such as Carstairs are there for a variety of different reasons. How can one take the blanket approach of closing the hospital and accommodating all those people in different ways? That does not sound feasible.

**Ann Mallaby:** I suggest that the committee examine possible alternatives to Carstairs.

**Campbell Martin:** If the authorities are acting as you suggest they are—seizing people off the streets and incarcerating them—how would the closure of Carstairs sort that out? If the state was doing that, would it not simply put such people elsewhere?

**Ann Mallaby:** I am sorry—will you repeat that?

**Campbell Martin:** If the state or authorities are seizing people off the street and incarcerating them, as you suggest they are, would not it be the case that the state would continue to do that and

to put those people elsewhere if Carstairs were closed?

**Ann Mallaby:** Possibly, but if there were an inquiry into Carstairs, it might lead to a review of all mental health hospitals.

**Campbell Martin:** But your petition calls for the closure of Carstairs.

**Ann Mallaby:** Yes—as a start.

**The Convener:** Do members have suggestions for what we should do with the petition?

**Jackie Baillie:** We do not have any evidence to allow us to pursue the petition further. I do not support taking any further action because we have not been given examples. I am unclear about what the petition seeks—is it the closure of Carstairs state hospital or something much wider? If there are alternatives to Carstairs, they should be brought to the committee rather than our being invited to get somebody else to make suggestions. We should simply note PE730 and take it no further.

**The Convener:** If members have no other views, are we agreed that there is nothing that we can do in relation to the petition?

**Members indicated agreement.**

### **Affordable Housing (PE732)**

**The Convener:** Our next petition is PE732, from Norman Laurie, on behalf of the royal burgh of Haddington and district community council. The petition calls on Parliament to urge the Executive to review the current guidelines on new housing developments to ensure that a larger proportion is allocated to affordable housing. Jan Wilson is present this morning to give evidence in support of the petition.

Welcome to the committee, Miss Wilson; you have three minutes to speak, after which we will ask questions.

**Jan Wilson (Royal Burgh of Haddington and District Community Council):** Thank you for the chance to speak in support of the petition. It seems to be clear that the demands on private house building in Edinburgh and the Lothians will be met unless the housing market collapses.

The number of affordable houses is diminishing, partly because of council house sales and also because house prices are increasing much faster than wages. It is not clear that the needs of people in East Lothian for affordable housing will be met. On the evidence of East Lothian Council's local housing strategy, plans for the area are very complex, which is in effect a requirement of the Scottish Executive, and the funding is entirely inadequate. Furthermore, the housing list in East



Lothian—which is a measure of demand for council housing—has not been well managed recently to ensure that those who most need a house get one. Greater urgency in the provision of affordable housing is required. Briery Bank in Haddington is a lost opportunity.

Young and elderly people have been taken out of the housing market. For example, a young man purchased a one-bedroom flat for £50,000 with the help of his parents, because he earned only between £14,000 and £15,000. Eighteen months later, the flat is worth £70,000, which means that if he tried to buy a flat now, he would be completely out of the housing market. An elderly couple sold their three-bedroom house in Port Seton to move to Haddington to be close to their family and with a view to purchasing a two-bedroom house. In the space of three months, house prices soared and the couple were unable to purchase a two-bedroom house. Two weeks ago, a two-bedroom house came on the market for £104,000 and was sold for £158,000.

Sixty new houses were built at Briery Bank, but only nine of them were affordable houses. Seventy-eight houses were built at the Maltings site in Haddington, but only 12 of them were affordable. That is 21 affordable houses out of 138. My examples emphasise the need for affordable housing or for councils to build houses for rent. The waiting list for council housing in East Lothian is in excess of 15 years.

**Linda Fabiani:** To clarify, when you talk about affordable housing, do you include houses that are for sale but that are in some way subsidised so that local people can afford them as well as houses that are for the social rented sector, or do you mean one or the other?

**Jan Wilson:** We would be happy if both of those were included.

**Mike Watson:** You ask for a general change in policy or guidance, but it seems to me that the issue is primarily for East Lothian Council. The statement that your community council provided notes that East Lothian Council has a policy of varying the proportion of affordable housing from 12 per cent to 30 per cent. Obviously, Haddington is at the lower end of the range. Have you asked the council to justify why it chose the figure of 17 per cent for Haddington? If the figure was 25 per cent, would that be acceptable to the community council and the community in Haddington?

**Jan Wilson:** Given that there are 6,604 people on the waiting list and that fewer than 20 per cent of them are waiting for re-lets, the need for affordable housing seems to be greater than the 17 per cent that the council suggests.

**Mike Watson:** Is the waiting list of around 6,000 people for council properties throughout East Lothian?

**Jan Wilson:** Yes—that is the number on the waiting list.

**Mike Watson:** Is the list for people who want to rent a house?

**Jan Wilson:** Yes.

**Mike Watson:** Surely that is different from people who want to buy a house.

**Jan Wilson:** The point is that people who cannot buy a house because house prices have soared have to go on to the housing list.

**Mike Watson:** I accept that point. However, you are talking about the provision of affordable housing for people who want to buy.

**Jan Wilson:** Yes.

**Mike Watson:** I understand the effect of house prices going up and people not being able to buy. Have you asked East Lothian Council why it has not set a figure for the proportion of affordable housing in the Haddington area that is nearer to the figure that your community council feels would be appropriate?

**Jan Wilson:** We have done so many times, but we keep getting the answer that 17 per cent seems fair.

10:30

**Mike Watson:** Does the council justify that figure on the basis of the social make-up of the area, or the need for social housing there?

**Jan Wilson:** Sorry, I cannot tell you that. The person who is dealing with the matter is on a cruise at the moment and I am just standing in—that was generous of him. He has gone into the documents in more detail than I have.

**Mike Watson:** I hope that it is an affordable cruise.

I do not know how many Haddington councillors there are on East Lothian Council, but do you have their support?

**Jan Wilson:** Yes, very much so.

**Mike Watson:** Are they arguing the case in the council?

**Jan Wilson:** Yes.

**John Scott:** I presume that the council gave planning permission for the development. The council decided its own targets for affordable housing, as Mr Watson said, so surely it is reasonable that it should continue to allow such developments? Given that the council gave

planning permission for the development, you cannot say that it is on your side and thinks that the figure of 17 per cent is unreasonable.

**Jan Wilson:** The Briery Bank scheme has not yet received planning permission. A further application was made a month ago and the plan was changed to site the proposed nine affordable houses further away from the mega-expensive £200,000 to £300,000 houses and closer to the council houses that are already at Briery Bank.

**The Convener:** I remind members that we are considering a separate petition about the Briery Bank development.

**Jackie Baillie:** I understand the pressure that East Lothian is under. As Edinburgh expands and people move out of the city, there is bound to be pressure on the housing stock, whether that is affordable or otherwise. The petitioners are feeling the effect of that.

The Executive is currently considering land use and planning policies and it is increasing the range and amount of affordable housing that is available throughout Scotland. Can you identify one aspect of the system that has gone wrong and complicated things in East Lothian? Is it land; is it planning; or is it simply the council's attitude?

**Jan Wilson:** The fact that Haddington is becoming a dormitory town is the one thing that has got us up in arms. We do not seem to be catering for the people who stay in Haddington; we are catering for Edinburgh overspill. There are people who do not want to live in Edinburgh any more, but in rural towns. I think that 750 houses will be built at the west end of Haddington, the majority of which will be for people moving in from Edinburgh.

**Jackie Baillie:** Are houses being built in the green belt and, if so, does the community support that?

**Jan Wilson:** I am not 100 per cent sure if the west end development is on greenfield or brownfield land.

The Briery Bank houses would be built in a conservation area. We object very strongly to the council's giving permission to a company such as Cala Homes Ltd to build houses in a conservation area. You would need to come out and see Briery Bank to appreciate that it is a beautiful location. The entrance to the town will be spoiled if 60 houses are built there.

**The Convener:** Do members have suggestions about the petition?

**Linda Fabiani:** I am looking at the information that the clerks kindly supplied about what Margaret Curran, who is the minister with responsibility for the matter, has said. I see that a

review is on-going, but I have concerns about whether the reality will match up with the plans. We should write to the Executive to ask how the review is going and about any plans that it might have.

On another issue, quite often we hear it said that, when planning permission is granted to a developer, councils should insist that a certain proportion of the houses should be affordable, either to rent or to buy, or should be adapted for people with special needs and so on. At least one council—I think that it is Fife Council—has received legal opinion to the effect that, under the European convention on human rights, a council cannot insist that a developer must do that. I asked the Executive about that and was told that it has no information or legal advice in that regard. We all know that counsel's opinion can vary depending on which counsel you ask, so I think that we should examine this further. It is all very well having plans and ideas, but they are worthless if they cannot be implemented. We should ask the minister what is happening with the review and whether it would be possible to clarify that legal point.

**The Convener:** Those seem like good questions.

**Mike Watson:** We should also write to East Lothian Council to ask it to justify the 17 per cent figure for Haddington, which seems to be out of line with what local people and local elected representatives are saying.

**The Convener:** Are members happy to follow the course of action that has been outlined? Should we contact somebody to find out further information about the housing market in general?

**Linda Fabiani:** We have had that information from various agencies. However, I think that I read about the case that I was talking about in a report of the Scottish Federation of Housing Associations, so it might be worth asking it whether it believes that councils can insist that a certain proportion of a new development be used in a certain way.

**The Convener:** Are members happy to do that?

**Members indicated agreement.**

**Jan Wilson:** I should point out that the issue is a problem across the country, not only in Haddington and East Lothian.

**The Convener:** We always examine petitions in general terms across Scotland. Your petition highlights general issues about the housing market in Scotland, to which we will ask for responses from the minister.

### **Food Supplements (European Directive) (PE738)**

**The Convener:** Petition PE738, from Joanna Blythman and others, calls on the Scottish Parliament to urge the Scottish Executive to ensure that the voices of consumers of vitamin and mineral supplements are heard as the European Commission prepares to set maximum permitted levels as part of the food supplements directive and to consider all options, including a derogation, that would allow Scottish consumers access to the vitamin and mineral potencies currently available.

Under the directive, the Commission has the power to amend the list of vitamins and minerals and set the minimum and maximum amounts that must appear on the label as recommended for daily consumption. Scottish ministers have powers to implement the instrument to be made by the Commission within two to three years and, in exercise of those powers, could seek a derogation from the Commission's directive.

When one of the petitioners previously petitioned the Parliament on this matter in December 2002, the petition was referred to the European and External Relations Committee, which published its "Report on Food Supplements and Traditional Herbal Medicine (A Report into Petition 584 by Mr Douglas Robison)" in March 2003.

In the Executive's response to the report, Malcolm Chisholm stated:

"I am firmly committed to the view that, in the interests of consumer choice, the law should allow food supplements that are safe and properly labelled to be freely marketed."

He went on to say:

"I will continue to press the case for maximum levels to be set according to the best scientific evidence."

Do members have any comments? Perhaps we could seek an update on the situation.

**Jackie Baillie:** I was interested in this issue when the previous petition was submitted and I know that there has been a members' business debate on the matter. It would be useful if we could get an update on the European and External Affairs Committee's report on PE584. We should ask the Executive how it intends to go about consulting on and researching the subject of what the maximum permitted levels should be before it publishes its own statutory instruments. As a matter of courtesy, we should send a copy of this petition to the European and External Relations Committee.

**The Convener:** Are members happy with that suggestion?

**Members indicated agreement.**

### **Scottish Solicitors and Jurors (Freemasonry Membership) (PE739)**

**The Convener:** The next petition is PE739, by Hugh Sinclair, on behalf of the movement for a register of freemasons. The petition calls for the Parliament to take the necessary steps to ensure that Scottish solicitors are required to declare membership of the freemasons in a register of declarations, to which members of the public have access, and that jurors are required to make similar declarations.

The issue of membership of the freemasons by the judiciary has been considered within the context of five previous petitions and was the subject of an inquiry by the Justice 2 Committee, in relation to PE306, by Thomas Minogue, between November 2000 and January 2003.

The petitioner suggests in PE739 that solicitors and jurors should be required to declare masonic membership—that was not considered in any detail by the Justice 2 Committee in its inquiry.

Do members have any opinions?

**Linda Fabiani:** I seek clarification. The briefing note that we have confirms that the Justice 2 Committee did not address the question of solicitors and jurors' declarations. Did it address the question raised by PE731 about the fact that, for judges, the situation in England and Wales differs from that in Scotland?

**The Convener:** No. PE731 was the most recent such petition that we discussed and it came after the Justice 2 Committee's report. We are still waiting on a reply to PE731.

**Linda Fabiani:** Until we get a reply to PE731 there is not much else that we can do on PE739. The general issues are already being addressed; they have been addressed and, as we are waiting for a response on PE731, are still being addressed. I do not think that we can go any further on PE739.

**Mike Watson:** But the Justice 2 Committee has not examined the issue of solicitors and jurors being required to declare their membership of the freemasons.

**The Convener:** That is similar to the reason why we sent the previous petition to the Justice 2 Committee. There was an inquiry into freemasonry in the justice system, but not specifically on the issues raised in PE731 and PE739. PE731 specified judges and PE739 specifies solicitors and jurors. As we understand it, those issues were not specifically addressed in the Justice 2 Committee's report.

**Mike Watson:** Have we referred PE731 to the Justice 2 Committee?

**The Convener:** Yes.

**Mike Watson:** Could we ask it also to consider the specific point raised in PE739? It could bracket the two together rather than have a fresh inquiry.

**Jim Johnston (Clerk):** We have already done so. We spoke to the Justice 2 Committee clerks to clarify the matter before it came to the Public Petitions Committee, so that the committee did not have to do that.

**Mike Watson:** Good. Thank you.

**The Convener:** Where does that leave us?

**Linda Fabiani:** There have been seven petitions on the issue. Until we have the answers to the previous petitions, we cannot go any further.

**Jackie Baillie:** I was not on the Justice 2 Committee or the Public Petitions Committee when the inquiry was conducted, but my understanding is that the Justice 2 Committee in the previous Parliament conducted an extensive inquiry and arrived at a conclusion in respect of the justice system in Scotland as a whole, which clearly covers the separate issues of judges, solicitors and jurors raised within the petitions.

My understanding of the briefing note is that the Justice 2 Committee did not consider those issues in great detail. Nevertheless, the issues would have been encompassed by the inquiry. Unless there is fresh information, I would be disinclined to pursue the matter. I know that we have had seven petitions on the same subject, but the Justice 2 Committee held a major inquiry into the issue and came to the conclusion that nothing further should be done.

The only point that I remain unclear about relates to PE731. We have asked the Justice 2 Committee about PE731, which deals with a different issue, and we are awaiting a response on that, so PE731 is clearly out there and running.

**The Convener:** Yes.

**Jackie Baillie:** So what we do with PE739 does not have to bear any relationship to PE731.

**The Convener:** That is right.

**Jackie Baillie:** I cannot speak for the Justice 2 Committee, but given that it undertook an extensive inquiry into the issue in the previous parliamentary session, I cannot envisage either the Justice 1 Committee or the Justice 2 Committee investing a great deal of time in considering the matter further.

10:45

**The Convener:** That is a fair point. We will await the outcome of the Justice 2 Committee's consideration of PE731. I am sure that we will

bear it in mind that PE739 has also been before us when we receive that reply, and we can address that if necessary or appropriate when we get the reply on PE731.

**John Scott:** I am sure that, when the Justice 2 Committee addressed PE306, it would have addressed the issues that its research uncovered and that led it to the view that there was no case to answer. I do not see any point in taking the matter further, to be honest.

**The Convener:** No, we can leave the petition as it stands. We will do nothing with it, but will wait for the Justice 2 Committee's reply on PE731. Are members happy with that?

*Members indicated agreement.*

### **National Dance Hall (PE742)**

**The Convener:** Our last new petition this morning is PE742, by Joyce Kinnear. The petition calls on the Scottish Parliament to urge the Scottish Executive to ensure that Scotland has a national dance hall in Edinburgh. The petitioner's campaign for a dance hall in Edinburgh playing big-band music began in 1991 when Rank Leisure closed Scotland's last remaining dance halls. She argues that, despite a renewed interest in ballroom dancing, there are no facilities in Edinburgh for people who enjoy the activity but feel disengaged from tea dances and discos.

In a letter to the petitioner dated 20 November 2003, the Minister for Tourism, Culture and Sport, Frank McAveety MSP, stated:

"As you may be aware responsibility for night entertainment in our cities and elsewhere is mainly that of the commercial sector ... There have been changes in entertainment over the years and this has resulted in different approaches to audiences ... I would hope that the commercial sector can still find an audience for such entertainment but it is not something that the public agencies would have as a priority."

What do members think?

**John Scott:** The minister is right. It is not up to the Government or Government agencies to provide national entertainment in the way that the petitioner requests.

**The Convener:** If it is not the Government's responsibility to do that, why do we have a national opera company, a national ballet company and other national cultural organisations? I understand the argument about the commercial viability of premises, which is the issue, but our cultural strategy includes the development of folk music, for example, so the petitioner's suggestion is not quite as bizarre as members might think.

**Campbell Martin:** The Government does not run the venues for those other organisations.

**The Convener:** That is right. The Executive may not be able to support a national dance hall because of the commercial viability aspect, but where does ballroom dancing fit into other aspects of culture in Scotland?

**Mike Watson:** I accept the analogy between dancing and opera, but we should not forget that, although we do not have an opera house in Scotland, opera continues. Dancing can continue without a dance hall—it can, I presume, continue in various other kinds of halls—and I do not see why there is a need for a dance hall as such. The activities clearly continue—there are ballroom dancing championships, for example—so there is nothing further that we can do with the petition, and I do not consider there to be any role for state intervention.

**Jackie Baillie:** I take a slightly softer view, although I must confess that I have no interest in ballroom dancing. I suspect that the petition is less about a hall and more about encouraging access to ballroom dancing and about the fact that there are no facilities for it, whether a dance hall or some other kind of venue. We have a letter from the minister, but it seems to be in his guise as the MSP for Glasgow Shettleston, and I wonder whether we should write to the Executive and ask what it is doing to encourage a variety of forms of dance, rather than a dance hall. Although we accept that the provision of a dance hall is a commercial matter, a more general approach might be quite helpful.

**The Convener:** That was the point that I was trying to make, although I was not as subtle as Jackie Baillie. Do members think that there is nothing that we can do because the matter will come down to whether any organisation wants to organise a dance hall? The petition calls specifically for a national venue in Edinburgh, which I do not think that the committee can ask for. However, generally there might be value in getting a response from the minister if only to get it on record whether the Executive has a view on the matter.

**Jackie Baillie:** I will be guided by older members who remember ballroom dancing.

**The Convener:** I was waiting for that.

**Linda Fabiani:** That is why I am saying nothing.

**John Scott:** I am not a great fan of ballroom dancing either, but it has managed to exist for many years without a national dance arena. It should be up to the commercial sector to provide such an arena. If the committee is desperate to write to the minister to burden him with such problems at a time when he has Scottish Opera and other matters to consider, that is fine.

**Jackie Baillie:** Put that way, if the member is proposing an alternative, I am happy to go with his wisdom and experience, which comes with age.

**Linda Fabiani:** Perhaps we should suggest to the minister that we should have compulsory dance as part of the Executive's on-going fitness programme.

**Jackie Baillie:** All right. Stop.

**The Convener:** I do not think that the petitioner addresses that issue. We have to be serious about what we do with the petition. The petition is asking for a national facility based in Edinburgh, which I do not think that we can ask for. However, when petitions have raised issues, we have sought information from the relevant minister for no reason other than to ensure that we have addressed the wider concerns. It might be worth while knowing what the cultural strategy envisages in relation to the issue that the petition raises, if indeed it envisages anything at all.

**Mike Watson:** As I have some knowledge of the national cultural strategy, I can say with certainty that ballroom dancing does not feature in it, although dance clearly does. I have no objection to writing to Frank McAveety, but it seems that the reply that he gave in November last year on his constituency notepaper would be the same as a response written on ministerial notepaper. It might be interesting to hear where ballroom dancing fits into the Executive's strategy for dance.

**Linda Fabiani:** The wording of the petition is specific. I wonder whether Mrs Kinnear feels that there is nowhere in Edinburgh to go ballroom dancing.

**The Convener:** I have spoken to the petitioner and I know that, although she wants the dance centre to be in Edinburgh, the petition is about the lack of facilities in Scotland.

**Linda Fabiani:** I see.

**Campbell Martin:** I just want to put it on record that I am more of a "Saturday Night Fever" man.

**Linda Fabiani:** I am filled with horror.

**Campbell Martin:** It was a long time ago, Linda.

The petitioner is asking for a national dance hall to be established in Edinburgh, which is not going to happen, certainly in the terms that she suggests. However, as Mike Watson said, we could write to the minister to ask where other forms of dancing fit into the overall Executive dance strategy.

**The Convener:** It might be useful for the petitioner to know that as she might not have that information. Getting that information might be the only thing that we can do. Are members happy with that?

**Members** *indicated agreement.*

**The Convener:** We generally take a break after dealing with new petitions. Do members want to make progress or take a five-minute break?

**Jackie Baillie:** We should make progress.

## Current Petitions

### State Hospital (PE440)

10:54

**The Convener:** The first current petition is PE440, which is on patients ready for release or transfer from Carstairs state hospital. The petitioners are calling on the Scottish Parliament to investigate the problems that patients who are ready to be released or transferred from the hospital face.

At its meeting on 3 March, the committee noted the timescales for the introduction of a right of appeal against detention in conditions of excessive security, provided for under the Mental Health (Care and Treatment) (Scotland) Act 2003, and the agreement of a national plan by the national advisory board that is steering the work of the managed care network. The committee agreed to seek confirmation from the Executive of whether those timescales are dependent on the outcomes of the medium-secure unit review and whether they are likely to be met. The Executive states:

"This work is on schedule to agree and publish firm proposals by Spring 2005 so that the network can be in operation in time to respond effectively to the new statutory rights of patients detained in conditions of inappropriate security."

On the progress that has been made in providing places in medium-secure units, the Executive states:

"The Committee can be reassured that this work is not being delayed while the managed care network is being developed."

Do members have views on this matter?

**Mike Watson:** There are two issues. The first is a general issue and is raised by Mr and Mrs Crichton. The matter is important, especially in relation to the example that they give of their son. However, Trevor Lodge's letter of 20 April points out that the Orchard clinic in Edinburgh is already operational, that work is beginning on a new unit in Glasgow and that a decision has been taken to establish another unit in Paisley. All those facilities will contribute significantly to alleviating the problem that Mr and Mrs Crichton drew to our attention. There is nothing more that we can do on that issue.

However, in their letter of 23 April the petitioners raise another issue—that of the new forensic unit that was to be established in the grounds of the Murray royal hospital. I am not sure what we can do about that, but perhaps we could ask what is happening with the forensic unit, as a side issue. The Executive's response appears to deal with the main issue.

**The Convener:** Given that the second issue is not raised specifically in the petition, I am not sure that we can do anything about it.

**Mike Watson:** In that case, we have probably taken the matter as far as we can. Action is in hand that will provide what the petitioners have sought to achieve.

**Linda Fabiani:** I broadly agree with that point. However, I refer to the previous Executive response. Out of interest, I would like to know—perhaps other members will know—that plans are on target, as stated there. I am thinking specifically of the 70-bed unit at the Stobhill hospital site that was scheduled to begin in March 2004. Did that happen? We know that the site for the west of Scotland medium-secure unit has been identified. The Mental Health (Care and Treatment) (Scotland) Act 2003 will come into effect in summer 2006. Is the process on schedule? Is the national health service being assisted, as planned, to prepare for implementation of the act? At the time of the previous response, the number of patients experiencing delayed discharge from Carstairs was falling. I would like to know whether that trend has continued.

**The Convener:** In its response of 20 April 2004, the Executive says:

“This work is on schedule to agree and publish firm proposals by Spring 2005”.

I understand that, although a decision to establish a medium-secure unit in the west of Scotland has been made, that decision must be ratified by the Minister for Health and Community Care. The matter must then be referred back to the local authority, so that planning permission can be sought. The timetable to which the Executive refers would fit in with that timescale.

**Linda Fabiani:** So the timetable is being met?

**The Convener:** That is how it looks to me. If you want us to seek confirmation of that, we can do so.

**Linda Fabiani:** It is not necessary for us to pursue the matter—I was seeking information out of interest. I am glad that you have told me what is happening with the west of Scotland medium-secure unit. Mike Watson may know when work started at Stobhill.

**Mike Watson:** Unfortunately, I do not know that. However, the Executive’s letter, which was written less than a month ago, states that there is “work beginning” on the unit. Work may not yet physically have started, but if not it is just about to.

**The Convener:** Are you happy with that, or would you like us to pursue the matter?

**Linda Fabiani:** I would be interested to know whether the number of delayed discharges from Carstairs has fallen. That information does not

have to be sought through the committee—I can do that through a parliamentary question. I agree with Mike Watson—there is not much more that we can do in relation to the petition.

**John Scott:** There are figures in the briefing papers that refer to

“Patients in Carstairs waiting to be returned to local areas”.

**The Convener:** Those statistics were provided by the petitioner. Linda Fabiani is seeking to find out from the Executive whether the fall in the number of patients experiencing delayed discharge has continued.

**Linda Fabiani:** I can seek that information—we do not need to do so as a committee.

**The Convener:** Do we agree to close the petition?

**Members indicated agreement.**

### **Criminal Memoirs (Publication for Profit) (PE504)**

11:00

**The Convener:** PE504 is on preventing convicted murderers from selling accounts of their crimes. The petitioners call on the Scottish Parliament to take the necessary steps to prevent convicted murderers or members of their families from profiting from their crimes by selling accounts of their crimes for publication.

At its meeting on 4 February, the committee agreed to invite the Scottish Executive to respond to further correspondence that had been provided by the petitioners. The Minister for Justice states:

“The Home Office have continued the work on criminal memoirs to which Baroness Scotland referred in her letter of 4 July 2003 to Mr and Mrs Watson and they hope soon to reach a stage where it would be sensible to consult on the issue.”

The Executive is also of the view that there would be no advantage to be gained in pursuing the matter at a devolved level, as

“any Scottish measures could be circumvented by publication in England and Wales.”

What do members think of that?

**Jackie Baillie:** The sense that something is to happen soon—or that proposals are to be produced for consultation soon—is the first sense of urgency that we have had. The correspondence that has gone backwards and forwards has suggested that it would be some time before proposals would be published. It looks as though something is going to happen sooner rather than later, which is helpful. That is the first positive indication that we have received.

I have some sympathy with the minister's view that we need to take a UK-wide approach. It would be self-defeating if something could be published in England and Wales but not in Scotland, as the effect would be the same. With regret, I think that we should wait until Baroness Scotland publishes proposals for consultation. If anything remains outstanding, it is the need to have a sense of the timescale for that.

**Campbell Martin:** Would we be able to firm up what "soon" means? The letter is a bit vague about that. The other issue is the fact that we are told that it would be better to wait for legislation in England and Wales than to do anything in Scotland. There are specific problems with publishing. Something could be published in Ireland, Australia, America or another English-speaking country. I am concerned about waiting if something could be done in Scotland.

**The Convener:** I agree with your first point, that we should ask when "soon" will be. I have no problem with that. However, as Jackie Baillie said, the issue is not where the documentation is published; it is where it is allowed to be available. A court recently made the decision to prevent information from being published by national newspapers about the woman from the Soham murder case.

**Jackie Baillie:** Maxine Carr.

**The Convener:** The national newspapers suggested that they might still be able to publish such information in Scotland, as the decision was made in a court in England. That is the kind of difficulty that we might get into. Unless the decision is led by Westminster, we could find ourselves in a difficult situation. We could identify when a decision will be made, but it might be best to wait until we know what Baroness Scotland has to say about keeping things in Britain on a level playing field.

**Linda Fabiani:** I can see the logic of that. The first thing that we need to do is to clarify when "soon" will be. It might also be worth while for us to find out whether the Executive is feeding into the on-going review rather than just sitting back and waiting. There must be differences between Scots law and English and Welsh law that would create anomalies. If those are ironed out as the review progresses, and before the proposals are published, that will stop any further delay.

**The Convener:** We can ask about both those matters if we write to the minister. Are members happy to do that?

**Members indicated agreement.**

## **Cullen Inquiry (100-year Closure Order) (PE685)**

**The Convener:** PE685 is on defining the subject of and the maximum time limits for closure orders. The petitioner calls on the Scottish Parliament to enact legislation to define the nature of files that can and cannot be subject to closure orders and to define accurately the maximum time limit that can be imposed on closure orders.

At its meeting on 4 February, the Public Petitions Committee agreed to invite the Lord Advocate to provide details of the timescale for the development of a Scottish public records strategy, which would take a fundamental look at the legislation on Scottish public records. The committee also expressed concern that the decision to subject all the evidence that was submitted to the Cullen inquiry to a closure order appears to be based solely on limited resources. The committee stated that it would be grateful for the Lord Advocate's views on those issues.

The Lord Advocate states that the arrangement for imposing closure periods on files in effect will become redundant when the Freedom of Information (Scotland) Act 2002 is brought into force on 1 January 2005. In relation to the Dunblane inquiry, the Lord Advocate states that, when the inquiry papers have been reviewed by Crown Office and Procurator Fiscal Service officials, it is hoped that

"some of the material lodged in the course of the inquiry can be released into the public domain in a format which retains privacy for next of kin and living individuals alike."

What do members think?

**Linda Fabiani:** When we discussed the petition, we were all concerned because we could not understand why there was a bar on information, but the response that we have received is fair enough. It seems that the general concern is being addressed. The Freedom of Information (Scotland) Act 2002 will have an impact and will negate some of the earlier stuff. I do not think that we can take the petition further.

**The Convener:** Do members agree?

**Members indicated agreement.**

## **Travelling Show People (PE698)**

**The Convener:** The next petition is PE698, which calls on the Scottish Parliament to urge the Scottish Executive to introduce a national policy for travelling show people.

At its meeting on 3 March, the committee agreed to seek comments from the Executive on the issues that the petition raises, particularly on the reason why circular 22/91, which provides guidance to planning officers and explains what is



required by showmen in England and Wales, does not apply in Scotland. In relation to that circular, the Executive states that a need for equivalent guidance in Scotland has not been identified and that if a housing need can be identified,

“local authorities should make provision.”

In further correspondence, the petitioner states:

“Our concern is that in recent years many traditional fairground sites have been lost due to redevelopment.”

I invite members’ views.

**Jackie Baillie:** I understand that the petitioner met Margaret Curran, the Minister for Communities, at the end of April. It might be useful to send the Executive’s response to the petitioner and to ask whether the meeting was positive. They may have got what they wanted and there may be no need to take matters further, but we do not know that, so we are operating in a vacuum. I am keen to go back to the Showmen’s Guild of Great Britain with the Executive’s response and to ask how it got on with the meeting. We can take it from there.

**The Convener:** Are members happy with that course of action?

*Members indicated agreement.*

### **Shop Workers (Christmas Day and New Year’s Day Working) (PE700)**

**The Convener:** Our next petition is PE700, on stopping larger shops opening on Christmas day and new year’s day. The petitioner calls on the Scottish Parliament to support the statutory protection of Christmas day and new year’s day,<sup>2</sup> which would prevent shops of more than 280m<sup>2</sup> from opening on those days.

At its meeting on 21 January, the committee agreed to seek the Executive’s views on the issues that the petition raises and to ask whether the Executive is minded to support the proposed member’s bill on the topic. The Executive states that it wishes to reserve its position until it sees the outcome of the consultation on the proposed member’s bill.

**Mike Watson:** That is a reasonable position. In effect, it is a matter of waiting. We cannot do any more on the petition at present.

**The Convener:** Do you mean at present, or ever? Do we want to close the petition, or wait for the consultation?

**Mike Watson:** I am not aware of when the consultation period ends.

**Jackie Baillie:** I suggest that we close the petition, but that we send it to Karen Whitefield so that she can include it.

**John Scott:** Yes. That would make it part of her consultation.

**The Convener:** Is it agreed that we should draw a line under it?

*Members indicated agreement.*

### **School Closures and Mergers (Consultation) (PE701)**

**The Convener:** The next petition is PE701, on consultation arrangements on school closures. The petitioners call on the Scottish Parliament to urge the Scottish Executive to review the consultation arrangements for school closures and mergers to ensure that local communities’ concerns are fully taken into account, that proper risk assessments are conducted and that detailed costings are made available.

At its meeting on 21 January, the committee agreed to ask the Executive to provide details of progress on the matter. The Executive states:

“Following discussions with COSLA, we are considering preparation of fresh guidance for parents and local authorities: this would aim to raise understanding of the closures process and the roles of the respective parties, but not seek to amend it.”

**Linda Fabiani:** We should send the petitioners a copy of the Executive’s response, keep the petition open and wait to see what the petitioners say.

**The Convener:** We recently dealt with a petition on rural school closures in relation to which a delay in issuing guidance also arose. Obviously, that matter has not yet been dealt with. The Executive has given a response, but the Convention of Scottish Local Authorities is still waiting for the Executive to issue guidance. That situation led to the petition on rural school closures, which raised the general issue of guidance on school closures and mergers. We cannot yet close consideration of the petition. I agree with Linda Fabiani that we should at least let the petitioners know about the Executive’s response.

**Linda Fabiani:** There is another issue, although I do not know whether we can address it. I know the people who are involved in the fight against school closures in East Kilbride and Hamilton—as does Michael McMahon. There is dissatisfaction that the Executive has agreed with the council a plan to close schools. People have asked for justification from the Executive; they are angry about the lack of transparency in the Scottish Executive’s decision taking.

The final paragraph of the letter merely states that the Executive

“took the view that the consultation requirements relating to the proposed closure of schools ... had been met.”

Those requirements are based on regulations from 1981. Given the absence of up-to-date guidance and given that the level of participation has upped in the past decade or 15 years, it is obvious why people feel disfranchised. Can we ask the Executive to be a bit more transparent when it is working on the new guidelines?

**Jackie Baillie:** I have a slightly different point. The key issue, irrespective of whether we are talking about rural or urban schools, is the lack of time for consultation that present legislation affords, rather than the criteria on which matters are referred to the minister. Under the regulations, a consultation must take place for 28 days. In many cases, local authorities exceed that because of good practice, but I wonder whether the Executive should review the 28-day period. That is not much time to consult people and engage them in the process. A change in the period might help, but it would require a change in the regulations.

**The Convener:** The Executive states that it does not intend to amend the regulations.

**Jackie Baillie:** When we dealt with the petition on rural schools, did we ask the Executive whether it would amend the regulations?

**Linda Fabiani:** Yes.

**The Convener:** I am sure that we did.

**Jackie Baillie:** That petition was about rurality; I am not sure that we asked about timescales.

**The Convener:** We should keep the petition open and wait for the Executive's response to the petition on rural schools. Then we can consider the responses together. The petition on rural school closures was about the delay in issuing guidance and about what the guidance would say. We should leave PE701 until we can consider both responses at the same time. In the meantime, we will ask the petitioners for their comments on the Executive's response so that we will have a reply when we consider the two responses from the Executive. Are members happy with that course of action?

**Members indicated agreement.**

### **Food for Good (PE704)**

**The Convener:** In PE704, the petitioners call on the Scottish Parliament to urge the Scottish Executive to support the terms of Unison Scotland's national health service food for good charter.

At its meeting on 4 February, the committee agreed to write to the Minister for Health and Community Care and to NHS Quality Improvement Scotland to seek comments on the issues that are raised in the petition. The committee also requested the views of the Minister for Health and

Community Care on claims that the quality of food that is produced and the state of capital equipment in hospital kitchens have deteriorated since privatisation. In relation to the quality of food, the Executive states that a review of hospital catering, which was carried out on behalf of the Auditor General for Scotland, concluded:

"NHSScotland's hospitals are providing good quality catering services, which have high levels of patient satisfaction."

I invite members' comments.

11:15

**Linda Fabiani:** I am stunned that people said that hospital food is wonderful. I have never heard anyone say that. I suppose that we are talking about one of those surveys, the outcome of which is determined by the way in which questions are asked. Perhaps I am being unfair.

The Executive provided a detailed response and we should forward that to the petitioners so that they can consider it. We also have a copy of the motion that Mike Pringle lodged about the "Dispatches" programme on Channel 4 that raised concerns about hospital food. We should ask the Executive to comment on the allegations that were made in the programme, if it has not done so already.

**John Scott:** Did the Executive announce yesterday that more locally produced food would be used in schools and hospitals? That is a welcome step in the right direction. We should draw the petitioners' attention to that.

**Linda Fabiani:** We should draw it to the minister's attention, too.

**The Convener:** We will await a response from the petitioners to the Executive's comments.

**Mike Watson:** The paper from the clerks says that the Executive ran a conference yesterday, but did the Executive make an announcement?

**John Scott:** Yes.

**Mike Watson:** I just wanted to confirm that.

The letter that we have received from NHS Quality Improvement Scotland says:

"It may be useful to bring this Charter to the attention of the Property Environment Forum",

whatever that is. I have never heard of it, but I take it that it is an NHS body. Perhaps we should write to the forum for its views on the matters that NHS QIS says are outwith its remit.

**The Convener:** It would be worth writing to the forum. Do members want to write to the minister, too?

**Members indicated agreement.**

### **Pyroluria (PE706)**

**The Convener:** Our final petition for consideration today is PE706, on the diagnosis and treatment of pyroluria—I am determined to get one other member of the committee to say that word, because you all managed to avoid doing so when we last discussed the petition. The petitioners call on the Scottish Parliament to urge the Scottish Executive to ensure that NHS boards recognise, diagnose and appropriately treat pyroluria.

At its meeting on 3 March, the committee agreed to seek the Executive's comments on the issues that the petition raises. We agreed to ask whether the Executive has details of how widespread the condition is and for comments on the adequacy of the treatment that is provided and the consistency of treatment across different health board areas. The Executive responded that its medical advisers have no knowledge of the condition.

**Linda Fabiani:** The Executive's response was interesting, because it takes us back to the division that sometimes exists between standard and what is called alternative medicine. We can only invite the petitioners to comment on the Executive's response.

**Mike Watson:** We should ask the petitioners why they describe the condition as "well documented". The Executive's response refers to websites—the condition cannot be all that well documented if the Executive's health professionals had to find out about it from websites.

**The Convener:** We could ask for clarification on that specific point. We will await a response from the petitioners. Perhaps then one of you will say "pyroluria".

**Linda Fabiani:** Pyroluria.

**Campbell Martin:** Pyroluria.

**The Convener:** Thank you. I wanted to make sure that I was not the only one who could pronounce it.

*Meeting closed at 11:19.*



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