

# **PUBLIC PETITIONS COMMITTEE**

Wednesday 19 January 2005

Session 2

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## PUBLIC PETITIONS COMMITTEE

1<sup>st</sup> Meeting 2005, 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)

Rosie Kane (Glasgow) (SSP)

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

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 :

Jacqui Baggaley

Mrs Margaret Ewing (Moray) (SNP)

Ronald Guild

Ian Loudon

Margo MacDonald (Lothians) (Ind)

Maureen Macmillan (Highlands and Islands) (Lab)

Catherine Mathieson

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Mark Russell

Margaret Scott

### CLERK TO THE COMMITTEE

Jim Johnston

### ASSISTANT CLERK

Joanne Clinton

### LOCATION

Committee Room 2



# Scottish Parliament

## Public Petitions Committee

*Wednesday 19 January 2005*

[THE CONVENER *opened the meeting at 10:04*]

### New Petitions

#### NHS (Provision of Wheelchairs and Specialist Seating Services) (PE798)

**The Convener (Michael McMahon):** Welcome to the first meeting in 2005 of the Public Petitions Committee. As ever, we have a busy schedule. We have received apologies from John Farquhar Munro, but I have had no other indications of apologies.

Petition PE798, from Margaret Scott, calls on the Parliament to urge the Scottish Executive to resolve the current critical problems in the provision of wheelchairs and specialist seating services within the national health service by immediately increasing funding and establishing a review that, in consultation with users, will address minimum standards, the scope of equipment provided and the delivery of services.

Members might wish to note that, since the submission of the petition, it has gathered a further 240 supporting signatures.

Margaret Scott, the chair of Fastrax, is here to make a short statement in support of the petition. She is accompanied by Ian Loudon, the manager of the wheelchair service in Aberdeen, and Catherine Mathieson, the manager of children's wheelchair services in Edinburgh.

**Margaret Scott:** On behalf of everyone who has supported the petition, we want to state that we are delighted with the response of the Minister for Health and Community Care and the actions that he has planned since the submission of the petition and his meeting with Margo Macdonald. We have been kept fully informed of the plans that are being made by officials and appreciate that.

We wondered whether we should continue with the petitioning process before deciding that there were a few reasons why we should. The first is that our efforts at highlighting the problems have involved a long struggle over a number of years, during which time we have met around 30 MSPs, including ministers, and we are keen to see the process through to completion. We have no reason to doubt that the promised actions will be taken, but keeping the petition open means that we and the Parliament can follow its progress. If

need be, we would like the opportunity to return to the committee.

We would be happy to have an input into the formal needs assessment that the minister has commissioned. As part of that, and with particular reference to our petition, we would want to make it clear that the most vital thing is that national minimum standards of care for wheelchair services should be developed and that, rather than their simply being aspired to, they should be enshrined in official guidance or, better still, in legislation and sufficiently funded so that the standards will be fully implemented. Hopefully, that will save us having to return to the committee in a couple of years' time.

Although we do not want the provision of other enabling and assisting equipment to interrupt progress on improving wheelchair services, we ask for the committee's support in recommending that steps be taken to address that need, as highlighted in the final paragraph of our submission, which is contained in the additional information that was provided to you.

We welcome the chance to answer any questions that you might have.

**Mike Watson (Glasgow Cathcart) (Lab):** I commend you for the four-page paper that you have submitted, which is, appropriately, headed, "What the petition requests". It clearly outlines the case, but I have a couple of questions arising from it that I would like to ask.

On deficiencies in the service, you talk about waiting times, which are understandable, and waiting lists, saying that patients can end up on two waiting lists, or even three, if adaptations are required. I understand the need for that. How could the timescale be shortened—while still accepting that there should be as many assessments as necessary to ensure that the wheelchair is the right one for the individual—to ensure that people wait for less time?

**Ian Loudon:** The primary reason for the length of waiting lists is the lack of clinicians available to do assessments. There are two main reasons for that. One is the usual problem with resources; the other is the national shortage of suitably trained and qualified staff to carry out this type of work. Wheelchair services are not really covered in the basic training programmes of any of the professionals involved—who tend to be occupational therapists, physiotherapists and rehabilitation engineers. Training for specialised staff tends to be in-service training and the pool of people with the required expertise is not big.

**Mike Watson:** That is interesting. I take your point about in-service training, which is the immediate need; however, in the longer term, I presume that you will need more, properly

qualified staff coming through the training system in the various professions. Are such staff not coming through just now because of a lack of resources in health boards, or is it because the profession is not, for whatever reason, seen as attractive?

**Ian Loudon:** Largely, it is because of a lack of resources. The services have never been overstaffed. I have been in this business for 24 years now and I cannot recollect there ever being a surplus. One factor in the equation is certainly resources to employ people.

**Mike Watson:** But why are people not coming through—people with the relevant experience to assess those who are waiting?

**Ian Loudon:** Staff retention is a bit of a problem. There seem to be two responses to working in wheelchair services, which can be a very stressful occupation for a variety of reasons—such as the lack of resources and the fact that you are dealing with people whose lives are inherently stressful. Those who stay in the service tend to do so for a long time. As I say, I have been in the service for 24 years; Catherine Mathieson has also been in the service for a good many years. It is typical of the people who provide these services that they remain in them; they are, in general, highly committed. New recruits, however, regard a move to wheelchair services as a major step. They regard it as an isolated specialty. Wheelchair services are outside mainstream therapy activity and are not really a route to career progression.

**Catherine Mathieson:** You asked about waiting times. Many people who use wheelchairs also use special seating. In the various centres in Scotland, we often make bespoke seating for such people. However, resources are such that technicians to build the equipment are scarce. That all adds to people's waiting times.

**Mike Watson:** My final point relates to what your paper terms "Deficiencies in equipment provision". For some years, my late father was in a wheelchair. When looking for somewhere for him to live, we found that doors in a lot of modern housing did not accommodate certain wheelchairs—although they did accommodate some. To what extent is that a continuing problem? If it is a continuing problem, do you intend to discuss it with the House Builders Federation—or whatever the appropriate national body is—to ensure that the needs of wheelchair users are taken into account when plans for houses are drawn up?

**Catherine Mathieson:** It is not only house builders but school builders and any other builders. I do not think that enough discussion of these problems takes place at the initial stages. As far as I am aware, housing associations are much

more au fait with matters such as the required widths of doorways and corridors. I work in children's services, but I go into the homes of many families who live in specialised housing. The housing associations are certainly taking advice. We are sometimes asked for advice, but that does not happen often enough. The social work department usually makes—or at least funds—adaptations to housing. We work closely with colleagues in the social work department when equipment is provided. There is dialogue, but there needs to be more dialogue in the initial stages.

10:15

**Jackie Baillie (Dumbarton) (Lab):** I welcome the petition, which echoes a constituent's recent experience. Although the situations are not quite the same, I suspect that the root causes are identical. My constituent is a wheelchair user whose condition deteriorated so that their wheelchair was no longer appropriate. It was weeks, if not months, before they were seen to and I suspect that the difficulties that you highlight were at the source of the problem.

I welcome the Minister for Health and Community Care's review, but I am conscious that it is not due to report until spring 2006. Apparently the minister has asked officials to identify interim measures. I have two questions, the first of which I would also like to put to the minister. What interim measures would assist with the nub of the problem that is currently being experienced? Secondly, are the petitioners involved in discussions on the matter?

**Ian Loudon:** The services have been involved in discussions and a meeting was held last week to try to co-ordinate the responses from the various Scottish services.

There is no single interim solution to the problem. The lack of available staff, which I mentioned, is a problem that we cannot solve overnight, so it will be difficult to make an immediate impact on waiting times. However, some issues to do with waiting times are entirely down to resources for the purchase of equipment. Such issues can be dealt with far faster than can matters that require a clinical input.

I do not know whether users have been involved in the discussions.

**Margaret Scott:** I am not sure whether a process has been formally set up, but we would certainly welcome the opportunity to have an input and add our information to discussions on interim measures.

**John Scott (Ayr) (Con):** I welcome the petition, too. Do you have any idea how the service in

Scotland compares with those in other parts of Europe or Britain? Are we significantly behind in the quality of the wheelchair service that we provide for patients? Are there examples of best practice in Europe towards which we should be aiming?

**Ian Loudon:** Because the model of health service provision in Europe is significantly different, it is difficult to make comparisons. If we consider users' end experiences of most United Kingdom services, I suspect that the equipment tends to cost less, but that the clinical input is significantly higher than might be the case in other European countries.

I do not have the exact figures to hand to enable me to compare services in Scotland with services in the rest of the UK. However, the last time I checked, the budget for wheelchair services in Scotland was slightly less than the budget for wheelchair services in Wales, which has a population that is significantly lower than Scotland's. It is difficult to compare our service with services in England, because the model of service in England is very different and the total spend on wheelchair services is not clear. In England, there are regional specialist centres and local centres that deal with more routine wheelchair issues. That means that it is rather difficult to collate information about the total service that is provided.

**Catherine Mathieson:** It would be important to include in the forthcoming review an idea of what is happening in other parts of Europe with regard to wheelchair services. Comparisons always help. Our initial request is for minimum standards from which all our services in Scotland can work and, if we can see what is happening elsewhere, we might be more able to get to that point.

**The Convener:** We are joined by Margo Macdonald. Margo, do you have any comments to make or questions to ask that would help our deliberations?

**Margo MacDonald (Lothians) (Ind):** A couple of points arise from the evidence, but first, I thank the committee for the opportunity to join the witnesses from the wheelchair services.

To find international comparisons—or even comparisons inside the United Kingdom—is perhaps a longer-term objective, because we know that there are children in Scotland who need specialised seating or wheelchairs and do not get those facilities when they need them; they have to wait months. It is unfair for a child, particularly one with the difficulties that children in wheelchairs face, to have to wait months and it does not need to happen. When I met the minister, he was receptive to that point, so I ask the petitioners

whether one of the priorities should be that the children's service be examined.

The other issue is resourcing in the interim. Jackie Baillie is quite right that it will take a while for the minister's review to kick in. The petitioners cannot expect a fast, massive increase in the number of properly trained support staff and clinicians, but would it help if administrative staff were taken on now to allow the experts in wheelchair provision to get on with analysing what service or equipment is needed?

**Catherine Mathieson:** I am not sure that that would help awfully much. It is important to get clinicians in as quickly as possible and the training is always on the job, so we would not expect someone to come in with experience. The sooner that we get clinicians in, the sooner they will be trained up and become effective. Much of the administrative work that we do depends on our clinical knowledge, so it is not something that can be handed over terribly easily to someone else.

**Margo MacDonald:** What would your priority be?

**Catherine Mathieson:** We need resources to be able to employ people as quickly as we can in order to bring the waiting lists down, as well as resources to meet the requirement for equipment that the employment of those extra people will inevitably engender.

Jackie Baillie mentioned the quick deterioration that happened to her wheelchair-using constituent. Some people have conditions that deteriorate suddenly and rapidly, and we must be able to respond to those people immediately. We cannot wait, because the quality of their lives is at stake, and it is imperative that we have the resources to be able to make that response.

**Margaret Scott:** It might be appropriate to have a rapid review of the national stock of wheelchairs that are currently available to services. The quality of that stock is exceptionally poor and has been for the past 50 years, so a lot of time is being spent on repair and refurbishment to try to keep that poor-quality stock going. A rapid look at what could be available would help us to find a much more streamlined way through the service.

**The Convener:** Do members have anything to ask, or will we consider what to do with the petition?

**Margo MacDonald:** I have one point to make before the committee comes to a decision. To date, the minister's response has been positive. Nobody wants to diminish that in any way, not even after having heard about the difficulties that exist. However, people who are listening to the proceedings are aware of two previous reviews that have taken place, after which there has been

no discernible improvement in service. That is why I support the petitioners' request that the petition be kept open until they know definitely that this time it will be third time lucky and that improvement will happen.

**Jackie Baillie:** My starter at a conclusion is that we should keep the petition open, because it will be some time before the review runs its course. Notwithstanding the minister's welcome commitment to progressing matters, I am in favour of sending the petition to the Executive for comment and drawing out some of the points that have been made about inclusion in dialogue, not only about the review, but about some of the interim measures. If I picked it up accurately, it would be feasible for a small amount of capital to make immediate inroads, so I would like to send the petition to the Executive with those comments and to keep it open.

The Equal Opportunities Committee is undertaking a disability inquiry. The subject of the petition is not central to that, but we could send the petition to that committee for information.

**Mike Watson:** That is my view entirely.

**John Scott:** I am happy to concur. For the minister's consideration, could we include a review of the design of wheelchairs? I am not sure whether that is part of what the witnesses have asked for. Many elderly people—my mother included—spend much time in their wheelchairs, which were not designed for constant daily use. By and large, the population is living longer, so that is very much an issue. If possible, that should be considered.

**The Convener:** I do not know whether what I will say is entirely relevant to the petition—I am careful not to leave myself open to the accusation of not sticking to the petition, for which I always pull up members—but a point was made about the design of buildings. When I was a member of the Equal Opportunities Committee, we looked into that. We discovered that architectural colleges do not require students to learn to design buildings that can accommodate wheelchairs. I wonder whether that situation has improved. We could write to the appropriate minister to check whether any improvement has been made and to find out whether plans are being made to ensure that architectural colleges teach people to take into account wheelchair users when they design buildings.

**Margo MacDonald:** You had better watch it—you will be accused of joined-up thinking.

**The Convener:** As long as I am accused of that, that will be no big deal, but the members will be the first to pull me up by saying, "That's not really in the petition, Michael. You're always telling us to stick to the petition."

**Mike Watson:** It would be interesting to ask the Royal Incorporation of Architects in Scotland for its view on the convener's point.

**The Convener:** Do members agree to do that?

**Members indicated agreement.**

**John Scott:** The Building (Scotland) Act 2003 made huge progress on design for disabled access and users. That related to new build, but I imagine that it is also relevant to adapting existing buildings.

**Margo MacDonald:** Can I make a suggestion? That is only because I am taking the lead from the convener. Architects should be encouraged to think holistically. We know that more people are living to a greater age and that more people will need to be able to move about their home in a wheelchair or to use special seating. As we have heard, the subject is or has been seen as something of a cul-de-sac specialty in the health service. It might be a good idea to alert somebody on the Health Committee to the lack of training or focus for occupational therapists, physiotherapists, nursing staff and so on. People might be aware of the idea if we pick it up.

**The Convener:** As Jackie Baillie has recommended sending the petition to the Equal Opportunities Committee for information, there is no harm in sending it to the Health Committee for the same reason. That will make that committee aware of our discussion, which it can bear in mind in any discussions that it has.

**Margo MacDonald:** Such as discussions about training.

**The Convener:** Are members happy to pursue that action?

**Members indicated agreement.**

**The Convener:** We will let the petitioners know what responses we receive from the relevant people. I thank the petitioners for bringing their petition to the committee.

### **National Heritage Committee (Cramond) (PE801)**

10:30

**The Convener:** Our next petition is PE801 from Ronald Guild, which calls on the Parliament to urge the Executive to establish a permanent national heritage committee and to ensure the protection of the environment of the Cramond area, including the islands, and the proper investigation and preservation of the natural, man-made and cultural elements of the site, together with the establishment of an appropriate museum. I welcome Ronald Guild, who is here to make a



brief statement in support of his petition. We look forward to hearing your comments before we enter into a debate on the subject.

**Ronald Guild:** Thank you, sir.

The national heritage is a sort of enlarged family tree or family history. There are about 50 of us in the room at the moment, and there must have been several thousand hunter-gatherers coming up this way after the retreat of the ice. Each of us is directly connected to them, so this is not a theoretical matter. A fascination with the past of the human animal can enthrall not only students, but our countless thousands of visitors. Cramond is one of those places where one can almost feel the developments and see the reasons why the human animal has lived there down the centuries. Therefore, it is a tragedy that, instead of that place being available and properly developed to explain its past, it is still lying in a state of, more or less, advanced shambles.

When the new Scottish Parliament arose, I thought that there was a fantastic opportunity to have a new look at the situation. The area was threatened by the massive development of the university's old campus, which was a public asset that was paid for with public funds. Originally, it was Dunfermline College of Physical Education. It then transferred, without the payment of a penny, to the University of Edinburgh, which proceeded—to its shame—to seek to flog it off. At that point, petition PE9 was submitted, asking the Parliament to arrange a proper analysis of the whole area with its enormous potential to benefit students, pupils, visitors, and so on. The petition asked for such an analysis to be done before the site was allowed to be flogged off.

Sadly, that did not work. The petition kick-started the management group for the Cramond area, but that was dominated by the City of Edinburgh Council. I am afraid that the group just did not have the expertise or the breadth of experience to deal with the matter properly. The campus development proceeded, as I have said, like a steamroller. The woodland, which belongs to the city, deteriorated and the vandals have now been in. Mature trees have had fires lit at the base of them. It really is pathetic.

The information boards that have been set up at Cramond are, to put it mildly, inadequate. Let us take, for example, the boards concerning a Roman barrack block. A Roman barrack block is the same throughout the Roman empire, so they exist down on Hadrian's wall and information boards could have been ordered from there. Instead, the boards were commissioned from a new artist, but the information on them is totally inadequate.

To enter the carpark at Cramond, every vehicle is required to come down the little village street,

but the carpark is being developed instead of resited.

The emphasis at Cramond is on the Roman period only, but the whole point about the site is that it provides evidence of humanity's long struggle, which stretches, as I mentioned, from the hunter-gatherers up to the present day, including the first and second world wars. The current emphasis on the Roman period only is perhaps where petition PE9 went off the rails. The consultant who was employed to come up with ideas for Cramond's future produced a super piece of work, but the remit was too limited.

The issues at Cramond might be a local matter were it not for the fact that such mistakes, I am afraid, can be seen across Scotland. When I had the privilege of writing 36 articles covering 36 Scottish castles some years ago, I saw how sad it was that our fantastic heritage—our built heritage, our natural heritage and our cultural heritage—was inadequately explained not only to our pupils and to ourselves, but to visitors.

One example of that is Dunbar Castle, which belongs to East Lothian Council. The castle is literally falling into the sea. In my book, the reason for all such problems is the involvement of a multiplicity of agencies. Where only one agency is involved, the blame can at least be pinned down to the failings of that agency. However, where a multiplicity of agencies is involved, that is where the Scottish Parliament should come in.

The wellhouse tower beside Edinburgh Castle is still a ruin, despite the fact that it provided the water for the castle. After all, how long can a castle exist against a siege if it is short of water?

The cruise-liner terminal at Leith—

**The Convener:** Mr Guild, I ask you to stick to the specific issue that is raised in your petition, which concerns Cramond. We cannot drift off into wider concerns.

**Ronald Guild:** My petition asks the Executive to establish a permanent committee covering the natural, built and cultural aspects of the Scottish national heritage and requests that the Executive should re-engage with the urgent problems at Cramond. My petition has two parts to it, sir.

**The Convener:** I understand that, but we do not have time to consider all the sites that you have concerns about. You have highlighted the Cramond issue, so please now stick to your general concerns about Scottish national heritage.

**Ronald Guild:** I am saying that Scottish national heritage needs not only to be established and researched, but explained as well.

**The Convener:** I understand that, but you will have the opportunity to provide further examples when members ask questions.

**Ronald Guild:** Okay.

One might ask, given that we have so many committees, whether there is a danger of overlap. If one goes through the list of committees, it is clear that, for example, the Communities Committee touches on heritage and that the Education Committee is also deeply involved. As for the Enterprise and Culture Committee, it is clear that we need enterprise if we are to have the gumption to benefit from heritage in the tourism business and that culture also plays a vital part. As for the Environment and Rural Development Committee, the environment is clearly involved in heritage and attractions such as Glamis Castle are essentially a part of rural development. Even the Health Committee and the justice committees are involved. For example, this year we celebrate the 500<sup>th</sup> anniversary of the Royal College of Surgeons of Edinburgh, which brings in the story of Scotland's role in the development of surgery.

All those committees are, in essence, looking to the future; indeed, that is their job. For example, one look at the Education Committee's agenda is enough to show how deeply it is involved in running schools. I simply point out that the national heritage is our past; it is very complex and involves enormous sums of money. Questions must be asked about the multilayered organisation across Scotland, which is clearly not working, and I submit that a parliamentary committee must be created solely to deal with that matter.

**The Convener:** Thank you. Do members have any questions for Mr Guild?

**Jackie Baillie:** As a member of the former Education, Culture and Sport Committee, I remember that it spent a considerable amount of time on the issue of Cramond as a result of your first petition. A report was published and, as you mentioned, a management group was set up. I am disappointed to hear that that approach has not had the desired effect.

However, a couple of bodies such as Historic Scotland and Scottish Natural Heritage already exist and I wonder why you do not think that they have a more significant role. I am not convinced that creating another parliamentary committee would necessarily resolve some of the problems that you have raised.

**Ronald Guild:** Of course bodies such as Historic Scotland can play a vital role. However, the new education centre for Edinburgh Castle, for example, is completely inadequate. The organisation missed the bus; it could have taken over Cannonball House, which was used as an education centre, but—abracadabra—that building

was sold off to the Edinburgh Military Tattoo. I do not know whether members have visited the education centre in the castle, but it is a non-starter in trying to deal with a class of secondary school pupils.

**Jackie Baillie:** But what role could Historic Scotland or SNH play in relation to Cramond?

**Ronald Guild:** They are both involved. However, given the consultant's remit, we have reached the stage at which the current state of affairs is inadequate. Although those two great bodies exist, neither of them is solely responsible for the matter and the whole thing has gone down the Swanee.

**Jackie Baillie:** Are they involved in the management group?

**Ronald Guild:** Yes, but they do not control it. My petition is based not on theory, but on the current situation at Cramond.

**John Scott:** Developing Jackie Baillie's point, I wonder whether the failure lies with the City of Edinburgh Council and the management group and whether creating a new parliamentary committee is really the answer. After all, as you said, we already have plenty of committees. What would a national heritage committee achieve that Historic Scotland and SNH are not already achieving? Another committee would simply be added to the list.

**Ronald Guild:** I believe that the Parliament exists to have oversight of our national affairs. Those other bodies are subordinate to the Parliament and I find it inconceivable that no parliamentary mechanism or arrangement is capable of looking at the faults of such bodies, its relationship to them and their relationship to the Westminster Parliament.

**The Convener:** I wonder whether there might be some confusion between the Parliament and the Executive. The phraseology is important. Are you asking for the establishment of a parliamentary committee or for the Scottish Executive to set up a committee that would have authority over Historic Scotland and SNH? Although the Scottish Parliament can investigate issues with which those bodies are engaged, it has no authority over them.

10:45

**Ronald Guild:** Although parliamentarians might have no authority over those bodies, they can still, as a first step, have meaningful discussions about such matters. For example, you do not boss the health service, but this morning you had a meaningful discussion about wheelchairs. I like to think that a similar discussion could take place about Scotland's national heritage. The committee

would deal with a specific area and could therefore build up the expertise that is definitely required. One problem with the committee that set up the management group was that, through no fault of its own, it had too much to do—it was busy with education, culture and sport, including Rangers' football ground, apart from anything else—and had too wide a field to consider.

**Mike Watson:** As a member of the Enterprise and Culture Committee, I agree with Mr Guild that there is a wide field to be covered. I recall having ministerial responsibility in a previous life for the area in question, tourism, culture, sport and Gaelic. The Executive was prevailed on to establish a separate minister, and the Parliament was prevailed on to establish a separate committee, for each area. Your representations therefore complete the full circle with respect to the duties that are involved in that ministerial post.

I sympathise—as would colleagues on other committees—with what you say and with what has been said about the wide remit of parliamentary committees, but we have limited resources in respect of the number of individuals who can staff committees and the parliamentary staff who can support committees. In an ideal world, perhaps there would be around 500 MSPs—although I suspect that there is no clamour in Scotland for numbers to be increased to that level—and there could therefore be committees for all those subjects, but that is simply not feasible.

You have brought issues to the Public Petitions Committee, which is absolutely proper, but representations to individual committees to take up specific issues would probably be a more appropriate way of doing things. The structure is there. I accept that committees cannot always sift out issues in the order that individuals or organisations would like them to be sifted, but establishing more than the current number of committees would be unrealistic. Those committees need staffing, but fewer than 100 MSPs are eligible to sit on them.

**Ronald Guild:** I would like to propose a second line. Instead of there necessarily being a completely separate committee, heritage could be joined with culture rather than enterprise.

**Mike Watson:** In the Enterprise and Culture Committee, the broad umbrella of culture covers heritage—no separate committee considers heritage issues. Culture includes all aspects of our cultural heritage. Historic Scotland comes within that remit, although Scottish Natural Heritage comes within the remit of the Environment and Rural Development Committee. I return to a point that you made earlier. Scottish Natural Heritage and Historic Scotland are executive agencies, so they are part of the Executive—part of

Government, if you like—in Scotland. Culture covers heritage.

**The Convener:** I get the sense that we understand why the petitioner wants to raise such an important issue, but our experience tells us that setting up a permanent committee in the Parliament to consider such a specific issue would be unfeasible. However, I think that we can take forward the other element of the petition, which relates to concerns over Cramond. Perhaps we can concentrate on what we can do about that element. Do members have any suggestions to make?

**Mike Watson:** I would like to hear what Historic Scotland and the City of Edinburgh Council have to say about the issues relating to Cramond that Mr Guild has raised. Obviously, he knows a great deal about the detail of the matter, which we do not. We should seek responses from those organisations on the issues that Mr Guild has raised with the committee.

**The Convener:** Do members agree to that proposal?

**Members indicated agreement.**

**John Scott:** Should we ask SNH for its views?

**The Convener:** Yes. We could ask SNH, Historic Scotland and the City of Edinburgh Council. We will contact them, find out their views and reconsider the matter when we receive responses.

Thank you very much, Mr Guild.

**Ronald Guild:** I would like to add one thing. I read in yesterday's edition of *The Times* that Colonel Gaddafi is busy developing his temples to attract tourists and I read in the *Edinburgh Evening News* of 30 December that the Tron kirk's prayers are to be answered by its being turned into a nightclub. So, there we are—there are two different approaches.

**The Convener:** Thank you very much.

### **Health Professionals (Regulation) (PE802)**

**The Convener:** Petition PE802, from Mark Russell, calls on the Scottish Parliament to express its deep concern that, despite the fact that health is a devolved matter, regulation of health professionals is reserved to the Westminster Parliament. Mark Russell is here to make a brief statement in support of his petition and is joined by Jacqui Baggaley.

**Mark Russell:** Good morning. I start by saying something that most of you already know: life is all about choices. One of the first important choices that we make is what our job will be when we leave school. Some 25 years ago, my choice of

career was podiatry—or chiropody as it was called then. I trained about a mile and a half away from this building, at the other end of Holyrood park, at the Edinburgh foot clinic and school of chiropody in Newington. After three years of full-time study I graduated with a diploma in podiatric medicine, which allowed me entry on to the state register. That meant that I was allowed to wreak havoc in the national health service, in a manner of speaking.

State registration was the benchmark for employment in the NHS, with good reason. Back in 1979, I could have chosen to take a correspondence course in chiropody and I could have graduated as a qualified chiropodist after just three weeks. I could have chosen not to have taken any course at all. There was nothing to prevent me from sending away for a set of instruments from one of the many medical suppliers, hanging a sign at my bedroom window, starting to wreak absolute havoc on the public at large and charging them into the bargain. Until 2002, there was no effective regulation to prevent bogus practitioners from calling themselves chiropodists or podiatrists and setting themselves up in private practice. The NHS demanded a benchmark for employment, but there was none in the private sector.

In 2002, the Westminster Parliament created the Health Professions Council, a new registrar that regulates 13 health professions from speech and language therapists to physiotherapists and podiatrists. One of the tasks that the Government set the body was to offer the public greater protection by regulating the professions that fell outwith the remit of the old regulator. Legislation was passed to protect the titles “chiropodist” and “podiatrist”, so that only those who held recognised qualifications from approved institutions could be registered under those names. However, an important consideration had to be taken into account. What about those people who were currently lawfully engaged in employment as podiatrists who had not undertaken the recognised course of training? It was proposed that those people would undergo a process called “grandparenting”, whereby they would undertake some form of examination or test of proficiency to ensure that they met basic, safe and effective clinical standards.

However, the Health Professions Council has interpreted the legislation very loosely. There is no test of competency and there is certainly no examination to ensure that those practitioners meet basic, safe clinical standards. When applicants with no training apply to join the HPC register, they must be accepted. All that they have to do is to supply a character reference, a health reference, a statement that they have derived some of their income through the practice of

podiatry in three of the past five years and a certificate of indemnity insurance, which any member of the public could buy through most insurance brokers. Those applicants do not need to meet the standards of proficiency that apply to graduate practitioners. All that is required is for them to avoid any statement that might indicate that their practice is unlawful, unsafe or ineffective.

To date, more than 1,000 applicants have been approved for registration under the grandparenting scheme. That means that those people can practise in the NHS on equal standing with a university honours graduate who studied for four years. We are comparing no training and no test of competence with four years of training and four sets of end-of-year examinations. If members were a high-risk diabetic with a complex foot problem, which practitioner would they feel comfortable sitting in front of in a surgery chair? Before 2002, people could have been assured that the practitioner would have come from the latter category, in the NHS at least. Now, they cannot tell.

During the debate on podiatry in the Scottish Parliament last year, Mike Rumbles made an important point. He said:

“For many years, the professional image of chiropodists and podiatrists has been dogged by the fact that there has been a problem in respect of closure of the profession—anyone has been able to set themselves up as a chiropodist with the minimum of training. They cannot practise within our national health service, but the general public do not know that. Graduate entry has been required for state registration for some time, but that has not helped to clarify in the public’s mind exactly who is a qualified chiropodist and who is not.”

He went on:

“If one looks in the ‘Yellow Pages’—the first port of call for many people—to find a qualified chiropodist or podiatrist, one sees that some adverts helpfully have a display advert that states:

‘The British Chiropody and Podiatry Association.

The Practitioners listed below are all fully qualified and can be consulted without referral by a doctor. Always ensure your chiropodist is qualified.’

A helpful warning to unsuspecting members of the public—that they should

‘Always ensure your chiropodist is qualified’—

does not tell them that those chiropodists are not state registered and are not qualified to work in the NHS. That is deliberately misleading and almost dishonest.”—[*Official Report*, 28 April, 2004; c 7856.]

Sadly, I would advise Mike Rumbles today that the problem has been compounded. Unfortunately, we cannot now differentiate which of those practitioners has undertaken a graduate route to practise. The laxity of the grandparenting process has undermined the whole ethos of safe and effective practice. We do not know which

practitioners admitted to the register since 2002 are competent in their work other than through the fact that they have not yet been sued. Is that the basis on which we allow people to practise health care today?

No one likes regulations and it might seem strange to members that two podiatrists should be sitting in front of them arguing for tighter regulations for the profession, but we do so because there is a clear and present danger to the health and welfare of many people if the defective legislation is allowed to persist.

It was envisaged that, when the grandparenting period ended in July 2005, the podiatry profession would be finally closed and protected, but it will not be. Already the correspondence courses are advertising again—this time, for qualifications not to become chiropodists and podiatrists, but to become foot health practitioners—and they have already submitted proposals to the regulator for a second round of grandparenting in a few years' time. What is happening amounts to a reduction in the skills base in the registered workforce and a promise of more to come. That cannot be right for the profession or for the public whom it serves.

The Holyrood Parliament has a unique opportunity to redress the situation for the people of Scotland. As members are aware, health is a devolved matter to Scotland, yet the regulation of the people who deliver that health care in Scotland's NHS has been reserved to Westminster. It seems a glaring anomaly that the responsibility for delivering good, safe and effective health care lies with this legislature when the Scottish Parliament has no authority to determine the qualifications or the competence of the people who undertake to provide that care on our behalf.

However, I am encouraged by the words of the First Minister, Jack McConnell. On the "Today" programme on 6 January this year, he said:

"It would be unhealthy if we created a devolved Parliament in Scotland and then that devolved Parliament did exactly the same things as the Parliament in Westminster. I represent the people of Scotland and I act on their behalf."

Finally, I return to the issue of choice. The Scotland Act 1998 was passed because the Scottish people made a choice to have a greater say in the affairs of their country. That is the purpose of this building and of the people who are elected to work here on behalf of, and in the best interests of, Scotland's population. Ensuring safe and effective standards in the delivery of health—by maintaining robust regulations in a fair and equitable manner—is a matter over which I suggest this Parliament has competency. However, the Parliament will have to make a

choice—whether or not to challenge Westminster over reserved matters.

Again, I am reassured by the words of the First Minister—

**The Convener:** Mr Russell, you have run well over your three minutes. I have given you a bit of leeway, so will you please conclude?

11:00

**Mark Russell:** I am almost finished; this is my concluding paragraph.

Earlier this month, the First Minister said:

"There would be little point in having devolution if we simply copied what was happening elsewhere in the country."

Indeed—and that would be especially true if simply copying allowed the dilution of the qualification standards that are required by health professionals in Scotland. No one can gainsay that the issue is crucial to the protection of the health and welfare of the people of Scotland. I contend that the First Minister and the Scottish Parliament have a duty to the people of Scotland to uphold and safeguard those standards by addressing without delay the legislative and constitutional inequities that the petition outlines.

**John Scott:** Good morning, Mr Russell. Have you any evidence that standards in Scotland are falling?

**Mark Russell:** Clinical standards?

**John Scott:** Yes.

**Mark Russell:** You can assume that clinical standards will fall because no mechanisms exist to inspect the premises or competency of people who have been allowed on to the register. To get on to the register, there is self-declaration; in other words, there are no hurdles to overcome and no examinations to be taken.

**John Scott:** Are your concerns shared by regulatory bodies such as the General Medical Council?

**Mark Russell:** I would not think so. Podiatry is quite a small profession, so the issue is very much within the profession.

**John Scott:** There are seven United Kingdom statutory regulatory bodies and it would be surprising if there was a huge problem and only you had concerns about it.

**Mark Russell:** I have spoken to many colleagues in the medical arena and they are very concerned about lax regulation.

**Campbell Martin (West of Scotland) (Ind):** I am probably heavily outnumbered on the committee this morning in my belief that this

Parliament should be a normal national Parliament with all the powers of a normal national Parliament.

The petition has two parts to it. One has to do with the lack of powers of this Parliament and the other has to do with the effective regulation of some health professionals. Again, I am probably outnumbered in thinking that there is a simple solution to the first part—this Parliament becoming an independent Parliament in an independent nation, with all the powers that it needs.

As for effective regulation, do you have any idea why there is no examination of competence before people are allowed on to the register?

**Mark Russell:** I think that it is to do with administrative efficiency more than anything else. During the consultation period when the HPC was being set up, it was envisaged that there would be some test of proficiency. This is the second time that this has happened to our profession. Back in the 1960s, there was a grandparenting period as well and people with minimal training were allowed on to the register. That was when we had the old Council for Professions Supplementary to Medicine. Back then, the council set a test of competency, but this time there is no test.

**Campbell Martin:** Has any representation been made to the HPC about its responsibility to ensure that the people on the register are competent and have qualifications?

**Mark Russell:** Many representations have been made to the HPC, but we do not seem to be getting very far.

**Campbell Martin:** What has been the response?

**Mark Russell:** The response has been that the council interprets the legislation in that particular way.

**Jackie Baillie:** I do not want to stray too far into constitutional issues. I get the sense—and you can correct me if I am wrong—that the nub of your petition is to do with ensuring that we have the best standards and competency. Does it really matter who regulates that? What do you feel will deliver the improvements that you seek? Irrespective of whether a person lives in Scotland, England, Wales or anywhere else, I would want that person to be treated to the same standard.

**Mark Russell:** I would like a test of competency for all grandparented practitioners. There are a couple of issues where the legislation is defective and an issue of competency. There is also the issue of closure of the profession. The legislation has not been effective at closing the profession—we are to have another round of grandparenting in a few years' time and correspondence courses are still running. We can see from the newspapers that

I bought today that one or two colleges undertake to graduate foot health practitioners within three to four months, on the payment of £1,000.

**Jacqui Baggaley:** Some of them charge £300.

**Mark Russell:** Yes. Therefore, the legislation will not close the profession or protect the public in the longer term. In three or four years, we will have the same problem and another dilution of standards. We must have effective standards. People have gone to college or university for three to four years to do an honours degree, or in my case a diploma. Anyone who practises in the health care arena should undergo a test of competency. If Jackie Baillie or her relatives sought our assistance, she would want to know that we were properly qualified and competent.

In the various public inquiries in recent years, such as the Shipman, Bristol royal infirmary and Alder Hey inquiries, the emphasis has always been on greater protection of the public interest and public safety, but that is not the case with the legislation that we are discussing, which is a glaring anomaly.

**Jacqui Baggaley:** We want members to be aware that there are two ways in which to graduate as a podiatrist. One is to take a four-year honours degree at a recognised university, of which there are two in Scotland that offer those courses; the other is to take a correspondence course. One thousand hours of practical experience is required for a graduate podiatrist in a university, whereas to become what used to be an unregistrable podiatrist, the total requirement, including the correspondence side of learning, is merely 100 hours. However, there is now no difference between the two: the HPC takes in anyone.

**Helen Eadie (Dunfermline East) (Lab):** I share Jackie Baillie's view that we all want to be 100 per cent certain that any practitioner to whom we go will give us good-quality treatment, no matter who we are. I have two questions. First, when petitioners come to the Parliament, they generally mention representations that they have made elsewhere. If you have made other representations, will you tell us about them? If you have not made them, that does not matter. Secondly, in your time as practitioners, what sort of regulatory inspections have you had?

**Mark Russell:** I have a correspondence file that is about 5in thick with representations to the highest offices in the land: the Prime Minister, the Secretary of State for Health, Nigel Crisp, who is the chief executive of the NHS, and the HPC. We have also made representations through our professional body, the Society of Chiropractors and Podiatrists. However, we seem to be running up against a brick wall when it comes to the regulator.

At present, there are no effective inspections for our profession, although the regulator now requires a minimum number of hours of continuing professional development, such as attending courses or lectures. Until 2002, there was no effective regulation. A person had to be reported, perhaps for professional misconduct, before the regulator intervened. There is no proactive regulation in health care at present; it tends to be reactive.

**The Convener:** The committee is joined by Mike Rumbles, who, as Mr Russell said, has an interest in the issue. Do you have anything to add, Mike?

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Yes, but before I say anything, I will declare an interest, because I believe in openness and transparency—people need to know where we are coming from. My wife is a graduate member of the Society of Chiropodists and Podiatrists. She is an honours graduate and has a practice in Banchory. I have had the information that members have received today for many years.

I ask members, when they go home or back to their office, to pick up a copy of the “Yellow Pages” and flick through the section on chiropodists. I defy them to tell me which is the registered chiropodist—the proper chiropodist. Advertisements in the “Yellow Pages” state that the people are qualified chiropodists and, as has been referred to, there might even be a warning at the bottom saying, “Make sure you get the right one.” The situation would be funny if it were not so sad and so serious.

The issue is not really about constitutional matters—committees work best when we do not get involved in that sort of thing. This is a public safety issue. When a member of the general public contacts a podiatrist or a chiropodist, they expect a certain standard of service and a standard of professionalism. If someone contacts a doctor, a member of any medical profession or a member of a profession allied to medicine, they expect the same level of service, but that cannot exist under the current system. The HPC thought that the approach that it has taken would be a solution but, as the committee has heard, the system is not working. It will certainly not ensure the closure of the profession.

Reference has been made to the matter being a constitutional issue, but as we have effective control of all aspects of the NHS bar the regulation of the professionals, a major constitutional change is not required. Consider what is happening in the railway industry. The biggest devolution of powers since the establishment of the Parliament is taking place in relation to the railway industry in Scotland. I believe that the situation that the petition raises is

similar. We could move in the same direction on the health service as we have on railways.

The Society of Chiropodists and Podiatrists has done a great deal in trying to get changes made at Westminster, but its efforts have not been well received. We have a duty in Scotland, given the Scottish Parliament’s responsibility for the health service, to push for a change in the sector. The matter is in the committee’s remit. I would like the committee to refer the petition to the Health Committee so that we can get some backing for change. If we in the Scottish Parliament feel that that is important, we can pass that on to the UK Parliament and try to secure co-operation in order to achieve change.

**Jackie Baillie:** I am not opposed to taking that route ultimately, but the practice of the committee has been to correspond directly with the Executive and to pursue its own investigations first. I would be keen to do that. I am also clear—although I seek the convener’s guidance on this point—that the petition is specifically about constitutional matters. However, what I have heard today convinces me to support an investigation to ensure that there are appropriate standards. That has nothing to do with constitutional issues. My recommendation is that we write to the Executive to inquire whether there are concerns about a difference in standards and what it, as the provider of the NHS in Scotland, feels should be done about that. That is as far as I would go at this stage.

I do not want to correct another member, but I point out that not all responsibility for the railways is devolved. Some issues of safety and competency remain with Westminster, so there is not a direct parallel, although I do not close my mind to the proposal. I certainly subscribe to the initial concern, which is about standards rather than about constitutional issues.

**Mike Rumbles:** I agree that we do not want any confusion on the matter. I do not disagree with what Jackie Baillie has said. All that I was trying to say is that the current settlement is not set in stone; the UK Government and the Scottish Executive work together to change and tweak the arrangements. That approach could work on this issue.

**The Convener:** We must bear in mind the fact that the petition calls for the regulation of health services; I do not think that it specifies podiatry. The issue is about responsibility for regulation being transferred from Westminster to the Scottish Parliament.

**Mike Watson:** I agree that we should write to the Executive. I would also like us to write to the HPC to ask why it does not see the issue that Mr Russell and Ms Baggaley have outlined as being a

problem. It seems to me that, if we stopped the average man or woman in the street, they would say, "That can't be right." I would like to know what justification there is for the fact that those individuals who are not formally qualified do not have to submit themselves to some kind of test of competency or examination.

11:15

**Helen Eadie:** I agree with what my colleagues have said. However, I would like to clarify one matter. I know that the committee does not impose a restriction on where petitions come from, but I note that your address is in Lytham St Annes, Mr Russell. Are you still based there?

**Mark Russell:** Yes. I am from Kirkcaldy and also have a Kirkcaldy address. The petition was originally lodged when I was in Kirkcaldy. I am working down south for a few months.

**Campbell Martin:** To go back to what Mike Rumbles said, I do not expect to argue for independence on the basis of this petition, quite honestly.

We should ask the Executive whether it would be prepared, if it considers that there has been a lack of UK regulation, to seek the devolution of powers for the regulation of health professionals to safeguard the public interest in Scotland. Would that be possible?

**The Convener:** There is no harm in asking that question; it will be interesting to know the Executive's answer. Is the Executive pursuing the devolution of regulation? As Mike Rumbles said, the Executive has pursued the transfer of powers before and there is no harm in asking whether that is something that it intends to do or is considering in this case. That is a legitimate question to ask.

**Campbell Martin:** Thank you.

**John Scott:** The Scottish Executive recently consulted on the proposal. Presumably it would not have done that unless it was considering updating the legislation.

**The Convener:** We can ask for that to be clarified.

**Mark Russell:** There is a difficulty with that. If the HPC does not satisfy the concerns that have been raised here, what will you do? Is the Parliament impotent in dealing with such issues?

**Jackie Baillie:** I suggest that the matter comes back before the committee. My recollection of the record of the Public Petitions Committee is that it is not impotent, given some of the disposals that have happened because of petitions. I think that we should wait and see.

**Mark Russell:** The proof of the pudding is in the eating.

**The Convener:** Thank you for presenting your petition to us this morning. We will let you know about the responses that we receive.

### Fire Control Rooms (PE765 and PE795)

**The Convener:** PE795, which is by Drew McFarlane Slack on behalf of Highlands and Islands fire brigade, calls on the Parliament to urge the Executive to ensure the retention of the current eight fire control rooms in Scotland. The petitioner appears to be concerned about proposals to reduce the number of fire control rooms in Scotland and particularly emphasises the need to retain a control room in Inverness.

At its meeting on 29 September 2004, the committee considered a similar petition by Jim Malone—PE765—on behalf of the Fire Brigades Union in Tayside. The committee agreed to seek views from the Scottish Executive, Mott MacDonald and the Chief Fire Officers Association Scotland in respect of that petition. Responses from the Executive and the CFA Scotland have now been received and PE765 is also on today's agenda.

**Mike Watson:** I suggest that we deal with the petitions together as that would make sense.

On PE795, our papers say that the petitioners—Mr Slack and the Highlands and Islands fire brigade—are

"calling for the Scottish Parliament to urge the Scottish Executive to ensure the retention of the current 8 fire controls in Scotland."

However, they are not calling for that; the petition specifically talks about the fire brigade control room in Inverness. I understand the issue that Mr Malone brought in September, but I have read right through the petitioners' letter, in which retention of the Inverness fire control room is mentioned at least three times. I do not doubt that the petitioners would like the eight control rooms to be retained, but they have been specific about the Inverness control room.

I suggest that we put the two petitions together and refer both to the Executive, because it is considering the issue again. We can ask the Executive to take the petitions into account during its considerations.

**The Convener:** Do members agree to bring forward our consideration of PE765 to now, so that we can discuss the petitions together? We are joined by Maureen Macmillan, who has expressed an interest in discussing the issue. If we bring forward the discussion, she will not have to wait until later in the agenda to give her input, which would be helpful to everyone. Is that agreed?



**Members indicated agreement.**

**The Convener:** I take the point that Mike Watson has raised. It may be that Maureen Macmillan can help us with that specific issue. Both petitions are about the retention of eight fire control centres. The specific point in PE795 relates to the outcome of retaining a control centre in Inverness. Do you have any comments to make, Maureen?

**Maureen Macmillan (Highlands and Islands) (Lab):** Yes. Although the Highlands and Islands fire service would prefer the retention of all the control rooms, it is aware that that ultimately may not be an option. If there was an option to keep open three control rooms, it would lobby strongly for the retention of the Inverness control room because of the particular nature of the Highlands and Islands and the knowledge that the people at the Inverness control room have of the area, which has the same boundaries as that covered by the Northern Constabulary—that is, the brigade covers Orkney, Shetland and the Western Isles and the Highland Council area. Expertise has been built up over a large number of years about local situations. As members will appreciate, there are lots of place names that sound similar and many place names in Gaelic. The Highlands and Islands fire service feels that disbanding the Inverness control room would cause great difficulty and great concern in the area as people would feel that their safety was compromised.

I have visited the control room in Inverness and have been very impressed by the professionalism of its staff. I know that they are anxious about their future. I therefore back this petition from Highlands and Islands fire brigade and hope that the committee will back it, too. In the event that the Executive does not back the retention of eight control rooms, it is important that a control room is retained in the north and in Inverness.

**The Convener:** As members have agreed to discuss the two petitions together, I will read out some information from the response that we received from the Executive to the first petition—PE765. That response states:

“The Justice 2 Committee in its report on the Fire (Scotland) Bill invited the Executive to carefully consider the concerns raised on control rooms and to address them specifically in a further round of consultation. During his speech on 18 November at the Stage 1 debate on the Bill, the Deputy Minister for Justice stated that the Executive had noted the committee’s report and confirmed that we would carry out further work to address the issues raised in the responses to the consultation including those made in Petition PE765. As recommended by the Justice 2 Committee we will hold further discussions with stakeholders on the outcome of this work when it has been completed and before any final decisions are taken.”

In its response, CFA Scotland states:

“The [Mott MacDonald] report, whilst serving to inform the debate, is narrow in its focus. There are a number of issues that have not been sufficiently considered and without this additional information the quality of decision will be diluted. The final decision on the number of Controls within Scotland must be based on the ability to demonstrate a higher level of effectiveness in the handling of emergency calls and the mobilising and management of fire service resources in support of increased community safety.”

I do not know whether those responses that we have received from two of the sources that we contacted help members in their consideration of the petitions and what we should do with them.

**Mike Watson:** I reiterate the point that I made at the outset: we should refer the petitions to the Executive for inclusion in its further consideration of the issue.

**Campbell Martin:** I would be happy with that. Until we get an answer about what is going to happen, we should not close the petitions. We should keep them open until we get an answer one way or the other.

**The Convener:** Is the committee happy for us to deal with the matter in that way?

**Members indicated agreement.**

## **Cycling (Recognition for Ian Steel) (PE797)**

**The Convener:** Our next petition is PE797, on recognition for Ian Steel, the cyclist. The petition was lodged by Neville Barrett on behalf of the British League of Racing Cyclists Association. The petition calls on the Scottish Parliament to urge the Scottish Executive to ensure that Ian Steel receives a suitable award and public recognition.

In 1952 Ian Steel, a Scottish cyclist who had never raced professionally outside the United Kingdom, won the Warsaw-Berlin-Prague peace race and subsequently enjoyed a series of victories in British races. In a letter of 15 May 2002, the Department for Culture, Media and Sport responded to the petitioner’s nomination of Ian Steel for an honour by saying:

“Given the nominee’s involvement in sport in Scotland, I think it would be more appropriate for the Scottish Executive to consider his nomination and I have taken the liberty of forwarding your letter to that Department”.

The Scottish Executive’s letter to the petitioner of 22 November 2004—not 2002, as the committee’s briefing paper suggests—says:

“We are always happy to receive updated information on candidates that are being considered for an Honour and we will ensure that Mr Steel’s nomination continues to be given full and careful consideration”.

The Scottish Parliament information centre has established that the Executive is still considering the nomination and would be willing to consider

further details that the committee wants to pass on. However, the Executive indicated that applications for honours should generally be submitted at the time of the achievement, which seems a bit churlish.

**Campbell Martin:** The Executive's position is beyond churlish; the statement in the briefing paper is really strange. It is fair enough to say that the achievement should have been honoured at the time and it would have been a good thing if that had happened. However, the Executive apparently went on to say that the candidate for the honour no longer appears to be active in the area. The man is in his 70s; what does the Executive want him to do? I do not know whether it is in the gift of the Parliament or the Executive to make an award to an individual in such circumstances and I will take guidance on the matter. Is there a way for us to acknowledge what Mr Steel and his team-mates achieved all that time ago? I do not know whether sportscotland, the Parliament or the Executive should do this, but someone could approach Mr Steel to ascertain whether he would be interested in encouraging young people in Scotland to participate in cycling, given his achievements 50 years ago.

**The Convener:** I am not unhappy with that suggestion. The man's achievements should be recognised. People have been given recognition for less. It is for the committee to decide what to do, but I think that we should ask the Executive what it can do to honour people and whether it intends to support the award of some kind of honour to Mr Steel.

**Helen Eadie:** We could write to the Executive in those terms.

**The Convener:** At least that approach will enable us to find out what the Executive thinks about the matter.

### **Wind Farm Construction (Public Inquiry) (PE800)**

**The Convener:** PE800 calls on the Parliament to urge the Scottish Executive to conduct a public inquiry into wind farm construction and in the meantime to introduce an immediate moratorium on further wind farm developments.

The Executive set out its goals for the development of renewable energy in March 2003 in the document "Securing a Renewable Future: Scotland's Renewable Energy". The Executive's overarching policy on the location of renewable energy developments is set out in the national planning framework, which was published in April 2004. The Enterprise and Culture Committee held an inquiry into renewable energy during the first half of 2004, the report of which was published in June. A key conclusion of the committee's report,

which was debated in Parliament on 6 October 2004, was:

"The Executive must take an active lead and develop a national strategic framework for wind farm applications, and engage with local authorities on how to deliver this within their areas. This could include arriving at agreements with local authorities as to their contribution to meeting the energy targets, and extending guidance."

In October 2002, the petitioner submitted petition PE564, which called on the Scottish Parliament to urge the Scottish Executive to develop a national strategy for wind farms and to encourage the energy industry to defer the submission of planning applications for new wind farm developments and to withdraw pending applications until such a strategy is developed and implemented. PE564 was considered during the Enterprise and Culture Committee's recent inquiry.

Margaret Ewing is here and I hope that she will help us to consider the petition.

**Mrs Margaret Ewing (Moray) (SNP):** I have sat through most of the meeting and I am lost in admiration of how members deal with the rich tapestry of life that comes before the Public Petitions Committee. I wish the committee well in its deliberations.

I am here out of respect, because the petitioner is my constituent—indeed, he was an honourable opponent on the list during the most recent Scottish Parliament elections. The petitioner has a long track record in planning. I have given careful consideration to the siting of wind farms and have participated in some of the debates that have been mentioned.

During question time last week, I wanted to ask a supplementary to a question that Alex Johnstone asked of Allan Wilson, the Deputy Minister for Enterprise and Lifelong Learning, but the guillotine came down on general questions, in spite of the fact that the light on my console was still flashing. In response to Alex Johnstone, the minister indicated that a forum had been established and that the Executive had commissioned research, which he hoped would enable it

"to begin the review of national planning policy guideline 6 earlier than anticipated."—[*Official Report*, 13 January 2005; c 13526.]

If we ask for a public inquiry, that might delay the process. There have been public inquiries into bypasses and various other things in my constituency and I know that they knock the process further back. I wonder whether the petition could be submitted to the forum and the Executive for their consideration, because it raises valid points. There is a consensus in the Parliament that, although we support renewable energy, planning is a crucial factor that needs a national strategy rather than piecemeal legislation.

11:30

**John Scott:** I agree with Margaret Ewing. We should write to the Executive to ask what plans it has to develop a national strategic framework. We should be quite specific, because that is what the Enterprise and Culture Committee's report recommended. As yet, I am not aware that the Executive has said what it is going to do about that, so I suggest that we ask it.

**The Convener:** We are entitled to ask the Executive that. Is everyone happy that we do that?

**Helen Eadie:** My understanding is that the Executive has already developed a national framework. It set out its goals for the development of renewable energy in "Securing a Renewable Future: Scotland's Renewable Energy" in March 2003. Given that the Executive has made that statement, the question is how it intends to build on it. Now that it has set out its goals and aspirations, we need to know what supporting mechanisms it will put in place.

Margaret Ewing made the point that there is clear support for the idea of renewable energy. The issue is about ensuring that we do not have a patchwork approach; there needs to be a cohesive supporting framework. The issue is the extent to which the Parliament tries to suck up from the planning authorities their legitimate place in the process. Decisions are down to the planning authorities, but the key issue is not that there is no strategy, as the strategy and the goals have been outlined; it is that the planning authorities do not have the appropriate guidelines. In other words, we want more detail.

**John Scott:** Without wishing to contradict a fellow member of the committee too severely, those elements were outlined in 2003, but in 2004 the Enterprise and Culture Committee said in its report:

"The Executive must take an active lead and develop a national strategic framework for wind farm applications".

Why did that committee, which has much more knowledge of the subject than Helen Eadie or I, say that?

**Helen Eadie:** I will not get into an argument. I simply reiterate that the Executive set out its strategy in 2003 and that it is the detail that needs to be considered—I am talking about the planning guidelines.

**Mrs Ewing:** The planning guidelines are the key issue. I have lost track of the number of wind farm applications that have been made in Moray, where two wind farms are already up and running. All members will have had similar experiences. Some members of the tourism industry think that wind farms are an advantage, while others think that it

is a disadvantage. All those issues come into play in local communities.

The petitioner, Bob Graham, is asking for a public inquiry to be held, but I am not sure that the committee would want that to happen. However, the evidence that Mr Graham and his colleagues are willing to submit would be useful to the forum that has been set up and to helping to achieve an earlier start of the review of NPPG 6. The fact that people feel that their communities are being bombarded with wind farm applications is important. Landowners are benefiting and although the communities involved get a small amount of money, it is not long-term money. All those factors come into play. That is why national strategic guidelines are so important.

**The Convener:** It would be worth verifying the Executive's post-review position to find out what progress has been made on addressing the issues that Margaret Ewing has raised with the committee and the issues that are set out in the petition. I suggest that we write to the Executive and consider its response in due course. Are members agreed?

**Members indicated agreement.**

**Mrs Ewing:** Thank you very much, convener.

**The Convener:** Do members want to have a break or do you want to press on?

**John Scott:** Can I have an electric blanket?

**The Convener:** I will try to get some heat into the room. The debate is obviously not heating us up enough.

**Mrs Ewing:** This is the second time this week that Helen Eadie and I have frozen in a committee room.

**Helen Eadie:** I think that I had a relapse of my cold after Monday's experience.

## Current Petitions

### Police Assaults (PE482)

11:35

**The Convener:** The first current petition is PE482 by Douglas J Keil, which calls on the Parliament to take the necessary steps to make it compulsory for assailants and others who have exposed or potentially exposed police officers to a risk of infection to submit to a blood test or tests that will be made available to the police officer should he or she so wish and to amend the Data Protection Act 1998 to ensure that the results of such tests can be retained on the police national computer.

At its meeting on 27 October 2004, the committee considered responses from the Executive. We agreed to write to the Minister for Justice expressing some concern at the delay in conducting the public consultation on the issues raised by the petition and requesting details of the timescale for the consultation.

In her response, the Minister for Justice states:

"The Executive's position remains that we are sympathetic to the Federation's concerns and we have been focusing on finding an appropriate legislative solution which would address them. However, the issues are complex and will need to be thoroughly examined, and a public consultation held, before any legislation can be brought forward."

She goes on to say:

"Officials are continuing to address the above issues and a number of other complexities, with a view to setting out workable proposals in a consultation document. I can assure you that this work is being given priority. However, a number of issues require to be looked at in more detail, in order that a consultation document can be prepared."

Do members have any views?

**Jackie Baillie:** Although I accept the minister's assurance and understand the complexity of some of the issues that underlie the petition, I am very aware that the petition was first submitted to the Parliament in March 2002. We have now entered 2005. As a result, I feel that we should keep the petition live. I wonder whether we should also send back a holding letter to the minister's department that simply asks for the committee to be kept informed of any progress.

**John Scott:** I totally agree with Jackie Baillie. The petition was submitted three years ago. I realise that it contains difficult elements, but I wonder whether it would help the minister to grasp some of the issues if we aired them in a parliamentary debate.

**Helen Eadie:** I would not be keen to go down that route. However, I share the concerns that

have been raised, because Fife constabulary officers made representations on the issue to begin with. I suppose that it does not really matter where the representations have come from; the issue is still very serious.

I agree with Jackie Baillie's comment that we need regular updates to find out where we have reached. I want to reassure John Scott that my mind is not closed to his proposal by suggesting that, if nothing happens and if no satisfactory conclusion is reached in the relatively near future, we ought to be willing to consider further action. That said, I understand the complexities of the matter and know that they are not easy to resolve.

**The Convener:** Our previous parliamentary debate on a petition formed part of a process. We wrote to the Executive, but we were not happy with its response; we invited the minister to give evidence, but we were not happy with that; then we took the matter to the Parliamentary Bureau. We could take the same approach towards this petition. If we are not satisfied with the minister's response, we can invite her to come and speak to us and then take the matter forward. We might get a bit ahead of ourselves if we take any further action at this stage.

**Helen Eadie:** That approach is very fair.

**The Convener:** So we will write to the Executive and await its response. Are members agreed?

*Members indicated agreement.*

### Disabled People (Local Transport) (PE695)

**The Convener:** PE695 by Jan Goodall, on behalf of Dundee accessible transport action group, calls on the Parliament to ensure that local authorities have affordable and accessible local transport available to disabled people who cannot use public transport and to provide ring-fenced funding to local authority and/or community groups to provide dial-a-ride projects for that purpose.

At its meeting on 12 May 2004, the committee agreed to seek comments from the Scottish Disability Equality Forum and the Disability Rights Commission Scotland on a response from the Scottish Executive and on whether disability issues have been addressed in setting up the strategic transport agency. The committee also agreed to seek comments from the petitioner.

In her response, the petitioner states:

"We note that the Executive intends to undertake an assessment of all the barriers which prevent disabled people from using public transport. To us this is a matter of urgency and it is regrettable that we have heard nothing about it getting underway."

The DRC states in its response:

"We believe that there is a wider issue above and beyond Dial-a-Ride projects. The DRC believes that it is the physical and attitudinal barriers faced by disabled people, and not the nature of their impairment, which excludes them from participation in society as equal citizens."

The SDEF states in its response:

"The two propositions contained in the above petition would, if carried into policy, increase the scope of people affected by disability. SDEF would support any such development."

Do committee members have any views on the petition?

**Helen Eadie:** Last week, I met people from the Community Transport Association, which has two main concerns. The first is about those areas in Scotland where the regular public transport is not accessible and the second is about very frail disabled and elderly people who cannot normally access the transport services that other disabled people might access through services such as dial-a-ride. Another of their concerns was that there would not be adequate representation on the proposed new transport agency to reflect the concerns of community transport operators or disabled people. Although I note what the Scottish Executive's letter says, it does not satisfy that point, so we need to reflect a bit further on that and invite comment from the Community Transport Association on the issues that are being raised. The CTA came to the Parliament last week and offered to meet MSPs, but unfortunately, given our diaries, it is not possible for many MSPs to meet all the organisations that come. The CTA was concerned, so we should ask Nicol Stephen to give us an update as to where he considers that the issues that the CTA raised fit in.

**The Convener:** That is a fair request. Are committee members happy that we write to the minister and find out where he stands on those matters?

*Members indicated agreement.*

### Travelling Show People (PE698)

**The Convener:** PE698 by Jane Rodgers, on behalf of the Showmen's Guild of Great Britain, calls on the Scottish Parliament to urge the Scottish Executive to introduce a national policy for travelling show people.

At its meeting on 26 May 2004, the committee considered a response from the Scottish Executive and agreed to invite the petitioner to comment on the points that were raised in the response and to advise the committee of the outcome of her meeting with the Minister for Communities. The petitioner states in her response:

"We are disappointed by the response in that it's word for word what we have been told already. ... At the moment travelling show people in England and Wales are seeking a review of Circular 22/91 in order to make it more effective whilst in Scotland we do not even have it in its original form."

The committee has received a further response from the petitioner, in which she states:

"We have asked for a meeting with the new Communities Minister, Malcolm Chisholm MSP, as a matter of urgency, but have been advised this is unlikely to take place until after the New Year."

Do committee members have a view on the petition? Perhaps we should ask the minister to update us when the meeting has taken place.

**Jackie Baillie:** That is an eminently sensible suggestion, convener.

**The Convener:** Are we agreed?

*Members indicated agreement.*

### Aberdeenshire Harbours (PE716)

**The Convener:** PE716, by Robert Stephen, calls on 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.

At its meeting on 5 October 2004, the committee noted that the Executive's response of 5 August 2004 had failed to address why some harbours were brought under council ownership and others were not. The committee therefore requested a more detailed response on that specific point. The Executive's response states:

"I am afraid that there is little I can add to my previous letters. Harbours in Scotland have traditionally been owned by the local authority or by a locally-elected trust or privately. How and why ownership was originally vested in a particular way would be very difficult and, in many cases, perhaps impossible to ascertain."

The Executive also states:

"As far as the harbours in this case are concerned, only those already in local authority ownership (i.e., owned by a burgh or town council) prior to Regionalisation in the mid-1970s would have been automatically brought under Grampian Regional Council control by the 1987 Act."

11:45

**Helen Eadie:** There is not much more that we can do, and we will just have to close the petition. The committee has worked hard on the petition and we have pursued every possible avenue, but the Executive seems to have given us a definitive answer, whether we like it or not. A change in legislation would be required for things to be different and all sorts of financial implications would arise in relation to ownership and the buying out of properties. We must accept the Executive's response.

**John Scott:** We have come up against a brick wall.

**The Convener:** Yes; I think that we have. Is everyone happy that we close the petition?

*Members indicated agreement.*

### **Scottish Executive Environment and Rural Affairs Department (Equine Industry Team) (PE723)**

**The Convener:** PE723 by Ms Muriel Colquhoun calls on the Parliament to urge the Executive to appoint a dedicated equine industry team within its Environment and Rural Affairs Department, with responsibility for co-ordinating equine-related policy decisions.

At its meeting on 28 April 2004, the committee noted Frank McAveety's response to a parliamentary question:

"I will be meeting the Scottish Equestrian Association in May to discuss how the Executive can help the industry"—[*Official Report, Written Answers*, 30 March 2004; S2W-7069.]

The committee therefore agreed to seek an update on the forthcoming discussions with the Scottish equestrian industry, together with an indication of whether the Executive had any plans to follow the lead from England, where both a minister and an official for the horse have been appointed with a view to developing a horse strategy.

The Executive states in its response that, at a meeting involving Mr McAveety and the SEA on 13 May, the minister

"made clear that the Scottish Executive is willing to listen to, and consider, representations from equine interests in Scotland. In this context the Executive is particularly concerned to hear from equine interests about the exact nature of their concerns and how they believe the Executive could assist."

The Executive also states that it is not for ministers

"to take the lead in preparing a strategy for the equine industry's interests in Scotland, although it will be happy to discuss any ideas put forward by SEA even if they are at an early stage of formulation."

**John Scott:** We should seek the petitioner's response to the Executive's letter. Perhaps we could ask the petitioner who should or would be prepared to take a lead in this matter if the Executive is not willing. I would have thought that it was the Executive's role to take a lead, but if it says that it is not, we must establish whose role it might be.

**Jackie Baillie:** I agree with that, but I hope that the discussion that was started in May 2004 has not necessarily concluded. I hope that the petitioner has been involved in dialogue with the

Executive to address the concerns. Perhaps we could draw that out in our letter to the petitioner.

**The Convener:** We will ask that question.

### **Skye Bridge Tolls (PE727)**

**The Convener:** PE727 by Robbie the Pict, on behalf of the Scottish People's Mission, calls on the Parliament to urge the Executive to order the immediate suspension of tolls on the A87 between the Isle of Skye and mainland Scotland.

At its meeting on 15 September 2004, the committee considered a response from the Executive and noted that

"the end of the discredited tolling regime on the Skye Bridge is likely to be achieved by the end of this year."

The committee therefore agreed to ask the Executive to provide details of the timetable for the end of the Skye bridge tolling regime.

The Executive stated in its response:

"Negotiations with Skye Bridge Limited, with a view to achieving that commitment by the end of the year, are ongoing."

On 21 December 2004, however, the First Minister announced that Skye bridge tolls were to be abolished with immediate effect. Therefore, I doubt that we can do much more with the petition other than to congratulate John Farquhar Munro. Unfortunately, he is not with us this morning—perhaps he caught the cold when he was celebrating the removal of the tolls at his Hogmanay party.

**Helen Eadie:** He might be in financial ruin if everyone in the United Kingdom arrived at his celebration party to take up his offer of free drinks.

**Jackie Baillie:** I suggest that we hold a similar party when the Executive takes the step that was justified in its own review and removes the tolls from the Erskine bridge.

**Helen Eadie:** And from the Forth road bridge.

**John Scott:** Will Jackie Baillie lodge a petition on that issue?

**Jackie Baillie:** As an MSP, I have been discouraged from lodging any petition, but I am sure that I can find other people to do that for me.

**Helen Eadie:** I can confirm that Fife will also challenge that review.

### **Health Service Provision (North Clyde) (PE735)**

### **NHS Clinical Strategies (Cross-boundary Working) (PE772)**

**The Convener:** PE735 and PE772 concern NHS boards and their emerging clinical strategies.

In PE735, Vivien Dance calls on the Parliament to urge the Executive to require Argyll and Clyde NHS Board and Greater Glasgow NHS Board to enter into a special agreement on transferring responsibility for the design and provision of health services in the north Clyde area. She also calls on the Parliament to amend, where appropriate, existing legislation so that the boundaries of the two health boards are adjusted to achieve the transfer of authority for the north Clyde area from the former health board to the latter. In PE772, Jackie Baillie MSP calls on the Parliament to urge the Scottish Executive to ensure that any proposed clinical strategy that emerges from health boards, such as NHS Argyll and Clyde, clearly demonstrates cross-boundary working in the interests of patient care.

At its meeting on 5 October 2004, the committee agreed to link PE735 and PE772 and to write to the Minister for Health and Community Care. On PE735, the minister's response states:

"In giving evidence to the Health and Community Care Committee on 2 November, I was asked specifically whether I would rule out the abolition of Argyll and Clyde NHS Board. I would repeat the answer I gave then: I rule nothing out and I rule nothing in."

On PE772, the minister states:

"Whilst I am aware of a number of examples of successful cross-boundary co-operation taking place among NHS Boards, I am clear that regional planning needs to go much further. I recognise that a lack of understanding and dialogue between Boards could result in a position where clinical strategies do not fit together coherently within a regional and national context."

Perhaps Jackie Baillie can update us on events.

**Jackie Baillie:** We probably do not have sufficient time for me to provide the committee with a full update on everything that has happened locally, but suffice it to say that I want both petitions to be kept open. I welcome the petitioners from my area who are attending today's meeting.

The petitions should be kept open for a number of reasons, one of which has been highlighted by the convener. First, the minister has ruled nothing in and nothing out in the debate about whether the boundaries of Argyll and Clyde NHS Board should be redrawn, so the issue is still under deliberation. Secondly, the minister has been very strong and clear in expressing his view about the absolute need for cross-boundary working. Indeed, he states:

"I would not be prepared to endorse any proposals for service change unless the Board—

that is, Argyll and Clyde NHS Board—

"had met its obligations to demonstrate cross-boundary working".

I could go on ad nauseam in explaining how the board has failed to demonstrate such working to date.

We should keep both petitions open, not least because the Audit Committee is taking a close look at the finances of Argyll and Clyde NHS Board. That is a related point. In addition, Professor David Kerr's advisory group has still to publish its report, which will inform the clinical strategy of Argyll and Clyde NHS Board that has yet to reach a conclusion. Therefore, I suggest that the petitions are very much current. Perhaps we should send the petitions to the Health Committee for its information.

**The Convener:** I take those suggestions on board, but I want to be careful that we do not leave Jackie Baillie open to any problems. If the rest of us decide what to do with the petitions, that will mean that we, rather than Jackie Baillie, have made the decision.

**John Scott:** I am happy to support Jackie Baillie's proposal. We still do not have an outcome for the petitions and, in my view, they are very much live. Keeping the petitions open provides us with a way of monitoring the eventual outcomes. That will allow us to make our views on those outcomes known as and when that is appropriate.

**Helen Eadie:** The publication—on 28 January, I think—of the Health Committee's interim report on workforce planning should help to inform the debate a little bit more. I support the views that have been expressed and the proposal to keep the petitions open.

**Campbell Martin:** This is another situation in which we do not yet have a decision on what the petitioners call for, so it is appropriate to keep the petitions open.

**The Convener:** We will keep the petitions open and consider them when appropriate.

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

**The Convener:** PE738 by Joanna Blythman calls on the Parliament to urge the Executive to ensure that the voice of consumers of vitamin and mineral supplements is 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 to allow Scots consumers access to supplements with the vitamin and mineral potencies that are currently available.

At its meeting on 29 September 2004, the committee noted from the Executive's response that a formal reference for a preliminary ruling on the directive's validity was sent to the European Court of Justice in March 2004, and agreed to ask

the Minister for Health and Community Care to provide an update on developments. The Deputy Minister for Health and Community Care's response says:

"Following a Court decision in January 2004, formal reference to the European Court of Justice ... was sent in March 2004. The ECJ normally takes approximately 24 months to give a preliminary ruling; however the national court has requested expedition by the ECJ."

What do we do with the petition?

**Helen Eadie:** Perhaps we could ask the petitioners for their views on the response and to report on their perception of their meeting with the deputy minister. That would help. I am pleased to note that someone is pushing for expedition by the ECJ, which I am sure will help all concerned.

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

**Members indicated agreement.**

**The Convener:** We will wait for those responses before we reconsider the petition.

We dealt with PE765 earlier, so that concludes consideration of current petitions.

## Petitions (Resubmission)

11:56

**The Convener:** Agenda item 3 concerns a summary of evidence on the resubmission of petitions. On 15 September 2004, the committee issued a call for written evidence on its proposals to amend rule 15.5 of standing orders, on the admissibility of petitions, to ensure that once a petition has been closed, a further petition in the same or similar terms may not be introduced in the same parliamentary session within one year of the date on which the petition was closed.

The call for written evidence from individuals and organisations with an interest in the Parliament's public petitions system was intended to assist the Public Petitions Committee in presenting its proposals to the Procedures Committee, which has agreed to consider the proposals as part of its work programme.

A summary of the evidence that was obtained has been circulated to members. On the basis of the responses received, are we happy to ask the clerks to produce a draft report for the committee to consider at its next meeting?

**John Scott:** The proposal is sensible and I am pleased that the bulk of the responses support it. The issues to which paragraphs 17 to 19 of the summary of evidence refer are also important and we should include them in our report for the Procedures Committee's consideration. Should we read into the *Official Report* the items that we want to cover?

**The Convener:** No. We should discuss that when the subject returns to the agenda. This morning we are asking whether the clerks can proceed, on the basis of the responses, to draw up a report, which we can debate at our next meeting.

**Campbell Martin:** I am happy for the clerks to produce a draft report. Robbie the Pict's submission says:

"the people of Scotland have a sovereign right since the contract with England's King William in 1689 to petition the Scottish Parliament."

Will the report address whether that is still legally binding?

**The Convener:** People can petition the Scottish Parliament.

**Campbell Martin:** Will the proposal not to allow petitions to be resubmitted be construed as breaching that contract, if it is still a relevant law?

**The Convener:** We can check that out.

**Campbell Martin:** We should address the point, since it was made in the submission.



**The Convener:** We are asking for a report to be drawn up on the basis of what has been submitted, so the point will have to be considered.

*Meeting closed at 12:00.*

I was informed just before the meeting started that Joanne Clinton, who is one of our clerks, is moving to the business team. On the committee's behalf, I thank Joanne very much for all that she has done on the committee's behalf. She has worked tirelessly for a good while for the committee. I hope that she has enjoyed that; we have certainly enjoyed working with her. For those who do not know, I meet Jim Johnston and the other clerks regularly to talk about the agenda. I have always been impressed by the fact that Joanne has sat patiently waiting on Jim and me to finish our discussion of the football before we got down to the agenda. She never complained once—thanks very much for allowing us to do that. We give her our best wishes in her new role in the Parliament and thank her for all that she has done for us.



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