

PUBLIC PETITIONS COMMITTEE

Wednesday 20 April 2005

Session 2

£5.00

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PUBLIC PETITIONS COMMITTEE

6th 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 :

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

David Jack

Hugh O'Donnell

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Wednesday 20 April 2005

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

New Petitions

Scottish Parliament (Code of Conduct for Members) (PE827)

The Convener (Michael McMahon): Welcome to the sixth meeting of the Public Petitions Committee in 2005. We have received apologies from Mike Watson and Sandra White.

Our first new petition, PE827, is from Hugh O'Donnell. The petition calls on the Scottish Parliament to amend its code of conduct to ensure that members of the Scottish Parliament are required to commit no less than two thirds of their working week to their parliamentary duties and that the code of conduct contains appropriate sanctions to deal with a member who is found by the standards commissioner to be in breach.

Hugh O'Donnell will make a brief statement to the committee in support of his petition.

Hugh O'Donnell: I thank the committee for taking time in its busy schedule to accommodate my contribution.

The primary objective of the petition is to generate debate in the Parliament about the activities of MSPs outwith their parliamentary and constituency responsibilities.

Having followed the progress of the Scottish Parliament since its inception, I have been particularly impressed by the way in which the committees work. I have noticed that we are not following the Westminster pattern and we do not have huge numbers of MSPs with other occupations. However, the absence of any guidance in the code of conduct leaves a window open for us to develop as Westminster has. For instance, within the past 12 months, at least one MP earned more than £1 million from external interests. It is reasonable for the people of Scotland to expect being an MSP to be a full-time occupation, whether the work relates to parliamentary duties within the parliamentary complex or to constituency duties.

My petition does not suggest that any MSPs are doing less than working hard. However, there is a loophole in the code of conduct that, unless addressed, could lead to MSPs following the same

road as Westminster MPs. As we all know, historically, MPs were not paid and that was why many of them continued to have outside interests. However, given the rates of remuneration and the workload of elected members, the code of conduct should in some way reflect the expectation of the people of Scotland that members of the Scottish Parliament are fully occupied in the duties and responsibilities pertaining to that office. I accept that that is a matter not for me but for the Parliament to decide.

The Convener: You say that two thirds of MSPs' time should be spent carrying out their official functions. How many hours does that relate to?

Hugh O'Donnell: I recognise the difficulty of quantifying the number of hours. My primary purpose is to identify a forum for MSPs to decide that question. MSPs are not paid an hourly rate or for a 48-hour working week. However, if the European working time directive applies across Scotland, it would be less than fair if our MSPs were exempted from having a 48-hour working week. As a starting point for debate among elected members, we should look at the 48-hour working week.

The Convener: That would prevent me from doing my job in the way I want to do it. It is no secret that you work for an MSP; you must know how many hours he works. Any MSP working 48 hours in a week would probably find that a drastic cut in his or her hours. Are you telling us that you would consider two thirds of 48 hours to be an acceptable working week for an MSP?

Hugh O'Donnell: No. I have deliberately not specified a number of hours because, as you rightly point out, due to the nature of my employment I am well aware of the hours that can be and often are worked by elected members. Through the vehicle of the petition, I seek to highlight a potential loophole that could be exploited should an individual choose to do so. I take on board the point about the number of hours that you and other elected members work, but, equally, the other side of that coin is that there is nothing to state what MSPs are obliged to do once elected, or for how many hours they are obliged to do it.

The Convener: This is one of those questions like, "How long is a piece of string?"

Hugh O'Donnell: I realise that.

The Convener: If someone enters into an election campaign stating, for example, that they have a second job, and the electorate chooses to vote for that individual, is it not a matter for the electorate whether they are content with the number of hours that the MSP or MP works on their behalf?

Hugh O'Donnell: I do not disagree with that in any way.

Helen Eadie (Dunfermline East) (Lab): I do not have a second job and I have no intention of having one. My question follows on from the point that the convener just made. Could it not be a strength for constituents to have an MSP who has particular expertise? Surely that would keep the MSP's skills and knowledge in a particular area up to date. I am thinking in particular of the legal profession.

Hugh O'Donnell: You are thinking of the legal profession. That would depend on what the MSP thought the substantial part of their constituency to be. Any outside expertise is surely valuable, but given that the majority of Scotland's population is in blue-collar and white-collar occupations, it might be more relevant if the elected member's experience was as a front-line staff member in an accident and emergency unit or in care work. I have no knowledge of the extent to which people in the legal profession—lawyers, solicitors and so on—learn about real working life.

Helen Eadie: Let us say that the member was a consultant. The work of the Parliament's Health Committee could be well informed if one of its members was a hospital consultant. However, as we know, there is a dire shortage of hospital consultants right across Scotland. Would it be a problem if a consultant were to be an MSP?

Hugh O'Donnell: That might be true, but I wonder how much our health service would benefit if one of its consultants were to serve in the Scottish Parliament as opposed to in the operating theatre.

Helen Eadie: Some hospital consultants might have a view. We could ask Dr Turner for her views on the matter.

What is your understanding of a parliamentarian's job?

Hugh O'Donnell: It is to represent the electorate.

Helen Eadie: You work for a member of the Scottish Parliament. Can you describe exactly what a parliamentarian's working week is like?

Hugh O'Donnell: A full working week will range from committee work, such as the work in which you are currently engaged, to constituency work, case work, debates in the chamber and visits to organisations that may have information that is relevant to the member's work on a committee or to an interest that they have, perhaps for a member's bill. The parliamentarian's working week is diverse.

Helen Eadie: Yes. Would you like to say which member of the Scottish Parliament you work for?

Hugh O'Donnell: Yes, if you wish me to do so. I work for Mr Donald Gorrie.

Helen Eadie: Can you tell me how many hours a week he works?

Hugh O'Donnell: I have not calculated it exactly. It is hardly my duty to do so. However, in an average week, I estimate that he works in the order of 60 hours.

Helen Eadie: To me that would be part time. How many hours do other MSPs work each week? Have you undertaken a survey or research on the subject?

Hugh O'Donnell: No, I have not.

Helen Eadie: So you have come forward with a proposition without having done the research.

Hugh O'Donnell: I came up with the proposition by identifying what I perceived to be a loophole in the current code of conduct. As I said—I am reiterating my opening statement to some extent—my position is that there is a loophole in the code of conduct. The Scottish Parliament has been assiduous in avoiding a replication of many of the mistakes that happen at Westminster. This matter was overlooked because of all the other things that required to be done. Again, as I said at the outset, I am looking to engender debate on the issue among the elected members whose decision this must be.

Helen Eadie: The convener mentioned the European working time directive a few minutes ago. Let us assume that an MSP starts their working week on a Monday and works straight through to the Friday of the same week. If they worked 13 or 14 hours a day, their total working week would be around 70 hours, which is well above the time limit that is laid down in the directive. What should the member do about the hours that are required on the Saturday and Sunday to fulfil any number of constituency engagements—whether they be garden fetes, tours around the Parliament or surgeries—and to do the additional reading that must be done in preparation for up to three committee meetings in the following week?

Hugh O'Donnell: They would make a decision based on the extent to which they viewed those as being their responsibilities as an elected member.

Helen Eadie: What about the enforceability and the policing of the European working time directive?

10:15

Hugh O'Donnell: If I remember rightly, the convener referred to the matter in terms of what constitutes a piece of string. The directive is difficult to enforce and there are exemptions,

which I believe are about to be done away with. As I know about the nature of the job to some extent, I was careful not to specify a number of working hours because that would be difficult to quantify. My main consideration in submitting the petition is to try to address what I perceive as a loophole in the way in which the code of conduct currently operates.

Helen Eadie: You say on the one hand that you want us to follow the European working time directive, but on the other hand you say that it is as long as a piece of string. In effect, you are saying that the European working time directive does not apply to MSPs.

Hugh O'Donnell: No. I cited the directive as an example; that was all. It would perhaps be a starting point.

Helen Eadie: Either one lays down a code of conduct, which there is an expectation that MSPs will follow, or one does not.

Hugh O'Donnell: Yes. As with the rest of the code of conduct, what the expectation is would be a matter for MSPs to decide.

Helen Eadie: In effect, you are saying that you want the Parliament to set down rules but at the same time you are saying that you want MSPs to make their own decisions.

Hugh O'Donnell: Within the framework set down by the code of conduct—as they do with everything else.

Campbell Martin (West of Scotland) (Ind): Do you accept that there are very few occupations in respect of which the general public get to pass judgment on the performance of the person in the job, but that an MSP is one of those? If an MSP is not performing well and the general public get a chance to pass judgment on his or her ability, that judgment would include whether they think that the individual commits sufficient time to the job of being an MSP.

Hugh O'Donnell: I accept that there are a number of jobs in respect of which the general public have the right to pass judgment on performance. In the case of MSPs, there is an opportunity every four years for constituents to make some sort of assessment but, as you are probably aware, for the most part, the voting system in Scotland and in the United Kingdom is such that, by and large, people will vote for a political party.

Campbell Martin: Not necessarily.

Hugh O'Donnell: There are rare occasions in some constituencies where there is an independent, non-aligned member, but broadly speaking—I accept that it is a generalisation—

Campbell Martin: You would accept that the general public have the ultimate sanction. They

can remove a person from the job of being an MSP.

Hugh O'Donnell: Yes, ultimately they can remove an elected member from their job as an MSP, but the caveat that I would add, as I was about to say, is that, for the most part, elected members—at least when they initially become a member of this Parliament or any other—are affiliated to a political party, and the political party is what most people vote for. In general, that is the ticket on which an elected member stands. The electorate's view about whether they want to remove a particular individual as opposed to a particular party might subsequently be influenced and they might choose to remove a member.

Campbell Martin: Most people would call that democracy. If there is a problem with the electoral system, perhaps that is what you should seek to change.

I wonder why you submitted the petition. You were motivated to submit it, so can you give an example of an MSP who you consider is not committing themselves sufficiently to the job of being an MSP?

Hugh O'Donnell: I do not feel that it is appropriate to individualise a petition on this matter. I am primarily motivated by the potential that the current code of conduct has for us in Scotland—having done so well in so many ways to do things differently from Westminster—to end up with no means of dealing with a replication of some of the more extreme examples in the House of Commons.

Campbell Martin: Do you have concerns about any MSPs in particular?

Hugh O'Donnell: I do not believe that it would be appropriate to pick out individuals.

Campbell Martin: What proportion of the 129 MSPs do you think is covered?

Hugh O'Donnell: Again, it is difficult for me to quantify that without making it possible for you to extrapolate and individualise the figures. I am not comfortable with doing that and I will not do it.

Jackie Baillie (Dumbarton) (Lab): I think that you would agree that it is important that we have this Parliament and that some of its hallmarks are openness and transparency. I am absolutely delighted that we have established that you do not just follow the Parliament but work in it. Equally, you would want to avoid the suggestion that you submitted the petition only because you happen to be a candidate in the Westminster elections. It would be helpful to get that on the record because I would not want the Parliament's Public Petitions Committee to be abused in that fashion.

On the substance of your petition, you have acknowledged that it is a luxury for any MSP to

work a 48-hour week. Is it equally a luxury for a researcher to work a 48-hour week?

Hugh O'Donnell: I cannot remember the last time that I worked so short a week.

Jackie Baillie: Indeed.

Hugh O'Donnell: On your opening remark, the issue of the Westminster election has no bearing, because the petition process was started long before I was approached or selected in relation to the forthcoming events on 5 May. The petition was not submitted for that purpose.

Jackie Baillie: My goodness; I always thought that Liberals did things early but I have been proved wrong.

Hugh O'Donnell: Not necessarily in central Scotland.

Jackie Baillie: Ah. I shall learn from that remark.

Do you accept that many people could sit for a long time giving the appearance of working and some people can achieve in a short time what others might take hours to do, so that using two thirds of a working week as a definition is a bit of a nonsense?

Hugh O'Donnell: I take on board the point that activity does not necessarily mean productivity, as we know from our experience. The question is a difficult one and I make no bones about it. I keep coming back to where I started. There has been a variety of negative media coverage about the elected members of this Parliament. Everyone here knows that journalists start out with a white page and nothing to write and if they can find something to write, they will write it. I am concerned that we should close the loopholes in the code of conduct because the press and the public might perceive that there is an opportunity for—I use the word advisedly—backsliding. For example—and again I hesitate to personalise—had there not been individuals who had senior partnerships in organisations in which they were still active while being elected members, making comments about conflicts of interest would have been less attractive. The ministerial code requires that ministers remove themselves from all that, but the current code of conduct does not protect MSPs sufficiently as far as that is concerned.

Jackie Baillie: The more you carry on, the less sympathy I feel. I think that you are trying to resolve a problem that, by your own admission, does not exist. Instead of talking about parliamentary duties, you are now straying into issues of conflict of interest to which we are all subject because we have all lived long lives. It is hard to define the basis for the petition; it is trying to resolve a problem that does not exist.

Hugh O'Donnell: By and large, I agree that the problem, per se, does not exist. I do not have a difficulty with that. However, it has the opportunity to exist and prevention is often better than cure. I refer you back to my observation about the lack of coverage of those matters in the code of conduct and the potential for that to be abused in the longer term. Given the success that we have had in addressing so many of Westminster's failings, I think that the matter should be examined.

John Scott (Ayr) (Con): Returning to an earlier point, I declare an interest as a farmer and chairman of the Scottish Association of Farmers Markets. I feel that it is vital that the Parliament continues to have as broad a range of skills as possible and that all members bring what extra skills they can to the job. Are you not prepared to accept that argument?

Hugh O'Donnell: At no stage have I said that I do not accept that, regardless of age, social background or economic activity, we all bring a range of skills to the Parliament. Indeed, it is no less vital for elected members to do so.

John Scott: But you are saying that people should not maintain those skills.

Hugh O'Donnell: I am saying that we need to have a debate on the extent to which such activity should take precedence over members' parliamentary and constituency duties.

John Scott: By your own admission, the problem does not exist, so why should it need to be debated?

Hugh O'Donnell: But it has the potential to exist. As I said to Ms Baillie, the approach should be prevention rather than cure.

The Convener: I now seek members' recommendations on what we should do with the petition. I have to say that I am a bit concerned about it. The committee has already made proposals to the Procedures Committee about changing who can or cannot submit petitions. I do not want to bring this petition into that category, but I wonder whether, like me, committee members feel uncomfortable that such a petition has been submitted during the election period. It might have been more conducive to taking the issue forward if we had held the debate outside such a delicate time.

I am more than happy to find a way of resolving the petition, if members can suggest any. However, I do not believe that members agree that the issue requires to be addressed.

Helen Eadie: If we take into account the way in which the Parliament was established, its various codes of conduct, the introduction of the standards commissioner and Campbell Martin's point about accountability to the electorate, I think that they all

take care of Mr O'Donnell's point. Given that such checks and balances exist, I am not minded to take the matter any further forward.

The Convener: Mr O'Donnell, you said that there was no other way in which you could raise the matter. I suspect that that might not be the case. For example, if you are concerned about a specific issue, you can use the code of conduct and take the matter to the standards commissioner. Fourteen complaints about the accessibility of MSPs have already been made, and the commissioner has dismissed all of them.

Moreover, MSPs can raise such issues. After all, you work for an MSP, and if you believe that a particular issue needs to be addressed, you can take it forward in other ways. I do not believe that the Public Petitions Committee has heard anything this morning that would lead us to conclude that the Parliament should address your concerns. Are members agreed?

Members indicated agreement.

The Convener: I just do not think that there is anything more that we can do with your petition, Mr O'Donnell. I appreciate your bringing the matter to the committee for discussion, but I think that we should close the petition at this point. Are members agreed?

Members indicated agreement.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): If the code of conduct is currently under review, would there be any merit in forwarding the petition to the Standards and Public Appointments Committee?

The Convener: I suggest that Mr O'Donnell could make direct representations on these matters to the Standards and Public Appointments Committee. Are members agreed?

Members indicated agreement.

Local Government etc (Scotland) Act 1994 (PE833)

The Convener: Petition PE833, which was lodged by David Jack, calls on the Scottish Parliament to urge the Scottish Executive to maintain the current local government boundaries as set out in the Local Government etc (Scotland) Act 1994. I welcome David Jack, who will make a brief statement in support of his petition. Members will then ask questions. Your opening statement must last no more than three minutes and must be restricted to PE833. Later, we will discuss the other petition that you lodged.

10:30

David Jack: Thank you for the invitation to appear before the committee. As a proud Scot, I

am privileged to be able to give evidence for the first time to members of my country's Parliament.

I am here on behalf of the people of East Dunbartonshire, who are concerned by comments that Tom McCabe, the Scottish Executive Minister for Finance and Public Service Reform, made about redrawing the local government boundaries in Scotland. In interviews with the media on 10 February, after another round of above-inflation council tax rises, Mr McCabe discussed the possibility of lumping together so-called prosperous areas with less well-off areas. He cited Dundee and its surrounding local authorities and was quoted in one article that bore the headline, "McCabe to redraw local authority map" as saying that he would restructure local government.

In the same article, Glasgow suburbs including Bearsden in East Dunbartonshire were cited as possible targets in any reorganisation. East Dunbartonshire residents interpreted the minister's comments as a clear indication that their communities are under threat of being swallowed up by neighbouring Glasgow City Council, which has set the highest council tax and whose council tax collection rate—85.1 per cent—is the lowest in the country. A move to draw in East Dunbartonshire would mean that council tax would rise by at least 12.5 per cent and services would suffer in communities such as Bishopbriggs, Kirkintilloch, Milngavie and Bearsden. As a result of the fears that the minister's comments caused, the keep East Dunbartonshire out of Glasgow campaign was launched, and the campaign's petition, which argues that the current boundaries of East Dunbartonshire should be preserved, is before the committee.

Last Thursday, Mr McCabe said:

"There is no council reorganisation planned before 2007."

At least we know that the boundaries are safe until after the next elections to the Scottish Parliament, in two years. However, the boundaries will then be up for grabs—redrawing of the boundaries is on the post-2007 agenda.

Local politicians from parties other than mine have gone on record to oppose moves to redraw East Dunbartonshire's boundaries, although they declined the opportunity to sign the petition. Residents of East Dunbartonshire from all backgrounds and political persuasions oppose such moves. Will East Dunbartonshire continue to enjoy being a community in its own right or does the Executive have an agenda—partially hidden or otherwise—to break up the area?

The Convener: You referred to your party, which raises an issue that came up during our consideration of the previous petition. In the interests of balance and fairness, will you tell us whether you are involved in the general election campaign and declare any interests?

David Jack: Yes. I am the Conservative candidate for East Dunbartonshire.

The Convener: Thank you. It is useful to have that on the record. Do members want to ask questions?

Helen Eadie: A number of people across Scotland and in other parts of the country share the view that people who live in areas that surround a metropolis such as Glasgow, Edinburgh or Dundee, and who benefit from the major institutions and facilities that such cities provide, should pay for those facilities. Will Mr Jack comment on why he thinks people should not contribute in that way?

David Jack: The first question that we must answer is whether East Dunbartonshire and the other communities that you cited are communities in their own right and whether it is in the best interests of those communities that they be represented by individual authorities that are elected by those communities.

The second question, which I hope the committee will take on today, is whether there is an agenda on the part of members of the Executive—

Helen Eadie: Will you answer the question that I asked you? I accept that communities need to be identified as communities, but who should share the cost of paying for major city centre amenities that we all enjoy?

David Jack: With all due respect, there is implicit in your question a suggestion that the current boundaries need to be changed. Are you in favour of changing boundaries along the lines that you mentioned?

Helen Eadie: My question was to you. Who should pay for the amenities? It is not for you to ask me the questions this morning; it is for you to answer.

David Jack: If the motivation for redrawing boundaries is based purely on making money, I cannot understand why a city such as Glasgow is not doing more to improve its collection rate.

Helen Eadie: Let us just clarify that we are not talking about making money; we are talking about who pays for essential services and facilities. Will you answer the question?

David Jack: I agree with what you are saying, but if you let me finish answering the question, I will say that Glasgow City Council has the lowest collection rate of council tax in Scotland. It has the highest council tax in Scotland—

Helen Eadie: We are not talking about the collection of tax; we are talking about who pays for services.

David Jack: I am arguing that Glasgow City Council has to provide more efficient services at a better level.

Helen Eadie: We are not talking about efficiencies; we are talking about who pays for services. Those services are enjoyed by a broad range of people outwith the city centre, whether they travel from Stenhousemuir—where I was born—into Glasgow, or whether they live in Glasgow city centre. The fact is that the amenities are there. Who should pay for them?

David Jack: As I said, I feel that implicit in your question is a feeling that the current boundaries are inappropriate and should therefore be changed.

Helen Eadie: You are still not answering my question—

David Jack: With all due respect, I am answering the question, but perhaps not in the way that you want me to.

Helen Eadie: No—you are answering the question that you want to be asked; I am asking you the question that I want to be answered. That is the difference. You are not answering the question—

The Convener: Helen, will you ask a specific question that Mr Jack can attempt to answer? We will then see whether that addresses your concerns.

Helen Eadie: I think that we can accept that Mr Jack will not answer the particular question, so I will move on to the next one. With regard to the non-collection of council tax that you mentioned, do you accept that there can be circumstances in any local authority area where non-collection can happen for a variety of reasons, such as people dying, absentee landlords living in America, Canada or other parts of the world and a range of other reasons?

David Jack: I accept that there are different issues from council to council that influence the collection but, ultimately, as a voter and taxpayer myself, I feel that it is only reasonable that people should expect their councils to collect the most money possible. Glasgow has the lowest collection rate in Scotland. If it were to improve its collection rate to the level that we enjoy in East Dunbartonshire—94.1 per cent—that would generate almost £20 million more.

Our campaign merely reflects the concerns and fears of the people of East Dunbartonshire that there is an agenda to move their communities into Glasgow with the knock-on effects of soaring council tax and services suffering.

Helen Eadie: We have local authorities in Scotland in the same way that we have health

boards. There are 13 health board areas in England for 45 million-plus people and 15 in Scotland for a population of 5 million. We have 32 local authorities in Scotland and the smallest is Clackmannanshire, which has a small number of elected members. Do you accept that there needs to be some thinking about how we can develop a more sustainable way forward, whether it is in the next three, four or 10 years?

David Jack: As well as floating ideas about redrawing boundaries, Mr McCabe talked in the media interviews on 10 February and subsequently about councils pooling their resources. Neither I nor my party would oppose in principle the achievement of greater efficiency for Scotland's council tax payers.

As I said, the people of East Dunbartonshire are concerned by the minister's comments about redrawing local government boundaries and not by those about making efficiency savings and pooling facilities such as information technology units. We are all in favour of delivering better value for money, but the people of East Dunbartonshire want to know what will happen to their distinct communities.

Helen Eadie: If it was okay for the Conservative party to have a major local government boundary reorganisation in 1995 following research that studied opinion, why is it unreasonable to have another local government reorganisation in the future?

David Jack: I detect that your question implies that you or other people are unhappy with the boundaries. Would the member like the boundaries to be redrawn?

The Convener: As Helen Eadie said, you are here not to ask but to answer questions.

David Jack: I apologise.

The Convener: Helen Eadie asked you a direct question. If you prefer not to answer it, just say so. However, you cannot answer by asking her a question.

David Jack: It is important for council tax payers to get to the bottom of whether the agenda is to redraw boundaries. As we say, Mr McCabe has floated the idea clearly in the media. I have a cutting from *The Sun* of 10 February, which says, "McCabe to redraw local authority map".

Helen Eadie: I say with respect that Mr Jack is simply reiterating speculation. He has not answered the question that I asked.

David Jack: Implicit in your question is the fact that you are unhappy with the boundaries, but I will not ask you a third time whether you want the boundaries to change.

Helen Eadie: My views are not at issue. I asked you why, if the Conservative Government deemed

it acceptable to change boundaries in 1995, it is unthinkable to consider a change in the next 10 years.

David Jack: I am merely here on behalf of the people of East Dunbartonshire, who are rightly concerned—

Helen Eadie: You have not been elected to represent the people of East Dunbartonshire.

David Jack: I say with all due respect that all local politicians—whether elected or otherwise—fulfil constituency duties.

The Convener: Is it fair to say that you are here to represent the people who signed the petition?

David Jack: Indeed. I represent the more than 1,400 people who signed the petition. They are people from all political parties. People from the SNP told us that they signed the petition because it is on a point of principle and they do not want their communities to be broken up and taken into neighbouring authorities.

Helen Eadie: That still does not answer my question.

The Convener: I do not think that you will have an answer.

Jackie Baillie: I welcome Mr Jack to the committee. I reiterate that it is welcome that you have said in the interests of openness and transparency that the petition has nothing to do with your standing as a Tory candidate in the Westminster election. It helps to have that on the record.

I understand that you have recently returned from London, so it might be useful if I give you a short history of the Scottish political scene.

David Jack: That is terribly kind.

Jackie Baillie: I confess that it is a potted history, because as my colleague Helen Eadie said, redrawing boundaries is a Tory habit. In 1994, your party redrew boundaries. I am most interested if you are telling us that the Tories have no plans ever to contemplate redrawing any local government boundaries, because I am not sure whether David McLetchie has made that policy commitment.

You may not remember Allan Stewart, who was a rather colourful Conservative Scottish Office minister. I do not have the quotation in front of me, so I will paraphrase him, but I recollect that he said—when boundaries were on the agenda—that he did not care what the rest of Scotland looked like provided that Eastwood stayed independent. I do not have to tell you that Allan Stewart lost the seat in Eastwood.

I remind David Jack that I used to reside in East Dunbartonshire. At every election, the spectre of

redrawing boundaries was raised. You say that you are expressing the concerns and fears of the 1,300-odd people who signed your petition, but are you not whipping up those fears?

10:45

David Jack: To answer the first part of your very long question, I am not here on behalf of the Conservative party to answer for or justify previous boundary changes, or even to speculate on what might happen in the future; as the convener rightly pointed out, I am here on behalf of the more than 1,400 people who signed the petition, who are rightly worried about the comments of Tom McCabe, the Minister for Finance and Public Service Reform.

To use a colloquial expression, it was not the Conservative candidate in East Dunbartonshire who started this—it was Mr McCabe. I argue that his timing on 10 February was highly deliberate. By floating an idea, he is testing the water. Last Thursday—on 14 April—Mr McCabe set out his vision for Scotland's public services in a press release, in which he ruled out reorganisation and boundary changes before 2007. If we take both those elements together, it is perfectly acceptable for many people in East Dunbartonshire to think that there is an agenda to redraw the boundaries. They would very much like to know why that is the case and what their future holds.

Jackie Baillie: I want to pursue that. My understanding is that both the First Minister and the Minister for Finance and Public Service Reform, whom Mr Jack quotes selectively, have ruled out plans for redrawing the boundaries. I have some quotations to share. In a recent article in *The Scotsman*, Tom McCabe said:

"I can say categorically that we have no intention of reviewing local government boundaries during this Parliament."

Although I am delighted that Mr Jack thinks that the coalition will be strong enough to continue to hold power in the next Parliament, a Parliament cannot commit a future Parliament to anything. Nevertheless, I am delighted that Mr Jack thinks that we will continue to form the Executive.

The second quote that I will provide is from First Minister's question time on 24 February, when the First Minister said:

"The Scottish ministers have no plans to redraw local government boundaries."—[*Official Report*, 24 February 2005; c 14750.]

Not only is it the case that the First Minister and the Minister for Finance and Public Service Reform have made it clear that they do not want the boundaries to be redrawn, but Charlie Gordon, who is the leader of Glasgow City Council, has done so, too. Is not it the case that there is no plan

to redraw the boundaries and that your petition is an electoral stunt such as the Tories have pulled several times before?

David Jack: I will repeat the answer that I gave you earlier. To use a colloquialism, it was not us who started this—it was Mr McCabe. He gave interviews to the media in Scotland on 10 February. I have with me a copy of an article from *The Sun* that has the headline, "McCabe to redraw local authority map", which says:

"Mr McCabe ... pledged an end to the council system drawn up by the Tories. He said: 'I am going to restructure local government.'"

Some of Ms Baillie's questions would be better directed at Mr McCabe.

Jackie Baillie: Actually, Mr Jack, they are better directed at you. I was a resident of East Dunbartonshire for more than a decade—I know that I do not look old enough to have been there for that long—and I remember the Tory party commenting on the spectre of boundaries being redrawn at every election. That goes back to before Mr McCabe was the Minister for Finance and Public Service Reform. Although that has been your campaigning theme, the boundaries have not been redrawn.

David Jack: Again I say that, as *The Sun* article shows, it was Mr McCabe who raised the issue. We are merely reflecting and reacting to the genuine fears and concerns that have been expressed by people who live in East Dunbartonshire, including me. As a resident of East Dunbartonshire, I would like to know about the future of my council tax. I intend to be in East Dunbartonshire after 5 May, so I would like to know what the future has in store.

Rosie Kane (Glasgow) (SSP): I have a comment for Mr Jack, rather than a question. I am a bit concerned about the way in which today's meeting has developed. It feels like a cross between a party political broadcast and a hustings, which is clashing with an advert for *The Sun* newspaper. I am very uncomfortable with what is happening, because the atmosphere that has been provoked in the present debate is particularly hostile. Usually, meetings of the Public Petitions Committee have a different feeling. They should be welcoming: members of the public should be able to come to us to speak about their petitions.

Mr Jack will say that he is a member of public—indeed, he is—but he has run a pretty good party political broadcast at committee today. I am very uncomfortable with the tone that he is using. I do not want to stick up for Tom McCabe—I never have done and I never will do—but Mr Jack has questioned Tom McCabe's timing, although his own timing is questionable. I have no questions for Mr Jack. I just wanted to put those comments into the *Official Report*.

Campbell Martin: I echo what Rosie Kane said. Mr Jack has used the Public Petitions Committee to further his political campaign and it is regrettable that he has done so. We have had statements from ministers, including the First Minister, to say that there are no plans to change the boundaries of East Dunbartonshire. PE833 is about not the boundaries of East Dunbartonshire, but the method of local government funding and taxation. Mr Jack's campaign is motivated principally by the fact that one political party does not want to pay tax to fund local government services.

What does Mr Jack intend to do next? I hope sincerely that we will not see a press release about how he took his fight to the Public Petitions Committee. It is a retrograde step in the history of the Public Petitions Committee that PE833 was submitted.

The Convener: Do you wish to make a response, Mr Jack?

David Jack: Indeed. If that is thought to be the real issue, why did the Public Petitions Committee feel that it was necessary to ask me to come to committee today and give evidence? If we are scaremongering, why would the Public Petitions Committee want to listen to what I have to say on behalf of 1,400 residents in East Dunbartonshire?

Campbell Martin: I suggest—

David Jack: May I finish my answer, Mr Martin? It is rude to interrupt someone when he is speaking.

Campbell Martin: We took your petition at face value, but what you said today has undermined it.

David Jack: I have not undermined the petition: 1,400 people in East Dunbartonshire from all party political backgrounds expressed their real concerns following comments that were made by a Scottish Executive minister.

The Convener: I will not allow the situation to deteriorate further. John Scott has a comment.

John Scott: I welcome the commitment that Mr McCabe made about 2007. I understand that Mr Jack is at committee to express the views of 1,400 petitioners and their fears about what might happen in the future. Do you welcome the interim commitment that Mr McCabe has made? Will you say something more about the philosophical point that lies behind PE833? I am thinking about the point that smaller communities do not want to be subsumed into larger ones. I ask you to be brief.

David Jack: I welcome Mr McCabe's commitment in so far as it shed a little light on what many people feel is an agenda to redraw the boundaries. As I said, it appears that the boundaries are safe until 2007, but that is not a

long time in politics; 2007 is the date of the next Scottish Parliament elections.

The matter is important; it is one that cannot be let to lie until after the election. People are genuinely worried about the issue.

Jackie Baillie: Operating in the spirit of consensus, my colleague John Scott sought to do something by way of the suggestion that he made. That opportunity was not seized, however. On that basis and, as a former resident of East Dunbartonshire and someone who is opposed to the redrawing of boundaries, I suggest that we close PE833. I note the comments that the First Minister and the Minister for Finance and Public Service Reform made. I also note the feelings of other committee members about the way in which the Public Petitions Committee has been used this morning.

The Convener: Are members happy to close PE833?

Members indicated agreement.

The Convener: I have a couple of comments to make on the discussions that we have had this morning. Politicians have come before the committee in the past. As Campbell Martin said, if politicians want to raise a subject in a legitimate petition, we take the petition at face value. I do not judge petitioners on the basis of who they are but on the subject that they bring for discussion.

A number of criteria are used to judge admissibility in order that we can be as fair as possible. One of the principal criteria is whether the subject of a petition raises a new issue. It is clear that PE833 raises a new issue; one that relates to the work of the Scottish Parliament and the Scottish Executive. There are a host of reasons why the petition was judged to be legitimate and admissible.

I am concerned that members of the committee can do nothing to prevent politics being played with the committee. This morning, we have considered two petitions from candidates in the general election and we are left with the suspicion that the committee has been used to produce a press release or something around which someone can campaign or can create a platform for the general election. The committee has asked many times for our procedures to be considered and for our remit to be addressed. We try to progress, to modernise and to learn lessons and another lesson must be learned now. The committee must be afforded protection to prevent its being abused if a petitioner wants to come before us to use the committee as a political platform for their or their party's agenda. That has happened before and I do not, therefore, single out Mr Jack. We have the opportunity to reconsider procedures and to ask the Procedures

Committee to give us protection so that we can use discretion when we deal with petitions. That is not to say that we cannot have political discussions or that we cannot consider petitions from politicians on political issues, which it is entirely legitimate to do. However, we are concerned about how petitions are brought before us and how they are used. The committee needs protection.

I thank Mr Jack, who has given the final oral presentation this morning, for coming to the meeting.

Mobile Telephone Masts (Health Issues) (PE834)

National Planning Policy Guideline 19 (Health Issues) (PE830)

The Convener: Petition PE834, which was also lodged by Mr Jack, is on the siting of phone masts. We did not ask for oral evidence to be given on the petition because we have already addressed the issue.

The petition calls on the Parliament to urge the Scottish Executive to ensure that local authorities can take health issues into account when they consider planning applications for the siting of mobile telephone masts. It has been suggested that the committee might wish to link PE834 with PE830 and to consider what further action to take on the issues that they raise, as they raise similar issues relating to local authority planning procedures and the siting of mobile telephone masts. Are members content to link consideration of those petitions?

Members indicated agreement.

The Convener: Petition PE830, by Elizabeth Deirdre Murray, calls on the Scottish Parliament to urge the Scottish Executive to review, with a view to amending, national planning policy guideline 19 in order to ensure that planning authorities treat health issues—and particularly emissions of radio-frequency radiation—as a material consideration in the planning process. Telecommunications and wireless telegraphy are reserved issues, but town and country planning is a fully devolved matter.

Emissions of radio-frequency radiation—such as that emitted by mobile telephone base stations—are controlled and regulated under the appropriate United Kingdom legislation by the Department of Trade and Industry, the Office of Communications and the Health and Safety Executive. The Scottish Executive's policy on telecommunications development is set out in NPPG 19, on radio telecommunications, which states:

“the Scottish Executive concludes that it is not necessary for planning authorities to treat RF emissions as a material consideration.”

The Communities Committee recently closed consideration of PE650, PE728 and PE769, on terrestrial trunked radio masts and health issues, after agreeing to investigate community involvement in the planning process and the relationship between health and planning issues during its scrutiny of the Executive's forthcoming proposals for the development of planning systems.

Do members have any suggestions to make on how we can deal with the petitions?

John Scott: On a point of clarification, did the Communities Committee take evidence on the health implications? If so, was that evidence taken in private or is the knowledge that was gleaned on the record?

The Convener: My information is that the Communities Committee has not taken evidence yet, but it will do so in the near future. Perhaps we could seek out that information.

John Scott: The issue arises time after time and I am sure that I speak for everybody when I say that we need a definitive answer to the health question. At the very least, that would reduce the committee's workload.

The Convener: I ask Jim Johnston, the clerk, to answer that question.

11:00

Jim Johnston (Clerk): I understand from the clerk to the Communities Committee that that committee has agreed to investigate community involvement in the planning process and the relationship between health and planning issues during its scrutiny of the Executive's forthcoming proposals for the development of the planning system. The Public Petitions Committee can refer these petitions to that committee with a view to addressing the issues as part of its work on those proposals. As the convener said, the Communities Committee has closed consideration of three previous petitions on similar issues but has agreed to take forward the issues as part of that investigation.

Jackie Baillie: I have considerable sympathy with the idea that NPPG 19 should be reviewed. East Dunbartonshire Council does not appear to do what other local authorities do—that is, sit down with some of the phone companies and look for non-sensitive sites where masts can be placed. In this case, it appears that masts are being placed on sensitive sites without any dialogue taking place with the local authority. That said, I think that the way forward is to pass both petitions to the Communities Committee and to close our consideration of them.

The Convener: The Communities Committee will take the information that we have from these petitions and consider it when it addresses the issue. We will not have to take any direct action.

John Scott: I agree to that. There is a huge problem because local authorities are giving planning permission for such masts although many of them are not prepared to have them on their own ground. There is a conflict because the planning committees are behaving in that way.

Helen Eadie: Jackie Baillie makes a critically important point. There is a major responsibility on the telephone operating companies. I do not know whether the Scottish Advisory Committee on Telecommunications still exists or whether it has merged into a UK advisory committee, but I met that committee on the issue. Following that, we also met some of the major telephone operators. We said to the minister at that time that it was imperative that the telephone operating companies met the local communities to do exactly what Jackie Baillie has suggested. We recommended that they agree a roll-out programme across a local authority area's non-controversial sites and get those non-controversial sites agreed by the local communities.

When there are concerns about hot spots, there must be a clear process of good communication and negotiation between local authorities and local communities. The onus is clearly on the operators to work in that way. Local authorities—especially Fife—would welcome that kind of approach and there is no reason why it cannot be adopted everywhere. All of us are keen on new technology—I love new technology—and we are keen for it to develop. It is critical for us all that it develops, but it must develop in a way that is sensitive to local people.

I agree with the approach that has been suggested.

John Scott: The bottom line must be that we agree to refer the petitions on.

The Convener: Is everyone happy with that?

Members indicated agreement.

Wind Farm Developments (Property Values) (PE816)

The Convener: Our next new petition is PE816, from Mrs Judith Hodgson, calling on the Scottish Parliament to consider and debate the issue of financial compensation for individuals whose property values and businesses are affected by the construction of a wind farm development.

The Executive has not considered introducing a system of compensatory payments for those who live near wind farms. However, over the past three

years, the Executive has held a series of consultations on the modernisation of the planning system, which have resulted in proposals for changes to public involvement in planning and the right to appeal against planning decisions. The Executive intends to publish a planning white paper by mid-2005, which will be followed by a planning bill before the end of 2005. During the Enterprise and Culture Committee's inquiry into renewable energy in Scotland, John Hodgson, the chairman of the Skye Windfarm Action Group, said:

"Local amenity will be severely damaged by noise and visual intrusion, resulting in major falls in property prices."—*[Official Report, Enterprise and Culture Committee, 13 January 2004; c 383.]*

That committee's report made no recommendations on the issue.

Do members have any idea how we can address the issue?

John Farquhar Munro: The petition makes a lot of assumptions, but there is nothing in the committee's papers that indicates to me that there is a problem. One of the papers that have been submitted makes an assumption about the drop in the value of properties that are in close proximity to the wind farms. That is an assumption; it has not been established beyond any reasonable doubt. The petition asks for compensation for residents who find their amenity disturbed by the proliferation of wind farms. That is a consideration for local authority planning departments, and I am sure that they take due consideration of such issues when they approve or reject such applications.

John Scott: Your knowledge of the area is far greater than mine. In appendix 1, the petitioner makes a case that businesses, including hotels, will lose revenue. Do you agree that that is a valid case, that such businesses are fragile—as are all businesses in the area—and that to site a wind farm outside them might be critical to their survival?

John Farquhar Munro: Tourism is one of the main economic plants of much of rural Scotland, particularly in the area in which the petitioner resides, but there is no concrete evidence that wind farms restrict the number of tourists visiting an area or cause a drop in business. The same applies to the claim that they cause a drop in property values and cause business failures—it is all conjecture and assumption; there is no hard fact or evidence to support that view. As a consequence, I do not put much emphasis on the petition.

Helen Eadie: John Farquhar Munro raises an important point. It strikes me that, as the committee's covering note says,

"In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss."

That makes me think of many instances in my constituency. To grant compensation, whether for a wind farm or for any other kind of industrial development, would open the doors to all kinds of requests for compensation from other members of the community, such as for a travelling people's site. I am not saying that I am not supportive of travelling people's sites, but that shows members the kind of issue that the petition raises.

Committee members will be able to detect that I am sceptical about the petition, but I would not oppose seeking views from the Scottish Executive, which has responsibility for Scottish planning policy and law, and from the Department for Trade and Industry, which has responsibility for United Kingdom energy policy. We could also perhaps request responses from Views of Scotland, which is an anti-wind farm campaign group, and the British Wind Energy Association, which is a trade and professional body for the UK wind energy industry. I would not oppose asking for views from all those bodies, but I add the caveat that the petition could open the door for a range of other compensation claims to the Executive.

John Farquhar Munro: Well—

The Convener: I will let Rosie Kane come in before John Farquhar Munro speaks again.

Rosie Kane: I am sorry, John; I will go first.

John Farquhar Munro: Ladies first, then.

Rosie Kane: I am not a lady; I am a socialist.

I am for wind farms, but there is an issue to do with where they ought to be and how local residents feel about that. I sometimes wonder whether the threat of a compensation payout would encourage better or more consultation and I am interested in trying to provoke better consultation with the community. Helen Eadie mentioned a few other cases that might give rise to compensation claims, and the idea of people being compensated as a result of the M74 extension being built near them appeals to me big style, as that might get in the way of its construction. Therefore, I am interested in continuing with the petition just to find out what else can be done with it.

The Convener: I believe that politics is being played with the petition.

It has been suggested that we continue with the petition. Rosie Kane is right that it raises a lot of issues.

John Farquhar Munro: To recap, the wind farm proposed for this location has received the full scrutiny of the local authority planning department, which considers all the interests and the problems that might be created for the community when it gives approval. Helen Eadie suggested that this matter be forwarded to the appropriate committee. However, the petitioner stated in her submission:

"I request that the Petitions Committee refer this subject to the relevant committee, department or minister to sanction the authorisation of the payment of compensation and all associated, legal, ancillary and relocation expenses".

That is a very dangerous statement. If we forward that statement to the appropriate committee with a view to implementation, the door will be wide open.

The Convener: I agree entirely, but that is only a recommendation. We get petitions from a host of people who make recommendations on what they would like the committee to do with their petitions. By endorsing a decision to take the petition forward, we do not necessarily agree with everything that the petitioner calls for. Moreover, we are not sitting in judgment on the individual decision on this wind farm, as we have no remit in that regard. We are looking at the wider issue that is addressed by the petition, which concerns consideration of planning issues and whether compensation could be part of that consideration.

Campbell Martin: There is a 12-turbine wind farm in the hills above Ardrossan, where I am from. The turbines can be seen for miles around, including from the Isle of Arran across the Firth of Clyde, but the consensus is that they look quite nice and do not cause problems. One of the measures taken by the company that developed the wind farm is to give an annual contribution to local community groups in Ardrossan and West Kilbride, which are the communities nearest to the turbines. The contribution is not for individuals but for worthy causes in the towns. Perhaps that could provide a model for the wind farm industry.

John Scott: Perhaps unusually, I largely agree with Helen Eadie. There is a real issue in this regard. Many people have huge concerns about the turbines at Ardrossan to which Campbell Martin referred. We are right to question all the different groups that are involved. At the same time, the Executive should come forward with policy guidelines, as I have maintained for some time.

I would not disagree with Campbell Martin that the wind farm at Ardrossan is suitably sited, but all such farms should be suitably sited. There are huge objections to their location and that should be taken into consideration, as it is by planning committees. It would benefit the Executive to provide guidelines on appropriate locations for such farms.

The Convener: Every individual wind farm will be subject to the decision of a planning committee. It is not for us to judge whether the location of any individual wind farm is right or wrong in terms of that determination. However, the question for the committee is whether the Executive is considering compensation as part of the planning process should a decision adversely affect a local community. We should write to the Executive in that regard.

John Scott: As Helen Eadie said, we would open a huge can of worms if we went down that road.

The Convener: That may well be the answer that we get back from the Executive. However, we should agree to write to the Executive to respond to the points made in the general terms of the petition.

John Farquhar Munro: We will find that most of the developers involved have agreed with the local communities through the planning process that there should be a local benefit. Negotiations are continuing between the different communities and developers as to what level the financial support for community funds should be set at. However, there is a difficulty in defining or determining where a community boundary lies, as some residents on the periphery of a community might say that they should be included. For example, I know of people who can see a wind farm from 10 miles across a loch but, despite the distance, claim to be part of the affected community. A number of anomalies exist.

The Convener: Helen Eadie suggests that we write to ask some questions. If everyone agrees, we can do that and progress the petition in that way.

Members indicated agreement.

Current Petitions

Adults with Incapacity (Scotland) Act 2000 (PE573)

11:15

The Convener: Item 2 is consideration of current petitions, the first of which is PE573 by Dr J Beatson on adults with incapacity. The petitioner calls on the Scottish Parliament to amend section 47 of part 5 of the Adults with Incapacity (Scotland) Act 2000 and its code of practice to remove the assessment and certification workload requirements from general practitioners in favour of the appointment of dedicated personnel to fulfil that requirement.

At its meeting on 22 December 2004, the committee agreed to write to the Executive again requesting further details regarding the timetable for the proposed changes to part 5 of the act. In his response, the minister states:

"The legislative vehicle for making these changes will be the Smoking, Health and Social Care (Scotland) Bill now before Parliament."

Do members have any suggestions?

Jackie Baillie: I suggest that we close the petition, given that the petitioner's request has been fulfilled by the inclusion of certain aspects in the Smoking, Health and Social Care (Scotland) Bill.

John Scott: I am aware that it was probably me who kept the petition open when it was last discussed and, to declare my interest, I point out that I was heavily involved with the petition. I welcome Andy Kerr's letter; it is entirely constructive and a huge success for the committee. However, I would like to check something with the petitioner, or perhaps the clerk can help if he has been in discussion with the petitioner. Andy Kerr's letter states:

"The second amendment will extend the maximum duration of a section 47 certificate from 1 year, to 3".

Is the petitioner content with that response? Is it what he was seeking?

Jim Johnston: I cannot answer that, but the petitioner has the opportunity to input into the Health Committee's consideration of the bill at stage 1. That would be the appropriate way for him to take the matter forward.

Helen Eadie: Although it is mentioned in the paper that the clerk has prepared for us, I highlight the fact that the committee's stage 1 report will be published tomorrow, so you will know then what the committee is recommending. It then depends on what the minister wants to say about the report.

Jackie Baillie: My understanding is that the provisions that Dr Beatson is after are contained in the bill. It is usual for committees to enhance Executive bills rather than detract from them, so I cannot imagine that the stage 1 report will diminish the position that has been outlined by the minister.

John Scott: Okay. I am happy with Jackie Baillie's assurances. If we had not kept the petition open, we would not have had the minister's letter of 7 February, which is very welcome.

The Convener: That is a point worth noting. Are members happy to close the petition?

Members indicated agreement.

Speech and Language Therapy (Agenda for Change) (PE768)

The Convener: Our next petition is by Susan Bannatyne and Nicola Orr, on the implications of the proposed agenda for change legislation. The petition calls on the Scottish Parliament to consider and debate the implications of the proposed legislation for speech and language therapy services and service users within the national health service.

At its meeting on 29 September 2004, the committee agreed to seek the views of the Minister for Health and Community Care, Amicus, and the Royal College of Speech and Language Therapists. Responses have been received and circulated to members. Having seen those responses, do members have any views?

Campbell Martin: I remember that the petitioners made a compelling case when they came before the committee. I see that discussions between Amicus and the representative bodies are continuing, so I think that we should keep the petition open until there is a conclusion to those discussions.

The Convener: It might be a bit premature for us to stop keeping an eye on the petition. It would be good to have an update and then, once the dialogue closes, we can consider closing the petition. We could keep it open until such time as we are satisfied that the discussions have been exhausted and that progress has been made.

Jackie Baillie: That is absolutely right. Could you also share with the petitioners the responses that we have had, because I am not sure whether that has been done, and invite their comments?

The Convener: We will do that. We will keep the petitions open and receive updates before we conclude it. Is that agreed?

Members indicated agreement.

HMP Peterhead (PE675)

The Convener: Our next petition is PE675, on conditions at HMP Peterhead, which calls on the Scottish Parliament to investigate the suitability of HMP Peterhead for the long-term imprisonment of convicted sex offenders. The petitioner states in his response to the committee's letter:

"I therefore feel that the committee should press the SPS to give some sort of timetable for ending slopping out at Peterhead."

Do members agree with him?

John Scott: We should write to the Scottish Prison Service asking if it issued the letter to which the petitioner referred previously. However, there is a danger of our losing sight of the argument on slopping out if we become involved in the minutiae of whether letters were issued. If they were not issued, the situation is more problematic. However, the issue of where we are going with night-time sanitation remains, which is the key point that we need to consider.

The Convener: We have to remember that the petition is about the suitability of Peterhead for housing sex offenders. That is the issue that we have to address. We can get into the specifics of particular concerns, but the general issue is the prison's suitability. We have to ask questions on that, rather than on other specifics. I wonder whether there is something else that we can do with the petition in that respect.

John Scott: We are rather losing sight of that by becoming involved in the minutiae of the discussion on whether letters exist.

Jackie Baillie: The issue is the suitability of an institution to incarcerate anybody who is convicted of a crime, and the provision of suitable sanitation falls within that. Rather than chase after letters that people have sent, the committee might find that a response in 2005 might be more enlightening, given that the response in 2004 was that a timetable could not be provided. We should write to the SPS again for a timetable.

The Convener: Are members happy to do that?

Helen Eadie: This committee has never gone on a visit, but could we visit Peterhead at some stage, perhaps in the longer term?

The Convener: I am not saying that we should rule that out or that we should never go on a visit, but I am not sure that it would be appropriate for us to do so in this case, as I do not know what benefit there would be. We can write to the SPS seeking a response, which would allow us to keep the issue under consideration. Are members happy that we do that?

Members indicated agreement.

Egg Stamping Legislation (PE733)

The Convener: The next petition is PE733, on egg stamping. The petition, which is by Peter Siddons, calls on the Scottish Parliament to urge the Scottish Executive to provide guidance to egg producers in Scotland on the relevant legislation relating to egg stamping and whether it is compatible with the provisions in European Union Council decision 94/371/EC.

At its meeting on 24 November 2004, the committee considered a response from the Scottish Executive and agreed to seek comments from the British Egg Industry Council, the Scottish Egg Producers Retailers Association, NFU Scotland, the British Free Range Egg Producers Association and Professor Heather Dick. Responses have been received from them all and have been circulated to members. The committee has also received a further submission from the petitioner, requesting the opportunity to comment on the various responses that the committee has received. Do members have any views?

John Scott: The responses that we have had from all the industry bodies welcome the legislation. They would not be as welcoming as they are if they were the least bit afraid of it, because they exist entirely to protect the interests of their members and the public. Perhaps we should seek the views of the petitioner, since he has asked us to do so. The argument is neat and academic, but the reality is that nobody is doing anything other than welcoming the legislation, according to the responses that we have received. We should let them get on with it, without the harassment that the petition is causing them.

The Convener: Given that we do not usually close petitions while there are still issues to be addressed, it might be worth while to hear from the petitioner. He might agree with the responses which would allow us to close the petition satisfactorily. Do members agree that there is no harm in seeking the petitioner's views?

Members indicated agreement.

The Convener: We will write to him and ask for his comments.

National Heritage Committee (Cramond) (PE801)

The Convener: Our next petition is PE801 by Ronald H Guild. The petitioner calls on the Scottish Parliament to urge the Scottish Executive to establish a permanent national heritage committee and to ensure the protection of the environment of the whole Cramond area, including 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.

At its meeting on 19 January 2005, the committee agreed to write to Historic Scotland, Scottish Natural Heritage and the City of Edinburgh Council. Responses have been received from those three organisations and have been circulated to members. Members will note that the petitioner has requested the opportunity to comment on the responses. Are members happy to seek his comments?

Members indicated agreement.

The Convener: We look forward to receiving Mr Guild's comments on the responses.

A96 Improvements (Elgin Bypass) (PE558)

The Convener: Our next petition is PE558, on the improvement of the A96. The petitioner calls on the Scottish Parliament to urge the Scottish Executive to include as a matter of urgency a bypass for Elgin in the programme for improvement of the A96.

At its meeting on 10 November 2004, the committee agreed to invite comments from the petitioners and from Margaret Ewing MSP on the Scottish Executive's response to the petition. The Executive has confirmed that it remains its intention to include consideration of a bypass for Elgin as part of the strategic transport projects review and that preparatory work has begun on the review process to enable a start to be made before 2007 on the next 10-year transport plan. The responses have been circulated to members. We have been joined by Fergus Ewing, who wishes to make some comments.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): The member for Moray, Margaret Ewing, is unable to be here. I am here as a substitute—perhaps a poor substitute.

Jackie Baillie: Agreed.

Helen Eadie: Agreed.

Fergus Ewing: I do not think that there has ever been such consensus about anything I have said. [*Laughter.*]

Pauline Taylor, the editor of the *Northern Scot* newspaper, which has been involved in promoting the views of the people on the issue, is also unable to be here because she has the flu, so I am substituting for two formidable ladies.

Elgin is not in my constituency, but there is a common view among the towns and communities along the A96 that the road is too congested. For various reasons, the amount of traffic has been increasing and congestion is becoming a serious problem. There are probably more agricultural vehicles, going at speeds of 2 or 3mph, on the A96 than there are even in John Scott's area, although I do not think that there are official figures

on that. The delays are severe and the whole community is behind the campaign. The hospital has access directly from the trunk road and the build-up of traffic is a problem there.

I believe that the petition has been signed by more than 8,000 people and by all the local councillors, so it has broad support. The case for a bypass can be made not just on economic grounds but on human grounds, because it would reduce the risk of road traffic accidents.

Margaret particularly wanted to say that she recognises the Executive's successful achievement, which should be acknowledged, in relation to the Fochabers-Mosstodloch bypass. That bypass took nearly 50 years of hard campaigning, which is almost exactly the same length of time that it took to abolish slavery after the Quakers first met to decide that that should be done. In conclusion, I hope that the Executive can be pressed to state what level of commitment it will make and when it envisages the Elgin bypass will go ahead. I welcome the support of members from all other parties.

11:30

The Convener: I think that the only way in which we can obtain more information is to write to the Executive and get an update on the review. A review is under way and we are expecting some information on it, so it might be worth while to ask when we can expect it. We will keep the petition open, and I hope that in due course we will get a response from the Executive, which will keep us updated on progress—hopefully within the next 50 years.

Fergus Ewing: Next time, it will be the Nairn bypass.

The Convener: Are members happy with that approach?

Members indicated agreement.

Food Chain (Supermarkets) (PE807)

The Convener: The next petition is PE807, on the influence of supermarkets on the food chain. The petition is from James A Mackie and calls on the Scottish Parliament to urge the Scottish Executive to conduct an inquiry into the influence of supermarkets on the food chain and, in particular, to examine safety issues arising from the use of chemicals to extend the shelf life of products and central purchase and distribution, and the impact of supermarket trading on local economies and small producers.

At its meeting on 2 February, the committee agreed to delay consideration of the petition until publication of the Office of Fair Trading's report on its review of the supermarket code of practice. The

OFT's review was published on 20 February 2005 and stated that it

"found a widespread belief among suppliers that the Code is not working effectively. There is no hard evidence to support this, however."

The committee has received a further submission from the petitioner, which states:

"there are a large number of issues that I think the Scottish Executive should be looking at in relation to supermarkets in Scotland. ... I would hope that your Committee would investigate a full inquiry into the social, economic and health issues ... in relation to the expansion of supermarkets throughout Scotland."

That is a big ask. What do members think of the suggestion? The starting point is to find out what plans the Executive has to consider such a wide-ranging issue. It would be difficult for us to pass the petition to another committee unless we knew where the Executive stood on the subject.

John Scott: It is a fundamental catch-22 situation. The OFT cannot act without evidence of intimidation and there is no evidence because those who claim to be intimidated are keeping quiet, which presents a conundrum. There is probably intimidation by the supermarkets, which I think should be investigated. I do not think that the voluntary code is working and it is worth seeking the views of others who are affected more directly.

The Convener: Do you have any suggestions about who to write to?

John Scott: Perhaps we should write to the Food Standards Agency, the Scottish Consumer Council, NFU Scotland, Friends of the Earth Scotland and the Institute of Grocery Distribution. Perhaps we should write to the OFT to see whether it has a view on this apparent conundrum and how it intends to address it.

Helen Eadie: That raises the question of balance.

John Scott: I should repeat my earlier declaration that I am chairman of the Scottish Association of Farmers Markets.

Helen Eadie: I agree that we should write to all those organisations. However, we should be fair and approach the organisations that represent the supermarkets, in the interests of balance.

The Convener: Should we write to the Scottish Retail Consortium? Is that a legitimate body to include? Are members happy with that?

Members indicated agreement.

The Convener: Okay. We will wait to get the responses from that wide-ranging circulation.

Proposed Petition

11:33

The Convener: We come to item 3. The clerks have circulated a proposed petition, which calls on the Scottish Parliament to ensure that support for the declaration of Calton Hill, which was launched on 9 October 2004, shall be noted as not to be credited as genuine whenever it features in consideration of devolved issues by either the Executive or Parliament. The committee is invited to consider the admissibility of the proposed petition. I do not believe that it is admissible. Do members agree?

Members *indicated agreement.*

Jackie Baillie: It is accurate, though.

eEurope Awards for eGovernment Good Practice 2005

11:34

The Convener: Under item 4, we are invited to consider nominating the Scottish Parliament's e-petition system for an eEurope award on eGovernment. The clerk has circulated a background paper. Are members happy to nominate the system and see whether we can get recognition for it?

Helen Eadie: I am more than happy; I am delighted to do so. The system is great. We should not hide our light under a bushel. We have a song to sing and we ought to sing it proudly. We are leading in the world, which is great. I say, "Well done and thank you," to those who are going to help us.

John Scott: I agree. The system is a great credit to those who first thought of it.

The Convener: A paper has been produced, which we will forward and see how we get on. That is the end of our business this morning. It has been one of the quickest meetings so far.

Jackie Baillie: It has been interesting.

Meeting closed at 11:35.

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