

PUBLIC PETITIONS COMMITTEE

Wednesday 27 April 2005

Session 2

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PUBLIC PETITIONS COMMITTEE

7th 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 :

Anne Ayres (Carntyne Winget Residents Association)

Christine Grahame (South of Scotland) (SNP)

Catriona Leslie (Portree Community Council)

Caroline Lyon (Scottish Executive Legal and Parliamentary Services)

Robert Marshall

Nicol Stephen (Minister for Transport)

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 5

Scottish Parliament

Public Petitions Committee

Wednesday 27 April 2005

[THE CONVENER *opened the meeting at 10:01*]

Item in Private

The Convener (Michael McMahon): Good morning everyone and welcome to the Public Petitions Committee. I have received apologies from John Scott, for whom Phil Gallie is here as substitute. I have also received apologies from Rosie Kane and Jackie Baillie.

The first agenda item is for the committee to agree to take item 4 in private, because it relates to consideration of a draft report. It is standard practice for draft reports to be considered in private.

Phil Gallie (South of Scotland) (Con): I am not here to cause trouble, convener. As you say, it has become standard practice to consider draft reports with a degree of secrecy because, in some instances, there is quite a bit of debate surrounding the various issues that are discussed. However, it seems to me that the Public Petitions Committee has always been a very open committee and, as far as I can see, everything that is to be considered in the draft report has in the past been considered in full view of the public. It might be good for the committee to set an example, when there is no necessity to take the item in secret session, by discussing the draft report in public.

The Convener: Are you opposing our taking the item in private?

Phil Gallie: Yes.

Ms Sandra White (Glasgow) (SNP): I second what Phil Gallie says. It is a good report that praises the committee, so we should discuss it in public.

Helen Eadie (Dunfermline East) (Lab): I move against that. It is a fact that committees of the Scottish Parliament do not go into private session unnecessarily. In every such situation with which I have been involved, there have been good reasons—sometimes a variety of reasons—why we have held discussions in private. On this occasion, I agree to the suggestion that we discuss the item in private.

The Convener: Phil Gallie is correct to say that the Public Petitions Committee seldom discusses issues in private; we are the most open committee

of the Parliament. Nevertheless, the draft report has not been seen by members, so I am concerned that members might feel restricted in what they can say if they have to debate openly a report that they are seeing for the first time. It may be that, at some point, if a report is not contentious and we know that there will be all-round agreement to it, we might discuss it in public. However, in this instance, on principle, I would say that Phil Gallie is wrong because committee members have not previously had a chance to discuss the draft report. We should have the opportunity to examine the report collectively without our being concerned about making comments on it that the public might misinterpret.

Phil Gallie: Many items are put before members—including some of the petitions that we will discuss today—that they have not had the chance to consider previously. I do not see anything in the draft report that would be contentious, nor do I see any reason for trying to hide discussion of what has been submitted. I would be surprised if there were more than one or two suggested amendments to the report, if any. It could well be agreed to unchanged.

As a substitute member, I do not intend to take part in the discussion on the draft report, as I have attended only a couple of the committee's meetings. Nevertheless, I feel strongly that, within Parliament, we should keep things out in the open as far as possible. That is the basis on which Parliament was founded. We must abide by the provisions of the Freedom of Information (Scotland) Act 2002 and everything must be open and transparent. It seems to me that this is an opportunity for the committee to take an open approach.

The Convener: I have nothing to add but that I disagree fundamentally with your suggestion. The committee does not discuss many of its agenda items in private. The information on petitions that members have is provided by the clerks and the petitioners and is available to the public. Everything that relates to that information should be debated openly. However, we are not talking about a petition; we are talking about a report that will be discussed only by members and which will become public once the committee has discussed it.

I do not think that there is any point in our having any further discussion, as committee members have given their views on the matter. If we cannot reach agreement, the matter will have to go to a vote. The question is, that item 4 be taken in private. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Helen Eadie (Dunfermline East) (Lab)
 Michael McMahon (Hamilton North and Bellshill) (Lab)
 Mike Watson (Glasgow Cathcart) (Lab)

AGAINST

Phil Gallie (South of Scotland) (Con)
 Campbell Martin (West of Scotland) (Ind)
 Ms Sandra White (Glasgow) (SNP)

The Convener: The result of the division is: For 3, Against 3, Abstentions 0. I have the casting vote, and I vote that we take the item in private.

Campbell Martin (West of Scotland) (Ind): That is democracy.

The Convener: Yes—that is democracy, Campbell. That is how it works in every other democracy in the world.

New Petitions**Housing Stock Transfer (PE829)**

10:07

The Convener: Item 2 is consideration of new petitions, the first of which is PE829, from Mrs Anne Ayres, on behalf of the Carntyne Winget residents association. The petition calls on the Scottish Parliament to consider and debate the impact of the housing stock transfer on Scottish communities. Anne Ayres is here to make a brief statement in support of her petition. She is accompanied by James McCullagh and Robert Marshall. After your opening statement, we will discuss the points that you raise.

Anne Ayres (Carntyne Winget Residents Association): Good morning. I am here to present to the committee, on behalf of our community, notice of why we believe the housing stock transfer to local housing associations has not worked and how that has affected our community. Because of the type of construction of the houses we live in, which are Winget houses, we find ourselves looking to Glasgow Housing Association Ltd, our new social landlord, for help and guidance with our housing problem—a problem that affects 700 GHA tenants and 290 home owners. Instead of receiving the expected assistance, we have come up against a wall of non-co-operation and misinformation from the company. Not only is that difficult to understand, but the policy has cultivated within our community fear and distrust of the GHA.

We have concluded that the GHA is failing in the duties that were given to it as part of the housing transfer deal in a number of ways, which I list as follows: lack of democracy, transparency, accountability, understanding, compassion, effective consultation processes and co-operation. Although we are an underfunded association, we have on behalf of the community had to search out possible alternatives to demolition. We have done so successfully, but providing such alternatives should not have been our job—it should have been the GHA's. Should not it have considered the alternatives and used a competitive tendering process?

We have had to issue a monthly news bulletin at our own expense to keep the community informed about what is happening. We have had to provide for proper public meetings for debate of the issue; again, that is not our job. We have throughout the process attempted to consult the GHA, while it has hidden behind a public relations agency. It appears to be making judgments based on a financial agenda that has no regard for the social or psychological demographics of the community, which concerns us greatly, because we are speaking about people's homes, lives and futures.

The GHA carried out one social survey but, when it did not get the result that it wanted, it appears that it simply disregarded it. Ninety-two per cent of the residents want to stay in their homes in their community, but the GHA does not elect people from the community; it appoints people who are not always known to the community and people who do not represent, or even know, the views of the community. However, the GHA refuses to speak with a democratically elected association that has been elected by the community solely for the purpose of saving our homes. We find that disconcerting.

We know that we will not agree on every single item, but at the moment there is little willingness to work towards alternatives other than demolition, even though both we and the GHA know that such alternatives exist. It concerns us that the GHA appears to have a single-focus agenda. As a community, we have lost confidence in the GHA and in the idea of the housing stock transfer's being for the benefit of the community. We are strongly of the opinion that the GHA has not handled the post-housing transfer process in line with Government expectations or thinking.

Today, our petition to you is to make the GHA accountable, if only to assist Carntyne in Glasgow to survive as a good mature community, and to make the GHA explore with us every option that might allow us to save our homes. We ask respectfully that the committee call the GHA to account on behalf of the community that we represent.

Ms White: I have worked with Anne Ayres and the Carntyne community, as have other MSPs and councillors. I congratulate members of the community on the hard work that they have done with very limited resources. I have pictures of the houses that the GHA wants to demolish; I shall pass them round so that other members can look at them.

Paragraph 4 of the briefing on the petition states:

"In November 2003, Glasgow Housing Association accepted a recommendation from Keystone Tenant Managed Homes that no more houses should be let on the estate."

Were the tenants consulted on that recommendation? What is the current situation with the houses that are not being let?

Anne Ayres: Do you mean the houses that are empty?

Ms White: Yes. The briefing states that in 2003 the GHA entered into an agreement with Keystone Tenant Managed Homes Ltd not to let any more houses. Was the community consulted?

Anne Ayres: No. We were never consulted about that. The GHA will not speak to us.

Ms White: You also sent out a pack, which I mentioned to the clerk. The pack contains a 1999 report by Glasgow City Council that says that the Carntyne Winget houses were not going to be demolished. Has the GHA commented on that report?

Anne Ayres: In 1987, the Winget label was put on the Carntyne houses, because something had happened down in England and every Winget house was labelled. In 1990, the council published a report by Tom Lucas, which stated that different agencies had been involved in looking into the situation and had concluded that the houses were fine.

Ms White: Has the situation altered since then?

Anne Ayres: No.

Ms White: You said that the GHA has not commented on the report and that the houses should not be demolished.

Anne Ayres: When the GHA took over, there was a big propaganda exercise to the effect that Carntyne was crumbling and falling apart. There was in the newspaper a photograph of one house and the head of housing for the area. That spread fear into the community; everyone was terrified. Twenty per cent of our people are old people who have put every penny that they possess into their homes. Carntyne works: it is a good community that is not crumbling or falling down. There was a scare campaign going on, but we knew that our houses were not crumbling so we sought out engineers who could come in and help us. We—not the GHA—sought out those engineers.

Ms White: I was going to ask about that. You sought out the engineers.

Did the GHA consult the community about how it was carrying out the appraisal of the Winget houses? You mentioned the traffic lights system.

10:15

Anne Ayres: Yes, there was an appraisal. The housing association brought in Hilland Ritchie Consultants, which brought in T L Dempster Ltd. It went round all the doors, asked many personal questions and tried to offer people new houses, which did not exist in the community. The survey showed that 92 per cent of people were happy and wanted to stay in their houses in Carntyne.

After that, we were subjected to the traffic lights system. The clerk of works came out with big long spirit levels and went round all the tenants' houses to see whether there were bulges in the walls or anything like that. They branded the houses as red, amber or green, which terrified the older people. The housing association organised meetings—not a public meeting for the whole

community, but meetings for small groups. We all got letters telling us to go along in groups to the meetings.

If a house was graded as red, it was in a bad way. It is possible that other people came in after that to look at the red houses. If someone's house was graded as amber, they had a wee bit more time. If it was graded as green, they were all right for a wee while. We have challenged the GHA all the way on everything that it has done, and it keeps moving the goalposts. Our information tells us that all the red houses bar two suddenly went back to amber. No work was done, so maybe God is answering our prayers. The two houses that did not go back to amber were the two that the GHA had opened up for examination.

Mike Watson (Glasgow Cathcart) (Lab): I appreciate your coming here and the work that you have put into the petition. I represent a different part of Glasgow, which contains many local housing organisations that are in the same position but have not had the problems that you outline. I am struck that you say that there has been no transparency and no attempt to consult people. As you say, consultation is an integral part of the housing stock transfer. Keystone will have a management committee: how are the community representatives for that committee selected? I think you said that they were selected rather than elected.

Anne Ayres: Keystone should be open to everyone in Carntyne to join; by paying £1, people should be able to join and get a share certificate. I tried to do that but got a letter saying that I could not join until I had been before a committee. I was singled out and told, "No, I'm sorry. You'll have to come in front of so many people from the committee before you can join." That did not mean that I would be able to join; it meant that I was to go and be assessed by a committee.

Mike Watson: Was that not to join the committee, but just to join the tenants' organisation?

Anne Ayres: I was to do that just to get my share certificate. I was told that I would have to go in front of people from the committee before they would even consider me as a Keystone member.

Mike Watson: I had not heard about that. It seems to be wrong.

Anne Ayres: Well, it happened to me.

Mike Watson: I want the committee to write to Keystone asking it to explain that behaviour.

Anne Ayres: The management committee should be open to everyone.

Mike Watson: In the area that I represent, the housing organisations send out newsletters and

have public meetings. When there is a major change, they inform everybody and they usually do a press release. There is a big change on-going in Castlemilk at the moment and the housing organisation there has issued a press release about it—it has not just notified local people. In the case that we are considering, practice seems to have been completely the opposite of that. Are there no newsletters?

Anne Ayres: Occasionally, we get newsletters after the fact, informing us of how great the housing association is. We asked the association to come to both of our public meetings to see whether it could help the community and try to calm it down. At the most recent public meeting, we wrote to everyone involved, including Keystone, the head of our local area and Michael Lennon. Keystone delayed for a couple of weeks, then quickly sent a newsletter to everyone, then wrote to us to say, "Sorry, we don't need to come to your public meeting. The information is in the public domain."

Mike Watson: That is worrying behaviour. To follow up on my previous question, how are the community representatives on the committee of Keystone Tenant Managed Homes chosen?

Anne Ayres: It all happens behind closed doors. There is Keystone, and there is Carntyne Winget residents association. I have a letter with me from a resident who managed to get on Keystone, or one of its committees, behind closed doors. He was summoned and told that he must not tell anyone outside what was happening. How can people represent their community if they cannot speak to people about their views and let them know what is happening?

Mike Watson: Minutes of the management committee meetings should be in the public domain.

Anne Ayres: I know, but the resident whom I mentioned was told that he must not reveal anything that happened.

Mike Watson: Do you have copies of the minutes?

Anne Ayres: No.

Mike Watson: Could you get copies of the minutes?

Anne Ayres: Yes, probably.

Mike Watson: There are certainly a lot of questions to follow up. The last issue that I will raise is a matter that Anne Ayres mentioned in her opening remarks. She mentioned a social survey, which she said produced the wrong result so the GHA tried again. Can you tell us more about that?

Anne Ayres: The traffic lights system was used after that.

Mike Watson: What was the purpose of the social survey?

Anne Ayres: The social survey was conducted by Hilland Ritchie Consultants, who employed T L Dempster. They went round the doors and asked a lot of questions. They asked whether people worked, whether they wanted to stay in the area, what size their house was and who lived in the house. They asked a lot of personal questions. They asked whether people would like a new house, although no houses were being built in the community to give to anyone. Ninety two per cent of people said, "We like it here. We want to stay here. We have a community that we love and we are happy. There is 2 per cent policing and people wait 20 years to come here. It works and Carntyne works." That was the result that they got, so they had to publish it, which is something else that we have mentioned. After we spoke to the press, the GHA had to make a statement and publish the figures: 92 per cent of people wanted to stay.

Mike Watson: After that, they brought in what you call the traffic lights system.

Anne Ayres: Yes. We got the traffic lights system then. Two focus groups were organised. Hilland Ritchie, who were brought in by the GHA, organised a meeting for the people of Carntyne. Some people, including me, went along. When you went in the door you were given a raffle ticket, which was put in a box. Hilland Ritchie had an entourage of architects who work with them. There were to be 20 people in each group, but Hilland Ritchie said that they could take only 18 people because there was already in place a chair for each group. The chair was chosen behind closed doors up at the GHA on Edinburgh Road and one other person was already selected for the groups. There was no democracy. People were placed on the focus groups. If a person's raffle ticket was picked, they were on the group. There were 20 people on the group, but only 18 people could be chosen from residents because the chair had already been put in place by the people at Edinburgh Road and someone else was placed by the people from Edinburgh Road. There was a "rebuild" group and a "retain" group. I do not think that the GHA got the results that it wanted from that. The last meeting was held last week; that is the process finished. We got all the information from the groups about what was happening.

Campbell Martin: Were there any concerns about the condition of housing in Carntyne when the houses were still owned by Glasgow City Council, or has the matter arisen since the stock was transferred to the housing association?

Secondly, I know that I am asking you to speculate, but what is the reason for the actions of the housing association in respect of the condition of the houses in Carntyne?

Anne Ayres: I am here to speak for the people in Carntyne. We feel that the agenda is demolition of the houses. We are on a prime site, if you want to put it that way, for housebuilding. No matter what it comes up against, the GHA seems to be trying to demolish our houses, build new ones and privatise part of the development. Perhaps people would end up getting new houses, but there are no new houses and there is no room for new houses. There is nothing like that in Carntyne at this stage. We feel that the GHA's agenda is just about demolition. The GHA keeps changing the focus. Whenever we challenge it, it changes the focus and brings another matter in, so we keep moving. The GHA always muddies the waters, if I can put it that way.

Campbell Martin: Were any problems identified when the houses were owned by Glasgow City Council?

Anne Ayres: The Winget label was applied to the houses in 1987. As far as I understand it, mortgages were still being given for them from the council. It has been said that nobody got a mortgage after 1987, but that is not true—people got mortgages from building societies. In 1990, a report came out that said that the houses were all right; I have given the committee that report by Tom Lucas. All of a sudden we were settled and happy. On many occasions money that should have been spent in the community was diverted elsewhere. When the stock was transferred to the GHA, there was suddenly all the propaganda. All of a sudden we were told that we would be losing our homes, that Carntyne is crumbling and that we have great problems.

It has come to our attention that £33 million has been set aside for Carntyne Winget housing. We worked that out as being £47,000-odd per house for 700 tenants. The evidence that I gave the committee is frightening; it shows that although we can get our houses brought up to standard by engineers for under £20,000, Hilland Ritchie estimated the cost at £66,000 for some houses, including a lot of cosmetic stuff. The focus keeps changing. Our focus is on saving the community; let us deal with the cosmetics after that.

The Glasgow Housing Association keeps focusing on the cosmetics and the consultant from Hilland Ritchie says that there is a shortfall. We know from what engineers have told us that it costs under £20,000 to fix the houses and bring them up to standard. I spoke to the consultant from Hilland Ritchie a week ago and he kept saying, "No. Even the house owners don't have enough money. Even if you could get a grant, £20,000 is the limit. You won't be able to save your houses for that kind of money." The cost is estimated by Hilland Ritchie way up at £66,000, compared with under £20,000.

Helen Eadie: I have just looked at some of the photographs that Sandra White passed round a moment ago. Many of the four-in-a-block houses look really good, but a number seem to have structural problems, such as damp and so on. When the houses were labelled as Winget houses, was that because there was a fundamental structural problem with them?

Anne Ayres: I will pass over to Bob Marshall, the engineer, to answer that.

Robert Marshall: The question of Winget houses was brought up in 1987, but the problem occurred in England, not in Carntyne. Just after the war 60 years ago, a building system was introduced that consisted of constructing buildings using what is called a ring-beam. The floor is a ring-beam and the middle section is a ring-beam; they are connected by metal rods that interlink. In England one of the buildings bulged at the front and buckled. The Government subsequently investigated and said that it would not use that system any longer but, given that the houses would not fall down, would let them continue to be used until the end of their lifetime.

The Carntyne association asked me to consider the residents' predicament, because they were making inquiries but were not getting information. Engineering in housing has moved forward since 1987—we are working on affordable houses that have steel structures and which we are able to build and make available to the public for less than £60,000. It seems crazy to knock down housing stock that is well able to be repaired using modern technology.

If you walk around the Winget housing estate, you will see houses that are worse than those in the photographs. That is down to the building system. When one builds using a ring-beam, the concrete block that is used is 18 in sq and is placed on the base. The next block slots into that and the next one slots into that, so we end up with a grid of criss-crosses. If the building is not maintained, water gets in and bursts through the space between the concrete blocks. It looks terrible; if you look at the worst-case pictures of Winget houses you will see that that is the case. All the cracks run vertically or horizontally along the beams. They are not structural problems; they are problems to do with lack of maintenance by Glasgow City Council. If the council had maintained its buildings properly, there would never have been water ingress.

When we were asked to read the report we said, "Maybe the Glasgow Housing Association is correct." That was our first refuge. We then went to find out what the Glasgow Housing Association was examining. We came up with something called the Curtins report, which was commissioned in the late 1990s—1998 I think—on Winget

housing for the former Glasgow District Council. Winget association got a report from the Curtins group. Curtins Consulting Engineers plc is a very large organisation. It reported back to Glasgow City Council stating that nothing was wrong with Winget housing that maintenance would not repair. A copy of that report can be accessed by committee members.

We are talking about the same steel pin problem that caused big slabs to fall from tower blocks. Although Winget housing had a question mark over it and needed to be watched, the photographs that have been supplied to the committee show that some of the houses have been repaired and look rather nice. They have insulation problems, similar to the problems in Easterhouse, Hillington and other places where houses were built without inter-house insulation, but residents have learned to live with those problems. They have learned to stop making noise at 9 o'clock, helped by good neighbour agreements, which is how the problem has been handled to date. Anybody living in a Winget house would have a problem if their neighbours stamped about—I live in a four-apartment house in Hillington, so I know what I am talking about.

My company took a fresh look at the problem. It is a modern engineering company that has built thousands of houses all over the world, and is currently contemplating building 20,000 rapid-build affordable houses in Sri Lanka for the Sri Lankan Government.

The Winget houses in Carntyne are repairable. In a worst-case scenario, insulating inside and outside the house to an insulation value of 0.17—twice as good as current insulation standards—a block of four houses could be repaired for £40,000, which is £10,000 per house. One of my company's sister companies has submitted a bid to the GHA via A Balfour and Company to carry out such repairs. We have offered to build a prototype and a pilot, and that is being considered by A Balfour, the GHA and Hilland Ritchie. We do not know whether they want a demonstration, but we will hear from them in due course.

I will produce chartered engineers' signatures to verify what I am saying. The important point for the committee to understand is that the houses are repairable affordably. There is no reason to take them down.

10:30

Helen Eadie: I am not making any judgment on what Mr Marshall has said, but I will play the devil's advocate. The photographs that have been sent round show that some of the houses look quite bad, although it appears that many thousands of pounds have been spent on roof

renewals and the installation of double-glazed windows. Some of the houses look well but others show signs of dampness and water penetration. In such circumstances, housing experts and architects often say that it is cheaper to demolish and rebuild, and get a better home at the end of the day.

One of the key Executive programmes, operated in partnership with the private sector, Scottish Gas and others, is the warm deal insulation programme for residents with cavity wall insulation problems and other problems. Has work under that programme been undertaken in the Carntyne area? The programme is a major step forward in helping to provide warmer homes, as part of the programme for government.

Robert Marshall: I will take the questions in reverse order. We approached the solution for Winget housing understanding clearly the insulation needs. My company is currently cladding half of Glasgow using its own insulation systems. It has already done work for Glasgow City Council and the GHA. Almost every company that clads a building with new cladding systems, which also waterproof buildings, uses systems provided by my company. We manufacture the systems in our factory in Glasgow. Other companies do not see our name, but they use our systems.

When we clad a house, we put a steel frame outside and inside and insulate both so that the energy saving is 25 per cent. We put two walls in and pin them together; we sandwich the existing wall, which ceases to have any function because the entire house is now held up by a steel girdle. To insulate the house, the steel girdle is then clad in the same way as houses are all over Glasgow and, from the outside, it looks like a brand new house because it is harled and finished in that manner. The only penalty that the owner pays is that the inside of the house loses 20mm and the outside width expands by 60mm, so the window ledge will increase on the inside by 20mm. Otherwise, it is not possible to tell that the house has not been newly built.

Helen Eadie: I am grateful to you for that technical explanation, but my question was about the cost-benefit analysis of demolishing a house to rebuild. You have given a good description of the technical side of it, but what are the economics of doing what you describe versus pulling down and rebuilding?

Robert Marshall: I answered that in response to a previous question, but perhaps you did not pick up on it. We have provided the GHA with a fixed quotation for repairing a four-in-a-block set of houses of £40,000. That is £10,000 a house, which is a long way short of the £40,000 about which the GHA is talking. That quotation is fixed

and comes from a reputable company; we can guarantee it and deliver it.

Phil Gallie: I have a question for Anne Ayres. Keystone Tenant Managed Homes no longer lets homes in Carntyne. Until it stopped, was there a demand for homes? Was there any problem with letting?

Anne Ayres: If you are asking whether there was any problem with people getting homes in Carntyne, the answer is no, because people were coming into Carntyne and renting houses.

Phil Gallie: So there is a demand.

Anne Ayres: Yes, and there is still a demand; people still want to come to Carntyne to live. There always was a demand and people were always coming in. The GHA stopped that and started to allow the houses to lie empty.

Phil Gallie: It is a waste of public money if houses are lying empty and unused.

There seems to be no doubt at all about Mr Marshall's figures. At £10,000 per house, there is no argument about the cost compared with new build as long as we end up with a reasonable house. What is the capital valuation of the houses after the repairs have been carried out? What is the lifespan of the houses from completion of the repairs?

Robert Marshall: In the quotation that we provided to the GHA, we confirmed that we have Building Research Establishment certificates. Anyone who wants to mortgage a house will go to an insurance company, which will go to the BRE and ask whether the house is fit for mortgage. The houses that we repair are fit for a 30-year mortgage and have a lifespan of more than 60 years after repair. We guarantee that by insurance.

The Convener: Did Sandra White want to ask another question?

Ms White: I am happy with the responses to Helen Eadie's and Phil Gallie's questions, as I wanted to ask about the valuation.

The Convener: Mrs Ayres, I have one question before we recommend what to do with the petition. You said that there was an agenda to privatise—I think that that was the word that you used. By "privatise", do you mean taking the current stock and handing it over to a private company or do you mean emptying the houses to give them over to a private developer who would develop new housing on the ground?

Anne Ayres: I believe that the GHA wants to demolish Carntyne. It might rebuild part of it for some Carntyne people, but I believe that it will also privatise a part of the area with private developers to bring in more money for the GHA.

The Convener: So the houses would simply be given to a private company to run in the private rented sector.

Anne Ayres: We believe that part of the development would be done in that way and that some houses might be rebuilt for people, although I cannot really say what will happen.

Bob Marshall has spoken. We have two engineers on board with two different designs for the GHA, which is important. The top engineer in Britain has submitted a design to the GHA, so it has plenty to consider. I am told that they are waiting for the GHA to okay a pilot scheme. Similar prices have been agreed. It should be remembered that the pilot scheme will take in everything—from the largest thing to the smallest thing—that could go wrong and so the costings will be overestimated. However, people are still coming up with the same prices.

The Convener: Mr Marshall can say something before we discuss what to do with the petition.

Robert Marshall: If it would help the committee, I would be happy to print out and send the bid documents, drawings and other things for members to consider so that they can see what we are saying.

The Convener: Having that information would not do any harm. It could help our considerations.

Ms White: I would like to clarify matters. Anne Ayres mentioned privatisation. Does she mean that houses will be demolished and that the land will be built on? Furthermore, engineers have submitted bids. Has the GHA commented on the bids from Bob Marshall, Adams Engineering and the others? Has the GHA been accommodating in letting people into houses to examine structural aspects?

Anne Ayres: What do you mean by structural aspects? Are you asking whether the GHA's engineers have been into the houses?

Ms White: Has the GHA been accommodating in letting engineers who have submitted bids go around houses?

Anne Ayres: The engineers have been taken into an empty house and have been allowed to look at it. Hilland Ritchie Consultants did that. We are not all engineers, but members of the committee are peers of the people in the GHA and, if they look at the figures, they will see that they are figures for knocking down the houses and building new ones. A consultant from Hilland Ritchie Consultants has admitted that it would be dearer to put up new houses—when I spoke to him two weeks ago, he mentioned a figure of in the region of £100,000 by the time that all the extra costs are added. We think that the figures have been overestimated by £60,000. For

example, the list that has been provided shows a figure of £4,800—almost £5,000—to fix a garden the size of a postage stamp. Even if it does so after we are here, will the committee consider those frighteningly high costs? There is a big case for decantation. The top-line figures stop at a certain price that is not too high, but the costings can jump from £17,000 to £57,000, which is frightening and needs to be questioned.

The Convener: Phil Gallie may ask one final question before we discuss recommendations.

Phil Gallie: I have an observation to make rather than a question to ask while Mr Marshall is here. I presume that if the residents were successful and there was a determination to go ahead and repair the houses, any repair work would be put out to tender. If that happened and Mr Marshall's papers were passed to the committee, they would become public information, unless they were held confidentially. I wonder whether Mr Marshall could mark any papers that he sends us as confidential, given the possibility of future tendering.

The Convener: That is entirely a matter for Mr Marshall. If he wants information to remain confidential, he will have to instruct the committee about that. If papers are provided as evidence, they could go into the public domain.

10:45

Robert Marshall: I can answer that fairly simply. Robert Marshall Associates is a firm of design engineers. The systems that we use are used by Powerwall Systems and other companies and it is extremely unlikely that Robert Marshall Associates would ever bid for the contract. One of our sister companies, Powerwall, provided the bid and would want its information to be kept within the committee. As this is a closed committee, I presume that that is what will happen. The matter is not of particular concern, because when the building—

The Convener: I should clarify that this is not a closed committee. Phil Gallie asked whether certain information could be made available, but information that you send to members of the committee can go into the public domain. If you want information to remain confidential, you must specify that and mark the information as confidential, so that it can be kept out of the public domain on the ground of commercial confidentiality. I must make it absolutely clear that this is not a closed committee. Everything in the committee's briefings that can go into the public domain will do so.

Robert Marshall: Everything that I say to the committee can go into the public domain, at the committee's discretion. We are hiding nothing from

anybody. Indeed, my preferred route for the Winget houses would be for us to assist a local company by providing encouragement and training in utilising the systems. That would create employment in Carntyne. Through the Construction Industry Training Board and Glasgow Metropolitan College—the new college of building in Glasgow—we have arranged for special courses to be run should that ever happen. We would ask local companies whether they wanted to make a bid to be involved in the repair of Carntyne houses and, if they did want to be involved, we would be happy to train them to utilise the system.

The Convener: I invite recommendations from members on what to do with the petition.

Helen Eadie: The discussion has been interesting. In the interest of ensuring that we maximise the information that we have before we come to a view, can we send a copy of the *Official Report* of today's meeting to Communities Scotland, the Scottish Tenants Organisation, Shelter Scotland, the Property Managers Association Scotland and the Scottish Executive, and ask them to consider the issues that the petition and the discussion raise and to give us their views?

Mike Watson: I agree with Helen Eadie's suggestion. However, I suggest that we do not write to the Executive yet, because Communities Scotland is an executive agency and can speak for the Executive. If the worst comes to the worst and we have to write to the Executive later, so be it, but a letter to Communities Scotland should cover the matter now.

I also want to know the views of the GHA and Keystone Tenant Managed Homes. Although we cannot get too far into the specifics of the case, the way in which those organisations are operating—or not operating, given what we have heard—gives me great cause for concern. We need answers to the questions that have been raised.

Ms White: I was going to mention the GHA too, so I concur entirely with what Mike Watson has said about Keystone and the GHA. Can we also ask the GHA about the £33 million that was apparently set aside? Anne Ayres said that the money was earmarked for the Winget houses.

The Convener: We can ask about that.

Phil Gallie: The committee has been given a lot of technical detail. I am sure that Keystone's management committee has reasons for its decisions. Can we ask what research it carried out and what its proposals are for the houses, given that they are not currently being let? For example, can we have the costings for new build or repair, if such costings have been produced? Given that we

are talking about a public body, such information will not be commercially confidential.

The Convener: Absolutely. We will write to the organisations with specific questions. Mrs Ayres is indicating that she wants to comment.

Anne Ayres: Do you want to know where I got the figure of £33 million from?

The Convener: You can hold back on that until we get a response from the GHA. Thank you for bringing the petition to the committee. When we have received responses from the organisations, we will inform you about them and take the matter forward.

Anne Ayres: Will you get all the engineering reports?

The Convener: We will ask all those questions.

Anne Ayres: Thank you for letting me speak to the committee.

Public Libraries (PE831)

The Convener: The next new petition to be considered this morning is PE831, by Catriona Leslie, on behalf of Portree community council. The petitioner is calling on the Scottish Parliament to urge the Scottish Executive to review its policy on public libraries to ensure appropriate provision in rural areas. Catriona Leslie is here to make a brief statement to the committee, which will be followed by a discussion. I thank her for coming along.

Catriona Leslie (Portree Community Council): Thank you for allowing me to attend today's meeting to speak on an issue that is close to the hearts of people in Skye. Highland Council is insisting on closing Portree's very successful public library, which is in the centre of the village, and incorporating it into the proposed new high school, several hundred yards from the centre of the village, along a main road that is very exposed to the elements. We understand that the Public Petitions Committee may not be able to intervene in individual cases such as ours, but we hope that, even so, by bringing our problems to its attention we may help to prevent other communities from suffering the same fate.

The removal of the public library from its current central position in Portree will not only inconvenience a large number of regular users, but will have a detrimental effect on shops and businesses, which already suffer from loss of trade due to the new out-of-town supermarket. Currently, the library is within easy walking distance of hotels, cafes, banks, shops, the medical centre and other facilities. That enables residents, people who work in the village and visitors to use its services quickly and

conveniently. Primary school children use the library for study after school, and parents do not have to worry about them crossing a busy main road, which they would have to do in the proposed new location. People arriving in the village by car or public transport can combine a visit to the library with other activities. Many use it as a meeting place and somewhere that is comfortable, welcoming and free, where they can catch up on newspapers, meet friends before going home or wait for a bus.

Combined school and public library services may work well in smaller communities, but we believe that a one-size-fits-all policy should not be applied and that the needs of each town or village should be assessed with full regard to its individual circumstances.

In larger schools, there are bound to be conflicts of interest regarding such matters as opening times and opportunity for quiet study. In addition, security issues are raised when several hundred members of the public go in and out of a school each day. Recently, we have seen that two community schools in the Western Isles may have to ban members of the public during school hours in order to comply with national guidelines on security. In those schools, the library and swimming pool are not open to public use during the school day although, until now, the canteen has been a shared facility during school hours. The director of education in the Western Isles has stated that such schools would not be permitted today, yet Highland Council is insisting on shared facilities in many of the new schools that it plans to build.

When a school is in the centre of a village, it might be more acceptable to share facilities, but in cases such as ours in which elderly or disabled people will have to use cars, taxis and buses to reach the library, many people will just cease to use it. The average visit to a library takes only seven minutes. How many people are prepared to get on a bus for a seven-minute visit to a library and then wait for up to an hour to get home again? Moreover, it would simply not be practicable for a worker who wanted to visit the library in their lunch hour.

In tourist areas such as ours, many visitors use the library and its internet facilities in the summer months, which increases pressure on space. Such an attraction is important for visitors, but they are much less likely to visit the library if it is some distance from the village, especially in bad weather—as members might know, we have quite a lot of that weather in Skye. In addition, people on cruise ships or coach tours would not have enough time to walk to the school to use the internet or to look up something in a book.

Even the nicest teenagers can be noisy, clumsy and intimidating en masse, and many older and

disabled people and people such as my sister who have limited vision can find it intimidating to make their way through a crowd of lively teenagers to reach the library. We understand that, in some areas in Highland region where the public library has been placed in a school, the mobile library has had to be reinstated to accommodate people who are reluctant or unable to go to the school.

Many of the high school pupils in Portree who use the library after school hours are adamant that they would not go back to school in the evening if they wanted to use the public library. The new public library in the centre of Stornoway has been a huge success. In that case, a conscious decision was made not to put the library into a school, with excellent results.

We are aware that funding is probably behind the policy to incorporate public libraries in schools. As an article in *The Herald* has pointed out, cutting back on library spending is one economy for which Scotland will pay dearly in diminished quality of life. The country that housed the world's first Carnegie library ought to know that in its head and in its heart.

Ms White: I think that you have already answered some of my questions. However, as far as transport, particularly for elderly people, is concerned, when I was in Portree a couple of weeks ago I did not see too many buses going back and forth. I wonder whether you can tell us more about that. Secondly, will you comment on the statement in our briefing note that the facilities will be open

“some 365 days a year for up to 15 hours per day”?

Catriona Leslie: At the moment, we have what is called the village bus, which, because it transports children to and from school, operates at fairly limited times of the day. Approximately once an hour, it goes around the village and out to the Aros heritage centre.

I should also point out that there is a little walk up to the school, which anyone with a disability will find difficult. The bus will not drop people where the children are dropped, because on the plans for the new school—I must not go into them, but they are horrendous—the bus dropping area will be turned into a play area during the school day. As a result, people who get off the bus will have to walk up to the library in the rain and wind. When they come out of the library, they will have to wait perhaps an hour for a bus to take them home again.

When I spoke to the director of education about that, he said, “Oh, well, you can just lay on minibuses.” However, he did not say where the money for that would come from. In any case, a minibus with only two passengers is not economical.

I am sorry—what was your second question?

Ms White: Our briefing note says that the facilities will be open

“365 days a year for ... 15 hours per day”.

I cannot quite believe that. After all, schools close for school holidays, and we also need to consider certain safety aspects as far as the kids are concerned. How many hours will the facilities be open?

11:00

Catriona Leslie: In the early stages of discussions about the school, the director of education said that the library would be open for the whole of the school day and in the evening as well. I tackled him about that after a planning meeting the other day and he said, “Oh well. Opening hours will have to be timetabled.” To me, that suggests that the library will not be open for the whole of the school day.

The current public library is not open for the whole of the school day, but it is open to a certain timetable all year round. People know that the timetable will not change because of school holidays. The facilities in Ullapool and Gairloch are often cited to us as being very successful, but the opening hours there are very limited during school holidays.

We have been given many guarantees about the library that we know will not happen. As a result, I am sorry to say that we now do not believe any of the guarantees. We were told that the new library would be three times the size of the existing library, but in the current plans it is approximately one and a half times the size and will also incorporate the school library. I have not done the sums, but there is a net reduction in space, quite apart from the net reduction in the numbers of people who might use the library.

Phil Gallie: A difficulty that members may have with the petition is that the issue is really one for the local authority. As you said, we should not consider such issues as having a one-size-fits-all solution. Every community is different and that is why local authorities take the decisions.

I am looking desperately for some way of widening the argument so that the Scottish Executive could become involved. The only one I can think of is that the Government is, I believe, in favour of community schools. Community schools are all embracing, covering issues such as libraries. Has Highland Council sold the library project as a community school project, in line with Scottish Executive policy?

Catriona Leslie: Yes. The council has told us that it is Scottish Executive policy. In our opinion,

the council has totally failed to consult people properly. The community council devised a questionnaire to put in the library to find out what people thought about the project, but the questionnaire was banned. We were told that it was biased.

We have asked time and again for a public meeting so that people can at least ask council officials what will happen. However, the council will not hold such a meeting. We had 700 signatures on a petition asking for a public meeting, but the council paid no attention.

Phil Gallie: The role of a community council is to sound out public opinion and to ensure that the public are well informed. In my view, there is a statutory requirement on councils to fit in with community council requests if the purpose is to inform the public and to seek public opinions. However, you are saying that Highland Council will not co-operate with your community council; it will not even allow the details of your petition to be placed in the public library.

Catriona Leslie: The council has decided that the library project will happen and that it does not matter what anybody thinks. That is the impression that we get. It is the council's policy.

To a certain extent, the council blames the Scottish Executive. It says, “This is Scottish Executive policy and we must follow it.” However, we find it hard to understand how Stornoway can get away with it but we cannot. Stornoway decided that it did not want its library to be out of town but that it wanted it in the centre. That library is working really well.

Our current library building is old. It is in what were originally a supermarket and a garage, and it has problems. However, an alternative site, which is equally central, has been offered free of charge by a local hotel in exchange for the site of the current library. A local architect has drawn up plans that could incorporate the library with the museum service, which is also severely underfunded and cramped away in little corners. The council has not even bothered to come and look at the plans. It is completely blinkered.

I appreciate that there may be nothing that the committee can do to help us. However, nobody else has listened, so we have come to you. The plans for the school will go to the Scottish Executive very shortly for approval. Because Highland Council will have to ask itself for planning permission, I believe that the application has to be approved by the Executive. We do not know whom to approach to ask for at least some more time or for something to stop this great thing rolling on without any proper consultation. A lot of people feel uninformed. If a public meeting was held and we were told what was happening, people would at least know what was going on.

Even when we held a march in the village, people came up to us and asked what it was about—they had not heard. We have written to the local paper and have done everything that we can, but, as you know, community councils do not have money and we cannot afford huge campaigns or a referendum, such as Dingwall held on its high school, although Highland Council paid no attention. Indeed, the same thing is happening in Dingwall: its public library is being moved into the school, even though the residents of Dingwall do not want that any more than we do.

Campbell Martin: I understand that Highland Council has consulted on a public-private partnership to build around 10 schools in the Highlands. I wonder how much consultation there has been on the specific issue that you have raised of incorporating community facilities into the proposed new schools. What sort of consultation has there been on the specific issue that you are complaining about? You have made a strong case against incorporating the library into the school—or a new school—in Portree. Have you had the opportunity to make that case to Highland Council? If so, how did it address the concerns that you raised?

Catriona Leslie: Before I was on the community council, I wrote to John Farquhar Munro—it is sad that he is not here—and Charles Kennedy about the library aspect, which is the subject with which I was first involved and in which I was first interested. Their replies enclosed the same letter from Bruce Robertson. It does not matter to whom one writes, the same letter comes back. Sometimes, the paragraphs have been moved, which can be done on a word processor, but the letter is the same. Highland Council has never approached the community council to discuss the matter.

In the early stages, there was a small advertisement in the local paper, which said that there was to be a meeting about library provision. The advertisement did not say that the library was to be moved into the school; the subject was simply library provision. Seven members of Portree community council went to that meeting and made firm objections to what was proposed. Similar meetings were held in Uig and Dunvegan. Nobody attended the meeting in Uig and three people attended the meeting in Dunvegan, yet that is what Bruce Robertson has called public consultation. All it was was somebody in a room to whom people could talk; it was not a meeting.

A public meeting was then held in the school on the whole school proposition. I was unable to go to the meeting, because I was away, but people who went to it said that about 250 people were there. No questions to the general meeting were allowed to be asked from the floor and people were divided

almost instantly into separate groups and given presentations. At the end, people were selected—I am not sure whether they were elected or selected—to go on a steering committee, with different aspects of the village having representation. No one was chosen or invited to take part as a library user and no one was chosen because they were on the community council. One lady who was chosen to be on the steering committee is on the community council and is a part-time librarian, but she was selected because of her interest in the youth problems in the village. On one occasion, when she spoke about something to do with the library, she was told, "You're not here for that." She was also reprimanded by her superiors in the library for having taken part in our march and for participating in the petition. They said that, as an employee, she should not criticise Highland Council in public.

Mike Watson: I am surprised to hear those last remarks, which seem to be a throwback to a bygone age. I have a couple of general questions. How far is the proposed site of the new library from the existing library?

Catriona Leslie: It is not that far. It is probably less than a mile; it might even be about half a mile. The issue is not the distance. If one is in a village and the rain comes pouring down, one can pop into a shop or doorway, but there is no shelter at the proposed new site.

Mike Watson: So it is quite outside the village and not in the suburbs.

Catriona Leslie: Yes. Where does a village begin and end? It is closer than the supermarket, but it is not in the central part where everything is apart from the supermarket and the school.

Mike Watson: At what stage in the process is Highland Council with the proposal?

Catriona Leslie: The proposal was put into the outline planning permission for the new school—it involved demolishing the old school and building a new school with a public library and swimming pool. At the beginning of this week, we had the proper detailed planning application and we were told that the petition was not relevant because the application had already been passed in principle—we could not say at that stage that the library must not be incorporated.

Mike Watson: I see. The proposal for the school has gone ahead.

Catriona Leslie: Yes, and the school is to contain the library.

Mike Watson: Are you proposing that the school should go ahead on the proposed site but that somehow the library should be detached and another site found for it in the village?

Catriona Leslie: We certainly think that the library should be detached from the school. We would also like someone to listen to us about the problem of the school and the existing site, which is far too small—that is one reason why the library is not the size that we were originally told that it would be. The building is to be right next door to the existing school, which will go on being used, so, as you can imagine, the children will have to live, work and try to study on what is effectively a building site for two or three years.

Mike Watson: We have had that happen in Glasgow and it is a considerable problem.

Catriona Leslie: It is absolutely horrendous.

Mike Watson: In response to a question from Campbell Martin, you said that you have written to your elected representatives but that you have not had an adequate reply. I am surprised that John Farquhar Munro is not here to deal with the issue.

Catriona Leslie: We have had replies from our elected representatives.

Mike Watson: What have they said?

Catriona Leslie: They have asked Bruce Robertson, our director of education, for his comments and have just sent us copies of his letters. I did not hear it, but earlier this week John Farquhar Munro said on the radio that he was concerned about the situation and the lack of consultation. At least he has stated his worries in the public arena.

Mike Watson: Will you be seeking a meeting with him to try to get his support?

Catriona Leslie: I was hoping to see him today, but he is not here.

Mike Watson: The petition states:

"We have been told by Highland Council that it is Scottish Parliament policy to incorporate Public Libraries within schools."

I think that you must mean Scottish Executive policy, but, nonetheless, the policy is not exclusive; it is an option. You have also given us the example of the Western Isles, although there is probably an aversion to taking on people from the Western Isles for various reasons, all of them positive.

My serious point is that there can be an exception to that policy; it is an option. The proposed approach can be taken and no doubt there are places where it is suitable. You are saying that it is not suitable in this case and that Highland Council ought to accept that. Are there any other examples in the Highland Council area of a new school or library being built recently and not being under the same roof?

Catriona Leslie: Not that I can find. The schools that have been built most recently are those at

Ullapool, Gairloch, Drumnadrochit—Glen Urquhart High School—and Ardnarmurchan and they all incorporate the library. We have been to look at Gairloch and Ullapool, where the school rolls consist of something like 200 kids. That is a completely different ball game. In Ullapool, the school is much more central.

I am going to visit the school in Drumnadrochit next week. I understand that the school gets to use the library for two days a week and the public get to use it for three. The library is not open to both at the same time and the community has asked for the mobile library service to be put on again. The same thing happened in Fortrose.

Mike Watson: Presumably the new library would not be an alternative to the mobile library. Is there still a mobile library that serves the many outlying areas on the Isle of Skye?

11:15

Catriona Leslie: There is, and that service will continue for the outlying areas. Our problem is that people who live in Portree will find the new library difficult because of the timings, the distance, the weather and the sheer inconvenience.

Mike Watson: There is concern that the library may be inaccessible to the general public during school hours for the reasons that you have given us.

Catriona Leslie: That is of deep concern to us. The librarians tell us that, because of the spread of the island, the library is used most between 11 am and 4 pm, which is precisely when it will have to be closed for security reasons.

Helen Eadie: It can be appropriate to develop community-use schools—in my area, such schools have been developed powerfully over the years, although I accept Mike Watson's point that such schools are not appropriate in every instance. What has concerned me most this morning are two issues, the first of which is the style of consultation. It is appropriate for the committee to be part of the discussion about your representations to Highland Council. Most people would argue that it is not enough to place a small advertisement that says, "This is about provision of libraries." There should have been a fuller explanation—for example, a press release outlining exactly what kind of debate there would be. That would stimulate people to go along and it would avoid a situation in which just seven people turned up. There is a real issue there.

The second issue that concerns me relates to Mike Watson's point about the part played by your elected representatives. I get the impression that all that has happened to date has been an exchange of letters with Charles Kennedy and

John Farquhar Munro. There do not appear to have been any meetings between Highland Council and your elected representatives, encompassing yourselves as representatives of the community council. Will you clarify whether that is the case?

Catriona Leslie: We have never had any meetings of that kind. Charles Kennedy and John Farquhar Munro have written to Bruce Robertson about the issue and they have sent me his written reply. There has never been a chance to sit round a table and no one has ever offered to come to the community council to explain their position. Scottish Water and the local housing association have taken the trouble to come to the community council to explain exactly what they are doing and to allow us to ask questions, but there has been no similar approach from Highland Council. Every time we have asked for a public meeting, we have been told that we might be able to have one once the plans are available. Such a meeting has never happened. I asked Bruce Robertson for a public meeting after the planning meeting and he said that that might be possible. However, it is too late—or it looks to be too late. The plans have gone through.

Helen Eadie: Convener, I suggest that we get views from the Scottish Library and Information Council, the Scottish Executive and the Convention of Scottish Local Authorities. Do other members agree that we ought to ask Highland Council for its views on consultation, because that is the general issue that arises from the petition? It is important that we ensure that every consultation, whether it concerns Greater Glasgow NHS Board or whomever, is appropriate and fully engages the public. Although consultation does not mean that we will accept the views of every community, at least it should be meaningful. I encourage Catriona Leslie to press Charles Kennedy and John Farquhar Munro to seek meetings with Highland Council on behalf of her community. If people do not get satisfaction after they have had correspondence with any organisation, they have to escalate matters and take things to the next stage, which would involve an MSP in this case.

Phil Gallie: Councillors have not been mentioned, but I would have thought that they would have been the initial link with Highland Council. Do they sit on your community council? What contact have you had with them?

Catriona Leslie: Our councillor has been to one community council meeting in the past year. When I asked him in a public meeting whether he agreed that he should perhaps be representing the opinions of the people of Portree, he replied, "I am allowed to have my own opinion." He was elected unopposed, but he will be opposed at the next election.

Ms White: That is good. I agree with Helen Eadie's suggestions. We should write to Highland Council. The Scottish Executive and the Scottish Library and Information Council have been mentioned, but Balfron High School has also rejected a similar plan. We are talking about guidelines; nothing is set in stone and there are examples of people rejecting the idea of having a public library in their school.

Catriona Leslie: We have been told time and again that having the public library as part of the school is an essential part of the package and that, if we rock the boat or ask for something different, we might not get a school at all. That is blackmail.

The Convener: We will write to the organisations that members have suggested that we get in touch with and will let you know what the responses are. I do not know your councillor and I do not know what his politics are or anything to do with the situation, but the code of conduct for councillors that the Scottish Parliament introduced under the Ethical Standards in Public Life etc (Scotland) Act 2000 does not allow a councillor to state publicly their opinion on a planning matter. If they do, they must absent themselves from any decision making. I must therefore say on the record that the councillor whom you mention might simply have been complying with the code of conduct. If the councillor was acting within the code, he was acting absolutely appropriately.

Catriona Leslie: He said that he had to withdraw because he had stated his opinion before the most recent planning meeting. However, he stated his opinion in the press before the outline planning meeting but did not absent himself from that meeting.

The Convener: We are not here to pass judgment on the councillor; I just think that it is important that we get on the record the fact that there is a code of conduct that he has to abide by. We will keep you informed of the responses that we receive and will ask you for your comments on them as we try to make progress on the matter.

Catriona Leslie: Thank you. I am grateful for the chance to speak to somebody about the issue.

School Building (Funding) (PE832)

The Convener: Petition PE832 is also by Catriona Leslie, on behalf of Portree community council. It calls on the Scottish Parliament to debate the use of public-private partnership funding to build new schools and to urge the Scottish Executive to provide adequate public sector funding for local authorities, which are better placed to meet the needs of the local community, to build new schools. The petition originates from the petitioner's experience in Skye,

where the petitioner feels that PPP funding is being used as a quick-fix way of building new schools that do not sit well with existing architecture, do not have proper regard to the long-term viability of the building and do not involve any consultation with the local community.

The Finance Committee undertook an inquiry into PPP generally in 2002. It examined existing PPP projects, including the Glasgow schools project and Balfron High School, to test the evidence that was beginning to emerge. The committee sought to establish the advantages and disadvantages of PPP as a method of procuring large-scale capital projects and it published its report on 2 October 2002.

We could sit here and have a political and ideological debate about PPPs and so on, but I do not know whether there is anything that we can do with the petition.

Campbell Martin: I agree that we could argue all day about the benefits or demerits of PPP. However, the petition raises an issue that was raised by the previous petition as well—consultation. Could we, in response to the petition, ask the Scottish Executive what proposals were brought forward in response to the Finance Committee's 2002 report to ensure that there is appropriate consultation with local communities and how that is being monitored? We probably all know of areas across Scotland in which members of the public are still complaining about the lack of consultation on proposals.

The Convener: That is a good suggestion. Do members agree to follow that suggestion?

Members indicated agreement.

Food Supplements (Scotland) Regulations 2003 (PE828)

Food Supplements (European Directive) (PE738)

The Convener: Our final new petition is PE828, on food supplements. The petitioner, Fraser McNaught, calls on the Scottish Parliament to urge the Scottish Executive to ensure that the implementation of the Food Supplements (Scotland) Regulations 2003 (SSI 2003/278) will not prevent consumers from accessing health supplements and herbal remedies that are beneficial to their health.

The food supplements directive is intended to harmonise the market of vitamin and mineral supplements throughout the European Union and to ensure greater quality and information for consumers. The subsequent Food Supplements (Scotland) Regulations 2003 detail a positive list of substances that can be used in supplements that

are sold over the counter. The sale of substances that are not included on the list will be prohibited. The regulations are due to come into force on 1 August 2005.

Members will note that PE738, which is similar to PE828, is also on today's agenda. Are members content that we link the two petitions?

Members indicated agreement.

The Convener: Petition PE738 calls on the Scottish Parliament to urge the Scottish 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, that would give Scottish consumers access to the vitamin and mineral potencies that are currently available.

At its meeting on 19 January 2005, the committee agreed to invite the views of the petitioner on the response from the Minister for Health and Community Care and to get an update on the outcome of the meeting between the petitioner and the Deputy Minister for Health and Community Care, which was due to take place on 30 November 2004. A response has been received and has been circulated to members.

Helen Eadie: The petitions concern a topic in which I have always had a close interest. I note that the European Court of Justice came to a view but that that view will not be finalised until June, because there has been an appeal against it. I also note from the papers that the Advocate General has stated that the basis of the directive is legal and that it would be valid if the deficiencies that he outlines in his pronouncement on 5 April were dealt with. His opinion is not legally binding on the rest of the European Court of Justice judges and the final ruling of the court is expected in June. Perhaps we ought to keep the petitions open until we get that ruling.

The Convener: We could contact the minister for an update on that situation. Do we agree to do that?

Members indicated agreement.

The Convener: Obviously, we will send the minister any new information that is contained in the new petition to add to—or should I say supplement—the information that was given in the first one.

That concludes our consideration of new petitions.

11:29

Meeting suspended.

11:35

On resuming—

Current Petitions

Scottish Airports (Access to Public Roads) (PE528)

The Convener: Agenda item 3 is current petitions. We will deal first with the ninth such petition, because we agreed an 11.30 slot for the minister to speak to the committee.

Petition PE528 from MacRoberts Solicitors, on behalf of Glasgow Airport Parking Association Ltd, calls on the Scottish Parliament to conduct an inquiry into the consequences for transport infrastructure in Scotland of competition in the provision of on-site and off-site car parking at Scottish airports, and to amend such legislation as it considers appropriate. Nicol Stephen MSP, the Minister for Transport, has kindly joined us to take questions on issues arising from the petition. After the minister has made a statement, we will discuss the issues that have come up.

The Minister for Transport (Nicol Stephen): I welcome the opportunity to discuss the petition with the committee. I understand that the provision of substantive responses to the committee has been delayed. The delays have been regrettable and I apologise to the committee for them. Members may have been given the impression that the Executive was being unhelpful about keeping the committee advised of the action that was being taken, but—as is often the case in relation to such issues—the delays in responding were not intentional. They were due to the nature of the issue, which is technically and legally complex.

We had hoped to reach conclusions towards the end of last summer, but that did not happen because I sought reassurance and further information on a final issue that we needed to resolve with the British Airports Authority—that of disabled access—which took months, rather than a few weeks, to do. At the time, we should have increased and improved our communications with the committee, but we tended to do the opposite and to give verbal rather than e-mailed or formal responses. That situation led to my appearance before the committee today, which is unfortunate.

I will get to the substance of the petition, as that will be most helpful to members. One issue is the byelaws; the other is the competitive aspects of the provision of on-site and off-site parking at airports in Scotland. The Executive has responsibility for the byelaws issue.

PE528 asks the Scottish Parliament to conduct an inquiry into competition in the provision of on-

site and off-site parking at Scottish airports. During consideration of the Transport (Scotland) Bill, the Enterprise and Culture Committee investigated that issue. Like members of the Public Petitions Committee, I have read the evidence that it took.

As the committee knows, competition is reserved to the United Kingdom Government and does not fall within the competence of this Parliament. The Enterprise and Culture Committee, in its report as secondary committee on the Transport (Scotland) Bill, concluded that, on balance, it was not appropriate that the transport issue that is highlighted in the petition should be addressed by the bill. As the bill is at stage 2, any member who so wishes still has the opportunity to lodge an amendment to that effect for the consideration of the Local Government and Transport Committee, which is the lead committee on the bill. However, I believe that the Enterprise and Culture Committee's scrutiny of the issue was appropriate and addressed the substance of the petition in a fair and balanced way.

As the petition states, the director general of fair trading has been approached by the petitioner for his assistance in resolving the alleged breach of the Competition Act 1998. It will be for the petitioner to advise on the director general's response, as such information is obviously not available directly to the Executive—nor should it be, when sensitive and confidential competition issues are involved. The Office of Fair Trading and the Competition Commission are the appropriate bodies to consult if petitioners consider that competition legislation has been breached.

My responsibility as a Scottish minister has been to consider any airport byelaws that are submitted to ministers. As I indicated to the committee in my letter of 13 April 2005—it is important to specify the year, as the correspondence, unfortunately, trails back over several years—the Scottish ministers' powers over byelaws that have been made by another body are set out in sections 63 and 64 of the Airports Act 1986 and in schedule 3 to that act, which are all provisions that are excepted from reservation under the Scotland Act 1998.

Designated airport operators may make byelaws for regulating the use and operation of the airport and the conduct of all persons while they are within the airport. In particular, byelaws may be made to secure the safety of aircraft, vehicles and persons that use the airport; to prevent danger to the public arising from the use and operation of the airport; to prevent obstruction within the airport by preventing vehicular traffic anywhere within it; and to prohibit or restrict access to any part of the airport. The clear aim of the byelaws is to ensure the safe and secure operation of the airports in question.

The Scottish ministers must decide whether to confirm, reject or modify byelaws, but complex legal issues need to be considered before any such decision can be taken. In that regard, there has been a chain of correspondence between BAA and my officials, who have worked on the issue over a significant period.

It is important that any objections to the byelaws are considered in a fair and balanced way that will stand up to appropriate scrutiny. During the Executive's consideration of the byelaws, every opportunity has been given to ensure that both the objectors and the airport operator have had adequate opportunity to make representations for further comment. The extent of consultation and input went further than is strictly required under the terms of the legislation, but I believe that it was appropriate in the circumstances. The Executive made every effort to seek a resolution of issues before taking any decisions on the byelaws.

We have now confirmed the byelaws, but that confirmation has been subject to some modification of the byelaws. My single central point is that the byelaws have no impact on the ability of the airport operator—in this instance, BAA—to charge for access to the airport. That issue is not changed by the byelaws. The byelaws impact mainly on the aircraft side of the airport facilities, but they cover some aspects of the general operation of the airport, as did the previous byelaws that were in place for Glasgow airport.

There are similar byelaws in relation to Heathrow airport. Because Heathrow is the largest and most significant of its airports, BAA wanted to get the Heathrow byelaws in place as a priority. It then intended to get similar byelaws in place for its other airports; that is why progress on the byelaws for Scottish airports started after the Heathrow airport byelaws. I am told—BAA will be able to confirm this—that it took around eight years for the Heathrow byelaws to be prepared and put in place. Therefore, although the process has taken a number of years in Scotland, we should consider the context.

I understand that agreements have been reached with the off-site car park operators in relation to charging not for access but for facilities at the Scottish airports that BAA controls. However, that is not an issue for Scottish ministers; it is an issue for the operator of the airports and the private companies, in which I would not intervene. If concerns arose in relation to the dominant position of BAA, those concerns would be handled in another way and not through recourse to Scottish ministers.

We have now confirmed that the byelaws will have no impact on the charging issue, and we are in the process of putting those byelaws into legal

effect. We have not yet reached the final stage but we have indicated our approval for the byelaws, subject to the modifications that have been agreed through correspondence with officials and with the legal teams involved.

I will leave it at that and await your questions, convener.

The Convener: Thank you.

11:45

Phil Gallie: Most of the minister's comments were about the byelaws but, as far as I can see, the byelaws are totally irrelevant to the petition. Airports have special development rights, which I presume are built into the act that the minister mentioned.

I would have thought that the ministerial involvement would be to encourage dialogue and agreement between Glasgow Airport Parking Association and the airport. Although you might feel that you do not want to get involved, I think that the Scottish Executive has a specific interest. Airports are all about economic development. The Glasgow area will receive a massive boost from Glasgow airport.

I am sorry to have taken so long to get to my point, but there is a bargaining issue that the Executive could have used—namely the fact that Glasgow airport wants a rail link. Ministers, airport authorities and others with an interest in economic development could have bargained in order to secure the interests of everyone in the Glasgow area and not just the interests of the airport.

Nicol Stephen: Glasgow airport is important to the development of the whole of the city and the whole of the west of Scotland. As was referred to in the aviation white paper, there are plans for significant growth. We plan to invest a very significant sum of money in a Glasgow airport rail link and BAA is co-operating with us on that. Strathclyde Passenger Transport is in the lead and a consultation is under way on the exact route and the exact technical and engineering specifications for the link. We believe that we can get it in place quickly. Of the major public transport projects that we are investing in, the rail link will be one of the first to be ready to open.

I agree absolutely with Phil Gallie about the importance of the airport and the importance of improved transport links and public transport links. I also agree that we should improve all aspects of surface access, including road access, and that we should increase the availability of car parking.

There should be far more opportunities for park and ride on the way into Glasgow city centre, by which I mean bus or rail park and ride. The car parking opportunities and the marketing and

signage that encourage people to make greater use of park and ride on the way into Glasgow are simply not in place at the moment. Big strides could be taken in that regard, and I have no doubt that the off-site car parking operators could play a role. When Sir Michael Hirst gave evidence on behalf of the association to the Enterprise and Culture Committee, he made reference to the negotiations that have been taking place to try to encourage the use of the new airport rail link.

Although all that is important, I am focusing my response today on the terms of PE528. People may think that my response is somewhat dry and legal, but I am focusing on the role of ministers in relation to the bylaws. It is important that we exercise that role fairly, appropriately and accountably in a way that is open to scrutiny.

The Convener: I thank the minister for sticking to the issues that are raised in PE528. We are here to discuss not transport policy but a request from a petitioner on whether the minister can take forward an issue that relates to airport car parking. We must remember to be specific in our questioning.

Phil Gallie: I went round the houses on the issue because the petitioners asked us to ensure that they have a place where they can park their buses and pick up passengers at Glasgow airport. The minister referred to park and ride, yet that is often the service that is offered by those operators. From my reading of the petition, I am concerned that BAA does not provide facilities for buses to stop and pick up passengers. I may have got that wrong, but that is my interpretation of what the petitioners asked us to do.

The Convener: PE528 calls for an inquiry into how such situations are operated. Although that gives us a bit of latitude, the petition specifically relates to the provision of car parking by car park operators either on site at the airports or off site in adjacent areas. We must be clear on the issue: we are discussing not wider transport policy areas such as how people get to an airport, but what happens when people get to an airport and who provides airport car parking facilities.

Phil Gallie: If we look at the issue in those terms, it is clear that BAA can do whatever it likes at its airports; there are no ministerial controls over whether other companies can operate on BAA land. What is the benefit of the Parliament debating or examining the issue further?

Nicol Stephen: To be fair to BAA and, indeed, to the petitioner, reference has been made to other airports that BAA does not own. Glasgow Prestwick airport was mentioned, for example—Phil Gallie knows directly about the issues there.

Phil Gallie: My remarks would be the same in relation to Prestwick.

Nicol Stephen: There will always be a difference of view between the airport operators and the people who seek to bring people to the airports or who seek to do work associated with the airports, as the operators of off-site car parks do. Inevitably, those people have to enter into commercial arrangements with the airport operator.

Some of the issues and tensions that we are discussing apply not only to off-site car parking but to airport taxi services, for example. There is an issue about the availability of taxis and access to taxis that are operated by companies that do not have a contract that allows them to make pick-ups from an airport. Many of us will have seen long queues of people outside airports waiting for taxis. However, taxis that do not have a contract can only collect or drop people off at the front door and go back into town again; they are not allowed to pick up somebody in the queue. That is another area about which there will always be disagreements and frustration.

We all want the best system possible to be in operation to ensure that Scotland is competitive with other EU nations and is as welcoming as other EU nations. That means ensuring that people do not have to walk far to get their bus to their off-site car park and ensuring that, when they arrive at an airport, a good-quality taxi is available even in the middle of the night if that is when their plane arrives. I am passionate about such issues and want them to be addressed.

It is fair that the issues are discussed in the Parliament and that committees have the opportunity to consider them. For example, if the Local Government and Transport Committee were to consider that issue in the future, that would be entirely appropriate. However, I have had to be pretty restricted in my remarks this morning, as the inquiry is focusing on a technical legal issue in relation to the petition's proposal to conduct an inquiry into the consequences for the transport infrastructure in Scotland of competition in the field of on-site and off-site car parking at Scottish airports. I prepared my remarks with that in mind, and that is why I have been more restricted than I would perhaps normally be in responding to Phil Gallie's points.

The Convener: I think that Phil Gallie understands that.

Ms White: I will go on to specifics and perhaps pick you up on the issue of the Transport (Scotland) Bill and what can be done through that. You mentioned in your opening remarks that amendments and modifications had been made to the draft byelaws. Can you enlighten us as to what they are? Will the byelaws enable Glasgow airport to deny operators access to airport roads? You said that you had no control over the passing of

the byelaws, which will come into effect in June. What modifications were made to the draft byelaws and will Glasgow airport be able to deny access to airport roads or charge for access to the public parts of the airport?

Nicol Stephen: I am pleased that Sandra White has raised the issue of the byelaws. I talked about the tension that can exist between the operators of an airport and those who make commercial use of its facilities. One aspect of that to which I did not refer is the important role of the operator in ensuring that there are good-quality passenger facilities at the airport and that there is investment in public transport links, such as the new airport rail links that we propose to establish for both Glasgow and Edinburgh airports. The plane operators that use the airside facilities make a contribution to future investment in our airports and, indirectly, to the new drive that we all support for better public transport access to our airports. A central part of ministers' scrutiny of the byelaws is that we ensure that the byelaws are in place for the reasons that I have just described—to ensure that the airport is well managed, safe and appropriately developed—rather than to impose any unfair duties or burdens on the commercial companies that enter into contracts with BAA and others.

I ask Caroline Lyon, who is the solicitor with the lead responsibility on these issues, to explain as clearly and as simply as she can the modifications with regard to airport byelaws.

12:00

Caroline Lyon (Scottish Executive Legal and Parliamentary Services): Two principal modifications were made to definitions to ensure that the operation of the byelaws was as tight as possible. First, the definition of airport was modified to pick up a definition that is contained in the Airports Act 1986 and the Civil Aviation Act 1982, in order to ensure that the operation of the byelaws was restricted to the land, building and works of the aerodrome and not to anything that might be connected to its operation. The second modification was to the definition of private hire car, in order to be consistent with other definitions in the byelaws and with the definition of taxi in the Civic Government (Scotland) Act 1982.

Nicol Stephen: What about the question of restricting or charging for access to particular roads?

Caroline Lyon: The proposed byelaws do not make any amendments to the existing byelaws in that respect. Under byelaw 3/27, anyone who operates a private hire car needs an authorisation from the airport. However, BAA is already using that byelaw. In confirming the byelaws, we felt that

such an approach was entirely reasonable; anyone can apply for an authorisation and the byelaws do not say that any charge can or must be imposed for such an application.

Similarly, taxi operators must apply to BAA for authorisation to get taxis on to the airport forecourt or on to roads that are not public authority roads. Again, there is no provision for any charges to be applied for such an authorisation. As a result, any taxi or private hire car operator could apply for an authorisation and BAA would have to decide whether to grant it according to the criteria on which it bases such decisions. Any decision that it takes must have a reasonable basis, which means that anyone who is refused an authorisation would have normal recourse to the courts. Nothing in the byelaws enables the airport operator to impose such charges.

Ms White: So no charges can be imposed under those byelaws.

Caroline Lyon: That is correct.

Nicol Stephen: Charges might be imposed as a result of a commercial negotiation between the airport operator and the taxi or private hire company. However, I believe that the byelaws that we are considering today do not affect that situation or any charging or commercial arrangements with regard to buses moving to and from off-site parking. Is that correct?

Caroline Lyon: That is correct.

Ms White: Thank you for clarifying that point. Prestwick airport, which is not operated by BAA, is considering charging people to come into the airport. As that is a major worry with the byelaws, I am pleased to hear that there will be no charging.

BAA will charge GAPA members a levy of £5,000 to use Glasgow airport's facilities; I presume that that is what Phil Gallie meant when he referred to dropping off. I realise that the minister cannot do anything about that, but he suggested—perhaps suggested is the wrong word—that GAPA members should go through the Local Government and Transport Committee to address this matter.

Nicol Stephen: The member is talking about what I understand to be a contractual arrangement that GAPA members and BAA have entered into freely. According to evidence that was given at the Enterprise and Culture Committee—by, I believe, a representative of the Scottish association—people in such situations would hope to pay less or hope for a better outcome for their organisation or association.

On balance, the agreement that was struck was felt to be appropriate. The concern seemed to relate to the impact of the byelaws or to charges increasing. Separate concerns were raised about Prestwick.

My response to all that goes back to Phil Gallie's original point. If there is a feeling that something is unfair or is damaging transport in Scotland, our future economic development or the development of individual airports, the Local Government and Transport Committee could consider the matter, if it gave it sufficient priority. Far be it for me, as Minister for Transport, to suggest what a committee should be doing. One of the central and most important roles of a committee is to scrutinise the work of ministers and ensure that the Executive is behaving appropriately. It is not the role of ministers to set the agenda for committees.

The Convener: I point out that it was the Scottish Independent Airport Park and Ride Association that provided information to the Enterprise and Culture Committee.

Helen Eadie: I agree with the points that the minister made at the outset that the issue is enormously complex and difficult for us to get a handle on.

My starting point is a Joe Bloggs member of the public who wants a taxi. The minister talked about the enormous frustration that exists with the great queues that build up when a major flight comes in from America. People cannot get a taxi, yet there are taxis that would like to pick people up but cannot because of the restrictions on them. To some extent, the petition is about how we ensure that such restrictions are removed and that rules that restrict members of the public from accessing a taxi service are not in place. The minister is right to say that the Executive's focus is on developing public transport infrastructure. If that means that members of the public can take a train to the nearest point to Glasgow airport and then take a taxi from the railway station to the airport—and do the same in reverse on the return journey—how can we cope with the situation in which they are then confronted with a huge queue?

Nicol Stephen: I agree with all your concerns. The issues are complex. I know that the airport operators would argue that the arrangements and contracts that they have in place guarantee a high level of service throughout the airport's opening hours and that they have airport taxis available at a guaranteed level, which would not necessarily be the case if matters were left to the free market. They ensure that taxis are there into the evening when there are not so many flights. It is hugely frustrating for everyone—the taxi companies concerned, the airport operator and passengers—when there is a big queue outside an airport, yet empty taxis are going back into the centre of Glasgow, Edinburgh or Aberdeen. The byelaws that we are about to approve will not tackle that situation directly but will bring in regulation of private hire cars in a way that has not happened

before. I do not know whether Caroline Lyon would like to comment on the legal implications or the consequences of the byelaws.

Let me get to the heart of the issue. We might want to have separate discussions with airport operators, taxi companies and private hire companies on the matter. It is an important issue that causes a lot of complaints. It has an impact on the first impression that people get of Scotland when they arrive at Prestwick, Aberdeen, Edinburgh or Glasgow airports and want to get to the centre of town or to another part of Scotland. However, although the issue is important, we will not be able to address or resolve it in the context of the petition.

Helen Eadie: I will press you on that point. You have opened an important door in respect of the way in which we might take the petition forward. You are right to say that the petitioner is talking about what it perceives as unfair competition, but in all the correspondence that I have had—in e-mails and other forms of communication—the service to the public has been at the heart of the matter.

I, for one, would be much happier if you could give a commitment this morning to the Public Petitions Committee that you will take forward the discussions between Glasgow Airport, BAA and the taxi companies to see how we can tackle the fundamental issue of preventing the frustration that can arise when passengers come off a plane. Such discussions are vital and are at the heart of everything that the taxi drivers have said. BAA's charge—the £5,000 per annum charge to recoup its costs—is part of the issue. In my opinion, as public representatives we must ensure that the public are at the heart of everything.

Nicol Stephen: I am happy to correspond with BAA and the other airport operators on the issue and to copy the responses to the Public Petitions Committee and to the Local Government and Transport Committee.

I should perhaps go into a little bit more detail about the final delay in the approval of the byelaws, which was to do with my concern about access for disabled passengers. Members will notice that in some of the papers that are before them there is reference to where buses are allowed to park and whether that is 101m or 99m from the airport entrance. Even in this age of tightened security and terrorism threats that affect all forms of public transport, particularly our airports, it is very important that disabled people have good access to check-in facilities. I wanted to see whether anything could be done in the byelaws to strengthen the rights of disabled people, so there was a final discussion about whether that would be appropriate. In the end, we did not—or could not—change the byelaws in that

regard, but that does not mean that, as part of my wider responsibilities as Minister for Transport, I do not regard the issue as important. On disabled passengers and on the queues that build up outside airports when a lot of passengers are looking for a taxi at once because a big flight has been delayed or several flights arrive at the same time, I am happy to correspond with Scottish airport operators to try to urge improvements. I am sure that all members of Parliament would welcome such improvements.

Helen Eadie: I am pleased to hear you say that that will be part of your emphasis and that you will correspond on the matter. However, given that we are approaching one of the major times of the year for tourists coming to Scotland, I ask that as well as corresponding you perhaps hold a summit meeting, because this is an urgent issue that must be addressed.

I have stood in queues at Glasgow airport, and it is not edifying for passengers to find taxi queues while empty taxis pass by. The situation is urgent. I hope that you will convene a major meeting with all concerned, as well as corresponding with the committee.

12:15

Nicol Stephen: I am very conscious that the air route development fund has significantly increased the number of direct flights from Scotland and the number of people who want to come to Scotland. Many of those people are tourists, a point that is reflected in the tourism figures on people coming to Scotland, which have significantly improved over recent months. At the same time, many people come to Scotland for business purposes, and it gives completely the wrong impression of Scotland if there are lengthy queues and delays in moving from the airport to the city centre. I will discuss with officials the best way to pull together individuals from appropriate airports so that we get a meeting that is as high level as possible. I take on board Helen Eadie's suggestion.

Campbell Martin: The public perception, insofar as there is one, of airport byelaws is that they relate to safety and the security of aircraft and passengers. One of the issues that lie behind this petition is that the petitioner feels that, in this instance, BAA saw an opportunity to use byelaws to strengthen its own commercial position. Why were you persuaded that that was not the case?

Nicol Stephen: I will ask Caroline Lyon to respond on that issue. However, the simple and central reason is that the relevant byelaws do not in any way affect the ability of the airport operators to charge—they do not empower charging and do not affect the level of charges. The byelaws are quite technical in nature and most of them relate to

the issue of airside facilities in the more private, secure part of the airport. We have been very careful in our scrutiny of the byelaws and believe that they are fair and appropriate. They could not be used to increase or introduce charges in the way that has been suggested.

Caroline Lyon: The byelaws are made under the Airports Act 1986, which provides the vires or powers for them. It is clear that the purpose of the byelaws is to regulate the use and operation of the airport and the conduct of all persons within the airport. There is an illustrative list of the type of things that may be included in the byelaws. As was said, they concern securing the safety of aircraft, controlling the operation of aircraft and preventing obstruction. There are also provisions related to the regulation of vehicular traffic.

The byelaws do not impose any charges and the enabling provisions do not enable any charges to be imposed. We made the point to BAA very early in the correspondence that it could not use the byelaws as the basis for charging people for the use of any part of the airport. The byelaws do not attempt to do that. Therefore, it is difficult to see how the byelaws in any way benefit BAA's commercial interests.

Campbell Martin: One of the reasons that this petition is before us is to do with the petitioner's fears in that regard. However, I am grateful for the reassurance that the byelaws do not benefit BAA's commercial interests.

The Convener: What do members think that we should do with the petition? The minister has given his very detailed response to the specifics in relation to the byelaws. The Enterprise and Culture Committee looked at the issue during its consideration of the Transport (Scotland) Bill that is before Parliament and stated that it was not appropriate for it to be addressed in the bill. Do members think that the Local Government and Transport Committee should consider some aspects of the issue?

Phil Gallie: I recognise the arguments on the byelaws. However, when I read the petition initially, the main problem identified by the petitioner was that Glasgow Airport Limited had reached an agreement with Flightpath NCP, which effectively took over a monopoly on off-site airport parking. It did that simply by limiting the ability of other people to pick up passengers in a reasonably convenient way from alternative off-site car parks.

The minister said earlier that the issue comes under competition law. It probably comes under EU law as well. If we consider the decision on Charleroi airport—

The Convener: I am trying to get to a point at which we can discuss what we will do with the petition.

Phil Gallie: From what I have heard, I am not sure that we have addressed the original point of the petition.

The Convener: I do not know whether the Public Petitions Committee can address that; that is why I asked whether it would be appropriate for us to send the petition to a committee that can address it.

The minister has spoken about his discussions with the airport authorities on the byelaws that apply, which the Scottish Executive can deal with. That issue has been considered by the Enterprise and Culture Committee, but that committee did not consider that the Transport (Scotland) Bill was the appropriate place to address it. However, we must consider whether it would be appropriate for us to refer the petition to the Local Government and Transport Committee to allow the petition to be considered in a wider context at a later date. We cannot address the point directly this morning.

Phil Gallie: Okay.

Helen Eadie: I appreciate very much the clarification that the minister has given us this morning; it has been really helpful. I applaud the Scottish Executive for developing the air routes that we now have. It is wonderful that we have great new air routes to parts of the world that we did not have routes to before—although that is bringing its own problems.

The petition raises issues. In the third-last paragraph of the letter of 26 February 2004, BAA seems to rely, to a degree, on the byelaws—especially if we consider that paragraph along with the paragraph at the top of the same page.

Perhaps we should send a copy of today's *Official Report* to BAA. We should also say that we have agreed with the minister that some issues remain outstanding. If we did that, we would cover some of the issues that the petitioner has raised.

BAA seems to lack the will to take a comprehensive approach that would cover every taxi that passes the airport forecourt. BAA should take on board the concerns that we have raised this morning.

Ms White: We should send the petition to the Local Government and Transport Committee. I was pleased with what the minister said about the byelaws, because that covered the basis of the petition. I am also pleased with what he said about GAPA and the facilities that are available for £5,000. It will be up to GAPA and others to write to BAA and try to organise a forum of sorts. The Local Government and Transport Committee should consider the issue in the long term.

The Convener: We could ask the Local Government and Transport Committee to consider the issues that Helen Eadie has raised. If members agree, we will—

Phil Gallie: I am sorry, convener; I will try not to divert the discussion this time. When I consider the base requirement of the petition, I feel that the Enterprise and Culture Committee should be involved. We have talked about economic development at airports. The petitioner wanted to operate off-site businesses but was prevented from doing so. I wonder whether the Enterprise and Culture Committee would take a view on that.

The Convener: We could certainly send the petition to the Enterprise and Culture Committee for information and ask it whether it is interested enough to look into the matter.

I thank the minister for coming to the committee this morning and for his apology in relation to the communications difficulties. I think that I can say on behalf of the committee that we accept that apology.

Members indicated agreement.

Nicol Stephen: Thank you.

Housing (Scotland) Act 2001 (PE721)

The Convener: PE721, from Alan McLauchlan, calls on the Scottish Parliament to urge the Scottish Executive to produce authoritative guidelines in relation to provisions contained in the Housing (Scotland) Act 2001, and to ensure that those guidelines and adequate advice on the act are available to all tenants subletting, assigning or exercising the right of other provisions contained in the act.

At its meeting on 24 November 2004, the committee agreed to invite the Executive to comment on proposals from the Chartered Institute of Housing in Scotland and from the Scottish Federation of Housing Associations. The Executive's response has been circulated to members. Are members happy that the issues have been addressed and that the petition can be closed?

Members indicated agreement.

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

The Convener: PE723, which was lodged by Muriel Colquhoun, calls on the Scottish Parliament to urge the Scottish Executive to appoint a dedicated equine industry team in the Environment and Rural Affairs Department, which would have responsibility for co-ordinating equine-related policy decisions.

At its meeting on 19 January, the committee noted a response from the Executive and agreed to ask the petitioner whether the industry is involved in on-going dialogue with the Scottish

Executive and who would be best placed to prepare a strategy for the equine industry. In her response, which has been circulated to members, the petitioner says:

"If we can continue to engage with the various departments and their officials within the executive as we have thus far, then we believe that we will achieve the aims of our petition."

Should we close the petition on that basis?

Helen Eadie: That seems to be a good-news story. We should close the petition.

The Convener: The industry seems to have made progress. Do members agree?

Members *indicated agreement.*

Rural Schools (Proposed Closures) (PE725)

School Closures (Revised Guidance) (PE753)

The Convener: Petitions PE725 and PE753 address the same issue. PE725 calls on the Scottish Parliament to urge the Scottish Executive to restore the presumption against closure of rural schools and asks that any departure from the presumption in individual cases be made on the ground that the balance of educational advantage to the children has been clearly and independently demonstrated. PE725 was linked with PE753, which calls on the Parliament to urge the Executive to reopen without delay discussions with the Convention of Scottish Local Authorities on revised guidance for local authorities on proposed school closures. It also urges the Executive to introduce a presumption against the closure of rural schools and, pending the issuing of new guidance, to call in any decision to close a rural school, regardless of whether that is required under current legislation and guidance.

At its meeting on 24 November, the committee considered a response from the Minister for Education and Young People and agreed to write again to the minister. A further response from the Scottish Executive has been circulated to members. We are joined by Christine Grahame MSP, whom I invite to comment on the petitions.

Christine Grahame (South of Scotland) (SNP): I have not yet seen the response from the Scottish Executive.

The Convener: Do members of the committee, who have seen the response, want to open up the discussion, while we supply Christine Grahame with a copy?

Ms White: I read Peter Peacock's letter, which refers to the guidance that was issued last September. I think that he says that it is for

individual councils and not the Executive to make decisions and that there is no presumption in favour of closing schools or keeping them open—correct me if I am wrong.

The Convener: That is my understanding of the letter, too. Although guidance is provided, the decision is for the local authority. Whether the decision is acceptable is a different matter, which we need to discuss, but the Executive is clear that, although it has issued guidance on the circumstances in which a school can be closed, it is for the local authority to make the judgment.

Campbell Martin: I hope that Christine Grahame can answer my question. I understand that currently if a local authority wants to close a rural school it must give reasons for its decision. Even if there was a presumption against the closure of rural schools, the local authority would have to justify its decision, so how would that presumption help?

Christine Grahame: I understand that, when a local authority votes for a closure, the decision must go before the minister. Given that in England there is a presumption against the closure of rural schools, I am saddened that the minister has turned his back on a matter that can have a devastating impact on small communities. The closure of a rural school can change the nature of the community in the decades that follow, by leading to further depopulation or an increasingly aging population. I have to say that I am rather saddened that we are going to remain in that position, which I believe we should change.

I have just seen the papers on the issue. Is this the new guidance that was abandoned for a while but has now been issued to local authorities? There were proposals for new guidance, but I am not clear about how the new guidance differs from previous guidance.

12:30

The Convener: I am not sure, either. Our previous discussions were about who was going to go first—I think that the Executive had said that it was waiting for COSLA to make suggestions and COSLA had been in discussion with the Executive, but no one seemed to be making a move. There were petitions about that aspect of the issue. The guidance came out on 30 September 2004.

The minister's response could be read either way. Regardless of whether there is a presumption, a local authority has to account for its decision. If it keeps a school open, it has to justify why it has kept the school open; if it closes a school, it has to justify why it has closed that school. The local authority is then held accountable by local electors in respect of that decision one way or another. I know that it is

always easier to make a judgment on whether to close a school or keep it open—

Christine Grahame: The problem, convener, is that politicians do not usually stand on a manifesto promise that says, “We’re going to close your local school.” That tends to be something that happens in the interim and then the school is gone and cannot be retrieved. There is a distinction between a presumption against closure and a neutral position. A presumption against closure obviously makes it far harder for a local authority to justify a closure, which is why such presumptions have been so successful. Highland Council, for instance, which has no political party in power and just works on a consensual basis, has a presumption against rural school closures. I had hoped that we had moved the argument on. I appreciate the limitations of public petitions, but I am disappointed by the minister’s failure to see the wider issues for communities.

The Convener: The question now becomes what the committee should do. The issue has been to the Education Committee and the Minister for Education and Young People has issued guidance as recently as September 2004. Decisions are being made, and will be made, for which local authorities will be held accountable. We must ask whether there is anything that we can still do with the petition that will change that.

Phil Gallie: I have looked through the papers and I think that the committee has done all that it can. We have received an answer that the petitioners will not like, but the decision has been taken by the Executive. I feel that the Public Petitions Committee has done as much as it can at this point.

The Convener: Do members agree that we should now close the petitions, even though we may not have satisfied the petitioners?

Members indicated agreement.

Phil Gallie: Is it the normal practice to inform the petitioners of that decision, so that they can come back to us if they so desire?

The Convener: Yes, the petitioners will receive an explanation of why the decision was made.

Christine Grahame: I thank the Public Petitions Committee for giving consideration to that serious matter, which I intend to continue to pursue.

Judicial Proceedings (PE759)

The Convener: Petition PE759 is by Robbie the Pict, on behalf of the Scottish People’s Mission, calling for the Scottish Parliament to take the necessary steps to ensure that the names of judges serving on a judicial bench are displayed and that a full tape recording or shorthand record

is kept of court proceedings and made available to any party involved.

At its meeting on 15 September 2004, the committee agreed to seek the views of the Scottish Executive and the Law Society of Scotland. Responses have been received and circulated to members. Are there any comments? I do not think that we have exhausted the petition. We have had some responses that we could investigate further by writing to the Scottish Executive for its views.

Helen Eadie: Perhaps we could also write to the Lord President of the Court of Session about the response from the Law Society.

The Convener: Are members happy for us to do that and to continue to pursue the issue?

Members indicated agreement.

Methadone Prescriptions (PE789)

The Convener: Petition PE789, by Eric Brown, calls for the Scottish Parliament to take a view on the need for regulation to ensure that methadone prescriptions are taken by the patient while supervised by a suitably qualified medical practitioner.

At its meeting on 8 December 2004, the committee agreed to seek the views of the Scottish Executive, the Royal Pharmaceutical Society of Great Britain and the British Medical Association. Responses have been received from those bodies and have been circulated to members.

Campbell Martin: I remember the petition because the petitioner made a strong case when he spoke to the committee. Because the responses that we have received to the questions that we asked take a different position from Mr Brown’s, it may be appropriate for us to return to Mr Brown and ask him to comment on those responses.

Mike Watson: I have nothing substantially different to say. The minister states that the decision whether consumption would be supervised

“rests on the prescriber’s clinical judgement as to the patient’s medical condition”.

It is difficult for us to gainsay that. However, as Mr Brown said, the question is whether clinicians always make that judgment and a prescription is always given with due consideration to the circumstances in which it is delivered. The general practitioner prescribes the drug, but it is typically delivered at some form of pharmacy. I hope that we can get some reassurance that the GP would know the situation in which an individual was to receive his or her methadone, as that is important.

Perhaps we could ask for clarification on that either from the BMA or from the minister, as it seems to be a fundamental issue. If we had an assurance that there is a proper tie-up between the GP and the pharmacist, I would feel easier about the sort of issues that Mr Brown outlined. I also agree that we should ask for Mr Brown's comments on the responses that we have received.

The Convener: We can do both. We can ask Mr Brown for his views and we can ask the Scottish Executive about the general principle.

Ms White: Campbell Martin's suggestion is sensible. I would like to hear Mr Brown's views. I am disappointed with the responses from the Royal Pharmaceutical Society and the BMA. The Royal Pharmaceutical Society says that supervision can create a secondary dependency and talks about take-home privileges, but the problem is that people are not getting supervision for whole weeks and months. I am disappointed with both those responses, which seem to pay lip service to supervision and do not take it seriously. They call the fact that somebody can take home methadone for a whole week an enhanced service, but I would not call it that. I agree with Campbell Martin that we should seek a response from Mr Brown.

The Convener: Okay. We will write to Mr Brown and ask the Executive to answer Mike Watson's question for clarification and reassurance. Is that agreed?

Members indicated agreement.

Cycling (Recognition for Ian Steel) (PE797)

The Convener: Petition PE797, from Neville Barrett, on behalf of the British League of Racing Cyclists Association, calls for the Scottish Parliament to urge the Scottish Executive to ensure that Ian Steel receives a suitable award and public recognition.

At its meeting on 19 January, the committee agreed to seek the views of the Executive on whether it is Executive policy that a nomination for an honour should generally be submitted at the time of the achievement. The Executive's response has been circulated to members. It states:

"One of the general principles underpinning Honours Awards is that they should be made while the individual is still involved in or recently retired from the activities for which they are recommended."

Do members have any comments?

Mike Watson: I note the suggestion that the Scottish sports hall of fame might be an option for recognising and acknowledging the feats of Ian Steel. That could be the way forward, although I

am not sure about the technicalities of how that could be achieved. The clerks might get information on the Scottish sports hall of fame and we can urge that a nomination be made.

The Convener: I am told that any member of the public can submit a nomination. We can pass on to the British League of Racing Cyclists Association the address to write to. We will let the petitioner know that that course is still open to him. Is that agreed?

Members indicated agreement.

Angling (Border Esk Rod Licence System) (PE810)

The Convener: Our final current petition this morning, PE810, by Aeneas Nicolson, calls on the Scottish Parliament to urge the Scottish Executive to reject proposals by the United Kingdom Environment Agency to introduce a rod licence system on the Border Esk river.

At its meeting on 23 February 2005, the committee agreed to seek the views of the Executive, in particular on the legal position in relation to the UK Environment Agency's introduction of a rod licence system on the Border Esk. The committee agreed to seek the views of the Environment Agency, to request its reasons for introducing a rod licence system now and to ask why such a system had not been introduced before. The committee also agreed to seek the views of Dumfries and Galloway Council, the Scottish Anglers National Association, the Association of Salmon Fishery Boards, the Salmon and Trout Association and the Scottish Federation for Coarse Angling.

Responses have been received from the Deputy Minister for Environment and Rural Development, the Environment Agency and the Association of Salmon Fishery Boards. We have also recently had responses from the Scottish Anglers National Association and Dumfries and Galloway Council. Those responses have been circulated to members with further correspondence from the petitioner. Do members have views on the responses?

Helen Eadie: Clarification has been given. Perhaps we ought to write to the petitioner to advise him of that clarification and to say that the committee can do nothing more. We should close consideration of the petition with that.

Phil Gallie: There is no doubt about what the Environment Agency can legally do, but I am still not clear about the situation. I was at the meeting when the petition was discussed and I am not clear how the Environment Agency intends to enforce the system. Will it be enforced by bailiffs whom the agency employs and who operate from

south of the border, or by Dumfries and Galloway constabulary, Lothian and Borders police or whomever? Enforcement seems to be at the minister of the Crown's discretion, but I would like a little more clarification about who will enforce the system.

The Convener: I am reading the responses to find out whether I can answer that. The Environment Agency states:

"We currently carry out general fisheries enforcement work".

Phil Gallie: We can presume that it does, but will it use bailiffs who will come across the border?

Mike Watson: That is the implication.

Phil Gallie: What court would people go to? Would they go to a court in Scotland or England? There are still questions that must be answered.

The Convener: I do not know whether we must answer them.

Mike Watson: People would have to go to court in Scotland. Any offence that is deemed to have taken place in Scotland must go to a Scottish court, but the Environment Agency would still be involved.

The Convener: I will try again to clarify the situation. There is a hint in the agency's response, which states:

"The Salmon and Freshwater Fisheries Act, 1975 requires that the Environment Agency brings prosecutions via the Procurator Fiscal."

Prosecutions would therefore be in Scotland. The response also says:

"we have successfully taken prosecutions via this route."

That is the course of action that would be taken. Therefore, the answers are in the response. Do members agree that we should simply close consideration of the petition?

Phil Gallie: We should tell the petitioner that we have taken the petition as far as we can and that—perhaps regrettably from the point of view of Scottish anglers—the proposals are legal as far as we can see.

Ms White: I am disappointed that we cannot do anything more. I hate always using Westminster but, as I whispered to Mike Watson, perhaps we could advise Westminster to introduce a reverse Sewel motion so that we can control the situation. The committee cannot advise, but I presume that the petitioner could contact his local representative and advise them to take the matter to Westminster to get the position overturned.

Mike Watson: A Scottish National Party member is advocating the use of a Sewel motion, which must be a first.

Ms White: I think that I have requested reverse Sewel motions four or five times.

The Convener: It would not be the first time that such a motion had been used. Transport powers came to Scotland from Westminster through a Sewel motion. A precedent would therefore not be set. Such motions can be used.

Ms White: We will get independence by the gradual introduction of reverse Sewel motions. However, I wonder whether we should advise the petitioner to contact his MP.

The Convener: There would be no harm in doing so. When we write back to the petitioner, we could advise that other courses of action may be open to him, but that it is not in our power to deal with the issue. When I read the petition, it seemed clear to me where responsibility lay, but we could not understand why it lay there. The fact that everyone knows their responsibilities has now been made clear, but the question whether things should remain as they are must be addressed elsewhere.

Ms White: There seems to be an anomaly in that the Border Esk will be the only river in Scotland for which there will be charges for rod licences—there will not be charges anywhere else.

The Convener: That seemed bizarre, but it is how things are.

That concludes our consideration of current petitions. We now move into private session to consider a draft report.

12:45

Meeting continued in private until 12:53.

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