

PUBLIC PETITIONS COMMITTEE

Wednesday 22 June 2005

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2005.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Wednesday 22 June 2005

Col.

NEW PETITIONS	1825
Ancient Woodland (PE858).....	1827
European Funding (South of Scotland) (PE850)	1838
Children's Services (Special Needs) (PE853).....	1845
Roads, Pavements and Footpaths (Maintenance) (PE855)	1852
Mordechai Vanunu (PE864).....	1855
Community Sports Clubs (PE868)	1856
CURRENT PETITIONS	1858
Solvent Abuse (PE580)	1858
Criminal Memoirs (Publication for Profit) (PE504)	1858
Detoxification Clinics (Legislation) (PE585)	1861
Ambulatory Oxygen and Pulmonary Rehabilitation (PE648)	1861
Sewage Sludge (PE749)	1861
Sub-post Office Closures (PE764).....	1864
NHS (Provision of Wheelchairs and Specialist Seating Services) (PE798)	1865
Treason Law (PE782)	1866

PUBLIC PETITIONS COMMITTEE

11th 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 :

Chris Ballance (South of Scotland) (Green)
Mr David Davidson (North East Scotland) (Con)
Angela Douglas (Woodland Trust Scotland)
Andrew Fairbairn (Woodland Trust Scotland)
Christine Grahame (South of Scotland) (SNP)
Flavia Pigot (Woodland Trust Scotland)
Maureen Macmillan (Highlands and Islands) (Lab)
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)
Andrew Wood (South of Scotland Alliance)

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 4

Scottish Parliament

Public Petitions Committee

Wednesday 22 June 2005

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

New Petitions

The Convener (Michael McMahon): Good morning, everyone, and welcome to the Public Petitions Committee's 11th meeting in 2005. I have received apologies from Helen Eadie. John Scott and John Farquhar Munro have both said that they will have to leave for part of the meeting. They will come back, but they have other meetings to attend.

Ms Sandra White (Glasgow) (SNP): Convener, I told you in advance that I would raise a point about PE853, on services for children with special needs. I asked the clerk for an explanation of why the petitioners are not being allowed to present their case verbally and I was told that it was because we had already heard about similar petitions. However, the petition is about special needs schools, not rural schools, and I seek clarification on why the petitioners will not be allowed to be heard.

The Convener: I thought that we were going to discuss that when we came to that petition on the agenda.

Ms White: I thought that it would be mannerly to bring it forward.

The Convener: If you want to discuss the issue now, I can explain clearly why I felt that it was unnecessary in that case for the petitioners to give oral evidence. The pro forma that accompanies the submission of a petition asks whether the petitioners would like the chance to speak to the committee if required. We have discussed the guidelines on school closures on a number of occasions and the guidelines for rural schools and special needs schools are exactly the same. We have exhausted the discussion. We have considered a number of petitions before and referred them to the Education Committee, which conducted an inquiry into the matter. We have also had numerous responses from the minister. I honestly do not believe that the petitioners for PE853 could bring to the committee anything that would add to what we already know about the subject.

We do not consider the individual circumstances of any school closure, as it is not our responsibility to sit in judgment on a local authority's decision, so we have discussed what the guidelines are,

whether they are appropriate and the timing of their introduction. PE853 falls into exactly that discussion. Therefore, there was no requirement to seek additional information from the petitioners in that case. The topic might be interesting to the petitioners; it might be specific to them in that it has not affected them before. However, the matter has been thoroughly discussed in the Parliament and I did not feel that we would benefit from taking up a lot of time in hearing oral evidence on a subject that has been discussed before.

Ms White: I raised the matter because I still think that special needs schools are different from rural schools. I know the legislation and I have read through it, but the Equal Opportunities Committee, of which I am a member, has found that a great deal of controversy and concern surround the mainstreaming of special needs children. I still think that PE853 is different, because it relates to a special needs school.

I have never met the petitioners, but I believe that they are here and that it would be courteous of the committee to hear from them. I await your comments; I just wanted to express my concern.

The Convener: I understand that, but you made a suggestion that was quite offensive. Not hearing from the petitioners is not a discourtesy to them. We must listen to presentations about petitions on a host of issues. The other petitions that are before us are on new issues about which we will gain additional information when the petitioners talk. I must judge whether it is the best use of the committee's time to listen to something that it has already heard.

As you said, the Equal Opportunities Committee has considered the matter, as has the Education Committee, and the issue has also been discussed in members' business debates and other debates, so we would gain nothing from hearing oral evidence from the petitioners. For that reason, it is best to concentrate on other new petitions. If we want to be courteous, we should listen to the people who present new issues. We already have much knowledge on the subject of PE853, which will be useful when we reach the debate on it in a couple of petitions' time.

Ms White: I did not say the word "discourteous".

The Convener: You made a comment and I have responded.

Ms White: The Equal Opportunities Committee has not examined the matter before, but it is considering it now.

The Convener: If that committee is considering the issue, we can bear that in mind when we discuss the petition.

Ancient Woodland (PE858)

The Convener: We move to the petitions for which petitioners are here; I thank them for coming. Our first petition is PE858 from Andrew Fairbairn, on behalf of the Woodland Trust Scotland, which calls on the Scottish Parliament to urge the Scottish Executive to address the threat to the fragmented remnants of ancient woodland by fulfilling its commitment to protect the nation's rarest and richest wildlife habitat under the United Kingdom forest partnership for action, which was made in preparation for the world summit on sustainable development in 2002.

Before being lodged, the petition was hosted on the e-petition site, where it gathered 2,625 signatures. The usual e-petition briefing has been circulated for members' information. Angela Douglas, who is the operations director of the Woodland Trust Scotland, is here to make a brief statement in support of the petition. She is accompanied by Andrew Fairbairn and Flavia Pigot.

Welcome to the committee. You have a few minutes for an introduction, after which we will discuss the issue.

Angela Douglas (Woodland Trust Scotland): First, I thank the committee for taking the time to hear evidence on this important issue. Our petition has struck a chord with the public and received more than 3,000 signatures, of which 2,625 were electronic, which I think is a record. We are also pleased by how much support our petition has received from outside Scotland. People from 43 countries throughout Europe, Asia, the Americas, Africa and Australasia signed the petition, which shows the international significance of, and value that is attached to, our ancient woods.

The Woodland Trust Scotland is part of the United Kingdom's leading woodland conservation charity. We achieve our purposes through owning and caring for 80 extremely diverse sites that cover about 8,100 hectares throughout Scotland. In addition, we use that hands-on experience for constructive advocacy on important issues such as this.

Ancient woodland is recorded on the inventory of ancient, long-established and semi-natural woodland that was completed in the early 1990s and is held by Scottish Natural Heritage. Such woodland has been continuously wooded for many hundreds and, in some cases, thousands of years. Examples range from the extensive Atlantic oak woods of western Scotland and our magnificent Caledonian pine woods to the majority of the remaining fragments throughout the rest of the country, which are mostly less than 10 hectares or 1km by 100m in size.

Ancient woodlands are essential to our natural heritage. They are reservoirs of evidence for environmental change, archaeology and economic history. They are a source of inspiration and provide relaxation away from the hustle and bustle of our hectic lives. They are important culturally and are greatly valued by the people who visit them from Scotland and overseas. They are homes for many iconic species such as the twinflower, bluebell or wild hyacinth, crossbill, capercaillie and red squirrel and are our richest and most important sites for a vast range of insects, birds, animals, flowers and trees.

The woods are home to more threatened species than is any other United Kingdom habitat. Only 1 per cent of Scotland—an area smaller than Mull—supports ancient woodland of semi-natural origin, but that woodland is being destroyed. It is impossible to create more such woodland, which is by definition a finite and irreplaceable resource. It is nature's equivalent of man-made ancient monuments, which we protect and value.

During the past 60 years, Scotland has lost about a third of its ancient woodland. We have become increasingly aware of major threats to ancient woodland from development. Our database contains more than 100 cases in which ancient woodland is threatened by proposals for, for example, caravan parks, roads, housing, golf courses, opencast mines and power lines. We are sure that that represents only the tip of the iceberg. If the rate of destruction continues, we will damage all our remaining ancient woods within the next 50 years.

The Scottish Executive committed itself to protecting ancient woodland through the UK forest partnership for action, which was our contribution to the world summit on sustainable development in Johannesburg. The Scottish biodiversity strategy, which was established after the Nature Conservation (Scotland) Act 2004 was passed, also seeks protection for ancient woods. Despite the fact that 10 pieces of legislation, policy or guidance include measures that should protect ancient woodland, Scotland is still losing its irreplaceable resource.

If the aim of the planning system is to ensure that development and changes in land use occur in suitable locations and are sustainable, the system is failing. National planning policy guideline 14 should ensure protection, but that is rarely reflected in local plans. Ancient woodland, which is our richest habitat for plants and animals and a rich resource for people, continues to be lost.

If Scotland is to meet its international and self-set commitments, change is needed. The Woodland Trust Scotland wants to offer simple options for resolving the failure in the system, which is at odds with the commitments that

Scotland has made. Scotland has an opportunity to demonstrate its commitment to the UK forest partnership for action and to further sustainability. We could and should take a lead in the protection of an irreplaceable habitat. If we do not do so, in future we will have to answer to the people of Scotland as well as to the thousands of people who visit Scotland from abroad because they want to experience our landscape, history, culture and wildlife. The Scottish Parliament has an opportunity to address the matter and to leave a lasting and irreplaceable legacy.

The Convener: Thank you for your interesting statement. Are you involved in discussions with the Executive? If so, what has the Executive pledged to do? What progress has been made?

Angela Douglas: We have had discussions. One of my colleagues will tell you more about them.

Andrew Fairbairn (Woodland Trust Scotland): I lodged the petition and I apologise for not making the opening statement—I thought that I would be moving house today but the deal fell through, so I am here.

We discussed the matter with the Deputy Minister for Environment and Rural Development and the chief executive of the Forestry Commission Scotland. In essence, we were told that, under the forthcoming planning bill, the Forestry Commission will be a potential consultee on any application that involves forestry. We were given no assurance that ancient woodland would be protected through the proposed approach, which in any case is not set in tablets of stone, because the bill has not been introduced. We met Scottish Natural Heritage and the minister, but the situation is snowballing out of control. Angela Douglas said that there are more than 100 cases of threatened ancient woodland on our database, but those are just the cases that we find out about. We needed to take action, so we lodged the petition.

Jackie Baillie (Dumbarton) (Lab): After the Executive carried out its consultation on tree preservation orders, it made a public commitment to ensuring that the Forestry Commission would be a statutory consultee in planning applications that involved woodland. Which criteria would you like the Forestry Commission to use? The implication behind your statement is that you feel that the suggested approach will not protect ancient woodlands.

10:15

Andrew Fairbairn: We know of examples in which felling licences have been granted for ancient woodland. We feel that there is no room for compromise. We have a finite resource of

which very little is left. We think that it is worth protecting, particularly given the duties that the Nature Conservation (Scotland) Act 2004 placed on public bodies in respect of biodiversity. As Angela Douglas said, ancient woodland is our most biodiverse habitat. If we do not try to protect it, what is the point of the duty in the 2004 act? We have not heard from the Forestry Commission that it is fully committed to protecting all ancient woodland, which is what we want to hear. If we hear that, we will be happy, but we have not heard that.

One of the key issues is that ancient woods are rarely picked up by the planning system because, unless they have a protective designation, for example as a site of special scientific interest, they have little status in the planning process. That is one of our key concerns. Sites of special scientific interest were designated as such because they provide examples of important habitat types. The majority of habitats of importance do not have SSSI status, yet that is the designation that the planning system relies on. Only 25 per cent of ancient woodland overlaps with sites of special scientific interest, which means that three quarters of our ancient woods have no protection under the planning system. They are generally not flagged up when applications are made unless someone from the public finds out about an application and informs us. There must be loads of cases that we do not even know about.

Angela Douglas: It is important to stress that we are not against development. In a handful of cases, we have been able to get involved before it is too late and, where there is a willingness, we have found that it is often possible to ameliorate any damage. That is what we want to happen. We are not saying that development must not take place; we are trying to ensure that it happens in the right places and that the bits of the country that are irreplaceable and which are critical to us are not lost.

Jackie Baillie: You will be aware that a review of the Scottish forestry strategy will be undertaken this year. Were you involved in the previous one and are you likely to be involved in this one?

Angela Douglas: We were heavily involved in the previous one and were disappointed that a number of the comments that we and others made were not taken on board. Clearly, the Scottish Parliament has established some key factors and we believe that developments in areas of international policy will strengthen the case for amending parts of that strategy. We are pleased that, this time round, we have been able to have early discussions with the Forestry Commission and the Deputy Minister for Environment and Rural Development to discuss the changes that we want to be made.

We will be involved in the upcoming review, which will be enormously helpful in relation to the Scottish Executive's strategy. However, we need clear action to ensure that no loss of ancient woodland occurs and that ameliorating steps are taken.

Ms White: Were you involved in the consultations that were undertaken in 2002 and 2004 on the new planning bill?

Flavia Pigot (Woodland Trust Scotland): We have been involved in discussions on the planning bill, mainly through Scottish Environment LINK, and have tried to feed into it. We have also responded to the consultation on tree preservation orders, which included the Forestry Commission as a statutory consultee, which will be included in the planning bill. We have been feeding into the process, but part of the problem is that the planning process is not picking up the destruction of ancient woodland, as Andy Fairbairn mentioned. NPPG 14 states that ancient woodland should be protected, but that is not reflected in structure plans and local plans. The move to local development plans might afford an opportunity for us to include more enhanced protection, on which we will seek to have discussions over the next year or so.

Angela Douglas: The difficulty with NPPG 14 is that it is guidance, so local authorities do not feel that they need to abide by it—it is there for interpretation. In looking at structure plans and local plans, we have found that the protection of ancient woodland is often referred to in the text but is not followed up by the policies in the plans. There is a big discrepancy.

Andrew Fairbairn: That is an important point, because the local plan is the key to all decision making at a local level. We met the Scottish Executive to discuss that point. The wording in the planning guidance for Scotland is pretty good, and in fact other parts of the UK have used it as an example. However, the Executive told us that it is guidance and that local authorities do not have to adhere to it; they need only acknowledge that it is there. That is a weak link.

Ms White: I understand what you say about guidance and legislation. Do you see the way forward as being a forestry bill to protect ancient woodland or the new planning bill?

Angela Douglas: We have identified two actions that could be taken in the planning system to solve the problem, which Flavia will outline.

Flavia Pigot: First, in the current system there is the option to create a specific designation for ancient woodland, which would mean that all the planning systems would pick that up at a local level. Once a development has been identified as encroaching on ancient woodland, the relevant

expert advice—whether from SNH or the FC—would be involved and a decision would be taken. The other option is formally to request local authorities to include the ancient woodland inventory on their geographic information systems. Once a development was identified as being on ancient woodland, the same mechanisms would come into play and relevant consultation would take place.

Ms White: But the issue could be included in the new planning bill.

Flavia Pigot: Indeed.

Andrew Fairbairn: What is the point of having planning guidance if nobody pays attention to it? The Scottish Executive producing guidance is a waste of time if people do not adhere to it or use it. Serious consideration needs to be given to planning policy guidance across the board, but our particular concern is about NPPG 14, which clearly states that ancient and semi-natural woodlands should be preserved.

Angela Douglas: The point about the Scottish forestry strategy was also good. The more we can raise the profile of ancient woodlands and increase their importance on the agenda, the better. It would be super to see in a revised Scottish forestry strategy particular attention being paid to the protection and better management of ancient woods throughout Scotland.

Mike Watson (Glasgow Cathcart) (Lab): I am interested in what you say about NPPG 14. I do not have experience of it, but I have experience of NPPG 11, which is about encroaching on ground that is used for sport and leisure activity. Of course, the "G" in NPPG stands for "guidance", and that is the problem. By and large, NPPG 11 is adhered to; it has sportscotland as a consultee, which might not be 100 per cent effective but is fairly effective. My interpretation of your comments is that you are not exactly confident that when the Forestry Commission is made a statutory consultee, it will be able to provide the protection that you seek. What difference will it make if the Forestry Commission is a statutory consultee?

Angela Douglas: That will depend on the brief that it is given and how it reacts to it. If the Forestry Commission was given the task of fulfilling its biodiversity duty, and the fact that ancient woods contain more threatened species than does any other UK habitat—263 individual species—was clearly stated, it would be failing in its duty if those woods were being purposely destroyed. The issue then would be whether the Forestry Commission has the resources to respond to requests for information within an adequate timescale. Those are big questions. It would be fantastic if such commitments could be given.

Mike Watson: The Forestry Commission would have to have the resources. If it did not have the resources to do the job, it would have to be given them to ensure that it could respond.

You suggested that the Forestry Commission is not carrying out its duty at the moment. Why do you think that it does not appreciate the need to protect ancient woodland in the way in which you and your colleagues have outlined?

Angela Douglas: It is probably to do with other pressures. The issue is not at the top of the agenda. The Forestry Commission's primary drive is to generate income from the national forest estate, of which it has a vast proportion. That is time-consuming. The policy team is tiny; one person deals with all environment aspects. The commission has resources issues as well as other priorities that currently take up a greater proportion of time and effort.

Mike Watson: When the Forestry Commission becomes a statutory consultee, I hope that that will change, because the fact that it will have to keep an eye on the situation—if it is not doing so already—will be highlighted. Do you accept that?

Angela Douglas: I would be delighted if that were the case. The definition of woodland that the commission is given will also be critical, because there are issues about the percentage of canopy cover and the minimum area that is classed as woodland or forestry. If the definition was perfect, the issue could be resolved very quickly. There will always be a tension when a developer wants to progress a project that will have an impact. We strongly advocate that that impact should be minimised wherever possible. We have experienced good joint working on such issues in the handful of cases in which we—a tiny team trying to cover the whole of Scotland—have been able to enter into constructive dialogue with developers.

Mike Watson: The wording of the petition calls on the Executive to address the threat

“by fulfilling their commitment under the UK Forest Partnership for Action, made in preparation for the World Summit on Sustainable Development 2002”.

I understand that there has been a follow-up agreement on sustainable forestry issues. Will you state, as clearly as you can, what the Executive needs to do to fulfil the commitment, which it has not done despite signing up to the partnership?

Angela Douglas: Sure. I have the “UK Forest Partnership for Action” document in front of me. One of the five areas for action on forest restoration and protection is to

“Develop joined-up approaches to ensure effective support for protection and restoration of wooded landscape habitats, including the establishment and management of protected areas, to ensure that all ancient woodland is adequately protected.”

Mike Watson: The Executive has signed up to that but it is not doing it.

Angela Douglas: Not yet.

Mike Watson: You have met representatives of the Executive and raised the point. What was the Executive's response when asked why it is not fulfilling that part of the agreement?

Andrew Fairbairn: We are signed up to the partnership agreement as well; it is an agreement among the industry, environmental groups and Governments, and it is UK-wide. We have tried to raise the issue more than once through parliamentary questions, and through meetings with MSPs and various ministers with responsibility for forestry. For some reason, the UK forest partnership for action does not seem to have any influence over policy implementation. I do not know why that is.

10:30

Angela Douglas: I understand that the partnership has not met since the document was produced, which is a great shame. There has been no follow-up action to measure progress.

Mike Watson: I am interested in the commitment that the Executive has given, which you say is not being fulfilled. Have you received a response from the Executive that argues that it is taking action to fulfil the commitment or says that it cannot afford to do so?

Andrew Fairbairn: The main reason that the Executive has given is that the matter will be dealt with at UK level. However, that is not appropriate, because forestry is devolved. The different countries of the UK must address forestry through their own processes. I feel strongly that we need to make progress on the matter.

Angela Douglas mentioned the Scottish biodiversity strategy, which was produced as a result of the passing of the Nature Conservation (Scotland) Act 2004. Strategy implementation plans have been produced and strategy objective 3.3 in the rural implementation plan refers to the protection of ancient woodland in pretty much the same terms as were used in the document that the UK forest partnership for action produced. That document was produced in 2002 and we are still waiting for signs of progress. The biodiversity strategy aims to achieve something by 2007, but action is needed now.

Angela Douglas: Our database of woods under threat has been running for only 12 months, but 184 cases of potential damage to ancient woodland in Scotland have been brought to our attention in that period. If that rate of damage continues, we cannot wait 10 years for action, because it will be too late by then. As I said, if the

rate of damage continues, in 50 years' time all our ancient woods will have been damaged. The matter is urgent.

Opportunities will arise through the forthcoming planning bill, the Scottish forestry strategy and the Scottish biodiversity strategy. The deadline for action on the strategy implementation plans is two or three years from now. We lodged the petition to ascertain, first, whether there was support for ancient woodland—support has clearly been demonstrated—and then to identify simple solutions that could be put in place and to ensure that action is taken through the three opportunities that I identified.

John Scott (Ayr) (Con): Members have asked most of the questions that I intended to ask. Do ancient woodlands have special protection area status?

Angela Douglas: No. SPA status is given to important bird habitats, but special area of conservation status, which is similar to SPA status under the Natura 2000 scheme, could be given to woodland. A site must have SSSI status before it can even be considered for SAC status, but fewer than a quarter of ancient woods have SSSI status. I do not have the figures to hand, but we could easily find out how many of those woods have SAC status.

John Scott: Why does not more ancient woodland have SSSI status? It is usual for Scottish Natural Heritage to be fastidious about pursuing the protection of areas that it considers worthy of protection, but SNH has hardly been mentioned. Why has SNH not sought protected status for such woodland? I do not always agree with SNH, but I know that the organisation is thorough.

Angela Douglas: You raise an important point, which reflects the difficulty that we face. The SSSI system was set up to identify examples of the best habitats and was never intended to be a comprehensive system that would identify and protect all important habitats. When SSSIs were devised, each area office of the then Nature Conservation Commission—subsequently SNH—designated one example of a wet wood, one of a bog, one of a riverine wood and so on. The offices were limited in how many areas they could designate, so the SSSIs were only a representative sample.

John Scott: Do you think that all our ancient woodland should be adequately catalogued and then protected?

Angela Douglas: There is an inventory, which was produced in the early 1990s, so it is a bit out of date. That inventory was provisional and was based on two map-based pieces of evidence—General Roy's 1750s military maps of Scotland,

which were produced for a specific purpose, and the subsequent first editions of the Ordnance Survey maps in 1860. A real opportunity is coming up. The Forestry Commission is talking about conducting a survey of all native woodlands in Scotland, largely because the minister was embarrassed that he could not report to Europe on progress on our woodland habitat action plan, as he could not be told how much woodland habitat there was and whether it was adequately protected and managed—hence the timing of our petition. At the moment, the Forestry Commission has no intention of recording the antiquity or age of woodlands—the length of time that they have been in place. If that were to be done, we would have a great opportunity to have an up-to-date field survey of all the ancient woods in Scotland. In fact, a booklet on ancient woodlands that SNH produced some time ago said:

“the best approach to identifying ... ancient woods is a detailed survey in the field.”

Flavia Pigot: SNH is a bit reluctant to designate particular habitats, but ancient woodland covers a tiny proportion—only around 1 per cent—of Scotland's land area. We think that that woodland is well worth protecting.

John Scott: Does SNH think so too? If it does, I suppose that it would have protected that woodland already. If not, does that suggest that it is at odds with your position? I am being awkward, but I am simply trying to tease out—

Angela Douglas: You have the luxury of playing devil's advocate and you are right to do so. The difficulty is that SNH rightly considers the Forestry Commission to be the Government's forestry department. Over the past 10 years or so, since the inventories were produced, we have noticed a stepping away from woodlands as a priority, as SNH thinks that the Forestry Commission should undertake such a role. The Forestry Commission does not have a legal obligation with respect to nature conservation, which SNH has under European directives and so on. In a way, the issue falls between two stools. The Forestry Commission does not have the power to identify designated sites.

Andrew Fairbairn: Under the planning system, it is thought that the only important sites are designated sites. SSSIs were designated as habitat sites, for example, as the planning system uses designations for a purpose for which they were not designed, which is pretty fundamental.

John Scott: That is clear. Thank you.

The Convener: Do members have any ideas about what to do with the petition? Obviously, we must write to the Scottish Executive to start off with, but it would probably be good to sound out organisations in the industry. It has been

suggested that we should seek views from the UK forest partnership for action on why things are not moving forward. That would be useful.

Mike Watson: We could seek the Forestry Commission's views.

The Convener: Yes.

John Scott: We could write to SNH. I would be interested to hear its perspective on the comments that have been made.

Ms White: As the convener said, we could write to the Scottish Executive. I would like to know why we have not moved forward since 2002.

Mike Watson: On the point that I raised with the petitioners, if the Executive has obligations under the UK forest partnership for action, why are those obligations not being fulfilled?

The Convener: It would be useful to hear from people who have another interest in forestry—those who cut down trees.

John Scott: We could seek the views of the Confederation of Forest Industries.

The Convener: It would be interesting to hear its views on the matter.

Angela Douglas: We are members.

The Convener: I suppose that cutting down trees occasionally is appropriate.

Angela Douglas: We believe that, too. That is part of sound management. Ancient woodlands do not have to be preserved in aspic—they can still be managed. The issue is sustainable management rather than depleting our resources. Trees grow and die and some can be taken out without any damage being caused. The issues are not incompatible.

Jackie Baillie: We want to raise specific points with the Executive. Mike Watson's point is a start, but I am keen to explore how the Executive envisages the Scottish forestry strategy review that is to be undertaken, whether the issue in question will be included in that review and whether—as I suspect—the Executive's intention in bringing forward the Forestry Commission as a statutory consultee will meet the overwhelming part, if not all, of what the petitioners seek. There are two separate issues that we need to explore.

The Convener: We will do that.

Andrew Fairbairn: We are actively involved in the preparation of the new Scottish forestry strategy, which is at an early stage, and we are putting forward all those points to the people who are preparing it. If we can get that sort of commitment into the new strategy, we will be extremely pleased. If the Forestry Commission also adopts that policy, it will be well down the road to answering a lot of our questions.

The Convener: We have a host of questions for a number of organisations, and we will let you know about the responses that we receive. We shall progress the matter as far as we can once we have more information from the bodies that we want to contact. Thank you very much for bringing us your interesting petition.

European Funding (South of Scotland) (PE850)

The Convener: Our next petition, PE850, is by Andrew Wood, on behalf of supporters of the south of Scotland alliance. The petition calls on the Scottish Parliament to urge the Scottish Executive to apply pressure on the UK Government to renegotiate the NUTS II—nomenclature of territorial units for statistics—boundaries with the European Commission, especially in relation to the south of Scotland. Andrew Wood will make a brief statement to the committee in support of his petition, and then we shall discuss it.

Andrew Wood (South of Scotland Alliance): Thank you for allowing me to make a presentation. The supporters of the south of Scotland alliance work in the Cairndale group, whose remit is for rural development in Dumfries and Galloway. We liaise with the south of Scotland alliance, which is meeting in Brussels today with Eurostat and with members of the European Parliament. I believe that members have letters from one or two MEPs; there should also be a letter from Eurostat.

I am here to talk not only about money for the south of Scotland, but about the social and economic development of the south of Scotland as a region. We have missed out over the past two assessments by being categorised under objective 5b and programme 2. The south of Scotland is highly dependent on agriculture, which has been hit by BSE, foot-and-mouth disease and climate change, all of which have had a negative impact on an area that is dependent on such an industry. Common agricultural policy reform will cut agricultural support to our region by between £20 million and £30 million. We need to fill the vacuum that will reduce the area's present support in income.

The south of Scotland needs full reassessment of European Union funding to support the region's infrastructure, including the A75, A76 and A7. A phenomenal amount of wood is being extracted from the south of Scotland and that is having a detrimental effect on that infrastructure through roadsides getting cut up; bridges, too, will be in a bad state of repair by the time the extraction is finished. Just recently, a wood lorry went off the A7, which highlights what I am talking about.

We have a problem in the towns as well. Dumfries, Douglas, Annan, Langholm and

Stranraer all need to be redeveloped; they all desperately need an injection of money to get them bustling and to get the local economy going again. We need facilities for the young and the old. We need to be able to control antisocial behaviour and drugs. We are talking about affordable housing for the community and care support.

10:45

Furthermore, we need training. We need to improve the job prospects of our young so that we can retain them in the south of Scotland. We must assist the Crichton campus and improve access to it by extending the road network infrastructure south of Dumfries. That would benefit not only the Crichton campus, but the hospital and the fire brigade service, which is based in that area.

I will not concentrate too much on Dumfries, because other towns, too, have their problems. I mentioned Douglas; there is opencast there and large wind farms. We need to do something to encourage tourism in those areas to increase the local income. Tourism is building in strength, but it requires further support. The south of Scotland is the front door and the window to the whole of Scotland. It gives a first impression to our new visitors, who we want to return. The Scottish Parliament cannot act directly with the EU, as the power is not devolved, but we ask the Scottish Parliament for support and to influence Westminster to act in Scotland's interests. The money could be and would be lost to Scotland, only to return to Westminster as part of an EU rebate. I hope that the committee will have the courage, commitment and determination to support the petition to the full. Thank you for giving us this time.

The Convener: Thank you.

Ms White: Good morning, Andrew. I declare an interest, because I know Andrew Wood. I did not even know what NUTS stood for until I read it in the committee papers: it is the nomenclature of territorial units for statistics. No wonder that it is also called NUTS.

One of the issues is population. The briefing paper explains that an area is put in either NUTS I, II, III or IV depending on its population. The south of Scotland population, according to reports, falls below a certain level. The paper also mentions that there are examples of other regions that have the same population as the south of Scotland but which receive NUTS II. Do you have the names of the regions at hand?

Andrew Wood: I confess that I do not have that information at hand, but other regions in the EU have been reclassified and have managed to secure extra support. I understand from Eurostat that that is feasible. There is nothing to prevent

that from happening. All that we require is not to have parts of Edinburgh and Glasgow included in the area. Their inclusion works against us when it comes to our gross domestic product, because it throws us over the 75 per cent of GDP limit. If those areas were taken out of the equation, that would assist us greatly and it would definitely allow us to get full status and support for the area.

Ms White: Perhaps if we write to someone we can find out which other regions with a similar population qualify for NUTS II.

How tight is the timescale? Is the date imminent?

Andrew Wood: It is not imminent, but frankly we will have to act very quickly because, as we all know, politics is a very slow moving process. We have approximately a year to work in. That sounds like a long time, but it is not when it comes to politics. I urge the committee to act as promptly as it possibly can.

Jackie Baillie: Minimum and maximum population numbers, which are set down in regulations, would ordinarily rule out the south of Scotland, but I accept that that is not a showstopper. However, have you considered what a reclassification of the south of Scotland would do to other areas in Scotland?

Andrew Wood: I am led to believe that it would have no impact because the areas that we are talking about taking out are already in a lower classification. A reclassification would not be to their detriment in any shape or form; it would enhance the south of Scotland and have no effect on the other areas that we are talking about.

Jackie Baillie: I, too, have a timescale question. I hear what my colleague Sandra White has said, but I do not think that it gets to the nub of the issue. My understanding is that no NUTS review would be completed until after 1 January 2008. It is not the closing date for the consultation that I am interested in, but the practical effect of it. Given that the review will not be completed until 1 January 2008, surely it would be too late to influence the funds allocation for 2007 to 2013, which happens at the start of 2007?

Andrew Wood: Indeed. That is why we have to act as quickly as possible. I hear what you are saying about 2007 and 2008, but we do not want to act too late.

Jackie Baillie: I shall clarify what I was saying. I think that this is the showstopper in your petition: irrespective of what we do, the regulations do not come into force vis-à-vis population until 1 January 2008, as the Eurostat letter with which you supplied us states. That will come too late to influence the funds allocation for 2007 to 2013, which is the basis of your petition, which will

happen in 2007. Even if we made a submission tomorrow, the process is such that a conclusion will not be reached at European level until 2008, so it is too late. Am I wrong?

Andrew Wood: No. I am not suggesting that you are wrong; all I am suggesting is that if we do not act, we do not know what we are going to get. I hear what you are saying, but we have to try to get what we are asking for in the coming reassessment if we can. If we cannot, we must have it in place for the subsequent reassessment.

Jackie Baillie: For 2014?

Andrew Wood: Basically, if it is not achievable in the current timescale.

Mike Watson: My reading of the letter from Günther Hanreich of Eurostat backs up what Jackie Baillie just said. You said that if nothing can be done in time for the coming round of structural funding, something could be done in time for the subsequent round. If you believe in the case that you are putting forward, although you do not want a gap of seven years, it would still be worth pursuing after that.

I want to raise another point that might also be a showstopper. Herr Hanreich's letter states:

"Needless to say any such revisions would have to be subject to the provisions of the regulation as it now stands in terms of population."

The information that we have is that the minimum population for designation as a NUTS II area is 800,000. Census figures for the south of Scotland region are about 250,000, so you are not even close. If the census figure was 750,000 you might just about make the case, but the figure is less than a third of the minimum. How do you propose to jump through that pretty high-placed hoop in advancing your case?

Andrew Wood: I do not have an answer for you at this stage.

Mike Watson: The information that we have is from our clerks, who are ultra-reliable. Given what the regulations state, it seems that the population issue to which Herr Hanreich refers is an insurmountable hurdle.

Is the south of Scotland area to which you refer the area that used to be a European Parliament seat and that which list members of the Parliament represent?

Andrew Wood: Yes.

Mike Watson: I can see from the map how far south South Ayrshire stretches; it must be part of the south of Scotland. I wonder whether simply adopting two local authority boundaries is the best way to designate the south of Scotland area, although I understand that that has wider implications.

Andrew Wood: To return to your figures, I was led to believe that the 800,000 figure was not set in stone; it can be varied depending on the area.

Mike Watson: There would have to be a big variant, would there not? There would have to be a complete departure from that principle.

Andrew Wood: Even at present we are not sitting anywhere near 800,000.

Mike Watson: I accept that. The current NUTS II area must have a population of more than 800,000.

Andrew Wood: Not at present. Not as far as I am aware. I think that we are still short.

Mike Watson: I am going by the map that we have here. The NUTS II areas of south-west Scotland seem to me—although it is difficult to be precise—to include Glasgow. Glasgow alone has about 600,000 people, so you must be in the 800,000 bracket.

Andrew Wood: I apologise; I did not realise that the area took in the whole of Glasgow.

John Scott: I, too, am trying to understand the areas that we are talking about. For example, I have a specific interest in South Ayrshire, but does that area come under a NUTS III designation?

Andrew Wood: Yes.

John Scott: It is therefore regarded as an area of even greater deprivation. Is that what NUTS III means?

Andrew Wood: Yes.

John Scott: The only areas that your petition covers are Dumfries and Galloway and the Scottish Borders. The other areas—South Lanarkshire, South Ayrshire, East Ayrshire and North Ayrshire—have different designations already, which entitle them to more European Union support than Dumfries and Galloway is entitled to.

Andrew Wood: That is right.

John Scott: Thank you. That clears that up.

The Convener: We are joined this morning by Christine Grahame MSP, who has an interest in this petition.

Christine Grahame (South of Scotland) (SNP): Yes. I have had lots of meetings about the difficulties in Dumfries and Galloway and the Borders that have been caused by the NUTS II designation. Population is not paramount in designations; for example, the Highlands and Islands do not have substantial populations. The problem for Dumfries and Galloway is that its area brings in Glasgow, and the problem for the Borders is that its area brings in Edinburgh. That distorts the economic position of the areas.

It is not right to say that the issue is not open to review. I have not brought it with me, but I will supply a letter from Alyn Smith MEP that makes it clear that the issue is still under review and that we can still go through the process.

The Convener: We have that letter.

Christine Grahame: There is political turmoil at the moment because of EU funding, and I suspect that there will be more time to argue cases such as this one.

Scottish Enterprise Borders and the Scottish Borders Chamber of Commerce are extremely worried about the loss of millions of pounds of EU funding, not only because of the common agricultural policy but because of the loss of many funding streams as a result of designation as NUTS II rather than NUTS III.

The petitioner is here, and the south of Scotland alliance is here, because they want the boundaries to be redrawn to exclude Glasgow and Edinburgh. Anyone can see that their inclusion distorts the economic position of Dumfries and Galloway and the Scottish Borders.

Jackie Baillie: I do not doubt the veracity of what Christine Grahame is telling us. However, if a conclusion is arrived at even later than 1 January 2008, it will most definitely not influence the allocation of funds for 2007-13.

Christine Grahame: Because of the current political furore in Europe over funding, everything is up for grabs. Everything could change and these arguments should still be made. Funding may change in the coming year or so, although perhaps not during the UK presidency of the next six months.

This may be a very good time to continue the argument about the allocation of funding. Even if Jackie Baillie is right, the arguments still have to be made. They may be lost or won, but it cannot be fair that the Scottish Borders and Dumfries and Galloway are assessed by including the conurbations of Edinburgh and Glasgow respectively.

Ms White: I asked about the timescale, as did Jackie Baillie. The reply from Eurostat to Alyn Smith says:

"On the questions concerning the NUTS classification itself, the regulation foresees that the Commission has the possibility to propose revisions to the classification as of the second half of 2006."

That is what Alyn Smith is referring to in the second paragraph of his letter, suggesting that it is not too late. Obviously, there is urgency if proposals have to be made before the end of 2006, but that still gives us nearly a year.

11:00

John Scott: Christine Grahame knows more about the matter than we do. What effect will the designation that the petitioners seek for the south and south-west of Scotland have on Glasgow and Edinburgh?

Christine Grahame: It will have no impact on them. As Andrew Wood said, to bring up Dumfries and Galloway and the Borders, as it were, would not affect Glasgow and Edinburgh, which do not need such economic support. They are not beneficiaries in any event.

John Scott: Do you mean that they are not beneficiaries of any funding?

Christine Grahame: To the best of my knowledge, although I cannot really speak on the matter, they do not have anything like the funding that the Scottish Borders and Dumfries and Galloway have. In fact, it is hard to work out exactly how much European funding goes to the south of Scotland. You can see from today's *Business Bulletin* that I have asked a parliamentary question on that. Scottish Enterprise Borders could not tell me and nobody can tell it. It knows what goes into certain pots but not the total amount. I know how many millions the farming and business communities say that they will lose and I know the money that Scottish Enterprise Borders gets from European funding, but I do not know the totality of European funding. I suspect that it is a great deal, as there are many funding streams.

Jackie Baillie: To be absolutely clear, I point out that it is not in any doubt that we can submit information at any time that we like. My comments are focused on the outcome that the petitioners want, which is key for us. Notwithstanding what Christine Grahame said, my understanding is that, whatever information we submit, it will not influence the outcome of the allocation for 2007 to 2013. We need to ensure that people have realistic expectations of what we can achieve. That is not a reason for doing nothing, but we must be realistic about what we can achieve, not unrealistic.

Christine Grahame: Scottish Enterprise Borders is certainly not of that view. Its view is that the argument to obtain the funding is still to be made and won.

The Convener: Having heard from the petitioner and heard the discussion, I think that we could get some clarification on a number of areas. We must consider to whom we can write in order to get that clarification.

John Scott: In the first place, we should write to Scottish Enterprise Borders or Scottish Enterprise. I suggest that we also write to the Scottish Agricultural College, which did a lot of work and

produced figures on the loss of income to the south of Scotland post foot-and-mouth disease, BSE and the loss of objective 5b status. It should have that work, which is historical but could probably be updated relatively easily, and could probably give us some information on the matter. We could write to the Office for National Statistics and the south of Scotland European partnership, if that would be helpful.

Jackie Baillie: We should also write to the Executive.

Mike Watson: I would like an answer to the question about population. The European Commission has an office in Edinburgh, so we should simply ask it. Christine Grahame mentioned the Highlands and Islands. Its population is less than 800,000, but it is an established region.

Christine Grahame: That is correct.

Mike Watson: To make the case for establishing another region with a lower population level would be a more difficult matter than simply saying that one such region exists already. I would like clarification on that.

Jackie Baillie: I would also like clarification on the timescale.

Christine Grahame: I suggest that the committee write to the south of Scotland alliance. It is trying to establish the south of Scotland as a region on the same basis as the Highlands and Islands to get equity.

The Convener: The south of Scotland alliance is the petitioner; Mr Wood is petitioning the Parliament on its behalf.

Christine Grahame: Yes, but more detail on the—

The Convener: The south of Scotland alliance is the petitioner and there is no point in writing to the petitioner on the petition. However, we will remain in dialogue with the alliance and supply it with the information that we gather from the other bodies to which we write, once we have the responses.

I thank Mr Wood for bringing the petition to us this morning and giving us something to work on.

Children's Services (Special Needs) (PE853)

The Convener: The next petition is PE853, which is on services for children with special needs. The petition, which is by Ken Venters, on behalf of the Carronhill action team, calls on the Scottish Parliament to urge the Scottish Executive to introduce legislation to require all proposals to close or alter facilities and services for children

with special needs to be referred to the Executive and to require detailed consultation with the parents of the affected children. The petition also calls for the implementation of a moratorium on the closure of special needs schools until such legislation is in place. The petitioner is a representative of the Carronhill action team, which was set up in response to the proposed closure of Carronhill School in Aberdeenshire, which provides education for pupils with additional needs.

Members will recall that, during our consideration of PE725 and PE753, which related to rural school closures, the Minister for Education and Young People, Peter Peacock, said that he is not in favour of a presumption against the closure of rural schools or any category of school. The Standards in Scotland's Schools etc Act 2000 introduced a general presumption of mainstream education for pupils with special educational needs.

We are joined by Mike Rumbles, who has an interest in the issue.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The background to the issue is that Aberdeenshire Council is working to upgrade and improve its whole school estate and has come up with options that could improve schools through the £200 million or thereabouts that will become available when the next tranche of money comes from the Scottish Executive. However, the council did not produce a plan and then consult on it; if it had done so, everybody would be in uproar. Instead, sensibly, the council produced options and has consulted on them.

One of the options that the council has produced is for the closure of Carronhill School. So far, there has been zero response to the consultation from people who want the school to be closed—everybody wants to keep it open, as far as I can see. No one backs the option to close the school. Indeed, one of the options now is to upgrade and refurbish the school. That option was not on the cards originally; it is a reaction from Aberdeenshire Council. I whole-heartedly support the option to refurbish and upgrade the school and not to close it.

The petition points out what I consider to be a loophole in the legislation in relation to closing schools. The convener mentioned that the minister does not want a presumption against closing rural schools, but we are not talking about a rural school—Carronhill is a special needs school in the town of Stonehaven. The petitioner points out a loophole in relation to the closure of special needs schools—normally, school closures have to be referred to the Scottish Executive. That is an important issue that must be addressed.

The Convener: For clarity, I point out that I referred to rural schools in connection with PE725 and PE753, which were specifically about rural schools, but which led us to consider the guidelines, which affect special needs schools, rural schools and all other categories of schools.

Petition PE853 is about a special educational needs school. Mike Rumbles's comments caused me a bit of confusion. He said that he had concerns because there had been no consultation, but he then said that there had been no support for the proposal in the consultation.

Mike Rumbles: No. People have criticised consultations in the past because a council or health board has come up with a plan and then consulted on it. Aberdeenshire Council came up with a variety of options—A to E—and put them out for consultation. I support that, but there is a reasonable fear among the parents and the population of Stonehaven that the plan is to close Carronhill School. However, there is no plan to close Carronhill School; that is just one of the options. The idea behind that option is that money could be invested in special units in other local schools. The local community is completely against that, but it is just one option. What I am trying to say is that the result of the first tranche of consultation has shown that nobody supports the closure of the school. I find it inconceivable that the council would choose that option, having consulted and found nobody in support of it.

Mike Watson: You said that various options have been offered. Is the status quo one of those options?

Mike Rumbles: No. There is nothing wrong with the school's structure, but it needs to be refurbished. As a result, one of the options is to keep the whole school estate where it is and to refurbish it. I have to say that that was not one of the original options; it came about as a result of the first part of the consultation, which showed that there was no support for the option to build special units in local schools.

Mike Watson: And I presume that, although the school is in Stonehaven, pupils from a much wider area attend it.

Mike Rumbles: Indeed they do.

Mike Watson: If the school were to be closed, what would be the nearest available school for the parents of those children?

Mike Rumbles: The other option is St Andrew's school in Inverurie. However, as it is in the same education authority area, I suppose that we could say that it is also under threat. In my view, there is no real option for the parents and children of Carronhill School other than to keep and refurbish it—which, as I have said, is one of the options.

Mike Watson: If St Andrew's school closes, what would be the option for the Aberdeenshire area?

Mike Rumbles: The difference between St Andrew's school, which is in Nora Radcliffe's constituency, and Carronhill School is that St Andrew's real estate is just not up to scratch. Basically, it needs to be demolished and rebuilt somewhere. Options face all sorts of Aberdeenshire schools, including these two special needs schools. However, closing Carronhill School would leave the parents and children there with no facility.

Mike Watson: So is Aberdeenshire Council proposing to send the children into mainstream education?

Mike Rumbles: You must remember that this is an option, not a proposal.

Mike Watson: Well—

Mike Rumbles: No, but seriously—

Mike Watson: If the status quo is not an option, there must be something else.

Mike Rumbles: The other option is to build special units that are attached to mainstream schools.

The Convener: Before I bring in Jackie Baillie, I should point out that we are here to discuss the petition, not to interrogate Mike Rumbles.

Mike Rumbles: I am just here to support the petition.

The Convener: I should also point out that we have to be careful here. After all, we do not judge a local authority's decisions. Mike Rumbles has told us that there is an on-going process that will allow the parents and the rest of the local community who are involved in Carronhill to have their say. It would be wrong of us to begin to examine that issue. Instead, we have to consider whether there is a problem with the consultation or the guidelines. We are focusing on generalities not on the specific question whether this or that school should or should not close.

Does that leave you anything to ask, Jackie?

Jackie Baillie: That leaves me lots to say, convener. You cannot shut me up quite so easily.

This process, which is going on to different degrees in different local authorities, should take into account a number of ingredients such as the structure of any given building, the projection of population or future need and educational advantage. I am keen to know whether any of those elements is taken into account in the range of options that Aberdeenshire Council—or, indeed, any council—places before parents. Secondly,

would it offer any comfort to Mike Rumbles's constituents not just at the school under discussion but across the entire patch to know that ministers take into consideration any school whose roll exceeds 80 per cent of its capacity? Indeed, does the example that you have used to illustrate the whole give such comfort?

Mike Rumbles: Aberdeenshire Council's consultation, which is on the whole plan for Aberdeenshire schools, has focused on this matter, particularly in my constituency, because it is the big issue there.

I agree that many issues have to be taken into account. Carronhill School and St Andrew's school in Inverurie are both special needs schools. However, it has been recognised that the St Andrew's school building is not up to scratch and must be replaced. The idea is perhaps to get rid of it and to attach special units to mainstream schools instead. The same option has been suggested for Carronhill, but there is nothing wrong with the building. That has led to another option, which I support, of upgrading the school itself.

However, you are right to say that the council has to take a wide range of issues into account. It knows that it is responsible not only for using public money well but for educating its children properly, and I realise that it has to consider all the available options. I come back to the point that the council is consulting not on a particular plan but on a series of options.

We have to recognise parents' genuine concern about the presumption in favour of mainstream education for special needs children. The worry is that there are kids with severe special needs in Carronhill School. Having seen that school for myself and talked to the parents and children, I am convinced that moving them all into special units attached to mainstream schools would not work.

11:15

Jackie Baillie: I do not think that that is the Executive's policy; such measures are proposed only when they are suitable for the child. However, let us not debate that here. Does the specific point that I made about schools that are at 80 per cent capacity offer any comfort in this situation?

Mike Rumbles: I do not think that the school is at 80 per cent capacity. I do not want to mislead the committee because I do not have that information, but the attractions of Carronhill School include the site, the facilities and the classrooms. It is probably not at capacity, although I am not sure about that.

Ms White: As I said at the beginning of the meeting, I think that the kids and their parents

should have given us evidence. Mike Rumbles is right—the problem is not just with this school. The petition calls on the Scottish Parliament to look at the

“facilities and services for children with special needs”.

It does not ask for that to be done for Carronhill School and it is the general point that what we are debating today.

The Convener: So why did we need to hear from a specific school to understand that?

Ms White: Specific people lodged the petition, but it does not ask for action to be taken on Carronhill School. I do not want to labour that point, but I raised the matter at the beginning of the meeting because it concerned me.

Had the parents been invited to give evidence, we might have found out from them whether the school was at 80 per cent capacity. It is a shame that we did not do that. However, we have to look at the bigger picture, which is not just about Carronhill School; it is about children with special needs being put into mainstream schooling. Mike Rumbles is absolutely right to look at the petition in light of the whole education system.

I understand the guidance that is set out in the Standards in Scotland's Schools etc Act 2000, which mentions children with learning difficulties. The three exceptions to the presumption of mainstream education are where it

“would not be suited to the ability or aptitude of a child;”

where it

“would be incompatible with the provision of efficient education for the children with whom the child would be educated;”

and where it

“would result in unreasonable public expenditure being incurred”.

That last exception comes back to money. I would like the petition to be referred to the Education Committee because that committee is reviewing education provision. The petition is about children with learning difficulties being mainstreamed in school and deals with a bigger ball-game than just one school.

I am sorry that I did not ask you any questions, Mike.

The Convener: Mike Rumbles is not here to answer questions. Sandra, I could not agree with you more that the problem is general. The issue with which we are dealing is to do with whether the guidelines offer protection to communities for their schools and the services that are provided. We have guidelines on that, but if they are breached in this decision or if the criteria for permission to close schools are breached, that is something that

the Scottish Executive will have to look at; it is not for us to judge whether that has been the case. That is not the role of this committee. We have to ensure that the issues that are raised in the petition are properly addressed in terms of what we can do by asking the Executive or the Parliament to address them.

I was on the Equal Opportunities Committee when we looked at the Standards in Scotland's Schools etc Bill and we discussed mainstreaming. Mainstreaming was introduced for good reasons: far too many young people who could easily have gone into mainstream education were put into special educational needs schools. The bill moved the emphasis away from a presumption against a young person going into mainstream school towards ensuring that the young person's needs were taken into account and that they were supported in mainstream schools if possible. If that is not what is happening in this case, we have to find out whether the guidelines are tight enough to offer that type of protection. We have to write to the Scottish Executive.

John Scott: The petition calls on the Parliament

"to urge the Scottish Executive to introduce legislation requiring all proposals which relate to the closure or alteration of facilities and services for children with special needs to be referred to it".

We should write to the Executive and ask whether it has any plans to introduce such legislation. As far as I can see, it is unlikely that it will have such plans. It is important to manage expectations, because I do not think that the Executive will change its position readily or easily. The petitioner seeks a change to the existing legislation, and we have to address that point.

Jackie Baillie: I am happy with that. We should write to the Minister for Education and Young People, both to address that point and to establish whether the protection that the petitioner is evidently seeking exists. Secondly, we should write to Aberdeenshire Council to get its view. That will also draw the council's attention—if its attention needs to be drawn—to the fact that the petitioners are here today.

Ms White: I agree with that. I also wonder whether, if it is not too soon to do so, we should send the petition to the Education Committee, which has a review of schools in its future work programme. Alternatively, perhaps we should wait until we get responses to our letters.

The Convener: I think that we should wait for the responses so that we know exactly what we are sending to the Education Committee. When we send petitions to other committees, those committees are happier if we have a specific purpose behind doing that, rather than simply seeking a way for the petition to be addressed. If

we wait for the responses from the Executive and the local authority, we can then pass them to the Education Committee for consideration as part of its future work programme. We will ask the Executive whether it believes that the current guidelines are working or whether there is potential for new legislation.

John Scott: I have another question for Mike Rumbles. From the discussion that we have had, there seems to be no suggestion that Aberdeenshire Council is doing anything other than acting entirely properly. Is that right?

Mike Rumbles: That is correct. In my view, the process is absolutely correct. As I said earlier, the council did not produce a plan and say, "Let's consult on it." It did things the other way round. It said, "Here are the options that are before us. Let's consult on them." Obviously, one of the options was to close the school, and that obviously upset the parents because it is a very good school. I emphasise the fact that none of the responses to the consultation supported the school's closure. As far as I am concerned, Aberdeenshire Council is behaving in absolutely the correct way.

The Convener: Do members agree that we should write to the Executive and Aberdeenshire Council?

Members indicated agreement.

The Convener: I apologise to David Davidson. When he joined us, we were already concluding our discussion.

Roads, Pavements and Footpaths (Maintenance) (PE855)

The Convener: Our next petition is PE855, which has been lodged by Leslie Morrison on behalf of Kirkside area residents. It calls on the Scottish Parliament

"to urge the Scottish Executive to review the performance of all local authorities in Scotland in respect of maintaining and repairing roads, pavements and footpaths."

The vast majority of Scotland's roads are managed and maintained by Scotland's 32 local authorities. The Transport (Scotland) Bill seeks to create a Scottish road works commissioner to improve and monitor national performance on road works. Stage 2 concluded on 10 May 2005 and stage 3 will take place next Wednesday. Do members have suggestions on how we should deal with the petition?

Maureen Macmillan has just joined us. Maureen, we have just started to consider PE855. If you have anything to point out to us, we are more than happy to hear it.

Maureen Macmillan (Highlands and Islands)

(Lab): Thank you. I have just rushed in from the Environment and Rural Development Committee meeting.

I speak in support of PE855. I have been to the Kirkside area to look at the state of the roads, pavements and pathways there. Their condition is depressing for the community. I hope that the committee has some of the photographs that have been taken. People sometimes have difficulty in getting to their houses because of huge puddles. That situation is symptomatic of the state of many local roads in towns and villages and in some parts of the countryside. As the petition requests, we should ask the Executive to review the state of local roads so that something can be done to address the needs of such communities. I hope that the committee will look favourably on the petition.

Mike Watson: I suggest that we give Maureen Macmillan the chance to read the response that all members of the committee have received from Highland Council this morning, which is interesting. I am sorry—the response is from one of the councillors in the area rather than from the council itself. The councillor seems to be suggesting that most of the work has been done or is in the frame to be done. She says that budgetary restrictions are an issue, not just in that part of the Highland Council area. On first reading, that response does not seem unreasonable—provided that the information is correct, of course.

The Convener: The Local Government and Transport Committee, of which I am a member, has given extensive consideration to the matter. The Transport (Scotland) Bill will set up the Scottish road works commissioner, who will have the role of ensuring that there is good co-ordination on the amount of work that is required, that proper records are kept of that and that the standard of roads is maintained. There is a wider issue about the upkeep of roads and the amount of money that is available to local authorities to maintain the roads to a proper standard. I think that that is especially the case in rural areas, although John Scott will know more about that.

John Scott: It is not specifically a rural problem. From the potholes that I drive over, I think that it is as big a problem in urban areas as it is in rural areas. The petition asks us to consider the generality of the problem. There is a road maintenance backlog that local authorities throughout Scotland are failing to cope with. I would not necessarily say that that was their fault, as the money is simply not available. It is well documented that the roads are deteriorating faster than they can be maintained. I am sure that the Executive must be aware of that issue, but we might wish to heighten its awareness of it.

The Convener: The information that I have been able to glean from the petition has been useful to my consideration of the Transport (Scotland) Bill. It might be helpful if we sent the petition to members of the Local Government and Transport Committee for their information because it raises many of the issues that we have sought to address in the bill.

Now that Maureen Macmillan has had a chance to read the letter, I invite her to comment on it.

Maureen Macmillan: I knew that money had been earmarked for work to remove the cobblestones, but the last time that I spoke to the residents there was no word about any resurfacing being done. I am pleased that some resurfacing will be done, although I suspect that the £15,000 that has been allocated will be enough only for patching and for dealing with the worst puddles. Such roads need serious investment.

The community in Alness has gone through bad times, but it is pulling itself up successfully. The fact that its environment is in such a poor condition makes it more difficult for the people to feel proud of their village. Given that Alness has won both the Scotland in bloom and the Britain in bloom competitions many times, they have a lot to be proud of. The residents are working hard to achieve a good environment, but they feel that the condition of the roads constantly detracts from their efforts and has road safety implications.

The Convener: It might be useful to get an overview of the situation from the Executive.

John Scott: We must be moving towards stage 3 of the Transport (Scotland) Bill. Uniformity of provision should be a consideration because the quality of roads can vary dramatically as one drives from one local authority area to another. I do not know whether it is a realistic aspiration for the commissioner to have a remit to establish a standard for road maintenance, but I am aware that local authorities have different problems in coping with road maintenance.

11:30

The Convener: Without going into too much detail, I note that that is exactly what the road works commissioner is intended to do. One problem has been that although utility companies must provide a record of their work on roads, local authorities do not need to. The bill was amended to ensure that local authorities, too, must give a record of work that has been done and show that it was to a proper standard, so that road maintenance is as uniform as possible. It will be for the road works commissioner to ensure such uniformity. A standard that is set in one local authority area must be pursued in all 32 local authority areas. I hope that the bill will address the issues that the petition raises.

We need to obtain the Scottish Executive's overall view of the current condition. I know that the Society of Chief Officers of Transportation in Scotland has produced reports and it might be useful to ask the society for a perspective on the issues that the petition raises.

John Scott: Will the Convention of Scottish Local Authorities share its views with us?

The Convener: Why not? We will obtain COSLA's perspective. Is that okay?

Members indicated agreement.

Maureen Macmillan: Thank you, convener.

Mordechai Vanunu (PE864)

The Convener: Petition PE864 by Mick Napier calls on the Scottish Parliament to congratulate Mordechai Vanunu on his election as the 119th rector of the University of Glasgow on a platform of support for Palestinian human rights and opposition to all weapons of mass destruction in the middle east and to call on the British Government to exert pressure on Israel to release Mr Vanunu to allow him to visit Scotland and perform his duties as the democratically elected student rector at the University of Glasgow.

Before being lodged, the petition was hosted on the e-petition site, where it gathered 1,045 signatures. The usual e-petition briefing has been circulated for members' information.

Mordechai Vanunu was jailed in Israel in 1986 for 18 years. He was released from prison on 21 April 2004, with restrictions placed on him, including bans on travel outside the country and on discussing nuclear secrets. In April 2005, Israel extended the travel ban on Vanunu for another year, which means that he cannot leave Israel until at least 19 April 2006. In December 2004, the University of Glasgow elected Mr Vanunu as rector. Students said that they voted for him to show their support for human rights and opposition to nuclear weapons.

Do members have any ideas about what we can do with the petition?

Ms White: I signed the petition and various relevant motions. I support fully the university students and congratulate them on doing what they did. Four or five debates have taken place on the subject, which has been well covered. The students had the support of most people who spoke. The petition has served its purpose and should be closed. We have all been made aware of the situation.

Mike Watson: I agree with Sandra White. The six motions that members have lodged on the subject have been supported by a broad spread of members from most parties. Only the

Conservative party's members have not supported at least one motion. A clear majority in the Parliament is for the view that the petition expresses. We cannot do much else. I am very much in favour of the petition's sentiments, but the Parliament's view has been clearly stated in motions, to which we can add not much else.

The Convener: I am not unhappy about petitions being lodged to raise the profile of an issue. If that was the petitioner's intention, he has achieved it. I congratulate him on the petition, which we will close, if members are agreed.

Members indicated agreement.

Community Sports Clubs (PE868)

The Convener: The last new petition is PE868, by Ronald M Sutherland, who calls on the Scottish Parliament to urge the Scottish Executive to introduce legislation to create a right to buy for member-based community sports clubs that occupy or use land and/or premises for recreational or sports purposes. Before being formally lodged, the petition was hosted on the e-petition website, where it gathered 65 signatures. The usual e-petition briefing has been circulated.

Sportscotland estimates that there are currently more than 15,000 sports clubs in Scotland, with over a million people having sports club membership. The petitioner points out that many member-based community sports clubs and similar groups do not own the facilities or accommodation that they use and that the tenure is often informal, insecure and unreliable. That acts as a disincentive to long-term planning and the development of facilities and it affects the ability to obtain or attract funding.

Mike Watson: As members will have noticed, my motion on the subject is mentioned in the accompanying paperwork. Mr Sutherland has been very supportive of the motion and we have been in contact about the matter. However, I have not been in contact with him on the particular issue that has been raised. I am not absolutely sure that the petition's proposal is feasible. I understand the sentiment behind it and I hope that we can achieve what is suggested, although I would like to get the opinion of various bodies on the feasibility of that.

The Convener: Do you suggest that we seek opinions on the proposal?

Mike Watson: The Executive would have to become involved, as a change to the existing legislation would be required. Sportscotland and the National Playing Fields Association Scotland have a view on the loss or potential loss of sports facilities and I think that we should write to them. By definition, the facilities do not belong to local

authorities, but it might also be useful to write to COSLA and seek its view.

Ms White: I entirely agree with Mike Watson. Members will recall our consideration of a petition from Bill Mann. Glasgow City Council has changed its rules and regulations regarding charitable status for sports clubs. The requirements have been lowered for those who are willing to put their facilities back into the community. COSLA could provide some helpful information on that. That might not be exactly what Mr Sutherland wants, but it provides another way of ensuring that sports clubs are kept in the community.

The Convener: Are members happy that we should write to those organisations?

Members *indicated agreement.*

Current Petitions

Solvent Abuse (PE580)

11:37

The Convener: Agenda item 2 is current petitions. Petition PE580 calls on the Scottish Parliament to recognise the serious problems connected with solvent abuse in Scotland and to introduce preventive safety measures to help to combat it. The petitioner, Mr John O'Brien, has provided further material, including an update on the progress of the Lee O'Brien Solvent Trust—LOST. That material has been circulated to members. The committee had hoped to hear from John MacDougall MP today. Regrettably, due to his commitments at Westminster, he is not able to join us, but it is hoped that we will hear from him after the summer recess. Do members therefore agree to defer consideration of the petition until Mr MacDougall is available?

Members *indicated agreement.*

Criminal Memoirs (Publication for Profit) (PE504)

The Convener: Petition PE504 calls on the Scottish Parliament to take the necessary steps to stop convicted murderers or members of their families profiting from their crimes by selling accounts of those crimes for publication.

At its meeting on 5 October 2004, the committee noted a response from the Minister for Justice, who stated:

“the Home Office has not reached a stage where it has firm proposals to prevent convicted criminals profiting from their crimes on which to consult.”

The Home Office response states:

“I can confirm that no consultation on preventing criminals publishing accounts of their crimes has taken place. We will keep the Scottish Executive informed of developments in this area after the forthcoming general election.”

We are now the other side of that election. What do members think we should now do with the petition?

Jackie Baillie: I am genuinely concerned about the matter. This will be the 10th time that we have considered it. It feels like we are just being dangled along. I accept that the petition raises a complex area of legislation, but I think that we need a definitive timetable. We have now had the general election. Could we write to the appropriate ministers to get a clear view on the matter? The issue has been dragging on for some time.

Ms White: I share Jackie Baillie's concern about how time has dragged on and about the Home

Office letter that said that we did not get a reply before because the Home Office had not received our letter. Perhaps we could get clarification on that.

Basically, justice is devolved to the Scottish Parliament. I am not suggesting that we threaten anyone, in legal terms or in a letter, but if justice is a devolved issue and the Home Office is not going to act, we could perhaps consider what the Scottish Parliament might do on its own without waiting for a reply from the Home Office. Mr and Mrs Watson have suffered terribly, as have others. The note that we received from them today says that they are fed up and depressed that there is no movement on the issue. It is imperative that we get a letter back from the Home Office saying when it will introduce legislation. If the Home Office will not introduce it, perhaps it is time for the Scottish Parliament—though not the Public Petitions Committee—to have a look at the matter and consider legislating on it. The issue has been dragging on for far too long and people are suffering all the time.

The Convener: My main concern is that, as Jackie Baillie and Sandra White have pointed out, the delay is not helping anyone. We must get some clarification on whether the Home Office is going to move on the issue and when. To me, that is fundamentally important.

I take a different view from that expressed by Sandra White, as I think that it would be problematic for the Scottish Parliament to legislate in this area. If someone was convicted of an offence in Glasgow and was jailed in Glasgow but then moved to London, how could we prevent them from printing their memoirs if the legislation applied only in Scotland? The issue is complex. Before we get into those complexities, we must receive an answer from the Home Office about what it intends to do. If it tells us that it is not going to do anything, we can then consider whether something practical could be done in Scotland to address the concerns that Mr and Mrs Watson have rightly raised. They are concerned about the potential for people to profit from their crimes, which is something that we should all abhor.

Nevertheless, we must consider the practicalities. The starting point has to be the Home Office. We must chase the matter up. I am prepared to do that—I will write in the strongest terms that we expect a definitive response from the Home Office, as the prevarication is no longer acceptable.

Mike Watson: I agree. The minister in whose name that letter was signed on 15 April has now moved on, but that should not affect the issue. I believe that we should follow the matter up as you suggest.

I am also concerned about the additional paperwork that we have received this morning. Mr and Mrs Watson have attempted to use the Freedom of Information Act 2000 to get clarification from the Home Office on what has been discussed regarding the issue, but their request has been refused. I understand that, if someone's request for information is refused, they can approach the information commissioner to rule on the matter. I hope that Mr and Mrs Watson will do that. They have taken on enough of a burden in writing the letters that they have already written, but I hope that they will contact the commissioner, as they have been very effective in their campaign. The defence that is given by the Home Office is—as in the previous letter—extremely weak.

The Convener: We must push a lot harder on the matter and I am prepared to write to the Home Office in strong terms. I agree with Mike Watson that we should encourage Mr and Mrs Watson as much as we can to achieve the ends of their campaign.

John Scott: Sandra White suggested that we produce Scottish legislation on the issue. Would that be within the competency of the Parliament?

The Convener: It would be.

John Scott: Although it might not necessarily be effective.

The Convener: That is my concern. I think that, from a practical point of view, it would be very difficult to have effective legislation that covered Scotland only. The person might reside in Scotland, but they could choose a London-based publisher. How could we prevent that? There are all sorts of complexities.

Ms White: As we all know, things have been happening at Westminster that affect Scotland, involving Sewel motions. Perhaps if we went it alone and legislated on the matter, we could do a U-turn Sewel motion and Westminster could accept our legislation. The fact that the legislation came from Scotland would not mean that it could not affect other parts of the United Kingdom or that Westminster could not effectively adopt it. If there is no movement on the issue, people—including Mr and Mrs Watson—may look at that option and approach MSPs about it. There is a possibility that it could happen.

The Convener: They would be at liberty to do that but, as I say, that is for a later debate. The issue at the moment is what the Home Office is doing. We must identify that first; we can perhaps have the other debate later.

Are members agreed that we should take the suggested action?

Members indicated agreement.

Detoxification Clinics (Legislation) (PE585)

11:45

The Convener: Petition PE585 calls on the Scottish Parliament to review and revise legislation in order to clarify and establish the mechanisms and powers of control that regulate the siting of heroin and methadone detoxification clinics.

At its meeting on 24 November 2004, the committee noted the length of time that had elapsed since its first correspondence with the Executive on the petition, which was in January 2003. We agreed to write to the Minister for Communities seeking an indication as to when the Executive is likely to progress the matter. A response has been received from the minister and circulated to members. If we are satisfied with the response, however belated it is, are we agreed to close the petition?

Members *indicated agreement.*

Ambulatory Oxygen and Pulmonary Rehabilitation (PE648)

The Convener: Petition PE648 is on the provision of portable oxygen. The petitioner calls on the Scottish Parliament to take the necessary steps to ensure that the national health service in Scotland provides truly portable oxygen and pulmonary rehabilitation classes throughout the country.

At its meeting on 24 November 2004, the committee considered a further response from the Scottish Executive and agreed to the petitioner's request for more time in which to comment on the Executive's original response of December 2003. The response has now been received and circulated to members.

John Scott: I am concerned that the devices that the minister promised would be made available on the NHS in October 2003 have not yet been made available. We should ask the minister why that is the case.

Jackie Baillie: The petitioner has raised a number of issues in his letter. In addition to John Scott's suggestion, we should pass the letter to the Executive and seek its comments on the outstanding matters.

The Convener: Is that agreed?

Members *indicated agreement.*

Sewage Sludge (PE749)

The Convener: Petition PE749 was submitted by Geoffrey Kolbe, on behalf of Newcastleton and district community council. The petitioner calls on

the Scottish Parliament to seek a moratorium on the spreading of sewage sludge pending a full inquiry by a parliamentary committee into the safety of the practice. The petition also calls on the Parliament—depending on the outcome of the inquiry—as a minimum to initiate legislation at the earliest opportunity to discontinue the current exemptions for spreading sewage sludge and to ensure that the practice is subject to planning control, including a public local inquiry.

At its meeting on 16 March, the committee agreed to write to Scottish Water and the Scottish Executive and to pass the petition to the Environment and Rural Development Committee for information. The responses have been received and circulated to members.

Ms White: The petition raises serious issues, which we dealt with very well the last time that we considered them. We should pass the responses to the petitioner and ask him for his views on the contents.

John Scott: I agree that we should do that in the first instance, but we may need to end up sending the petition to the Environment and Rural Development Committee. Although I have every sympathy with the petitioner and Newcastleton and district community council, the enormous issue remains how to dispose of sewage sludge. I do not always have the greatest sympathy with Scottish Water, but it has nonetheless been left holding the baby. There is a problem and no one is giving Scottish Water any help in solving it.

The Scottish Environment Protection Agency's response is something of a cop-out and yet it is the regulatory body. I am not entirely certain that the minister's response is hugely helpful, either. SEPA is left with the problem of disposing of the material, yet the avenues by which it can do so are being closed down. A full-scale inquiry by the Environment and Rural Development Committee may be needed at the very least. The problem is not going to go away. Indeed, it will get worse the more that the avenues that are open to Scottish Water to dispose of the sludge are closed down.

The Convener: Chris Ballance has joined us to talk about the issue.

Chris Ballance (South of Scotland) (Green): I support what John Scott has just said. The problem is extremely big and we will have to deal with it at some point. There is a great deal of cross-party concern about the issue, not only in Newcastleton but in other areas across Scotland. We have a situation in which there are no planning controls over the dumping, SEPA is not doing any testing, there are no controls as to the depths at which the sewage is dumped or the amount of sewage that is dumped and there are no controls about the testing of underground water. The issue

is important because we cannot reduce the amount of sewage that we produce. We have no solutions at the moment and it is important that someone in the Parliament should consider the matter and try to come up with a sensible, long-term solution. The problem will not go away by itself.

The Convener: One of the biggest issues that the Public Petitions Committee dealt with in the first session of Parliament was what was happening at Blairingone, where things were being put on fields that should not have been put there. It took an inquiry to get that problem resolved. Perhaps we need to replicate that.

John Scott: I would not suggest that we replicate that work. I was on the Public Petitions Committee when that inquiry was undertaken—by Andy Kerr, I believe—and can tell you that it related to a completely different issue. That case involved animal parts and blood—a headline along the lines of “Blood and Guts at Blairingone” seems to stick in my mind—whereas PE749 deals with sewage sludge, which is a treated product. It is apparently being disposed of reasonably, but, not unreasonably, communities do not want it disposed of in their back yard. That is the issue that needs to be addressed.

The Convener: How can we best do that? Should we take Sandra White’s suggestion that we write to the petitioner and get his views?

Ms White: The petition was sent to the Minister for Environment and Rural Development in March 2005. I would be quite happy for us to send it to the Environment and Rural Development Committee and to allow the petitioner to comment on it. This is a big issue and it has to go to the Environment and Rural Development Committee eventually.

John Scott: I would not take a hard-and-fast line on which committee the petition should be sent to. It might be more appropriate for another committee to address the issue.

Ms White: That was mentioned before, but the petition did not go anywhere because we were asking the petitioner for his thoughts.

The Convener: We could still ask the petitioner for his thoughts, which would be added to anything that we send on to the committee. I am asking whether now is the appropriate time to send the petition to the committee, since we have received answers from various bodies.

John Scott: I think that it is. If others are so minded, I would be happy to propose that.

Ms White: I second John Scott’s suggestion.

The Convener: Do we agree to do that and to seek the views of the petitioner as well?

Members indicated agreement.

Sub-post Office Closures (PE764)

The Convener: Petition PE764 is from Margaret Tait, on behalf of the Stoneybank Tenants and Residents Association in Musselburgh. It calls on the Scottish Parliament to request that the Post Office consider sympathetically the needs and requirements of disabled and elderly persons who, in urban areas in Scotland, would be expected to walk substantial distances, sometimes in excess of two miles, as a result of the closure of certain sub-post offices.

At its meeting on 2 March 2005, the committee considered responses from Postwatch Scotland, the Royal Mail, the Scottish Executive, the Disability Rights Commission, Help the Aged and Age Concern and agreed to write again to the Scottish Executive. A response has been received from the Executive and has been circulated to members.

Mike Watson: The response is helpful and quite revealing, but I have to say that it does not deal with the main issue. It deals specifically with post offices that are in deprived urban areas, which is helpful as far as it goes, but it does not go far enough. I noticed that the fund to develop post offices in deprived areas is now closed but that only three quarters of the resources that were set aside have been allocated, which means that there is some residue. The response also says that the Executive will

“shortly discuss the future of the fund”.

It might be that the fund will be reconstituted, which would be welcome. However, the letter does not really address the more general issue. We need an answer from the Executive. I suspect that the answer will be, “It’s not our responsibility; it is up to the Post Office to decide these issues.” However, the Executive does not even say that. The letter is helpful, but only as far as it goes.

John Scott: I support Mike Watson’s suggestion of writing to the Executive. If there is money left in the fund, we should ask whether the fund is going to be extended. I do not know whether Musselburgh would have fallen into the deprivation index category anyway. Do we know whether Musselburgh has applied to the fund, or would it have been ineligible? In addition, the fund is available to post offices in the 20 per cent most deprived areas, but does the Executive plan to increase that figure by another 5 percentage points or to take it up to 30 per cent? That would have an impact on keeping local post offices in local communities.

The Convener: We could get clarification on that point and see whether there is scope to extend eligibility for the fund.

Mike Watson: The Executive states in its response that it will discuss that.

I want to raise another issue. The petition refers to walking distances sometimes being in excess of two miles. I do not know Musselburgh and I do not know what the Stoneybank area is like, but I would have thought that Musselburgh was big enough to be described as an urban area. In one of its responses, the Post Office states:

"our own aim at the end of the Network Reinvention programme is that 95% of the urban population, nationally, will live within one mile of their nearest Post Office branch."

Are we being told that that part of Musselburgh falls within the other 5 per cent? That is not clear to me. We should ask the Post Office to clarify what the 5 per cent area is and whether Musselburgh falls within it. I suppose that, if the aim is to cover 95 per cent, someone will be in the 5 per cent and they will be told, "Tough luck."

The Convener: We can ask that legitimate question. We will get the two points clarified and keep the petition open until we have received responses. Is that agreed?

Members indicated agreement.

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

The Convener: Petition PE798, by Margaret Scott, calls on the Scottish Parliament to urge the Scottish Executive to resolve the current critical problems in the provision of wheelchairs and specialist seating services within the national health service by both an immediate increase in funding and through a review that, in consultation with users, will address minimum standards, the scope of equipment provided and the delivery of services.

At its meeting on 19 January 2005, the committee agreed to write to the Minister for Health and Community Care, the Minister for Communities and the Royal Incorporation of Architects in Scotland; we also agreed to pass copies of the petition to the Equal Opportunities Committee and the Health Committee for information only. Responses have been received and members have had a chance to look at them. Are there any comments?

Ms White: I am not happy with some of the comments, particularly the response from the Minister for Enterprise and Lifelong Learning, who basically says that higher education institutes are autonomous bodies. Everybody seems to pass the buck and nobody takes responsibility. We are talking about forthcoming legislation regarding disabilities and wheelchair users. Perhaps we should look to the Disability Rights Commission for its view on the responses that we have received, because some of them pass the buck to other people.

John Scott: I do not always find myself agreeing with Sandra White, but I agree with her in this case. The responses are anodyne at best. I trained as a civil engineer and did a joint first-year course in architecture all of 30 years ago—even then, the university that I was at provided training on the needs of wheelchair users. I am certain that such training will be given to architecture students today, but perhaps I am wrong. It is important to get the views of the Disability Rights Commission.

Ms White: And of the petitioners.

The Convener: There would be no harm in that.

Treason Law (PE782)

The Convener: Our last current petition is PE782, by Mark Colquhoun, which calls on the Scottish Parliament to take a view on modernising the treason law in the United Kingdom, to consider that the recommendations of the Law Commission for England and Wales in 1977 on the reform of the law in that area have never been implemented and to make representations to the UK Parliament on the issue as appropriate.

At its meeting on 2 February 2005, the committee agreed to invite the Scottish Executive, the Scottish Law Commission and the petitioner to comment on a response from the Law Commission for England and Wales. Responses have been received and members have had a chance to look at them. I would welcome comments.

Jackie Baillie: It is clear that the Scottish Law Commission agrees with its counterparts in England on the reasons for the earlier non-implementation of the proposals and for their non-implementation now. On the basis that there does not seem to be huge demand to implement the recommendations from any quarter other than the petitioner, I suggest that we close the petition.

The Convener: Are members happy with that?

Members indicated agreement.

The Convener: That concludes our business this morning. Thank you for your attendance.

Meeting closed at 12:01.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Monday 4 July 2005

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop
53 South Bridge
Edinburgh EH1 1YS
0131 622 8222

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

RNID Typetalk calls welcome on
18001 0131 348 5412
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers

Printed in Scotland by Astron