

PUBLIC PETITIONS COMMITTEE

Tuesday 28 June 2005

Session 2

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PUBLIC PETITIONS COMMITTEE

12th 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 :

Bill Alexander

Richard Baker (North East Scotland) (Lab)

Mrs Margaret Ewing (Moray) (SNP)

Trish Godman (West Renfrewshire) (Lab)

Fiona Hyslop (Lothians) (SNP)

Alex Johnstone (North East Scotland) (Con)

Richard Lochhead (North East Scotland) (SNP)

Margo MacDonald (Lothians) (Ind)

Helene MacLean (Scottish Post Polio Network)

Malcolm Macnicol (Scottish Post Polio Network)

Mr Mark Ruskell (Mid Scotland and Fife) (Green)

Agnes Walker (Scottish Post Polio Network)

Councillor Andrew White (West Dunbartonshire Council)

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 28 June 2005

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

The Convener (Michael McMahon): Good morning and welcome to the 12th meeting in 2005 of the Public Petitions Committee. I have received apologies from Campbell Martin, John Farquhar Munro and Sandra White. Rob Gibson is here as a committee substitute for Sandra White; I welcome him to the committee.

At the start of last week's meeting, we had a discussion about calling people to give evidence to the committee. I remind committee members that criteria were set when we discussed the matter on 31 March 2004. It is not practical to invite all petitioners, so there is a need to select the petitions on which it would be most useful to hear from petitioners. The criteria for that are based on a number of factors, including the newness of the petition and the interest in it.

Members will have noticed from the e-mail traffic and some letters that have been written recently that there is disappointment that petitioners are not being called to give evidence on certain issues. The last consideration in deciding which petitioners should be called to give oral evidence is whether a lot of MSPs are interested in it and want to grandstand or get a press release out. I believe that a petition that comes with one name is as important as one that comes with 20,000 names. What is important is the issue, not the scale of the support shown by local communities or whomever else. We must focus on the issue. I hope that members will bear that in mind.

It is sometimes a tough choice for me to decide which petitioners to ask to give oral evidence, but I try to make the decision on as fair a basis as possible and to give organisations that might not otherwise come before the committee the opportunity to do so. We have conducted audits of the types of organisations that have come to the committee. We must bear in mind a whole host of considerations. For every organisation that is called, one or two may not be called. We must be as fair and honest with people as we can be. Considerations such as the petitioner who shouts the loudest or who gains the most support from MSPs who can shout on their behalf are not the best criteria on which to select who should come to give oral evidence. We must focus on the issue.

As I said, the committee has discussed the matter previously. We agreed our approach and I hope that we can move forward on that basis and

that members do not continually come to the committee looking to have a debate about why one petition was chosen over another as suitable for oral evidence giving. The decision is often difficult.

Members may raise issues with me before meetings, but once we are at a committee meeting I hope that they will have understood the explanations of why a petitioner was given the opportunity to give oral evidence. That often comes down to the fact that their petition is new and we have never discussed the matter before; conversely, someone else's petition, although it is new to them, might not raise a new issue for the committee, as the subject might be one that we have already looked into. I do not see why petitioners who are raising issues that have already been considered should take up the time of petitioners who are raising other issues with us. I hope that that clarifies the matter for the members who have concerns about the selection process.

New Petitions

Erskine Bridge (Tolls) (PE869)

10:07

The Convener: Our first new petition this morning is PE869, by Councillor Andrew White, which calls on the Scottish Parliament to require the Scottish Executive to remove the tolls from the Erskine bridge. Councillor White is here to make a brief statement to the committee, after which we will discuss the issue.

Councillor Andrew White (West Dunbartonshire Council): I thank the convener and the committee for receiving the petition and for allowing me to make a brief statement. The petition is a joint petition by me, as leader of West Dunbartonshire Council, and Councillor Jim Harkins, as leader of Renfrewshire Council. Unfortunately, Jim cannot be here this morning because the committee meeting clashes with his full council meeting.

As the committee will be aware, the Erskine Bridge Tolls Act 1968 introduced tolls on the Erskine bridge—the tolls started in 1971. We in West Dunbartonshire and people throughout the west of Scotland believe that the tolls are a burden to local people and an obstacle to the Scottish Executive achieving many of its policy objectives.

Bringing a petition to the committee is not a starting point in our campaign to have the tolls removed, as my council has been campaigning for their removal since 2001. We have lobbied all transport ministers and we have also written to the First Minister. We are disappointed with the response that we have received. The Scottish Executive has committed itself to a review of tolls and has published a consultation document, "Tolled Bridges Review - Phase Two Consultation", which asks 20 questions. Unfortunately, none of those questions asks whether the tolls on the Erskine bridge should be removed. Therefore, we do not believe that our concerns will be addressed by the review. That is why we feel that the Public Petitions Committee is an appropriate place to take the issue forward.

We believe that there are three main justifications for removing tolls on the Erskine bridge: social and economic reasons; transport and environmental reasons; and financial reasons. We believe that the abolition of tolls on the Erskine bridge is important to economic regeneration in our area. We believe that the tolls are a barrier that jobseekers face and that the bridge is the quickest way for West Dunbartonshire residents to get to the national motorway system. We believe that, if the tolls were scrapped, West

Dunbartonshire would be more attractive to businesses. We believe that the tolls are a deterrent to businesses locating in West Dunbartonshire and to local people seeking employment on the other side of the bridge from where they live. We estimate that, if the tolls were scrapped, 100 jobs could be gained. That would be 100 people with jobs who need them more than the Executive needs the tolls.

There is also the issue of access to health services. Unfortunately, because of centralisation of health services, a number of constituents in West Dunbartonshire have to access services in Paisley. Clearly, the tolls represent a barrier to the ability of residents in West Dunbartonshire to attend out-patient clinics regularly.

We believe that scrapping the tolls would bring transport and environmental benefits at a local and a regional level. The improved efficiency that would result from enabling vehicles to travel at constant speeds without slowing down and queueing will improve air quality around the bridge. In that regard, we do not think that the bridge should be considered in isolation from the Kingston bridge and the Clyde tunnel. All three river crossings are linked in terms of travel choice. The Glasgow crossings are operating beyond capacity, whereas the Erskine bridge is operating considerably under capacity. That imbalance can be addressed by removing the tolls, which would also help to relieve congestion.

The toll regime was established to pay for capital, administrative, maintenance and repair costs on the bridge until the capital cost was recovered. We believe that that purpose was met some time ago. We can see that, in 2003, income from the bridge was around £5.5 million and the 2000-01 accounts show a cumulative surplus of £13.75 million.

This issue affects not only West Dunbartonshire and Renfrew. The petition and the campaign to have the tolls removed from the Erskine bridge have the cross-party support of seven councils in the west of Scotland. That display of unity across party lines shows the strength of feeling that the tolls should be scrapped.

We believe that the Scottish Executive should not delay the decision any longer. We have been waiting for four years since the Erskine Bridge Tolls Act 2001 was passed. We believe that removing the tolls would be right and just and seek the Public Petitions Committee's support in that regard.

Jackie Baillie (Dumbarton) (Lab): It will come as no surprise to the committee that I am persuaded by the arguments that have been presented in favour of scrapping the tolls on the Erskine bridge, not least because the bridge is

wholly owned by the Executive, which means that it would be relatively easy for the tolls to be scrapped.

Councillor White makes the right point about the importance of scrapping the tolls to the economy and environment of the west of Scotland. The campaign has attracted support from local authorities, MSPs, chambers of commerce, local enterprise companies and the community.

As I am mindful of the fact that I should ask questions at this point, I will do so. Am I correct in my recollection that a recent survey that was undertaken by the Executive suggested that congestion on the Kingston bridge and in the Clyde tunnel accounted for £19 million in losses to businesses? Am I also correct in believing that, if that congestion were alleviated, that money would flow into those businesses? Do you think that the fact that we have a new Minister for Transport and Telecommunications will make any difference? Finally, the toll order expires on 1 July 2006. Do you think that there are earlier opportunities for the Executive to act?

10:15

Councillor White: A study was undertaken into the benefits of removing the tolls on the Erskine bridge and the effect that that could have on congestion on the Kingston bridge. Anybody who tries to use the Kingston bridge or the Clyde tunnel can see clearly that there is congestion.

One of our arguments is that the decision to scrap the tolls would not just affect West Dunbartonshire, but would have an effect on transport and environmental policy in line with the Scottish Executive's policy objectives. There is a debate about the removal of tolls on other bridges, but we can see a clear benefit in the relief of congestion.

The Minister for Transport and Telecommunications will be the third minister whom we have lobbied about the removal of tolls on the Erskine bridge. I am sure that there is a joke about three buses coming along at different times. We are making efforts to ensure that the new minister is lobbied about the matter. My point is that the tolls are more than just a transport issue, because their removal would have significant benefits to economic regeneration, to tourism and, of course, to transport and congestion relief. That is why we have also made representations to the First Minister, as agreed by seven west of Scotland council leaders.

We would like a decision as soon as possible. We have already said to the committee that we believe that 100 jobs could be created by the removal of the tolls. Unemployment is a significant issue in Renfrewshire and West Dunbartonshire

and the sooner that any measure is taken to bring employment to the area, the better. However, I am also aware that the toll order is up for renewal in June or July 2006. Perhaps that would be an appropriate time for the tolls to be removed, but, from our point of view, the sooner it happens, the better.

Mike Watson (Glasgow Cathcart) (Lab): Good morning. I admit to being open minded about the matter—I am here to be convinced of the case for ending the tolls on the Erskine bridge in isolation. You mentioned the economic impact of the tolls. What evidence is there that people in Dumbarton, for example, who want to go to Greenock or vice versa for work opportunities are either dissuaded or put off entirely from doing so because of the bridge tolls? Travelling by train into Glasgow and out again would cost more and take far longer. Moreover, I would think that it would cost at least 60p in petrol to drive through the Clyde tunnel. What evidence have you or your local authority put together about the economic disadvantage caused by the existence of the tolls on the Erskine bridge?

Councillor White: The council's economic development team worked with colleagues in Renfrewshire Council to look at the situation. Their work suggests that at least 100 jobs could be created. As well as that, we have worked with Scottish Enterprise Dunbartonshire, which is the key economic development agency in the area, and we have raised the matter with Jobcentre Plus. The West Dunbartonshire community planning partnership, which brings all those agencies together, supports our campaign to remove the tolls.

Anecdotal evidence and support from local communities suggest that, if the tolls were removed, more people would travel across the bridge. Because of the tolls, there are few transport links from our side of the river to Renfrewshire and beyond. That is worrying, given that the economic benefits of Glasgow airport are lost to our constituents. Instead, main transport links go through Glasgow rather than across the bridge. There would be benefit in trying to relieve the congestion problems and an already overstretched transport system that has to be directed through Glasgow.

Mike Watson: You are saying that 100 new jobs could be created if the bridge were toll free. The issue is not that the weekly £6.20 cost of crossing the bridge means that people north of the river are not accessing jobs in Greenock or that people south of the river are not accessing jobs in Dumbarton, Helensburgh or wherever.

Councillor White: Obviously, we have looked at the fact that the bridge tolls are a barrier to people in West Dunbartonshire accessing jobs on the other side of the river. I gave the example of

Glasgow airport, which is one of the largest employers in that area of the city. Moreover, from working with Scottish Enterprise Dunbartonshire and speaking to local employers and businesses that might want to locate in the area, we know that the tolls are a barrier to any decision that they might make in that respect and that the council area is losing potential new investors and jobs. As a result, our conclusion, which is supported by economic development experts in West Dunbartonshire Council and Renfrewshire Council, is that around 100 jobs are being lost to the area.

Mike Watson: You said that several local authorities have supported your case. Is Glasgow City Council one of them?

Councillor White: Glasgow would be the eighth council to support our case. Seven local authorities—West Dunbartonshire Council, Argyll and Bute Council, Renfrewshire Council, Inverclyde Council, East Dunbartonshire Council, North Lanarkshire Council and East Renfrewshire Council—supported the proposal to send a letter to the First Minister. The leader of Glasgow City Council at the time and Clyde valley partnership, which is chaired by the council, also supported the removal of the tolls and gave an assurance that the council would make representations to the First Minister on the matter.

Mike Watson: You have lobbied the former Minister for Transport and Glasgow City Council, so we will see what that brings. As I live in Glasgow, I am familiar with the pressure on the Kingston bridge. I also know that, although making the Erskine bridge toll free would take some pressure off that bridge, it would also send people through the north side of Glasgow along the Great Western Road, which is already congested. I am not asking you to comment on that concern for the city; I am simply highlighting what might happen if some traffic is unloaded off the Kingston bridge.

Councillor White: After looking at the matter with our colleagues, we believe that removing tolls on the Erskine bridge would relieve the pressure on some parts of Glasgow, such as the A82 around the Anniesland area, and ease traffic through Glasgow to the Kingston bridge and the Clyde tunnel. Glasgow will benefit from the measure, which is probably why Glasgow City Council has indicated its support for it.

Mike Watson: Finally, are you against bridge tolls in general or just the tolls on the Erskine bridge? Do you have a view on the tolls on the Tay and Forth bridges? Indeed, should phase 2 of the Executive's programme remove all tolls?

Councillor White: The toll situations on the Forth, Tay and Erskine bridges should be considered on their own merits. As an elected representative and leader of West Dunbartonshire

Council, I am addressing the issue of the Erskine bridge tolls. I know that there is a debate over whether removing the tolls on the Erskine bridge would address congestion issues and it has been suggested that it might not be possible to make such a case for the other bridges. However, I am not an expert on the matter—I will leave others to comment on it.

John Scott (Ayr) (Con): I have to say that Mike Watson has largely asked the questions that I wanted to ask.

Mike Watson: You always say that.

John Scott: I absolutely do not.

I did not catch the name of the institution that carried out the work from which you concluded that removing the tolls would create 100 jobs. Have there been any studies that show that removing the tolls would alleviate congestion problems in Glasgow city centre and, if so, who carried them out?

Councillor White: The work was carried out by experts in West Dunbartonshire Council's economic development division in consultation with Renfrewshire Council. In addition, Scottish Enterprise Dunbartonshire has consulted local businesses, which, as Jackie Baillie pointed out, have also made representations on the matter. Local businesses have supported the view that the removal of the tolls would bring jobs to the area. It was our economic development team that put the figure on the jobs that could be gained.

John Scott: Was it the same team that carried out the congestion studies?

Councillor White: Yes.

Helen Eadie (Dunfermline East) (Lab): Has the issue been raised with the Convention of Scottish Local Authorities?

Councillor White: It has been raised by COSLA. In 2001, I made representations to Sarah Boyack, who was the then Minister for Transport and Planning, asking for tolls to be removed from the Erskine bridge. The response was that tolls could not be removed from the bridge. Two weeks later, they were removed, because someone forgot to renew the toll order. That is a side issue, however.

We raised the matter with COSLA at that time at a leaders' meeting, at which we received support for the proposal that an economic impact assessment should be carried out before the tolls were renewed. We also received support from COSLA on considering the wider benefits of the removal of the tolls.

Helen Eadie: Would it be worth your raising the issue with COSLA again, given that second stage consultation on the tolls on all the remaining tolled

bridges in Scotland is taking place? Should a major conference be held on the whole issue of the tolling of bridges in Scotland? The argument might be made for tolls to be removed from all bridges. Every argument that you have put forward to us this morning could be applied to the Dundee area, which also has economic disadvantage, and, indeed, to Fife. Would the case of local authorities such as yours, which suffer from the problems that we have been discussing, including unemployment, be strengthened if we proceeded in that way?

Councillor White: That might be a good way forward. I am sure that the COSLA transport convener would be interested to hear that suggestion about a conference. I am particularly interested in the removal of the tolls on the Erskine bridge. That is why I have successfully gained support among the council leaders in the west of Scotland. As for COSLA making a comment on the review overall, I understand that it intends to submit a response to the consultation. West Dunbartonshire Council will try to influence that, as I am sure will other councils that support our position. I suggest that the idea of holding a conference be raised directly with COSLA's transport convener.

Helen Eadie: The papers that we have received tell us that the Scottish Executive is considering the 120-year payback time that applies to any bridge. The older that bridges such as the Tay road bridge, the Forth road bridge and the Erskine bridge get, the more difficult and expensive they become to maintain. The Scottish Executive's view is that, rather than the need for tolls diminishing, there is an increased need for them. That is the rationale that the Executive has used for increasing, rather than removing, the Forth road bridge tolls. Do you not accept that the same logic would apply to the Erskine bridge?

Councillor White: I do not accept that logic. There will of course be on-going maintenance and repair costs for the Erskine bridge. We estimate that those costs come to around £1 million a year. In 2004, £5.5 million came to the Scottish Executive from the tolls. I suggest that servicing a capital debt over a period exceeding 100 years is perhaps not the best way in which to proceed. I am sure that the Scottish Executive would task councils to do that if they did their business and managed their resources in that way. The original toll order suggested that the tolls should be in place for around 20 years. We are now talking about 34 years, which is far in excess of that timescale.

We have to examine the environmental and transport benefits. For little cost to the Scottish Executive, we can significantly address congestion on the Kingston bridge and in the Clyde tunnel and

improve the air quality around the Erskine bridge. If the Scottish Executive commits resources to that, that would be money well spent.

10:30

Helen Eadie: Do you accept that none of your points addresses the need for on-going and increased maintenance? Your arguments address debt issues only. We should take account of the Tay and Forth bridges. It is 42 years since the toll order for the Forth road bridge was introduced and, as with the Erskine bridge, the debt on that bridge has been paid many times over. That needs to be addressed by COSLA and the Scottish Executive. All the tolled bridges in Scotland have the same needs as the Erskine bridge.

Councillor White: On the last point, I said that I believed that COSLA would make a submission to the review. However, because of the area that I represent, I am particularly addressing the case for the Erskine bridge. We have to examine other issues as well. Similar financial arguments to the ones that I am making can be made for other bridges, but we also have to look at the economic, environmental and transport benefits. There is a debate about whether those benefits apply equally to the three different tolled bridges.

As for maintenance costs, I said that, if the Scottish Executive committed resources, that would be money well spent. I accept that there is an on-going maintenance cost for the bridge of around £1 million. However, in 2004, tolls on the bridge brought in £5.5 million. In addition, £4 million was recently committed to improve the bridge through repairs and maintenance. I hope that the money is not wasted but provides a benefit for longer than the period in which it is spent. I accept that there will be maintenance costs. However, the money would be well spent in relation to issues that the Executive states are important, such as generating jobs, tackling congestion and creating wider benefits to the environment. Of course, the Scottish Executive was able to find the resources to scrap the tolls on the Skye bridge.

Rob Gibson (Highlands and Islands) (SNP): It is interesting to think about an overall transport plan. Bridges are just an extension of the roads system. We spend lots of money on roads maintenance, just as we do on bridges, but people do not tot it up in the same way. I am interested in flows of traffic and travel-to-work patterns on the Erskine bridge. Would removing the tolls encourage more people from the south side of the river to cross over into your area on the motorway system? That is distinct from the study that you mentioned on the 100 jobs that could be created. Would it significantly reduce congestion in the

centre of Glasgow? If so, how could the Erskine bridge play its part in creating a transport network that is suitable for this century?

Councillor White: Removal of the tolls on the bridge would increase traffic flow and support the development of an integrated transport system. There is absolutely no doubt that the Kingston bridge and Clyde tunnel are currently operating substantially over capacity and there is clear evidence to show that the Erskine bridge is operating under capacity. The issue that determines whether people use the bridge is tolls. In addition, we see a transport system that takes people from our area and beyond into the centre of Glasgow before they make onward journeys to Paisley and Renfrew. We believe that, if the bridge tolls were removed, there would be an opportunity to establish better transport links across the bridge from our area to Renfrew and beyond.

Rob Gibson: Does more traffic travel from south to north than from north to south, or is it about equal?

Councillor White: I could try to answer that question, but I suggest that we get some experts to comment on it. I am happy to provide the information that our officials have collected. That is probably the best way in which to address that question.

The Convener: The committee is joined by Trish Godman MSP. Trish, do you want to ask a question or make a comment?

Trish Godman (West Renfrewshire) (Lab): I have a couple of comments to make. First, I have looked at the review and I agree that it seems to be based on the assumption that the tolls will remain—all the questions follow from that. That is a matter that we perhaps need to take up with the Executive. Secondly, people who come to my surgeries tell me that low-paid workers are having to pay anything up to £7 or £8 a week to travel to work on the other side of the bridge. That issue has been raised regularly over the past six or seven months. People who work on the north side of the bridge, but who are on low pay, are having difficulty with the toll.

Mike Watson asked a question about Glasgow. Do you intend to follow that up, Councillor White? It is important that you get the support of Glasgow City Council, given that Glasgow is the hub and that a lot of your arguments flow from how traffic moves around Glasgow rather than from how traffic moves around Dunbartonshire. I have had discussions with Arriva, which would be interested in using the bridge. As Rob Gibson said, the bridge is part of our public transport system and is part of a road, as far as I am concerned. Have you followed that up? If not, do you intend to do that in conjunction with Renfrewshire Council? I know

that you have set up a group and that you are working together on the matter.

Councillor White: We have the support of Glasgow City Council for the removal of tolls from the bridge. I referred to a joint letter that was sent from the seven council leaders to the First Minister. The Clyde valley group of councils, which includes Glasgow City Council, considered a paper on the removal of tolls from the Erskine bridge and fully supported the proposal. We have the support of Glasgow City Council and we received an assurance that the leader of the council would support our case and make further representations to the Government on the matter.

As far as the bus network is concerned, we are aware of Arriva's interest. As you have pointed out, a group of council officers has been brought together by me, as the leader of West Dunbartonshire Council, and Jim Harkins, the leader of Renfrewshire Council. That group is working on a number of issues, including the potential to develop bus and other transport links across the bridge.

Jackie Baillie: Is it not the case that, unlike the Forth and Tay bridges, which are managed by bridge authorities, the Erskine bridge is wholly owned by the Executive? Therefore, aside from an environmental difference between the bridges, there is a major structural difference. The bridge authorities put money back into the local road network, whereas no such benefit comes back from the Erskine bridge.

Councillor White: That is absolutely correct. That issue comes out in the consultation document. As I have said, the consultation does not ask the basic question whether tolls should be removed altogether from the Erskine bridge, the Forth bridge and the Tay bridge. If the Executive does not ask the question, it is not going to get the answer.

John Scott: Have any studies been done on the impacts of the tolls on tourism? I regard the Erskine bridge as a gateway to avoiding Glasgow as people travel from the west of Scotland to the west Highlands. Has any work been done on the potential effect on tourism of removing the tolls?

Councillor White: I do not think that we have commissioned a study on the matter, but, as I said, we have received support from Scottish Enterprise Dunbartonshire, whose economic development experts highlighted the fact that the tolls on the bridge present a barrier to tourism. We recognise that that is an issue. The bridge is one of the main routes into West Dunbartonshire from Glasgow airport and we deter people from visiting the area by demanding money from them as soon as they get off the plane.

The Convener: The matter has had a good airing. Do members have ideas about how we should progress the petition?

Jackie Baillie: Yes. You will not be surprised to learn that I would love it if the committee supported the call to remove all tolls from the Erskine bridge. However, a consultation is going on. It would be enormously helpful if the committee could seek reassurances from the new Minister for Transport and Telecommunications that the consultation will include the option of de-tolling the bridge. I suggest that we send the minister the transcript of our positive debate about the need to remove tolls from the Erskine bridge—it can be his summer reading.

Helen Eadie: I have no problem supporting the call for the removal of tolls from the Erskine bridge and I hope that my colleagues in the west of Scotland will support calls for the removal of tolls from the Forth and Tay bridges, so that there can be a logical approach throughout Scotland. As Rob Gibson said, every bridge or road is a means of transporting passengers around Scotland.

As well as taking up Jackie Baillie's suggestion, we should invite COSLA to host a major conference on tolls in general and to declare its support for the removal of tolls from the Erskine bridge. The debate is needed and COSLA is well placed to lead it.

This is a small point but, just for the record, I point out to Jackie Baillie that historically the Forth bridge tolls have never been used to develop the road network, although that will happen in future, as she said. Work on the A8000 started yesterday and I am delighted about that. However, not just users of the bridge—I am one—but all road users in Scotland should pay for that work.

The Convener: We have a list of questions for the minister.

Jackie Baillie: I do not want to break up the consensus that is developing, but rather than having a Scottish Parliament committee ask COSLA to take action, could we ask Andy White, who is a council leader, to discuss the matter with COSLA? COSLA is probably minded to take action anyway.

Helen Eadie: In exchange for my support, I hope that Councillor White will make strong representations to COSLA.

The Convener: Do members agree that we should write to the Executive with the specific questions that Jackie Baillie asked?

Members indicated agreement.

The Convener: I thank Councillor White for his evidence on the petition. I suspend the meeting for

a couple of minutes, to allow the next petitioners to come forward.

10:43

Meeting suspended.

10:45

On resuming—

Neurological Services (Post-polio Syndrome) (PE873)

The Convener: Our next petition, PE873, is by Helene MacLean, on behalf of the Scottish Post Polio Network. The petition calls on the Scottish Parliament to urge the Scottish Executive to join the international community in recognising post-polio syndrome and to conduct a much-needed national review of neurological services to take account of the needs of people with PPS and all other long-term neurological conditions with a view to establishing multidisciplinary centres of excellence to assess, treat and research such conditions, which affect the lives of many thousands of individuals in Scotland.

Helene MacLean will make a brief statement to the committee in support of her petition. She is accompanied by Agnes Walker and Malcolm Macnicol. Welcome to the committee. You have a few minutes, following which we will discuss the issues that you raise.

Helene MacLean (Scottish Post Polio Network): I thank the convener and the committee for inviting us along to talk to our petition on post-polio syndrome. I propose to make a short presentation on what the Scottish Post Polio Network is and why post-polio syndrome needs recognition.

The network was formed in November 1999 by a group of polio survivors who were experiencing new symptoms and who were not getting answers from their general practitioners or consultants. The SPPN is a self-funded voluntary self-help network with charitable status. Its aims are: to provide advice, information and support; to raise awareness of post-polio syndrome with the medical profession and polio survivors; and to work towards establishing a centre of excellence in Scotland where assessment, early diagnosis and symptom management can take place and other needs can be met, through a multidisciplinary approach.

The SPPN works in close partnership with the Lincolnshire Post-Polio Network, the southern Ireland Post Polio Support Group, the Leicestershire Post Polio Network and the Northern Ireland Polio Fellowship. We have a representative from the Scottish region of the

British Polio Fellowship on our committee, and we are also members of the international post-polio task force. Its chairman, Dr Richard Bruno, is one of our patrons.

At present, the SPPN has a membership of 150 and our members are from all over Scotland. In the past year we have tried to get out and reach as many post-polio survivors as possible through articles in the free press and in national papers. Agnes Walker and I have talked to more than 100 people, all but 5 per cent of whom were experiencing one or more of the symptoms of post-polio syndrome.

Many people do not associate their new muscle weakness, chronic fatigue and pain with the fact that they had polio many years ago. After reading the articles, many said, "This could have been written by me," or, "It was like finding a light at the end of a long dark tunnel," and, "At last I am not imagining what is happening to me."

The SPPN provides relevant information and advice on possible symptoms, diagnosis, on-going management, medication and treatments to be avoided. Our members take that information along to their GPs and health care professionals. That might appear to be an upside down or back-to-front approach but, at present, many doctors, consultants and physiotherapists have little knowledge of post-polio syndrome and its management.

The SPPN is fortunate to have on board Mr Malcolm Macnicol as he has first-hand knowledge of polio patients, from the rehabilitation stages through to the early onset of the late effects of polio and post-polio syndrome. He has given valuable support to the work of the SPPN and has recently collated a Scottish network of medical and surgical specialists with an enthusiastic interest in the problems affecting post-polio syndrome patients. A network of orthopaedic surgeons who are based in Aberdeen, Dundee, Edinburgh, Glasgow and Inverness has been established and there is interest from a rehabilitation consultant in Inverness. To date, encouraging neurologists to join the network has been difficult, although work on that continues.

Despite the fact that post-polio syndrome is a well-documented, long-term progressive disease, many medical practitioners have never seen a patient who has had polio and many have little knowledge of its effects. They have not gained first-hand experience of acute polio and so have no context in which to set the range of symptoms that are appearing. Many GPs would welcome being able to have recourse to standard guidelines on diagnosis and practice and a centre where valuable information on post-polio syndrome could be collated and research initiated. At present, very

few people receive a correct diagnosis, while others are given inappropriate treatment.

There is no diagnostic test for PPS; diagnosis is confirmed by the exclusion of all the other medical conditions that manifest the same symptoms. There is no cure for PPS, but examples of good practice abound—in the States, Canada, Australia and the Scandinavian countries a multidisciplinary approach is taken. Accurate diagnosis ensures early symptom management and slows down deterioration. Preventive intervention would save the national health service time and money. It cannot be emphasised enough that people who had polio and are now presenting with new, varied and complex symptoms must have access to multidisciplinary teams of experts who have knowledge of polio and its late effects.

At present, people attend clinics and GPs but do not get satisfaction. There is no co-ordination between the first contact with a GP, referrals, the exclusion of other possible causes and the on-going symptom management of what is a long-term chronic disease. Services must be connected together—we need planned symptom management, a regular review mechanism and referral for energy-saving devices, callipers, splints, adaptive equipment and wheelchairs when required. That would prevent further unnecessary damage and would slow down deterioration.

People with PPS have got on with their lives for more than 40 years as determined disabled people who challenged every obstacle that came their way, but they then have to ask for help with everyday tasks. They revert to wearing callipers and using sticks and wheelchairs and are often required to give up work—that is a major lifestyle change. Learning to conserve energy and pace everyday activities is completely new for us; it is like encountering a second disability on top of the one that we have learned to live with, which can be psychologically devastating. Polio is a mean disease; it gets you once and you work your butt off to overcome it, but then it comes back later and gets you again.

Post-polio syndrome is internationally recognised, so why do we have to prove its existence in Scotland? We request the assistance of the Public Petitions Committee to ensure that PPS is recognised at the very top—by the Scottish Executive. The new national standard framework for people who live with long-term neurological conditions aims radically to improve the quality of life of those who live with motor neurone disease, Parkinson's disease, multiple sclerosis and so on. PPS is a long-term chronic condition, but it is not included on that list. We call on the Public Petitions Committee to recognise that PPS is a long-term chronic condition and to ensure that it is added to the list of accepted conditions and

included in a review of services for people with long-term chronic conditions.

John Scott: Good morning. I am delighted to see you here, but I must confess that I was not even aware of the syndrome before you brought the matter before the committee today, so that in itself is valuable.

Do similar organisations to yours exist in other parts of the United Kingdom? Is the provision for PPS better in other parts of the United Kingdom than it is in Scotland? Is provision within Scotland variable?

Helene MacLean: As I stated there are other organisations: the Lincolnshire Post-Polio Network, Post-Polio UK and the Leicestershire Post Polio Network. Like us, they all work voluntarily to bring about recognition of the condition. However, throughout Britain, the condition does not receive much recognition. St Thomas' hospital in London has retained a respiratory unit—the Lane Fox unit—for people who had respiratory problems when they initially had polio, and which has followed through with people. To this day, I have to go all the way down to London to attend the Lane Fox unit—I used to go twice a year, but now I go only once a year—because there is no such provision in Scotland at all.

John Scott: Does the unit in London take a multidisciplinary approach? You talk of that approach as if it were the holy grail. You say that it is available elsewhere in Europe but we do not yet even recognise the condition in the United Kingdom.

Helene MacLean: The Lane Fox unit at St Thomas' hospital is a miniature multidisciplinary unit, where patients see a neurologist and various other specialists. As the unit is in London, we do not see orthotic specialists there; we have a different division in Scotland, so for orthotics, for example, we have to be sent back home to our own areas to be dealt with. The Lane Fox unit collates information, but the patients who are sent there are mostly respiratory patients; there are not many others. I am one of the lucky—or unlucky—ones who have been sent all the way from Scotland down to the unit, as that is not at all common.

Rosie Kane (Glasgow) (SSP): Like John Scott, I thank you for submitting the petition and for educating me, as although I had certainly heard of polio, I had never heard of post-polio syndrome. It concerns me that it is so difficult for you to get the recognition that you seek when many other countries are happy to recognise the syndrome. Why is there a reluctance to recognise it? I do not know whether Margo MacDonald, who is present, and you will be able to enlighten me on that,

although the evidence that you have submitted has certainly enlightened me. Recognition of the syndrome would surely be enlightening, too. There must be people who require diagnosis, treatment and support and would perhaps get it if the syndrome was recognised, a centre was set up and the word was on the street. Are there people who are losing out drastically on diagnosis and treatment?

Helene MacLean: As we have fought the campaign, we have asked ourselves for many years why it is so difficult to get recognition. We can never understand why it has been so difficult, although there is the financial impact of opening a can of worms, with all of us jumping out after many years of getting on with our lives. I can only imagine that it is something to do with finance and with the lack of education among the medical profession about the syndrome's existence.

Hundreds of people are struggling away and asking themselves whether it is all in their heads because their GPs refer them to various consultants who know absolutely nothing about the syndrome. That is soul destroying and something must be done about it.

Rosie Kane: You said that organisations and politicians might be concerned about the possible cost of opening that can of worms. Is that a false economy? Do you agree that it would be better to spend money on diagnosis and treatment of those who present to their GPs day in, day out with various illnesses?

Helene MacLean: Yes. If sufferers were referred to interested medical practitioners who knew something about polio and had some sort of guidelines on best practice for treating patients with post-polio syndrome, there would be a big saving to the national health service. At the moment there is a gamut of people going round on a merry-go-round—they are being sent to lots of different consultants who do not know anything about the condition and who pass them down the line. That can go on for many years without anyone recognising that something can be done to slow down the process.

11:00

The Convener: Mr Macnicol, I think that you wanted to comment.

Malcolm Macnicol (Scottish Post Polio Network): I would like to say a few words. The polio sufferer—the child—was often the most lively of children, and people found it curious that polio hit the child who was most active during the influenzal stage of that terrible disease. It is a great tragedy that so many bright people have been handicapped in that fashion, and more so now when there is so little interest from the

medical side or from the public. What we have just heard makes it quite clear that we could certainly do a lot for very little money as long as the interest is there to educate the public and general practitioners. It is a shame that people have to trek down to London or go to Europe to get the sort of help that could readily be offered here within our own national health service. However, that would demand a little more involvement and interest from the specialists who might take on that commitment.

I am old enough to have seen polio from its acute stage onwards and I have dealt a lot with the deformities that it causes—one of my interests is in deformity of the lower limb in children and adults. We need to identify individuals and ensure that we have integrated clinics, so that people such as Agnes Walker do not have to trek regularly to see different people but can have everything done in one visit. As we have also heard, the ancillary care from orthotists, prosthetists and people who can help with wheelchairs should be readily available, but I am afraid that there are still huge queues in the Scottish health service in relation to the provision of that care.

Jackie Baillie: I apologise to Helene MacLean for missing the opening part of her presentation.

I would like to focus on the scale of the problem. Although I entirely appreciate that the impact will vary among individuals, I am aware that the health service tends to plan services based on numbers. I understand that there is no explicit diagnostic code that describes the condition as “post-polio syndrome”, but that some data have been collected, predominantly from general practice, that describe the condition as “late effects of polio”. Do you think that that description is sufficient? If not, what are you looking for?

Helene MacLean: I ask Agnes Walker to answer that.

Agnes Walker (Scottish Post Polio Network): Could Jackie Baillie repeat the last part of the question, please?

Jackie Baillie: Instead of the condition being described as “post-polio syndrome”, the way in which the health service currently captures data means that it is described as “late effects of polio”. Is that description adequate and does it capture what you are after? If not, do you think that we need to go further?

Agnes Walker: I think that the term “syndrome” means that there is no one specific cause but that there are many causes. For instance, people with the late effects of polio experience new weakness, breathing difficulties, pain, cold intolerance and fatigue, which is a major symptom. It is very complex.

Jackie Baillie: I do not want to put words in your mouth, but would it be fair comment to say that the way in which data are captured at present is probably not as sensitive as it could be for the condition that you are illustrating?

Agnes Walker: Yes.

Jackie Baillie: I turn to the second part of your petition. You have identified post-polio syndrome, but you have put that in the context of other conditions such as myalgic encephalomyelitis and chronic fatigue syndrome, which were the subject of Margo MacDonald’s motion in the Parliament. Do you have any information on the prevalence of those other conditions? What I am trying to drive at—to put it simply—is the idea that, if there are sufficient numbers, that will make people take notice.

Helene MacLean: The fatigue is experienced across the board with a lot of neurological conditions. There are lots of comparisons with some of the symptoms that the other conditions cause. They do not include the paralysis and other long-term symptoms that we have lived with for many years, however. We know that there are not huge numbers of us, but the evidence has not been drawn together and the numbers have therefore never been collated. Off the top of my head, we are talking about around 7,000 to 10,000 people throughout Scotland. It might be completely impractical for us to say that we want something just for us. The consensus is that we could be treated in multidisciplinary clinics that deal with other long-term chronic illnesses. That would make things more cost effective than if we were to ask for something just for us.

Malcolm Macnicol: Post-polio syndrome affects the lower limbs and weakens the muscles in a way that can lead to problems such as an unstable hind foot, a collapsing knee, a contracted joint and a malaligned joint. People with PPS have chronic back pain from the limp that they have had to adopt over, let us say, 10 or 20 years. Those symptoms distinguish post-polio syndrome from a number of other fatigue syndromes. We can do specific and useful things for patients who have PPS—I am thinking of lower limb aids in particular. However, because services are poorly integrated, the problem is that there is often a delay in getting such aids to the patient.

I agree that it is true to say that there is a danger of PPS getting caught up in the vast cloud of other conditions.

Jackie Baillie: I did not mean to suggest that the syndrome would get lost in the cloud of other conditions; I meant to stress the positive opportunity that is offered by the petition.

The Convener: We have been joined by Margo MacDonald.

Margo MacDonald (Lothians) (Ind): Before I became interested in the syndrome, I, like John Scott, was unaware of it. Although we do not look it, I suspect that all of us are about the same age. I grew up with people who went through life doing what other people did—holding down jobs and professions, being solid citizens and paying their taxes—but who also had polio. The people I am referring to wore callipers or built-up shoes, but such aids were commonplace at the time.

I never thought anything more about it until Helene MacLean and Agnes Walker approached me about the difficulties that they were experiencing as a result of the closure of the Princess Margaret Rose orthopaedic hospital in Edinburgh. I think that I am right in saying that the hospital fulfilled the function of a national centre for orthotics and so on—Mr Macnicol will correct me if I am wrong.

When the hospital closed, the service provided to people such as Helene and Agnes was diminished. The closure happened at a time when, like the rest of us, they were beginning to need just a wee bit more help. I got to know the issues and realised that a syndrome was involved—post-polio syndrome, which Malcolm Macnicol has described. It seemed extremely unfair that a group of people who had conquered something that could have ended their economic lives were being asked to bear another burden.

The idea of incorporating into PE873 the suggestion of a multidisciplinary one-stop shop was ahead of its time. If we look at the Kerr report, we find that Professor Kerr thinks that multidisciplinary centres are a great idea. Therefore, I assume that all we have to do is to remind the Executive that, according to its own report, multidisciplinary centres are the best way in which to cope with people who have the sort of condition that Agnes and Helene have. However, that may not be a done deal, and I expect a lot from the petition. The call that the petitioners have made is in line with the way in which the medical profession and the Executive view the effective, and cost-effective, delivery of services.

The services the petition calls for can be delivered in Ireland. Peter Warren from my office, who has given great support to the campaign, visited the centre in Dublin, which is something of a prototype. The committee might be interested in looking at the centre, if it decides to back the petition.

The Convener: Thank you for that helpful contribution.

The committee has had a chance to consider the information and the points that the petitioners have raised. What do members want to do with the petition?

Jackie Baillie: I have a number of suggestions to make. Margo MacDonald's analysis was very good. We should write to the Executive and ask for its view on the petition, particularly because it is framed more widely than just services for post-polio syndrome. We should also write to NHS Quality Improvement Scotland to ask what services are in place and whether it measures PPS in any way. In addition, we should write to individual NHS boards to ask whether they make provision for PPS. If we take that as a starting point, we can decide what to do following the receipt of the responses. I am minded to ask the Executive not just whether it would support a centre of excellence but whether it plans to improve the way in which it measures the prevalence of PPS.

Rosie Kane: Perhaps we should also seek the view of the Scottish neurological alliance.

The Convener: Okay. I am happy for that to happen.

John Scott: I endorse whole-heartedly what Jackie Baillie said. The point that Margo MacDonald and Helene MacLean made about the multidisciplinary approach being the holy grail is worth restating. We should ask the Executive whether it is considering a multidisciplinary approach to PPS based on best practice elsewhere in the world.

The Convener: I would like to see how the Kerr report fits with issues such as the one raised in the petition.

Margo MacDonald: For the committee's information, I think that Professor Kerr singled out the community centre in Leith as a model for the sort of services that are called for in the petition. Although it would be nice to have one centre, it would be even better to have one in every area. That is what we need.

The Convener: The Executive will respond to the Kerr report in due course. As a committee, we could ask the minister what the Executive thinks about the issue in light of Professor Kerr's recommendations. Are members agreed that that is what we should do?

Members indicated agreement.

The Convener: I thank Helene MacLean, Malcolm Macnicol and Agnes Walker for bringing PE873 before the committee. We will update you on the responses that we receive from the organisations that we have agreed to contact.

11:12

Meeting suspended.

11:16

On resuming—

Limited Companies (Court Representation) (PE863)

The Convener: Petition PE863, from Bill Alexander, calls on the Scottish Parliament to urge the Scottish Executive to amend the Solicitors (Scotland) Act 1980 to allow limited companies to be given either the right to apply for legal aid or the right to represent themselves in court. Bill Alexander will make a brief statement to the committee in support of his petition. You have three minutes or so to introduce the subject, Mr Alexander.

Bill Alexander: I will be brief. The Solicitors (Scotland) Act 1980 makes it a criminal offence for a corporate body to draft or prepare a writ. The Scottish courts have used that fact to prevent companies in Scotland from acting on their own behalf in court proceedings. Unfortunately, that means that a company that cannot afford a solicitor is denied the right to defend itself when an action is raised against it. It also means that a business that has not been paid and cannot afford a solicitor is not allowed to try to recover the moneys that it is due.

Corporate bodies in Scotland do not qualify for legal aid. The main victims of that abnormality are small businesses that do not have the resources to employ solicitors. I believe that this situation is unfair and unjust. Further, as the cost of legal representation increases, more businesses will find themselves in the predicament that I describe.

The courts have held that corporate bodies are entitled to human rights under article 6 of the Human Rights Act 1998 but will not allow them those rights unless they can afford a solicitor. Regrettably, the catch-22 is that any business that would like to challenge that interpretation of the act is denied the right to appear unless it has a solicitor. I believe that businesses should be given the right to represent themselves or, alternatively, be granted legal aid in the same way that individuals are.

Rob Gibson: You talk about limited companies, but businesses come in different forms. Small businesses are one thing, but some limited companies are large. You do not ask for any distinction to be made between large and small companies. Why is that? It might be more useful to try to highlight the problems of small businesses.

Bill Alexander: In practical terms, most of the instances that I have come across have been to do with small businesses. However, determining a financial limit as a point of law is difficult. How would we define what a small business is? A large business with cash-flow problems might face

liquidation because it is not able to afford a solicitor. It is equally important that it be given the right to represent itself if the circumstances are suitable. The issue is about giving businesses access to justice in situations in which they cannot afford it.

Rob Gibson: Is there not a problem in the way we look at law with the acceptance of companies as persons? Would there not be a philosophical problem with going down the line that you suggest?

Bill Alexander: Under the Solicitors (Scotland) Act 1980, there is such a problem. However, in a case called *Karl Construction v Palisade Properties*, the inner house of the Court of Session determined that limited companies have human rights in that they have the right to a fair hearing at an impartial tribunal under article 6 of the Human Rights Act 1998. However, in some of the sheriff courts, the judges have decided that limited companies will not be able to get those rights unless they are represented by a solicitor, which has resulted in a strange situation developing in law.

Helen Eadie: Are you aware of the relevant policy of the Federation of Small Businesses?

Bill Alexander: No.

Helen Eadie: You have had no contact or discussion with the federation.

Bill Alexander: No.

Helen Eadie: Have you not thought about having such a discussion?

Bill Alexander: You are probably right—I have not thought about that. I was more interested in trying to get something done. I have usually found that if a matter has been raised in Parliament and has the committee's support, that has much more effect than operating through different bodies.

John Scott: Thank you for lodging your petition and for your frank answers. The issue must have been a problem for a considerable time, so why has it not been addressed before? The situation appears to be anomalous and I am curious as to why it has not been dealt with in amendments to legislation in the past.

Bill Alexander: Trying to change the justice system in Scotland can be difficult unless a person is a member of one of the bodies that the Executive likes to deal with. If someone is not from the Law Society of Scotland or the Faculty of Advocates, they tend not to have much credence with the Executive.

The other problem is one of reality. If a small business is struggling financially, cannot bring in money and stops trading, after which a different set of problems arises because personal

guarantees have been given and the directors must deal with banks pursuing them or with liquidators, the principles behind the issue tend to fall away.

John Scott: The Faculty of Advocates appears now to support an extension of legal aid. Do you have any comment on that? I presume that you welcome that.

Bill Alexander: Yes, but the extension is being considered not for businesses but for individuals.

John Scott: Are you aware of why the faculty is not considering businesses? I am a layperson. Perhaps you could run through the arguments for me.

Bill Alexander: I can think of no reason not to extend legal aid to businesses, if they are not given the right to represent themselves. The honest truth is that I do not know.

Jackie Baillie: Can I have a sense of the scale of the problem? I understand that it prohibits any business from receiving legal aid, but I am not clear about the evidence that the problem is major. Have businesses approached you? Have surveys been conducted? Do data support your claim?

Bill Alexander: No research has been undertaken. My experience of trying to help small businesses is that they cannot go past a sheriff clerk, who will not accept a writ or allow a party to appear. A decree is awarded against a business, after which the insolvency process takes place. Insolvency practitioners rarely say that a business went under because it could not access the court. They will usually say that a business had cash-flow problems, bad debts or whatever.

Jackie Baillie: Is your experience from being a lawyer?

Bill Alexander: No.

Jackie Baillie: So you are not a lawyer.

Bill Alexander: I have a law degree, but I am not a lawyer. I do pro bono work for individuals and companies and I supplement my income by doing construction litigation. I speak just from practical experience.

Jackie Baillie: You have a good working knowledge of the law, so I wondered where that came from.

The Law Society, which you mentioned earlier, has said that businesses can obtain insurance against most legal risks for a relatively modest sum. Is the proper route for many small businesses not to take out an insurance policy that will cover their legal expenses for most risks?

Bill Alexander: I am not sure whether the insurance covers situations in which a company

pursues a party for bad debts; I think that it tends to cover situations in which a company is being pursued. I do not know what the cost of such insurance is. As with all insurance, the cost tends to go up, so slowly and surely some businesses will not be able to afford insurance.

Jackie Baillie: Do you agree that businesses are in a different position from individuals who apply for legal aid?

Bill Alexander: There is no question but that there are differences. Businesses do not have the same priority as individuals have in accessing justice. However, the issue is important and should be considered.

The Convener: Do members have comments or suggestions on how to progress the petition?

Jackie Baillie: I am not greatly persuaded by the petition, because I am not sure whether there is evidence to support the claim that there is a problem. However, it would be appropriate for the committee to write to the Executive to ascertain whether it has plans on the matter. We should also write to the Law Society of Scotland and the Scottish Legal Aid Board and pursue Helen Eadie's suggestion by asking the Federation of Small Businesses whether it perceives that there is a problem.

John Scott: Should we also write to the Scottish Chambers of Commerce, which works on behalf of small businesses and the Confederation of British Industry, which perhaps represents larger businesses? Notwithstanding the petition, if those organisations tell us that there is not a problem, so be it. However, we should turn over all the stones and ensure that the petitioner's concerns are thoroughly examined.

The Convener: Are members happy for us to contact all those organisations, to seek as full a picture as possible of the subject matter? Mr Alexander, we will update you when we receive responses to our queries.

Bill Alexander: Thank you.

Smoking Ban (PE870)

The Convener: PE870 calls on the Scottish Parliament to urge the Scottish Executive not to implement the proposed ban on smoking in public places. Part 1 of the Smoking, Health and Social Care (Scotland) Bill, which was introduced on 16 December, would

"prohibit smoking in certain wholly or substantially enclosed places ... to which the public or a section of the public has access".

The Health Committee published its stage 1 report on the general principles of the bill on 21

April. In relation to part 1, the committee concluded:

"The majority of members, therefore, support the proposal contained in this part of the bill, believing that it will help to save lives."

The Parliament will consider the bill at stage 3 on 30 June.

We cannot do much with the petition. It was presented to us during the event that the committee held in Ayr and this is the first opportunity that we have had to include it on our agenda. The matter has been well aired in the Parliament and a decision will be made on Thursday, which the petition might or might not influence.

Mike Watson: I agree, convener. I was with you when Duncan McAlister presented the petition. He was perfectly entitled to lodge a petition, but his timing was a bit unfortunate, given the progress of the bill through the Parliament. As you say, we will consider the bill at stage 3 in two days' time. A consultation on the proposals was undertaken in the normal fashion and the matter is being addressed through the Parliament's legislative process. There is nothing more that we can do.

The Convener: I think that we must close the petition on the basis that the matter has been debated. We thank Mr McAlister for his efforts in producing the petition, as we did when he gave us the petition in Ayr.

John Scott: I agree. Mr McAlister is one of my constituents and I have known him personally for some time. Mike Watson's comments are perfectly reasonable. If we had received the petition earlier, the Executive and the Health Committee could have included it in their consideration of the matter.

The Convener: Do members agree to close the petition?

Members *indicated agreement.*

Rural Schools (Closure) (PE872)

11:30

The Convener: Our next petition is PE872, which was lodged by Alexander Longmuir on behalf of the Arbirlot parents group. It calls on the Scottish Parliament

"to urge the Scottish Executive to introduce a legislative presumption against closure of rural schools unless there is an undeniable educational and social benefit to the children and communities affected."

Before the petition was formally lodged, it was hosted on the e-petitions site, where it gathered 1,864 signatures. The usual e-petition briefing has been circulated for members' information.

Members will recall that we considered two similar petitions—PE725 and PE753—at our meeting on 27 April 2005. On the basis of correspondence from the Minister for Education and Young People, we agreed to close those two petitions. The minister made it clear that the Executive does not favour a presumption against the closure of rural schools.

We have been joined by a number of MSPs who have an interest in the subject. I will take some comments from them before we move on to discuss the petitions. I will take them in the order in which they contacted me, so first we will hear from Richard Baker.

Richard Baker (North East Scotland) (Lab): Petition PE872, which seeks a presumption against the closure of rural schools, was lodged as a result of the proposed closure of schools in the north-east. The campaign has won support from parents throughout Scotland who are in similar situations. The petition was lodged by parents whose children attend Arbirlot Primary School in Angus, and I wish specifically to refer to Angus Council's proposal to close that school.

As was mentioned when the committee discussed the matter last week, it is right for councils to review and seek to develop and improve their schools' infrastructure and it is right for local decisions to be made that take into account the views of parents and local communities. However, through visiting Arbirlot Primary School and meeting the parents who are here today, I have found that there are still instances in which the appropriate consultation processes are not followed. The school was earmarked for closure after only an informal consultation by the council, which offered no options other than closure. That happened despite the fact that the school's roll can be expected to be maintained, the fact that it received an excellent report from Her Majesty's Inspectorate of Education, the fact that the school has excellent levels of attainment, and the fact that its closure would leave many children with difficult journeys to alternative schools.

That, in itself, makes the proposal bewildering, but the position is exacerbated by the fact that, during the process, Executive guidelines were misrepresented. For example, parents have been advised by the local authority that the school has to be closed because it does not meet the requirement for a 100m² gym, but the Executive has confirmed to me that there is no such requirement. Parents were told by the convener of the council's education committee that it has had dialogue with the Minister for Education and Young People, but the minister has confirmed that no such dialogue has taken place. In addition, parents were told that there was a second report

on the status of the school, but that report does not exist. In the overall context of school reorganisation in Angus, the proposal seems bizarre.

That might be an extreme example, but we recently learned of a proposal by Moray Council to close a large number of rural schools. Its decision will, of course, have a serious impact on local communities. In speaking to parents today, I once again learned that there are serious concerns about the consultation process. Parents have only two months to respond to the proposal. The council says that schools that operate at only 60 per cent of capacity will be closed, but it is predicting such a level for schools that are currently nearly full. It seems to the parents that Moray Council's decisions are driven by financial, rather than educational, considerations.

A sizeable number of rural schools throughout the country are threatened with closure. It is important that proper consideration is given to the matter, particularly as some local authorities are not engaging in proper consultation processes. The successful, sustainable schools that they propose to close are vital parts of our rural communities and we can ill afford to lose them.

I know that the committee has discussed the matter before and that, as the convener said, the Executive has issued guidance on the matter. However, given the number of proposed closures and the number of schools that could only reasonably be judged as sustainable, it is worth while to reconsider how we can ensure that the guidance is properly followed so that rural schools that perform their crucial role well can remain open. There is a balance to be struck between ensuring that decisions can be taken locally and ensuring that the Executive has in place the right mechanisms so that the views of staff, parents and pupils are fully and properly taken into account. We need a mechanism that offers protection to successful rural schools so that they can continue to perform their vital role.

Alex Johnstone (North East Scotland) (Con): What he said. I agree with everything that Richard Baker has just said, but I will add a couple of comments of my own.

I, too, have had the opportunity to speak to the parents at Arbirlot Primary School, and this morning I had a long discussion with parents of children who attend Rothiemay Primary School and other schools that are affected in the Moray area. The common theme that runs through the proposals to close those schools and other schools in rural Scotland is that there appears to be an inexorable pressure towards the closure not only of the tiny rural schools that which were of concern six years ago when the Parliament came into being but of rural schools whose rolls are in

the region of 60 to 70. In my view, a school with a roll of that size is a healthy rural school that should not be threatened with closure.

The reasons that are given for considering closing schools often include their physical condition, the fact that they have composite classes and the fact that there is—apparently—some higher standard of education that we hope to achieve in the 21st century. However, the schools invariably have excellent performance records. Despite the fact that they are small and have composite classes, they often produce the best school records.

We are talking not only about education and the quality of education—many communities that are threatened with the loss of their school depend for their social and economic existence on having, among other things, a school at their heart. Seeking an example of a community that has been strengthened as a result of having its school closed would be an interesting exercise. I do not think that we would find many communities that had been strengthened by that.

Some consultation documents have suggested that population decline is a reason for school closures, but I suggest that school closures are a reason for population decline in most of rural Scotland. The issue therefore goes further than education.

I would like the committee to recommend that the subject should be on the agenda not only of the Education Committee but of the Environment and Rural Development Committee, which may be able to consider in its current rural development inquiry or in the near future how the closure of schools can have a direct impact on communities in rural areas.

The nature of the consultation processes that are taking place is an additional concern. I have been party to a number of the consultations and have not been satisfied with any of them. The consultation processes are too often fails accomplis. We must ensure that councils and councillors can become actively involved in real consultation that results in practical decision making.

Fiona Hyslop (Lothians) (SNP): I compliment the Public Petitions Committee, although I am not sure whether it will help my case to do so. I will put matters in context. Two petitions have been referred to, but a petition concerning Argyll and Bute Council was lodged some time back calling for new guidance on rural schools to be produced. When a petition was lodged last year, there could have been a temptation to say, "No, we have already addressed that issue. Let's let it go." I thank the committee for not doing so. The petition was referred to the Education Committee, of which

I am a member. When we studied it, we realised that the guidance that should have been issued after the first petition had not been issued. New guidance was produced as a result of the second referral, which my colleagues have talked about. Perhaps it reflects on the Parliament that sometimes when members start things off, they do not necessarily complete them and close the loop. We should ask whether matters are followed through. As a result, there is a strong case for considering the petition.

It is clear that new guidance was produced, but the general concern is that that guidance is not necessarily delivering what rural communities want. The sheer scale of the proposals is enough to give us pause for thought. Between 50 and 75 schools in Scotland are under threat of closure in areas such as Moray, Aberdeenshire, the Borders and Fife. I was involved in campaigns in Midlothian, for example, last year. There is a case for people in Scotland to reflect on whether we want to sustain rural schools or whether we are happy for the new estates management review to result in new capital spend throughout Scotland—which is welcome—but at the price of closing rural schools and ripping out the heart of many communities.

The petition calls for a legislative presumption against the closure of rural schools. That would not mean that no rural school would ever close, but it would mean that there must be strong arguments to pursue closure. That is where we run into problems. The educational case is up front in the current guidance, which resulted from a previous petition. In recent days, I have spoken to Angus Council, which is involved in one case. The fact that that council recognises and has said to me that the educational case must be one of the prime arguments when the closure of rural schools is being considered is interesting.

I have a prop that I am not sure that I am allowed to use. It is a chart of Scotland that shows that the 50 to 75 proposed closures are down the east coast. From correspondence that I have had, I suspect that, in the Western Isles and other areas, the matter may be up for review.

The issue has a national perspective. I do not blame councils for seeking best value and looking after their finances in order to invest. However, if the price of that has implications across Scotland, we have to take stock. I make a plea to the committee. The success of what has happened so far is due to the fact that we have paused and reflected on what has happened previously. The sheer scale of this makes us think that, although we have the new guidance, we may need to do something further. The minister may not be mindful of it yet, but the sheer scale of what is happening—despite the new guidance—might

give us pause for reflection, and that is an opportunity that we should embrace.

I completely support Alex Johnstone's point about rural development. When the previous petition was heard, the Rural Development Committee had a full agenda. This is both an educational and a rural development issue, but the rural development perspective has not been properly considered by the Parliament's committees.

Mrs Margaret Ewing (Moray) (SNP): It is difficult to follow three excellent speeches about the issues in the petition. As the committee knows, I previously brought a petition to Parliament from Glenrines Primary School, in my constituency, and raised the subject in the chamber on various occasions. I am therefore well aware of the implications of rural school closures and Moray is one of the worst-affected areas at the moment.

I will not rehearse all the emotional arguments that I could make about the school being the heart of the community, although that is very much the case. What we are seeking in Moray is an Executive viewpoint—not just a committee viewpoint—on various issues. If there is no presumption against closure, why does it seem that various councils can pluck figures out of the air to suit their arguments? Is a school viable with 60 pupils, with 70 pupils or with 50 pupils? Why is there such variation when authorities such as Highland Council have decided not to close any schools but to mothball them on the basis that their population may increase? We hear all the arguments about the demographic changes in Scotland, but some councils are mothballing rural schools while others appear to be determined to close down a substantial number of them.

At the meeting that I attended in Speyside last Monday, the point was made that many of these rural schools are a magnet to attract people to our rural communities. At a time when the Executive is talking about the fresh talent initiative and trying to reverse the demographic trends so that we have more young people, why on earth are we closing down what could be a major asset to all our communities in rural areas?

I believe that what is happening is finance driven. Another comment that was made at the Speyside meeting was that the closures are being driven by a dash for cash and are not really addressing educational issues. I have not received a single complaint from a constituent about the quality of the education that is delivered in our rural schools. It is important that we take that on board. If the closures are finance driven, who is the driving force behind them? Is it the Executive or is it the local councils? We must investigate that.

An important point was raised by Alex Johnstone. Councillors in Moray have been asked not to say where they stand on any particular school prior to recommendations coming from the director of education at a meeting that will take place in September, at which decisions will probably be taken on a programme that will start in October. I do not believe that there is a legal basis for keeping our councillors quiet. They are elected to represent the views of their communities and they have a responsibility to respond to those views. MSPs have to observe a code of conduct every day of our lives. We are asked to comment on particular issues and we do not say, "Oh, well. We will have to wait until stage 3 and see what the amendments are." People have a right to speak out as individuals and as elected members, and that should be taken into account by the Executive.

11:45

On the recommendations, the petition should be sent not only to the Education Committee and the Environment and Rural Development Committee but to the Enterprise and Culture Committee. If these schools are a magnet for talented people to come into our rural communities, the Enterprise and Culture Committee should also examine the implications of that. I hope that all those views will be taken on board seriously by the committee. We face a major issue. A lot of people will become disaffected with the Parliament if we do not address the key matters that are brought to us by constituents daily.

The Convener: Thank you very much for your contributions, which will help the committee in its consideration of the petition.

I will respond to a couple of the comments that were made. I thank Fiona Hyslop for recognising that the committee has considered the issue on a number of occasions. The two petitions that are specified are those in closest proximity to the issue. We have also considered other education issues. Other than the Education Committee, the Public Petitions Committee has probably examined education and the guidance around school closures more than any other committee in the Parliament. A degree of expertise is therefore being built up, along with a degree of concern about some of the processes by which decisions are being made. Members will refer to that when we discuss what we will do with the petition.

Secondly, in response to what Margaret Ewing said, we have previously considered the code of conduct for councillors and what it does and does not allow them to do. A councillor who is on a planning committee cannot say what that committee's decision is before it is publicised, because the planning committee is a quasi-judicial

body. That does not, however, prevent that elected member from making representations on behalf of the community that they represent. The code of conduct is not as restrictive as is sometimes implied. We have investigated that before, so we have some expertise on the matter. Thanks for bringing those matters to our attention.

I invite committee members to comment.

Rosie Kane: Six or seven years ago in Glasgow we experienced first hand many school closures. We are now aware of the negative impact that such closures have on pupils, teachers and the community. I agree with Alex Johnstone and the Tory party—I hope that in future he will stick up for me on issues such as this—that a school is the hub of the community. Schools do not operate only from nine to four. I assume that in rural areas it is even more the case that they take on greater meaning as a building, a resource and a facility.

What Margaret Ewing says is right and the issue that she raises is my biggest concern. What about the guidelines? As far as I can see, the guidelines from the Executive do not take demographic change into consideration. The Parliament is trying to reverse population decline. If we do not include in those guidelines the possibility of our being successful, we will have nowhere to put those pupils who have not yet been born. That is really short-sighted. The fact that such a provision is not included in the guidelines should be investigated.

We need to know what the demographic targets are and when we expect to meet them, so that five to 10 years from now other members of the Parliament are not panicking about not having enough school buildings in which to educate our children. I am interested in a presumption against the closure of rural schools because that would allow all those arguments to take place and it would allow greater scrutiny of the process. We cannot turn the clock back in Glasgow, but the repercussions have been negative. We must now deal with that and live with it. Goodness knows what the future will hold. I find myself supporting the petition and I hope that we can take it forward.

The Convener: That is a valid point and we can ask about that general issue in our letter to the Executive.

Mike Watson: I will make a general point first. This morning, we received a letter from the chairperson of the Arbirlot parents group, which expresses her concern—in fact, she says that she was astounded—at not being called to give evidence. I will not open up that issue, as the convener covered it earlier. However, I think that there is a difficulty for the committee. Time factors meant that we decided not to call petitioners to give evidence, yet we called four MSPs, each of whom talked for longer than the individual

petitioners would have had to put their case. Also, I have to be consistent. I criticised John Scott some time ago for reading a pre-prepared statement in the committee and two of my fellow MSPs did that today. I worry about the way the committee is going. It should be about the public more than MSPs. We have to examine that in general terms.

I am in favour of a presumption against the closure of rural schools. I note with interest that the petitioners state:

"it can be observed that the presumption is party policy of the Conservative Party and the SNP."

I think that I am right in saying that Angus Council and Moray Council are both SNP councils—

Mrs Ewing: No.

Mike Watson: Are they not? I apologise. Individual members on those councils should be following those party policies. The presumption is important. Another important issue that has been drawn to our attention by Richard Baker and the petition is councils giving erroneous reasons for closing schools, such as the size of gymnasiums. It is an important issue if councils are not following the guidelines. I know that we cannot address individual school closures, but we should write to the minister and ask him to take up with local authorities the fact that they are not following the guidelines. I accept that guidelines are guidelines—people are not bound to follow them—but it is a serious matter if they are being subverted by using incorrect information. We should follow that up.

The Convener: I take on board that point and your earlier point, but the rules of the Parliament are that if an MSP wishes to come along to another committee they are free to do so. I was aware that there was a lot of interest from MSPs, which helped me to judge the allocation of time. We have taken oral evidence on three petitions this morning, and MSPs turned up to speak to them. We are not taking oral evidence on PE872, but four MSPs turned up to speak on it. They probably affect this committee more than any other, but the rules of the Parliament are that if an MSP wishes to attend another committee they should advise the convener and turn up and make their point. Unless the Parliament changes the rules, I am bound by them. We can all discuss the procedures of the committee—

Mike Watson: It was not a criticism of you, convener.

The Convener: I know that, but it is worth putting on the record that this committee is affected by the situation probably more than any other, but we just have to deal with it. I bear that in mind.

Rob Gibson: I want to raise four points. The Executive appears to be placing pressure on councils and the way that they tackle the problem. I do not think for one minute that councils want to see the hearts and guts ripped out of their local communities. As far as I am concerned, people in local communities do not understand the cash nexus that is involved. We have to find out from the Government whether the route that it has taken to maintain the fabric of schools is leading to the effect that we are seeing on school premises around the country.

Because practice varies, we must recognise that the Executive's guidelines do not fit easily in the circumstances. They are well crafted—they are general—but the way in which people interpret them results in a variety of approaches being taken that are sometimes negative, sometimes positive and sometimes more supportive of small communities than others. Often, the pressure on councils to cut the number of small schools to rationalise their expenditure is hidden. That point must be understood. Councils can raise a small amount of money themselves, but they are increasingly told by Government what they can do with it. They do not have discretion when spending it.

I am aware of Highland Council's approach, which says, "There is a possibility that rural communities can revive." It is a great pity that there are examples from around the country of schools being closed on the basis of pupil numbers, when there are more children in the area. For example, the school on Vatersay in the Western Isles was closed when there were about six pupils, but 20 pupils from Vatersay now go to the three schools on nearby Barra. It is now suggested that the schools on Barra should be rationalised and that the third one is not needed because the fabric is available in other places. The closure of schools has a fundamental social effect and cuts down communities' ability to live. Therefore, the guidelines must take into account, much more than they do at present, the conditions in different parts of the country.

I agree with other members that the Environment and Rural Development Committee and the Enterprise and Culture Committee ought to consider the matter. The Environment and Rural Development Committee's review of rural areas has shown the commitment to rural development from Governments of other countries. In Finland, which has one of the best rural policies in Europe, the right to live in rural areas is enshrined as part of the fabric of the nation. If people have a right to live in an area, they have a right to access services there. If the Executive and the Parliament believe in the rural areas of Scotland, they must consider that idea seriously and take into account the education aspect, which is a key component.

We need to take a different attitude to the way in which finance is levered in to support schooling. We must take into account the overall argument that small schools are often the best ones.

Jackie Baillie: I was going to ask members some questions, but, in the light of Rob Gibson's comments, I will say something slightly different first.

The Convener: Please, do not ask members questions; we are not having a question and answer session.

Jackie Baillie: Okay. I will try to be brief and encapsulate my points.

I support your comments to Margaret Ewing, convener—councillors are not prevented from participating in the process, so whoever says that they are has got that plain wrong.

The notion has been expressed that the Executive is applying pressure on the matter, but local authorities throughout Scotland have approached the matter very differently. Perhaps Argyll and Bute Council, which was mentioned, has learned from the errors of the past, as it is not closing rural schools; instead, the council is considering creative ways of providing education through joint campuses that combine primary and secondary schools, thus ensuring that the schools stay local to communities. That is being done with funding from the Executive; therefore, to suggest that there is blanket pressure from the Executive oversimplifies the situation.

While I acknowledge that issues arise about the enforceability of the guidelines, it is not beyond the Executive and the Parliament to encourage people to take certain actions. The guidelines cover pupil and population projections, the education case, the nature of consultation—we have heard that it has been woefully inadequate in some cases—and the impact on the community and rural sustainability. The guidance on sustainability is specifically for rural rather than urban areas. I ask my MSP colleagues—indirectly—whether, if those guidelines had been applied, we would have the scale of problem that is before us today. If the issue is about applying the guidelines, perhaps there is something to back up Mike Watson's point about what we can usefully do for communities in the north-east.

The Convener: The Executive should be asked those questions, too. I do not want to pre-empt what John Scott will say, but that is the direction in which I think we will have to go.

John Scott: I endorse Jackie Baillie's comments. I refer Margaret Ewing to a letter that we received from Tavish Scott some time ago that outlined the details of guidelines for councillors on how they should behave in situations such as the

one that she described. Perhaps the clerks could furnish Margaret Ewing with a copy of that letter. Obviously, she may wish to distribute it further.

We all want rural areas to continue to repopulate. When the issue was first discussed in the Parliament three or four years ago, the rural population was, even then, still in decline, but the trend has been reversed and we are coming out of the trough of rural population decline. For the reasons that Rosie Kane and Rob Gibson outlined, we have to be cautious about closing rural schools, which are, unquestionably, at the heart of rural communities. Rural communities disappear when they lose any of the services that were hitherto available, such as when a bank closes or the doctor or policeman leaves. It is easy to allow the slippery-slope effect to occur. Given that there is a presumption against closing rural schools in England and Wales, it seems bizarre that we are not pursuing it.

Further to the point that Jackie Baillie made, there is an inconsistent approach to the implementation of the guidelines. For no other reason than to re-establish consistency, it would be sensible to hear what the minister has to say and, subsequently, to consider referring the petition to another committee.

12:00

Helen Eadie: We should write to the Scottish Executive to ask how it has monitored all the criteria that have been put in place. If there are inconsistencies, the minister needs to report back to us so that we can be assured that the criteria have been followed.

The issue is controversial throughout Scotland. It is not clear whether an appeal mechanism is in place for communities. When a community faces such a situation it needs to feel empowered and know that the local authority has followed the criteria in taking its decision. Perhaps that could be addressed to the Scottish Executive.

On statutory consultation procedures, we have experience of consultation procedures being exemplary in some areas but not in others. We need to find out how meaningful the consultation was in each of the cases in question and whether the communities felt engaged in the process.

I back up what Jackie Baillie and John Scott said about councillors. Like other colleagues around the table, I have been a councillor. Even with the introduction of the European convention on human rights, the one area that was not affected in terms of people being able to make a pronouncement ahead of a Community decision was education. I have knowledge of that.

The committee has always taken the view that we would never suck up powers from local authorities. When a local authority makes a decision, the people who will judge it are the voters at the ballot box. We need to bear that in mind. Voters can be reminded of examples of where councillors have not acted in accordance with their views.

The Convener: We agree that we have to take up the issue with the Executive. We have a host of questions to ask. I will formulate a letter to the minister that will be accompanied by a copy of the *Official Report*, which will allow the minister to address the points made by all MSPs this morning. We can assume that the letter will also go to the Education Committee and the Environment and Rural Development Committee so that they can assess its contents. Are members content with that?

Members *indicated agreement.*

Rob Gibson: Can we send it to the Enterprise and Culture Committee as well?

The Convener: If you think that that is appropriate. I am not so sure that it is. If the Education Committee and the Environment and Rural Development Committee are considering it, we are covering most of the bases. I would not go to the barricades over this, but if we send it to the two most relevant committees there might be a spin-off to the Enterprise and Culture Committee if it wants to take an interest in it.

Rob Gibson: Okay.

The Convener: I thank everyone for their contributions.

12:04

Meeting suspended.

12:08

On resuming—

G8 Summit (Peaceful Protest) (PE871)

G8 Summit (World Poverty) (PE874)

The Convener: We are joined by Mary McDevitt and Jo Ross, who are British sign language interpreters and who are here to provide interpretation services this morning. Welcome to the committee. To aid interpretation, I ask members to speak clearly and into their microphones.

PE871 on the G8 summit is by Rosemary McIlwhan on behalf of the Scottish Human Rights Centre and the G8 Alternatives Group and calls on the Scottish Parliament to express its support for

peaceful protest during the forthcoming G8 summit, including at Gleneagles itself. Members will note that we also have PE874 on the agenda. Can I have members' agreement that we consider the two petitions together?

Rosie Kane: I would like a little guidance, convener—and I am not being difficult, honest.

I understand why you are bringing the petitions together, but can you reassure me about the committee's rules? I do not want both the petitions to end up closed. One of them is very current and will have to be dealt with now, but the other could easily be revisited in the future. Is it safe to put them together?

The Convener: I can reassure you on that. If we had not combined the two petitions, the second petition would not have been on this morning's agenda. It came in very recently and, normally, it would have been too late to be put on the agenda. Putting the two petitions together is my way of trying to get it on the agenda before the G8 summit, so that the petition is relevant. If we addressed it after the G8 summit, we would not be doing the petition any service at all. Is that okay?

Rosie Kane: Yes, it is. Thank you, convener.

The Convener: PE874 is by Shauna McIntyre and it calls on the Scottish Parliament to urge the First Minister to follow the advice of Sir Bob Geldof and lobby the G8 heads of state on global poverty.

Mark Ruskell is here and he wishes to comment on the petition. I received a phone call from the First Minister's office this morning and he has said that, because of the timescales and our efforts to deal with the petitions before the G8 summit, he would be more than happy, on receipt of the petitions today, to give a positive response to them within the next couple of days. We will bear that in mind as we discuss the petitions.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I welcome that statement of intent from the First Minister.

I watched a documentary on Sunday night. It featured an African child of around 16 who died giving birth. All of us in the Scottish Parliament now understand that we do not just have a right to protest at the G8 summit; we have a duty to protest at the G8 summit. In recent years, there has been a huge failure on the part of the G8 to tackle major problems and the millennium development goals.

I do not want protesters in Strathearn to be thwarted from getting their concerns across; I do not want local people to be unnecessarily disrupted—and I speak as somebody who lives within 12 miles of Gleneagles hotel; and I do not want the leaders' safety to be put in jeopardy.

However, we can deliver rights for the three different parties.

Because there is a lack of agreed routes for marches in the area around Strathearn, there could be a complete free-for-all next Wednesday. Over the past year, when arrangements for the summit have been discussed, the attitude of the police has been, "Well, you know, whatever happens in the area, we'll be able to deal with it." That attitude really concerns me.

Protesters are coming to Strathearn and were planning to do so long before Bono or Bob Geldof extended an invitation. The people who are coming have a lawful right to protest, but they have no lawful way of actually exercising that right in the area. That worries me. The attitude of the police seems to be, "Well, the make poverty history demonstration is on the Saturday four days before the leaders arrive, so you'll have had your demonstration." I do not think that that is good enough. Human rights cannot come in instalments. Either we have the right to protest or we do not.

We need to find a solution. It cannot be beyond the wit of the British state—which we are part of, Rosie Kane is part of, and the police and the Executive are part of—to enter into dialogue with the local council and with peaceful protest groups to try to come to a solution that respects the rights of local people, respects the rights of the leaders to meet at Gleneagles hotel safely, and respects the rights of protestors to protest, as called for in PE871.

The geography of the Strathearn area is being redesigned by the security operation to make it extremely difficult for any sort of lawful right to protest to be delivered. That is a mistake.

I leave members with the thought that I do not want the epitaph of the summit to be, "We dealt with what happened, but we did not uphold people's rights to protest." We cannot just deal with the situation; we have to uphold people's rights and we can do that, but some urgent dialogue is needed. The main demonstrations are planned for Wednesday next week, so we have very little time. I welcome the First Minister's words to which the convener referred, but we need a sense of urgency and I ask the committee to consider that in its response to the petition.

12:15

Rosie Kane: I agree with what Mark Ruskell said, apart from the worrying bit about my being part of the British state. I declare an interest in that I am involved with the Scottish Human Rights Centre and G8 Alternatives.

Mark Ruskell rightly said that what was initially sought was the right to march past Gleneagles. Let us be clear about what we were asking for—to march past Gleneagles for a number of reasons. Live 8 and make poverty history make excellent points and have got coverage on the television and everywhere else. We know about the pain in the world, we know that debt cancellation is required, we know all that and that is fantastic. However, the eight guys who are making the decisions at the summit need to know how we feel and they live in a bit of a bubble. They need to hear the peaceful protest go past them because we the people—and we are talking globally here—need to express that and our protest has to be within earshot.

As Mark Ruskell pointed out, a whole mishmash has erupted. There is a stigma attached to protest and accusations are made that protests are dangerous. We are all trained in non-violent direct action and we know exactly what we are doing, so there is no reason for this row to have erupted. We are now brought to the position where our human rights are being infringed because we cannot express ourselves near to Gleneagles hotel on the day.

There is a short time to make things right. I do not know what the First Minister intends to say about that. However, my concern about the two petitions is that the situation is not yet played out. We do not know how much further our human rights could be pushed aside in the coming days and weeks in relation to the G8 summit. That is why it is imperative that such an infringement is not just a concern for the moment; it is a concern that we could be excluded from the democratic process and our right to speak up denied.

I hope that we protect this petition and keep it open to allow us to have another look at it. I hope absolutely that the First Minister takes Bob Geldof's words to anybody with whom he hobnobs at the G8 event. It is worth noting that the things that Bob Geldof said have also been said by many of us in the Parliament. We have been booed, but when Bob says them, he is applauded. Let us applaud those words and take them forward.

I hope that the First Minister will respond positively to both petitions and I hope that our freedom to march past Gleneagles will be upheld. However, we do not know for sure whether that will happen, and other things could negatively affect our human rights. That is why it is important that we hold open the petition so that we can revisit it.

The Convener: I give you a commitment now that it will be on our agenda in September so that we can look at the petitions post-G8. Are you happy with that?

Rosie Kane: I am grateful to you for that. It does not surprise me that you would do that.

John Scott: Perhaps not unexpectedly, I am not trained in non-violent direct action, but that does not mean that I am not concerned about the problems of the third world or Africa. I have visited Africa under my own steam on several occasions in recent years and seen at first hand the poverty. I am as passionate as anybody about solving those problems. Just because I will not be demonstrating anywhere in Edinburgh or around Gleneagles does not mean that I do not care. I resent the implication vested in the two previous statements.

The police have been doing a very reasonable job. They have been working particularly hard to try to be as reasonable as possible with the demonstrators. The right to protest is one thing—and I am totally in favour of the right to protest—but, in Scotland, questions about the right to protest and the damage that might or might not be caused as a result of it, is overshadowing the real issues, which are to do with world trade and third-world poverty, which I am hugely concerned about. Other people's human rights must be considered as well as those of the protestors. Of course, I am thinking of the citizens of Edinburgh and the people in the communities that Mark Ruskell spoke of and among whom he lives. The issue of rights is not one sided.

Jackie Baillie: It is important that we send a signal that we enjoy the right to protest because we live in a healthy and vibrant democracy, which needs to be protected at all costs.

There have been discussions about the route and other practicalities between the police and local authorities and I take some comfort from assurances that it is intended that the action be peaceful. In that context, I welcome the First Minister's agreement to take the petitions today and to move on them swiftly. That shows that he is listening and is responsive.

I would like to disagree slightly about the importance of the demonstration on 2 July. We have an opportunity for Scotland not only to be on the world stage but, through an expression on the part of all our people, to demonstrate not an image of protest that is all to do with campsites or whatever else might spring to people's minds, but of families from communities across Scotland assembling in Edinburgh to say that we want to make poverty history. I do not dismiss what is going to happen on 2 July because I think that it will send a powerful signal, which relates to the terms of PE874. I encourage people to come to the demonstration. It will be peaceful and it will have a family atmosphere. I know many people from my constituency who will be coming through.

Finally, I must say that, while I admired Bob Geldof—and, indeed, probably have many of his records—it is the view of the Scottish people that matters much more in relation to making poverty history across the world.

Mike Watson: I have little to add to what Jackie Baillie has said about keeping things in perspective in terms of what is happening on Saturday, the concerts in London and Edinburgh and, of course, events at Gleneagles—or as close to it as the protestors are able to get. I support their right to demonstrate within earshot of the G8 leaders, as Rosie Kane said.

Like Jackie Baillie, I will be marching in Edinburgh on Saturday. It is important that the message that we send shows that we are not putting our individual concerns above those of the developing world. It is also important to recognise that we should not assume that people such as John Scott who will not be going on Saturday for whatever reason have a lack of interest in the cause.

On the question of the petitions, I am not quite clear what it is suggested that we do. Convener, you said that the First Minister will make a statement on the petitions and that we will continue them until that point. Nonetheless, the first petition asks us to make a statement about the ability to protest. However, if we simply continue the petition, we will be making no such statement until the G8 summit has passed. What were you saying about what we will do when we revisit the petitions in September?

The Convener: When we revisit them in September, we can address—post-G8—what the implications of the petitions were. I cannot know what the First Minister's statement will be or whether he will make it a public document. I could ask him if he is prepared to do that, as that would allow the Scottish Executive's position to be contextualised prior to the events taking place. I cannot pre-empt the First Minister's intentions; I simply welcome the fact that he has noticed the petitions and wants to ensure that the committee knows that he is prepared to make a positive response, given that the G8 summit is only a week away.

Mike Watson: Is there a way in which the committee can make a positive response as well?

The Convener: There would be no harm in that at all.

John Scott: Does your conversation with the First Minister's office lead you to believe that he will make a statement on this matter in Parliament?

The Convener: No. I think that the First Minister will respond to me, as the convener of the Public

Petitions Committee. I will clarify whether that letter can be made public. That might be a vehicle for him to have his views on the two petitions publicly stated, but I do not want to put any more emphasis on that than would be fair. The suggestion has been made that we could write to the petitioners and let them know of our support for the petition, which would give them a statement from the committee, if that would be helpful.

Helen Eadie: The emphasis must be on peaceful protest because, if we do not have peaceful protest, we will do a major disservice to every child who is dying throughout the world. No one in Scotland who is on any of the demonstrations next week should engage in any form of violence, because that would destroy the whole case.

Rosie Kane: For more than a year now, the emphasis from G8 alternatives and connected organisations has been on peaceful protest. Their emphasis has always been on peaceful protest. At other G8 summits, the aim has always been to pursue peaceful protest, but the barriers that were erected were often the cause of difficulty. Peaceful protest has always been and continues to be the emphasis. It has not changed.

The Convener: We can make that clear. We can write to the petitioner with our views. Also, as with any petition, the response from the Executive will be sent to the petitioners, so they will have sight of it. I will clarify whether the First Minister would like us to make his letter public as soon as I can.

Rob Gibson: Can we be more positive and ask him that we be able to release what he says?

The Convener: That is what I am going to ask him. I will clarify whether that is his intention. Is that okay?

Members *indicated agreement.*

Current Petitions

Mental Health Services (Deaf and Deaf-blind People) (PE808)

12:27

The Convener: Our first current petition is PE808, by Lilian Lawson, on behalf of the Scottish Council on Deafness, which calls on the Scottish Parliament to urge the Scottish Executive to develop and establish a specialist in-patient mental health unit for deaf and deaf-blind people and to provide resources—for example, training—for mainstream psychiatric services in the community to make them more accessible to deaf and deaf-blind people in Scotland.

At its meeting on 23 February 2005, the committee agreed to write to the Scottish Executive, the John Denmark unit in Manchester and the Royal National Institute for Deaf People. Responses have now been received and circulated. Do committee members have any comments to make on them?

Mike Watson: The responses are interesting. Basically, the Deputy Minister for Health and Community Care does not accept the case—that is not an unfair way of paraphrasing what she said. The comment from the John Denmark unit in Manchester was:

“This department considers the remit for mental health service for deaf/deafblind people in Scotland needs to be much broader than”

what the Executive outlines. On that basis I would like to ask the minister—we have a different Deputy Minister for Health and Community Care as of today, of course—to respond to the points that the John Denmark unit and the Royal National Institute for Deaf People have made.

John Scott: I agree with that. It is not good enough that deaf-blind people must travel to the north of England despite all their difficulties. It is difficult enough for people without disabilities to travel to the north of England for treatment, and it is absolutely unreasonable that deaf-blind people should have to do so. The situation is part of the bigger picture of underprovision for deaf and deaf-blind people in Scotland. We lag behind England, Wales and Northern Ireland and we need to push the minister on the matter. In Ayrshire, 46,000 people have a hearing impairment, which is a huge number, and our papers say that 750,000 people in Scotland are affected. The underprovision is almost criminal. The minister needs to do more.

I should declare an interest, as I am a member of the Sensory Impaired Support Group in

Ayrshire. There are real problems and I would like the minister to address them more seriously.

The Convener: Do we agree to get back to the Executive to ask for a more positive response to the points that have been made on the petition?

Members indicated agreement.

National Bird (PE783)

12:30

The Convener: PE783, by James Reynolds on behalf of *The Scotsman* newspaper, calls on the Scottish Parliament to support the establishment of the golden eagle as the national bird of Scotland.

At its meeting on 10 November 2004, the committee agreed to invite the Executive's views and, in particular, to seek details of the process for adopting a national bird for Scotland. However, despite the fact that the original deadline was 24 December 2004 and despite a couple of reminders, the Executive has still not provided us with a response. It is unacceptable that we have to bring back petitions in this way to elicit a response from the Executive.

Mike Watson: I certainly agree with that, but there is a great possibility that the Minister for Tourism, Culture and Sport has seen none of the correspondence. I suggest that you chase up a response by speaking to her.

The Convener: I will do that. We will get a response one way or the other. Are members agreed?

Members indicated agreement.

Organ Retention (PE790)

The Convener: PE790, by Lydia Reid on behalf of Justice for the Innocents, calls on the Scottish Parliament to urge the Scottish Executive to conduct a public inquiry into organ retention; to consider introducing regulations to standardise the handling of children's bodies and the return of body parts after a procurator fiscal post mortem; and to consider making compensation payments to parents of children whose body parts were stored without permission.

At its meeting on 8 December 2004, the committee agreed to write to the Scottish Executive, the Crown Office and Procurator Fiscal Service and the Cot Death Society. We have now received those responses. Do members have any comments?

Helen Eadie: Given that the Minister for Health and Community Care introduced the Human Tissue (Scotland) Bill on 3 June, it might be

appropriate to refer the petition to the Health Committee as part of its stage 1 consideration of the bill. I know that people all over Scotland will be pleased with the bill because, like many other MSPs, I have received a considerable volume of correspondence and representations from constituents who have suffered grievously from previous practice. I warmly welcome the fact that the bill has been introduced.

The Convener: Do members agree to forward the petition to the Health Committee?

Members indicated agreement.

NHS Scotland (National Specialist Services) (PE791)

The Convener: PE791, by Brian McAlorum, calls on the Scottish Parliament to review the criteria and funding mechanisms for national specialist services provided to NHS Scotland by individual health boards, given that the case involving the centre for integrative care at Glasgow homoeopathic hospital has shown that at the moment they are neither transparent nor effective.

At its meeting on 8 December 2004, the committee agreed to write to the Minister for Health and Community Care, Greater Glasgow NHS Board, the national services advisory group, the Scotland Patients Association and the Scottish Association of Health Councils and to pass copies of the petition to the Health Committee and Professor David Kerr for information only.

Do members have any comments on the correspondence?

Mike Watson: The petition was prompted by NHS Greater Glasgow's proposal to close the 15-bed in-patient unit at the Glasgow homoeopathic hospital. Members might or might not be aware that, about a month ago, the board decided not to proceed with the proposal.

However, the petition also raises more general issues. It is noticeable that the chief executive of NHS Argyll and Clyde, who is soon to be no more—I do not necessarily mean that personally, but it is probably the case—says that his board sees no reason for a review of the policy objectives of a national designation. I do not know why we wrote specifically to Argyll and Clyde, but I suspect that that view, which mirrors the Executive's response, is being put forward on behalf of the NHS centrally.

My concern at not receiving a response from NHS Greater Glasgow is based not only on my concern for the unit, in relation to which a decision has been made, but more generally on the fact that, from time to time, ministers or organisations show the committee the discourtesy of not providing a response. Convener, I can only repeat

my earlier point in saying that you could perhaps be proactive by phoning the chief executive of NHS Greater Glasgow and asking him for a response, even though matters have moved on somewhat.

The Convener: I am more than happy for that to be done. I will clarify why there was a response from Argyll and Clyde. We wrote to the national services advisory group, and the person who responded is based in Argyll and Clyde, which is why the letter came back on Argyll and Clyde headed notepaper. However, it is a centralised response. I am happy to take up the suggestion of contacting Greater Glasgow NHS Board.

John Scott: We should do that, and perhaps we should consider that it might find it easier to come and speak to the committee directly if it is having difficulty in putting pen to paper. We would be grateful to hear from the board and it would not be unreasonable for it to make its views known to us.

Perhaps it is just the mood that I am in this morning, but I am slightly discontent with the minister's views and explanation of the criteria for attracting funding. I do not accept those criteria because the hospital is there out of need. I welcome the volte-face on the closure of the 15-bed unit. It is difficult to provide expertise locally, albeit low-cost expertise, and that is why the hospital is there. I appreciate the minister's argument, but I do not accept that it is entirely reasonable.

Rob Gibson: My colleague Sandra White was prominent in the campaign to retain the homoeopathic hospital and would want me to say that she is glad that the petition has thrown the issue into the public light and perhaps prompted the volte-face, as John Scott called it.

Harry Burns's view now that he is moving on to become the chief medical officer might be different from his view when he was in his Glasgow role. As the Kerr report considers specialist units of this sort, we might expect to get an answer from Greater Glasgow NHS Board and the new chief medical officer if at all possible.

The Convener: That is a good suggestion and I am more than happy to find out whether there has been a change in perspective now that we have a change at the top. I am also happy to take up John Scott's suggestion that we offer Greater Glasgow NHS Board the opportunity to come here and speak to us directly. I will certainly make that offer. If it does not take it up, I would expect to receive some response not just because we are asking for it but as a matter of courtesy. The petition related to a decision that the board had to make and I would have thought that it would be in its interests to put in writing an explanation of how it arrived at its conclusions.

Mike Watson: Even if the board did not want to respond before the decision was made, it could have done so in the six weeks that have passed since then.

The Convener: Are members happy that we do that?

Members indicated agreement.

Lamlash Bay (No-take Zone and Marine Protected Area) (PE799)

The Convener: Our next petition, which is by Tom Vella-Boyle, calls on the Scottish Parliament to urge the Scottish Executive to support the Community of Arran Seabed Trust's proposals to close an area of Lamlash bay to all forms of marine life extraction, to create a no-take zone, and to close the rest of the bay to mobile fishing gear, to create a marine protected area.

At its meeting on 22 December, the committee agreed to seek the views of the Scottish Executive, the Scottish Association for Marine Science, Scottish Natural Heritage and the Clyde Fishermen's Association, the Clyde and South-West Static Gear Association, commercial fishermen on Arran, the Arran Sea-Angling Association and North Ayrshire Council. Responses have been received and circulated to members. The petitioner has also provided some additional information in support of the petition, which is available from the clerks.

Rob Gibson: I spoke when the petition came to the committee and it strikes me that certain things have changed since the Executive made its remarks in February. Today the minister has made remarks about fishing effort and last week he launched a marine conservation consultation. The Executive's response covers conflict resolution between different interests. I believe that we should ask the petitioner and Professor Roberts for their comments and ask for an update from the minister. Lamlash bay will potentially be covered by a future organisation for marine conservation on the Clyde, and we should try to encourage the debate around that, which has already developed considerably given the Executive's moves. It would be useful to involve the Executive.

John Scott: I used to be on the Transport and the Environment Committee when we discussed coastal zonal management, which I am sure should form part of the proposals that I assume are now being made. Perhaps Rob Gibson is better informed on the matter than I am. The responses that we have had indicate nothing more than a divergence of views, which depend on the vested interests that are represented.

If the Executive is going to pursue an overall strategy, that is to be welcomed. The wisdom of

Solomon might be needed to reconcile the various different interests, but I hope that the Executive will consider the situation.

The Convener: Do members agree to go back to the petitioner on the matter? We have now collated the information that Tom Vella-Boyle gave us. It is clear that the petitioners have a lot of expertise in the area. It will be interesting to find out their perspective on the responses. It would be useful if they could collate the responses and form an opinion on them.

It would also be interesting to find out the view of Professor Callum Roberts of the University of York, who is an acknowledged expert in the field and who has been involved in COAST. Once we have received responses from the petitioner and Professor Roberts, we can consider the matter further. Is that agreed?

Members indicated agreement.

Health Professionals (Regulation) (PE802)

The Convener: PE802 is from Mark Russell and calls on the Scottish Parliament to express its deep concern that, despite health being a devolved matter, the regulation of health professionals is reserved to the Westminster Parliament.

At its meeting on 19 January 2005, the committee agreed to write to the Minister for Health and Community Care and the Health Professions Council. Responses have been received and have been circulated to members. The petitioner has provided further correspondence, which has also been circulated.

John Scott: It makes sense to seek the views of the petitioner on the responses that we have received, and perhaps also the opinion of the British Psychological Society.

The Convener: Getting those responses would allow us to consider the matter further. Is that agreed?

Members indicated agreement.

Fishing Industry (PE804)

The Convener: PE804 is on the common fisheries policy, and came from Carol MacDonald and Morag Ritchie. It calls on the Scottish Parliament to use its influence to return control of the fishing industry to Scotland.

At its meeting on 2 February 2005, the committee agreed to seek the views of the Minister for Environment and Rural Development and the House of Commons Environment, Food and Rural Affairs Committee on the issues raised by the petition. The committee also agreed to pass a copy of the petition to the Environment and

Rural Development Committee for information only. Responses have been received. I welcome members' comments. Richard Lochhead is with us, and wants to make a contribution.

Richard Lochhead (North East Scotland) (SNP): I will keep my comments brief, as I know that time is getting on and the committee is discussing many issues today. I urge the committee to take the matter to the next stage—whatever that might be in the committee's view—and to keep the petition alive. It was signed by a quarter of a million Scots, who believe that control over our fishing grounds should be returned to the Scottish Parliament. The committee should also bear in mind the results of the referendums on the European Union constitution in France and the Netherlands, which demonstrated that people across Europe are disillusioned with centralisation in the EU. It would help the EU to repair the damage if it scrapped the policies that are unpopular among communities throughout the continent. I suggest that the common fisheries policy is one of the most unpopular policies in the EU, particularly here in Scotland, where it has had such damaging consequences.

I am slightly disappointed in the minister's response, although it is not a surprise given that his official policy is to stay within the CFP. I draw the committee's attention to an excellent document that was published today by representatives of many fishing communities, both here in Scotland and outwith Scotland. It is called "A post CFP UK fishing policy", and it has been published by the united fishing industry alliance. The people involved in the industry, whose lives depend on it, have alternative proposals, which they believe would serve Scotland's interests. It is up to the Parliament to give due consideration to those proposals and to ensure that the petition is taken seriously and pursued.

12:45

The Convener: The Westminster Environment, Food and Rural Affairs Committee has also published a report, to which the UK Government will respond. Would it be useful for us to keep the petition open and to consider the issue in the light of the response from London as well as the Scottish Executive's comments on the document that was published today? That approach would enable us to continue our consideration and benefit from the perspective of all sides on the action that can be taken.

Rob Gibson: I agree with that as far as it goes, but you might also want to bring the Environment and Rural Development Committee into the loop. It regularly takes evidence from the Minister for Environment and Rural Development on European issues—we will do so today—and we might

highlight the need for more detailed inquiry into the matter. We can do no more than question the minister today, but it might be useful if you informed the committee of your deliberations, with a view to the Executive's future programme.

The Convener: I am more than happy to do that. We sent the petition to the Environment and Rural Development Committee and there is no difficulty in our keeping it updated on what we have discussed at this meeting. We will keep the petition open pending the result of discussions in London and in the Scottish Executive. However, we should keep to a tight timescale and not let the matter drag on.

Therapeutic Work Initiatives (Funding) (PE820)

The Convener: PE820 calls on the Scottish Parliament to urge the Scottish Executive to ensure that adequate funding is provided for therapeutic work initiatives to assist people with psychotic psychiatric disability. At its meeting on 23 February, the committee agreed to write to the Scottish Executive, the Scottish Association for Mental Health, the Disability Rights Commission and Capability Scotland and to copy the petition to the Equal Opportunities Committee for information. Do members have views on the petition?

Mrs Ewing: The petition was lodged by Graham Clark, who runs Shamanic Studios, which is a small, non-profit studio in my constituency. I meet him regularly and he readily admits that he has suffered from psychiatric disorders. Through his small organisation he tries not only to do therapeutic work for himself but to help other people who have had mental health problems. He does that by producing DVDs, videos and other easy-access media—if I can put it that way. He seeks a small grant of between £2,500 and £3,000 per year for the retention and maintenance of his studio in Lhanbryde, but he seems to have run into all sorts of difficulties with various departments and he has applied to every funding source that I can think of. He feels frustrated that the Parliament cannot somehow produce a small sum of money that would make a huge difference to an organisation that I think is very valuable, not just in my area but elsewhere—anyone who watches the DVDs will appreciate their value. Are there other mechanisms that he could use? He received a scam e-mail that said that he would receive £5 million, which was not helpful in the circumstances.

Jackie Baillie: I support therapeutic work initiatives and value the benefits that they can bring to people. However, I am hesitant about discussing funding for a specific organisation, because it is not appropriate for the committee to

become involved in individual funding decisions. I take on board the generic point that it might be difficult for projects to access funding. In the context of the Executive's funding for local authorities and health boards, could generic support for therapeutic work initiatives be provided, beyond what the Executive provides through grants? Such support could underpin the value of the work that is done.

The responses to our letters were all relatively positive. Perhaps we could send the responses from SAMH, the Disability Rights Commission and Capability Scotland to the Deputy Minister for Health and Community Care and ask her to comment on them?

Mike Watson: I support Jackie Baillie's view. However, I note that the response from Capability Scotland raises the point that she mentioned and says that the approach that funders take

"makes it very difficult for innovative initiatives like Mr Clark's to emerge, unless Mr Clark was prepared to work with another organisation to take forward his ideas."

We should ask Mr Clark for his response to that point and to the other responses that the committee received.

The Convener: Why not? We will ask the petitioner to comment. I hope that we can consider a response from the minister at the same time as we consider the petitioner's response. At that stage, we will consider what more we can do with the petition.

That concludes business. I wish everyone a hard-working recess—and a good holiday, if they manage to have one.

Meeting closed at 12:50.

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