

PUBLIC PETITIONS COMMITTEE

Wednesday 5 October 2005

Session 2

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PUBLIC PETITIONS COMMITTEE

15th 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)

*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:

Philip Bryers (Alzheimer Scotland)

Chris Daly

Alan Draper (In Care Abuse Survivors/In Care Abuse Support)

Patricia Ferguson (Minister for Tourism, Culture and Sport)

Christine Grahame (South of Scotland) (SNP)

David Turner (Scottish Dementia Working Group)

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Wednesday 5 October 2005

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

New Petitions

Dementia Treatment (PE886)

The Convener (Michael McMahon): Good morning, everyone, and welcome to the 15th meeting in 2005 of the Public Petitions Committee. As ever, we have a busy agenda. Having received no apologies, we can go straight to the first item.

The first new petition is PE886 by James McKillop on behalf of the Scottish dementia working group. It calls on the Scottish Parliament to urge the Scottish Executive and NHS Quality Improvement Scotland to ensure the continued availability on prescription of medications such as donepezil, rivastigmine, galantamine and memantine for use in the treatment of Alzheimer's disease and other forms of dementia.

David Turner is here to make a brief statement in support of the petition. He is accompanied by Philip Bryers. You are both welcome. You have a few minutes to make your opening remarks and then we will discuss the issue that you have raised.

Philip Bryers (Alzheimer Scotland): Thank you, convener. I start by giving apologies on behalf of James McKillop, who is the chairman of the Scottish dementia working group, and Andrew Banks. Both of them had hoped to be here, but for personal reasons they cannot attend.

I am the co-ordinator of the group, and I do not usually speak on behalf of its members. Therefore, I ask David Turner to make a statement on our behalf. After David has spoken, I would like, if I may, to return to our script to read any paragraphs that David has not covered in his remarks, because David would have some difficulty in reading from a script.

David Turner (Scottish Dementia Working Group): Good morning to you all. I was diagnosed as suffering from Alzheimer's disease just over five years ago. At present, I am on a medication that I know as Aricept, although it has various names. I heard the convener mention one of them earlier.

I call Aricept my wee golden ball. It costs about £2.50 to produce the tablet and to get it to me. The difference that it has made to my life and to the life

of my children and family has been amazing. They had lost me: I did not know what day of the week it was, where I was or where I was going. I could not go out on my own; I had to be taken everywhere. Since I have been given Aricept, I have got my life back.

I have been to see my MSP, Andy Kerr, about it. He felt that it made quite a difference to me, as I could sit and converse with him. My daughter burst into tears talking about it, because she remembers when I could not remember a thing and could not go anywhere on my own. It would be a tragedy if the drug were withdrawn. Therefore, I am here to ask the committee to ensure that it is prescribed to everybody who is diagnosed with Alzheimer's. It is a wonderful drug. That is all I have to say.

The Convener: Mr Bryers, do you have anything to add?

Philip Bryers: The Scottish dementia working group accepts that the medications do not work for everyone but it wishes to establish the principle that they should remain available on prescription in Scotland to anyone who might benefit from them for as long as they continue to benefit. We are concerned about the fact that, in at least one health board area, there is already a waiting list of people who want to be prescribed the medications.

A National Institute for Health and Clinical Excellence report has suggested that the medications are not cost effective. We contest that and question the way in which NICE calculated the benefits. We can say without a doubt that the benefits in terms of the quality of life of members of our group who are on the medications and of their family carers are worth much more than the £2.50-a-day cost.

We believe that the medications help to slow down the progression of the condition that our members suffer from, which must mean a saving in expensive social care to the health service and local authorities. I emphasise that these are the only medications that are currently on offer to people with Alzheimer's.

The fourth drug that was considered by NICE, memantine—also known as Ebixa—works differently from the other three and can be of benefit to more people. At present, it is available on prescription in England and Wales for people with Alzheimer's but is not recommended for use by the Scottish medicines consortium. We would like that to change.

Our fear is that, if no medical treatments are available, there will no longer be any incentive to diagnose the onset of dementia at an early stage. That would deprive future generations of the knowledge of what is wrong with them and prevent

them from accessing the help of vital social support services.

Ms Sandra White (Glasgow) (SNP): I was going to ask you what reason had been given for not providing the drugs, but you mentioned that they are seen to be not cost effective. Have any other reasons been given? Have any alternatives to the drugs been suggested?

Philip Bryers: As you say, based on the measures that it used, NICE found that the drugs were not cost effective. NICE has acknowledged that there is evidence of their clinical effectiveness for some people with Alzheimer's. The reason why it has not produced a conclusion to its consultation document, which came out in March, is that it wants to give the pharmaceutical companies additional time to produce further evidence about the targeting of the medications. In other words, it is aware that not everyone can benefit, but not enough is known about which people can benefit and which cannot. NICE has postponed its decision until December, although it originally said that it would make it in the early part of the summer. The delays are causing a considerable amount of unease and concern among people who could benefit from the medications.

As I said, our position is that, if there is a possibility that someone could benefit from the medications, the medications should be made available to them until it can be determined whether they will benefit.

Ms White: You said that no alternative had been offered and that no decision would be made until December. Can you name the health board that you were talking about? Do you think that the reason why that health board and, possibly, others are not prescribing the medicines is because they think that the NICE recommendations mean that they will not come on the market?

Philip Bryers: There are no alternative medications. If the NICE recommendations are approved and adopted by NHS Quality Improvement Scotland, which will make an independent decision on the matter, no medications will be available. That is why we fear that the incentive to undertake an early diagnosis will be much reduced.

Ms White: Can you name the health board area that you were talking about?

Philip Bryers: I think that the name is public knowledge. I am happy to name it, although I am not happy for the area's residents: it is Lothian NHS Board. We know that, because the allocation of money for those medications has been exhausted, people in that area who are judged to have the potential to benefit clinically from the medications must wait to be prescribed them.

John Scott (Ayr) (Con): Good morning. This important petition must be acknowledged. I have much sympathy for the points that you make. As recently as last night, someone told me that, if the drugs were withdrawn from her husband, she would sell her house to fund them, if that was what it took. I do not understand the methodology for assessing that the drugs are not cost effective. Will you explain that to me a little more?

David Turner: For £2.50—that is the cost of my prescribed Aricept—I have been given my life back, as I said. It has eased the burden on my family—on my two daughters and my son, who are bound to look after me. For that alone, it must be worth keeping the drug on the go.

John Scott: I presume that significant costs for carers or costs to your family would otherwise be incurred.

David Turner: I do not want to go down the route of carers. I have not been involved with or needed carers, because of the drug.

Philip Bryers: The methodology that NICE employed uses quality-adjusted life years—QALYs. The criticisms that Alzheimer's societies, including Alzheimer Scotland, have made of QALYs is that they take into account only the cost to the health service and are an inadequate measure of the improvements in quality of life. They look more at extensions in the span of life rather than at the quality of life. My colleagues in Alzheimer Scotland have produced a technical paper that we would be happy to make available to committee members, should they so wish.

John Scott: You suggest that NICE does not take an holistic approach to assessing the drugs' benefits and that considering only extended lifespan is too narrow a view.

Philip Bryers: That is correct.

John Scott: In my view, it would be unreasonable to withdraw the drugs, certainly before a rigorous assessment has been undertaken.

Rosie Kane (Glasgow) (SSP): David Turner said that the drugs do not benefit all. I have two wee questions on that. If someone is given the drugs and does not benefit, do they experience negative effects, or do they simply not progress or do as well as you are doing? Some people must keep away from other drugs—such as Seroxat, Prozac and even aspirin—for reasons that they might find out about in the middle of a course of treatment. Are the authorities being unusually thorough with your medication?

David Turner: I do not know how thorough organisations have been in assessing the medications. All that I can judge is the results for me. My children are astonished at the change in

me in the period that I have been on the drug. I was completely gone. I was not allowed to go out on my own, because I did not know how to get home. Now I can go out and disappear for days and return when I feel like it. I do not have to be chased back up the road. East Kilbride—where I live—is a big place, and it is easy to get lost there, although if I was going to get lost, I would go elsewhere than East Kilbride.

In all honesty, to remove the drug at this stage in its development would be a crime against society, because society would pay for looking after people who could not look after themselves.

10:15

Philip Bryers: To add to what David Turner has said, I am not aware that there are any serious side effects. The drug that is most commonly used in Scotland by people with Alzheimer's who are on medication—its common name is Aricept—appears to have few side effects. Aricept was introduced in 1997, so we have seven or eight years' experience of it, and the side effects are minimal. The other medications have slightly more side effects but, in my experience, people are withdrawn from those medications at an early stage, before there are any serious consequences for their health.

The Convener: If the drug can help you find your way in East Kilbride, I think that we should give it out much more widely. [*Laughter.*] I have been lost in East Kilbride a few times myself.

Helen Eadie (Dunfermline East) (Lab): I have read the papers supporting the petition and I see that NHS Quality Improvement Scotland has indicated that it is unlikely that the final appraisal will be published until spring 2006. In the meantime, has the Scottish medicines consortium expressed any view on the treatments?

David Turner: Not that I am aware of.

Philip Bryers: We hope that NICE will reach a conclusion at its meeting in December, but there have already been two delays, so the spring of next year might be a more realistic estimate. The responses that we have received, both from NHS Quality Improvement Scotland and from the minister, indicate that normal practice will be adopted—namely, that a decision will not be taken in Scotland in advance of an announcement by NICE. We would prefer it to be otherwise because of the consequences of the uncertainty. We understand that the Scottish medicines consortium is contributing to the process that NICE is undertaking through NHS Quality Improvement Scotland but that it will not make any moves or statements in advance of NICE's announcement.

David Turner: The longer it takes to put people on the medication, the more the chances of its being effective for them decrease. I can assure members that it is effective, and it would be criminal to remove it from the public domain.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): The story that you have given us about the possibility of helping people who suffer from Alzheimer's at such a low cost seems quite remarkable. As you said, without that medication, the cost to the family, to the medical profession and to other carers would be quite phenomenal. For the sake of £2.50 a day, prescribing the drug seems a sensible solution. How do clinicians and medical professionals assess individuals and decide whether the drug will be beneficial before they prescribe it?

David Turner: I do not know how they decide on its effectiveness. I can speak about the drug only on the basis of my own experience. I am a new person since I have been on the drug. Believe me: I was in a terrible state mentally, and my family were in a terrible state having to cope with me. Right at the beginning, when I got the early-onset diagnosis, I did not know what day of the week it was or where I was. I was frightened to go out, but the drug has restored my self-confidence as well as everything else. I could go on and on about it for hour after hour. The drug has got to stay or, somewhere, some day, people will have to answer as to why it was not kept.

John Farquhar Munro: I appreciate and understand that. In your paperwork and in your presentation to us, four or five drugs are mentioned. I would like to know how a clinician decides which one would be most beneficial to an individual. Is it just a case of trial and error?

David Turner: I believe that it has to be trial and error. When I first got the medication, my doctor said, "We'll try you on this." I went to the southern general in Glasgow; that is where I was diagnosed as having early-onset Alzheimer's disease. Since I went on to the drug, I have had no bad effects from it, only beneficial effects.

Philip Bryers: The figures that were given in answer to a parliamentary question from Margaret Ewing in January 2004 may partly answer the member's question. They indicated that the most commonly used medication is the one that David Turner benefits from—Aricept, or donepezil. In 2002—the most recent period for which statistics were available at the time—some 19,000 people in Scotland were prescribed donepezil, or Aricept. The other two drugs in the same class of medication—rivastigmine and galantamine—were prescribed for about 10,000 people in Scotland. Another drug, which operates differently and has the potential to benefit other forms of dementia and also to be effective at later stages of

Alzheimer's, had only just appeared on the market and is still not recommended for prescription in Scotland. However, at the end of 2002, 100 people in Scotland were on memantine, or Ebixa. To some extent, the figures indicate the nature of the judgments that doctors make, and Aricept is the most common prescription.

John Farquhar Munro: Even if the list of drugs were approved by the national health service or whatever governing body approves medications for Scotland, the decision to use them rests with individual health boards. That seems a bit remiss. I would have thought that, if a medication was approved for general use, every health board in Scotland would be obliged or encouraged to use it.

Philip Bryers: I cannot comment in detail on that. The practice of individual medical practitioners varies. Some of them are very enthusiastic. We have met several who prescribe medication in almost every instance and others who are more wary. I cannot comment on the extent to which economic decision making enters into the picture. It is very much a matter of medical practitioners making the decision unless, as in NHS Lothian, there is some constraint on the budget that restricts and modifies their clinical judgment.

The Convener: I ask members for recommendations on what we should do with the petition.

Helen Eadie: I suggest that we write to NICE, asking for an update on the progress that has been made on the appraisal of donepezil, rivastigmine, galantamine and memantine and the treatment of the disease. The petitioners have given us a good case for getting sound reasons from NICE for what it is doing and why it is doing so, and for seeing whether it will change its mind.

The Convener: Do members agree that that is a good starting point?

Ms White: I agree. I would like to pick up a point that John Farquhar Munro made. The papers mention the fact that it is not mandatory to take on board the recommendations of NICE or its Scottish equivalent. I wonder whether it would be helpful to write to NHS boards, to see how many of them prescribe the drugs.

The Convener: I am not opposed to that idea; however, I think that it would be worth waiting until we get the information from NICE. Then we will know what questions to ask the NHS boards. If we know what NICE's recommendations are, we will have a starting point from which to approach the Scottish Executive Health Department or the individual NHS boards to get their decisions. I am not ruling your suggestion out, but I think that we should wait until we have got our first reply.

Rosie Kane: Mr Bryers mentioned a paper from Alzheimer Scotland. Could we be furnished with that paper, in the meantime?

Philip Bryers: One of your colleagues, Irene Oldfather, convened a cross-party group on issues relating to dementia and Alzheimer's just 10 days ago. A briefing consisting of three papers was prepared for that meeting, which was attended by 10 or 12 MSPs. We would be happy to furnish the clerk with a full set of those papers.

The Convener: That would be helpful. We can discuss the petition further when we get a reply from NICE.

Helen Eadie: I went to that meeting. A short-term working group has been set up to tackle the issue.

The Convener: We will keep the petitioner updated on any replies that we receive and will decide what further action to take on the petition when we receive NICE's response.

I thank David Turner and Philip Bryers very much for bringing their petition to the committee.

David Turner: Thank you for hearing us.

Institutional Child Abuse (PE888)

The Convener: Petition PE888, by Chris Daly, calls on the Scottish Parliament to urge the Scottish Executive, in the interests of those who have suffered institutional child abuse, to reform Court of Session rules to allow fast-track court hearings in personal injury cases; to review the implementation of the Prescription and Limitation (Scotland) Act 1973; and to implement the recommendations of the Law Commission's report on the limitation of actions. Chris Daly, who is accompanied by Alan Draper, will make a brief statement to the committee in support of his petition, after which we will discuss its contents.

Chris Daly: I thank the committee for inviting us to today's meeting.

New rules and procedures for personal injury actions in the Court of Session that came into force on 1 April 2003 introduced a fast-track system as recommended by a working party under Lord Coulsfield. We want institutional child abuse personal injury cases to be handled in the same way as asbestosis cases, to ensure that they are dealt with within 12 to 13 months. We understand that, as well as the recommendations made by Lord Coulsfield's working party, recommendations made by the Scottish Parliament and the Executive led to courts showing sensitivity to users' needs.

We are calling for a review of the Prescription and Limitation (Scotland) Act 1973 because there appears to be an over-severe interpretation and

application of the defence of limitation in the Scottish courts. As a result, many personal injury cases that are brought by survivors of institutional child abuse cannot get off the ground. In that respect, there is a huge inconsistency with similar cases south of the border. For example, although actions that were raised as a result of abuse at Bryn Alyn children's home in north Wales were met with a time bar defence, the House of Lords refused leave to appeal and awards of £50,000 were made to the 14 claimants.

On the third element of the petition, in 2001, the Law Commission suggested improvements to the law to make it fairer for survivors of abuse to start legal proceedings years after the event. The commission recommended that the definition of disability or incapacity be widened to suspend the limitation period during the currency of the disability or incapacity. It was also recommended that the definition of disability under the 1973 act include the inability due to mental disability to make a decision on the matter in question. The effects of child abuse, such as disassociative amnesia, clearly fall within the definition. Further, the Law Commission recommended that the individual characteristics and legal knowledge of the pursuer should be taken into account.

10:30

The Convener: Thank you. You referred to the fast-tracking procedures that were introduced for asbestosis and mesothelioma cases. My understanding is that that fast-tracking system was introduced because of a petition that was lodged with the Scottish Parliament.

Chris Daly: That is right.

The Convener: Previously, there was a timescale problem, in that the cases of some who were diagnosed with mesothelioma or lung diseases caused by asbestos did not get to court because the person died before that stage. I do not mean to diminish the situation of someone who has been abused in an institution, but is there a similar timescale problem for such cases?

Chris Daly: I understand that many people with the industrial illness asbestosis died before their cases could be brought to court. However, mortality levels for sufferers of institutional child abuse are also high, although perhaps not as high as in the case of asbestosis sufferers. For example, eight clients involved in civil actions have died in the past year. People in some test cases are filling the shoes of people from previous test cases who died while waiting for the cases to be brought to court. The effects of abuse increase mortality levels among survivors.

The Convener: Were the people who died in such cases elderly?

Chris Daly: No, they were relatively young. For example, in one case the person was in their 50s. Abuse survivors have a decreased life expectancy.

The Convener: I understand.

John Scott: It is a devastating point that child abuse causes reduced life expectancy. Are there clinical studies to back that up, or have you given an anecdotal analysis of a situation of which you are personally aware?

Chris Daly: Alan Draper can come in on that.

Alan Draper (In Care Abuse Survivors/In Care Abuse Support): A number of clinical studies from the United Kingdom and elsewhere show clearly the impact of in-care abuse on children who spent long periods in institutional care and who probably also came from disruptive family backgrounds. They have problems with self-esteem and creating relationships, and those who suffered abuse that persisted over many years often feel that life has no meaning. Many of them maintain the hope that somehow their particular situation will receive justice. However, the delays that they feel the process creates—sadly, there are delays after delays—leads them to commit suicide rather than try to cope with the difficulties of life. They say, "Nobody is really interested in us."

This is the first opportunity that I have had to thank the committee on behalf of In Care Abuse Survivors/In Care Abuse Support—the group that I chair—for the First Minister's apology last December for what happened in the past to those who suffered institutional abuse. We felt that that was a major step forward, which INCAS members widely welcomed.

We now seek resolution, but how do we solve the problem? We feel that the time bar is restricting justice and that surely cases can be fast tracked. The Law Commission is looking into that, but we feel that the state is enormously complicit in the situation, because it is responsible for the regulations and it must acknowledge the effects of the time bar. We want matters to be dealt with urgently.

John Scott: Are the courts generally sympathetic to overriding the time bar?

Chris Daly: The limitation is applied severely. Section 17 of the Prescription and Limitation (Scotland) Act 1973 contains a delayed discovery rule that extends the basic three-year period until it would have been reasonably practicable in all the circumstances for a person to become aware of the relevant facts; for example, if the injuries in question were sufficiently serious to result in an action.

The courts in Scotland have discretion to extend the time limits and thus override the prescribed time limits where it seems equitable to do so. However, there have been quite a few cases in which the provisions of section 17 were disregarded.

John Scott: That strengthens your case.

Ms White: Like most members of the committee—indeed, like most MSPs—I have had representations from individuals on this issue. Alan Draper is absolutely right: because it was debated in the chamber in December 2004, people have been expecting more from the Parliament and have expected the matter to receive closure.

The Minister for Education and Young People, Peter Peacock, said that getting closure through the courts was beneficial to the survivors. Do you agree with that? Can you give us an idea of the age of the survivors? I would think that most are 50 and older.

Chris Daly: I think that the age range of INCAS members is from mid-30s to late 50s.

Alan Draper: Our oldest member is 96; he was abused in 1919. He is not taking any action on that abuse; he merely wants to support the group in its work. I was speaking to him only yesterday, although he is a man in failing health. Abuse goes back generations. However, most of our members are in their 40s, 50s and 60s.

Ms White: The age range is much greater than I expected; most of those who contacted me were between 50 and 60.

Because the Public Petitions Committee did a marvellous job in bringing the matter before Parliament, are people now expecting closure? Is that why fast tracking must come into play?

We talked about fast tracking asbestosis cases so that they are heard within 12 months. Would you be looking for 12 months, or would you seek between 12 months and, perhaps, 18 or 24 months?

Chris Daly: Some cases were brought as far back as the late 80s, and the people involved still have not had closure. Those cases have been going on for years and years, and therefore consideration should be given to fast tracking them. We could come and go on that, but we are not talking about many years; cases should be dealt with within a year or two.

Alan Draper: We feel at the moment that no sooner do we get over one hurdle than we come to another. We are still knocking down hurdles; we are nowhere near fast tracking. Lady Paton recently gave a judgment in the Court of Session on abuse at the De La Salle order's schools. Her

judgment clearly indicated that the issue of a time bar should be looked at. However, the advice that we have received from our lawyers is that that could take four to five years. People cannot wait that long; the issues need to be dealt with now.

Jackie Baillie (Dumbarton) (Lab): I absolutely agree with your analysis. Although fast tracking is desirable, I think that it comes further down the line. There are differences between what happens with the asbestosis victims and your cases.

That said, I am conscious that a legislative vehicle is coming along. Indeed, during his speech to the chamber, the minister indicated that the Scottish Law Commission was considering the issue of limitation and that we were to expect a paper in the latter half of 2005—which, by my reckoning, we are in—with ministers arriving at decisions early in 2006. Have you been involved in that process? Has the paper been published? Is that a suitable vehicle with which to make progress on some of the issues that you are concerned about?

Chris Daly: In 2001, the Law Commission issued a report on the limitation of actions. The Association of Child Abuse Lawyers, which is waging a campaign, politically and through the media, is wondering why the legislation that was recommended in that report has not been brought into force. The Law Commission in England, which produced the report, works hand in glove with the Scottish Law Commission. Both commissions have made recommendations in relation to the time limitation issue that are not being taken up by the Government.

Alan Draper: We should be asking questions of the Scottish Law Commission. When does it hope to produce its paper? We should certainly remind it of the existing recommendation on legislation.

The Convener: Was the Law Commission report a United Kingdom report or an England and Wales report?

Chris Daly: It was not a UK report. I believe that it was a report for England. However, as I said, the Law Commission in England works hand in glove with the Scottish Law Commission and the report would apply equally to Scotland.

The Convener: I was just trying to establish where the reports that have been released so far came from.

Rosie Kane: I speak in support of the petition. Alan Draper thanked the committee for the work that was done leading up to last December, but I would like to pay tribute to him and to Chris Daly for the incredible amount of work that they have done. I know that they have lives to get on with and families and I think that their attempt to get justice has been incredible.

On the timescale, I have met a woman of 85 who was abused and I knew a younger woman—she was in her 40s—who, sadly, died of cancer last year and whose quality of life, from childhood until she died, was severely reduced as a result of what had happened to her. She never saw the justice that Chris Daly and Alan Draper speak of.

How long does it take someone to go through the system?

Chris Daly: It takes many years, from when they approach the solicitor to when they report criminal activities to the police.

Rosie Kane: Obviously, the process, which involves going through all the details of the case, has a detrimental effect on people. I know how difficult and painful that is. Can you give me any anecdotal stories about how someone feels when they open up, tell their stories and go through the waiting period? What does that do to them?

Chris Daly: Some people do not grasp the fact that the process is long and drawn out. It can be extremely frustrating. Many of the survivors have issues with drugs or alcohol—they are knock-on effects of the abuse—which also devastate their lives. That will obviously have an effect in the family home if the individual is married. Survivors find it difficult to form relationships anyway. As I said, abuse devastates people's lives.

10:45

Rosie Kane: So having a speedy process and getting justice meted out will form part of the healing process, as Mr Peacock said.

Chris Daly: There is a huge inconsistency with cases south of the border. There have been many cases there where there has been closure, including that of the Bryn Alyn children's home. There have been various claims against Leicestershire County Council and Flintshire County Council. The cases in England and Wales have produced favourable results for claimants. They have seen justice. Here in Scotland, we are lagging behind.

Alan Draper: We have been speaking about closure, which is a complex area in itself. Survivors often want representatives from the institution or organisation that they view as being responsible for what took place to sit down with them and say sorry. That does not just mean a public pronouncement. They should sit down and ask survivors how they can help them and how they can resolve the situation. Closure is not just about achieving justice; reconciliation afterwards is also necessary. A victim wants a degree of reconciliation and understanding. We have written to many organisations, seeking to discuss things with them. We have received varying responses—I will put it that way.

John Scott: Can you give us some idea of the scale of the problem? How many cases are awaiting resolution—at least, how many is INCAS is aware of? I am looking for a rough answer only.

Alan Draper: There are certainly hundreds.

Chris Daly: Yes, there are hundreds of civil actions. There are also other people who are involved in INCAS who have not brought civil actions.

John Scott: Can you be more specific? Is the number of cases 100, 300 or much higher?

Alan Draper: One of the lawyers involved has 600 cases.

John Scott: Six hundred?

Chris Daly: Yes.

Alan Draper: That is just one of the lawyers involved.

The Convener: Do members have any recommendations on what we should do with the petition?

Helen Eadie: Perhaps we could write to the Scottish Executive and ask for an update on the issues that have been raised in the petition.

The petitioners have not asked for this, convener, but I wonder whether you might be disposed towards approaching the institutions that have not responded to Alan Draper, to seek reconciliation? I know that that falls slightly outwith the terms of the petition, but would you be willing to do that, and to write to the Executive? Alan has told us that he has had a variety of responses, but some institutions have not been responsive at all.

The Convener: I recognise exactly why you have raised that point. However, we have not yet closed PE535, the original petition. Under our consideration of that petition, we are still having discussions with various organisations on the matter of apologies from the institutions concerned. That is still on the table.

Helen Eadie: Okay.

Alan Draper: I would like to add that we are working closely with representatives of the Executive, and we have been addressing those issues. We are very grateful for the co-operation from the Executive in that regard.

The Convener: Shall we write to the Executive on the matter?

Jackie Baillie: I suggest that we also write to the Scottish Law Commission and inquire about the timetable for its public consultation on limitation.

The Convener: Are members happy with that?

Members indicated agreement.

The Convener: When we get responses from the Executive and the Scottish Law Commission, we will let the petitioner know and we will discuss the matter further then. We will keep him updated.

Chris Daly: Thank you for your time.

Common Good Assets (PE875)

The Convener: Our third new petition is PE875, from Mary E Mackenzie, which calls on the Scottish Parliament to urge the Scottish Executive to ensure that all moveable and heritable common good assets throughout Scotland are properly recorded, audited and insured, and to introduce legislation to ensure that such assets are properly safeguarded. Before being formally lodged, the petition was hosted on the e-petitions website where, from 29 August 2005 to 26 September 2005, it gathered 122 signatures. The usual e-petition briefing has been circulated to members.

The petitioner is concerned at an apparent laxness in maintaining records of common good assets, particularly in the case of moveable assets. Complaints that have been raised regarding the stewardship of common good funds include allegations that detailed or complete lists of common good assets do not exist; that common good assets are sold to private enterprise without sufficient justification; that profits and other moneys due to common good funds are not properly accounted for; and that common good assets are not utilised to their full extent. Christine Grahame has joined us, having indicated an interest in the matter.

Christine Grahame (South of Scotland) (SNP): First, I congratulate my constituent, Ms Mackenzie, who has been tenacious in relation to the issue. At first sight, it appears to be a strange matter to bring to the committee's attention, but I am a self-confessed anorak about it. I began to find it terribly interesting when it came to light in the Borders, in particular when—strangely enough—bus services were withdrawn in Peebles and the common good fund was used to subsidise the bus service. Suddenly, people began to get interested in what a common good fund is. There was a recent case in Edinburgh in which rather expensive chairs, which were found in an antique shop, had apparently come from City of Edinburgh Council offices. They had the logo and the designation of the council on them. It is interesting that there are historical and valuable artefacts out there in common good funds throughout Scotland that are not auditable or are not listed in any way. It is a similar case with land, and with revenues.

My interest came about as a result of the business of the bus service being subsidised. Members will see in their papers that Scott-Moncrieff conducted an audit on the matter. I

lodged parliamentary questions some time ago asking what we have in Scotland and what we know that we possess. What seems rather an historic interest turns out to be literally a little treasure trove of moveable and heritable assets. We have taken no account of where those assets are, who has them, whether they are insured and their value in monetary and historical terms. The issues that the petitioner has raised are of great importance.

I do not know whether the issue merits legislation, although I see in one of the papers—I feel a bill coming on—a recommendation by a researcher on the introduction of legislation on the abolition of feudal tenure with regard to common good. I am interested to hear what the committee will say, because PE875 is one of those strange little petitions that expose something. I am sure that everyone has got common good funds in their area of which they were unaware.

The Convener: I am interested to hear what members have to say as well.

Ms White: When I was a member of Renfrewshire Council, the issue of the common good fund was raised constantly, particularly by the good residents in the old burgh of Renfrew. Other councils up and down the country have common good funds; some of them are maintained well, while some are not maintained as well. As Christine Grahame said, the petition may be small and innocuous looking, but it has wider implications. It is good that the matter has been raised in the committee, because the common good fund exists for the common good of the people and unfortunately some councils—as residents will say—do not use it properly. I would like to get the views of the Convention of Scottish Local Authorities on the common good fund, because councils administrate it. Christine Grahame mentioned chairs; I had not heard about that before, but perhaps such things go on and Historic Scotland could comment. Perhaps it would even be worth asking the Accounts Commission for its view.

John Scott: The petition raises an interesting and valid point. I had assumed that each local authority would have its own register of the heritable and moveable assets in its common good fund, but if they do not it does not seem unreasonable that perhaps they might. It is the sort of thing that would have to be done on an authority-by-authority basis. Although the idea has been sprung on us, so to speak, the subject is worthy of a members' business debate; that would be one way in which to explore the views of members of the Parliament on the subject.

Helen Eadie: The issue is important to people in Inverkeithing, too, because Fife Council has disposed of property there. It emerges that any

investigation into whether the disposal of a common good asset is legal or communally approved requires to be done through the courts. At the heart of PE875 is the point that good, accurate and up-to-date council records should be made publicly available for scrutiny. I support any approach that would result in our making representations in the way that is outlined in the paper.

Jackie Baillie: I do not want to be in danger of widening the discussion—

The Convener: But you will do so anyway.

Jackie Baillie: Yes.

The national health service in Scotland has a considerable amount of heritable assets. Although they cannot directly be described as assets that are held in the common good, they fit the principle nevertheless. The issue applies not only to local authorities. Land that has been gifted down the years for hospital provision fits the category of a common good asset, albeit that it is administered by a body other than a local authority. I would be in favour of a register, but not one that is restricted to local authorities—the issue is much wider.

John Scott: Under the Freedom of Information (Scotland) Act 2002, a local authority or health board could be questioned about their assets and they would be under a statutory obligation to supply the information. At any rate, it would be good practice for them to put in place such a register.

Christine Grahame: Miss Mackenzie was one step ahead of you; she used FOI to get the information about common good assets. What John Scott said about FOI is right; all the information should be amalgamated.

I was interested in Jackie Baillie's point about the NHS. Cottage hospitals, in particular, were donated by the community but are now under threat.

The Convener: I am happy to widen out the subject in the way that Jackie Baillie suggested. The subject of PE875 does not restrict the debate solely to local authority assets; the petition concerns all common good assets, heritable and moveable, the definition of which can be as wide as someone wants to make it.

The recommendation is that we seek the views of COSLA and the Accounts Commission for Scotland.

Ms White: And the Registers of Scotland.

The Convener: And the Scottish Executive. Whom should we write to at the Executive? Do we need to write to each department?

Jackie Baillie: Two ministers have an interest in

the subject: Tom McCabe, given the local authority involvement, and Andy Kerr, the Minister for Health and Community Care.

Helen Eadie: Perhaps we should also write to the Minister for Communities.

Jackie Baillie: I suggest that we write to at least one minister and ask them to take comments across the Executive.

The Convener: It is probably best that we write to Tom McCabe. Are members agreed?

Members indicated agreement.

John Scott: At some point, the issue will become subject to a point of law. Is Tom McCabe the correct minister? Should we not write to Cathy Jamieson?

The Convener: Given that finance matters are involved, Tom McCabe would seem to be a good starting point. If we were to take a scattergun approach, we might not get anywhere.

John Scott: I am not suggesting that we write to all three.

Helen Eadie: Jackie Baillie suggested that we ask the minister to approach all other ministers. We would therefore get their feedback in the response from the lead minister.

The Convener: We will make that suggestion and say that that is the way in which we hope the Executive will progress the matter. Are members agreed?

Members indicated agreement.

Christine Grahame: You mentioned a number of bodies, convener. To whom will the committee write?

The Convener: We are writing to Audit Scotland, Historic Scotland, COSLA, the Accounts Commission, the Registers of Scotland and Tom McCabe at the Scottish Executive.

Christine Grahame: Thank you.

The Convener: Is that agreed?

Members indicated agreement.

Criminal Law (Sexual Offences) (PE885)

The Convener: Petition PE885, which was submitted by Mark McCabe, calls on the Scottish Parliament to amend Scots criminal law relating to sexual offences to create a statutory offence of male rape in line with the rest of the United Kingdom and Ireland and to ensure that no offences may be committed exclusively by gay men and that all sexual offences apply equally to everyone, whether man or woman, gay or straight. Before being formally lodged, the petition was hosted on the e-petitions website where, from 2

August 2005 to 30 September 2005, it gathered 68 signatures. The usual e-petition briefing has been circulated. Do members have views?

11:00

Jackie Baillie: I understand that the Scottish Executive has asked the Scottish Law Commission to consider a comprehensive review of the law in relation to rape and other sexual offences. I think that a discussion paper will emerge towards the end of this year, with a view to publication of a report in 2007. Given that the scope of that review is likely to cover the subject that the petitioner talks about, it would be useful if we were to write to the Scottish Law Commission and the Scottish Executive for an update.

The Convener: I am happy with that.

Ms White: Jackie Baillie is right. The petition is interesting. I had not realised that inequalities existed in sex crimes, not just here but in England and Wales. I am glad that the Scottish Law Commission is considering the issue and I hope that section 61 of the proposed draft criminal code will change the law. I agree with Jackie Baillie's suggestion. We should ask for feedback and keep the petition alive.

The Convener: Are we happy to do that?

Members indicated agreement.

New Towns (PE887)

The Convener: Petition PE887, which was submitted by the Rev Neil MacKinnon, calls on the Scottish Parliament to urge the Scottish Executive to review the long-term planning, social, economic and transportation issues that relate to the creation of new towns, such as Cumbernauld. Before being formally lodged, the petition was hosted on the e-petitions website where, from 4 July 2005 to 23 September 2005, it gathered 424 signatures. The usual e-petition briefing has been circulated.

The petitioner's concern is that although Cumbernauld is a town of strategic importance in the central belt, it is widely regarded as having one of the worst town centres in Britain. The petitioner is particularly concerned about inappropriate planning decisions, such as the routing of the A80 and A8011 through the heart of the town, and about the poor design and upkeep of the town centre. Do members have any ideas about how to deal with the petition?

Ms White: I will not say whether I agree or disagree with the petition. Unfortunately, Cumbernauld has won not very good awards. We need to have the views of North Lanarkshire Council, Architecture and Design Scotland, the Royal Incorporation of Architects in Scotland, the

Royal Town Planning Institute and the Scottish Executive.

The Convener: We will ask for general views on such issues. The petition is about Cumbernauld town centre, but we must couch our request in terms of seeking information about town centres in general. A new planning policy on town centres was announced recently, so it would be useful for the petition to be addressed in the context of the wider issues. Sandra White's suggestion would give us that scope in considering responses. Are members happy to do that?

Members indicated agreement.

The Convener: That was the last of our new petitions.

Current Petitions

11:03

The Convener: We had estimated that we would reach this agenda item no earlier than 11.30, but we have dealt with the new petitions more quickly than we thought we would. We are due to discuss the first of our current petitions with the Minister for Tourism, Culture and Sport. We will take a few minutes to find out when the minister can arrive. If she is not here after that, we will continue with the other current petitions. Is that okay?

Members indicated agreement.

11:04

Meeting suspended.

11:12

On resuming—

Home Safety Officers (PE758)

The Convener: The minister will be here as soon as possible. We will proceed with some of the current petitions on our agenda and return to the Burns petitions at the appropriate time.

The first of our current petitions is PE758, by Jim Black, on behalf of the home safety committee of the Scottish Accident Prevention Council. The petition calls on the Scottish Parliament to urge the Scottish Executive to place a statutory requirement on all local authorities to employ home safety officers and to provide the necessary funding to achieve that.

At its meeting on 8 December 2004, the committee considered responses from the Minister for Health and Community Care and COSLA, and agreed to write to each local authority seeking its views on the petition. The committee has received submissions from 15 local authorities, which have been circulated to members. Having had a chance to look at the submissions, what do members think we should do?

Helen Eadie: It is interesting to note the range of opinion that is contained in the responses. For example, North Lanarkshire Council says that there ought to be

“a statutory duty on all local authorities to carry out the Home Safety function, rather than create a statutory appointment of a home safety officer”.

Orkney Council says that it would prefer that

“each authority should be given the flexibility to tackle issues at a local level”.

Clackmannanshire Council gives an outright no to the proposal and says that it

“would not ... support the use of statutory requirements”

in the area. Aberdeenshire Council also says that it does not support the proposal. Other councils take a slightly more qualified view and say that they welcome the main thrust of the petition. However, all councils say that, if the proposal goes ahead, it must have additional support or funding from the Scottish Executive and must not impose another burden on local authorities.

11:15

The committee may want to refer all the responses that it has received to the Local Government and Transport Committee, which could give further consideration to the issues that have been raised. Along with other party-political representatives, I attended a conference that was organised by the council, which was really worth while. Some important issues were raised at the meeting, and I was able to acquaint myself with the petitioners and the objectors. The council's work is to be commended. The point has been made that there are many more accidents in the home than there are even on the roads. The issue is how the Parliament tackles that problem, rather than whether the proposal is a good idea. It is a good idea, but we need to consider how it can be implemented in a way that allows local authorities to have flexibility and to maintain their resources.

Ms White: I echo Helen Eadie's comments. There seem to be more yesses than nos among the responses, but the yesses highlight the issue of funding. I am disappointed that 17 local authorities did not reply to us but, on the whole, the 15 that did so are positive about the proposal, if the necessary funding is made available. I second Helen Eadie's recommendation that the petition be referred to the Local Government and Transport Committee for consideration. I would not like the petition to be closed at this stage, because there is a definite need for the proposal and councils support it. The issue is the extra moneys that would be necessary. We should not let the matter rest here.

The Convener: Are members happy for the petition to be referred to the Local Government and Transport Committee?

Members indicated agreement.

Scottish Opera (Funding) (PE715 and PE777)

The Convener: The next current petitions for consideration are PE715 and PE777. The first calls on the Scottish Parliament to urge the Scottish Executive to ensure that Scottish Opera

has adequate resources to maintain a full range of operatic provision. The second, which is from Lorne Boswell, on behalf of Equity, calls on the Scottish Parliament to urge the Scottish Executive to safeguard the future of Scottish Opera by ensuring adequate funding that allows for the maintenance of a full-time chorus.

At its meeting on 11 May 2005, the committee considered responses from the Broadcasting, Entertainment, Cinematograph and Theatre Union and Scottish Opera, and agreed to seek the views of the Minister for Tourism, Culture and Sport on those responses. The minister's response has been circulated to members. Would members like to comment on it?

Helen Eadie: The minister's response is comprehensive. In my view, it gives sound reasons for the action that has been taken. We should support the Scottish Executive's response and close the petition.

Ms White: A couple of days ago, there was a newspaper story about Scottish Opera amalgamating with English National Opera. We are in real danger of losing Scottish Opera altogether. Regardless of whether we are fans of opera, we would not like that to happen. The company has been in great difficulty. I know that it has been given funding, but people in the orchestra, in particular, have been paid off. I would not like to close the petition, but the big problem is that, for the life of me, I do not know where else we could send it. Could we refer it to the Enterprise and Culture Committee for perusal? Could we write to the minister? She was very supportive in her original letter, but she now says that there are no moneys. I would not like to leave the issue so black and white.

The Convener: I tend to agree with you. I do not know what else the committee can do with the petition, and I think that we will have to close it. However, we could do so by referring it for information to the Enterprise and Culture Committee, which can decide whether to take further action on the petition.

John Scott: That is straightforward.

The Convener: We will leave the matter there.

Trust Law (PE817)

The Convener: The next petition for consideration is PE817, from Elaine Black and Ewan Kennedy, on reform of the law of trust. The petition calls on the Scottish Parliament to reform the law of trust to ensure that, where a trust has been set up for the benefit of a local community, that community is formally consulted by any party that seeks to change the operation of the trust and the view of each member of the community is

accountably considered before any change is made.

At its meeting on 2 March 2003, the committee agreed to write to the Scottish Executive, sportscotland and the Scottish Law Commission. Responses have been received and circulated to members.

Helen Eadie: We have received helpful responses; I suggest that we invite the petitioner to consider them and give us feedback.

Jackie Baillie: That is a sound suggestion. It is interesting to note that both the Scottish Law Commission and the Executive do not consider there to be a gap in the law. We have also received a robust response from sportscotland. I hope that the petitioners take some comfort from that, but no doubt we will hear from them.

The Convener: Are members happy that we take the suggested approach?

Members indicated agreement.

National Burns Heritage Trail (PE861)

Robert Burns (Culture and Tourism Policies) (PE824)

The Convener: We now come to the petitions on Robert Burns. The first is PE861 by Bob Leitch, on behalf of the board of directors of the Ayrshire Chamber of Commerce and Industry, which calls on the Scottish Parliament to urge the Scottish Executive to act immediately to create a task force to integrate and develop all Burns assets, properties and locations throughout Scotland, which would result in a national Burns heritage trail being ready for the year of the homecoming in 2009 and available for promotion internationally by the end of 2006.

The other petition is PE824 by Peter Watson, on behalf of Alloway and Doonfoot community council. It calls on the Scottish Parliament to review the policy and commitment of the Scottish Executive to place Robert Burns and his legacy at the heart of its culture and tourism policies and to urge the Scottish Executive to assume responsibility for bringing together all interested parties to ensure that the flagship assets of our Burns heritage are properly restored and developed in good time for the major events planned for the 2009 homecoming year, which marks the 250th anniversary of the birth of the national bard.

Given that we have had a series of petitions on Burns, the committee felt it appropriate to invite the Minister for Tourism, Culture and Sport to discuss the issues with us more fully. I am delighted that the minister accepted our invitation and is with us this morning. She is accompanied

by Dr Carolyn Ferguson. I offer the minister the opportunity to comment on the petitions and Robert Burns generally. We will then discuss the points that you make to us. I thank you for coming this morning.

The Minister for Tourism, Culture and Sport (Patricia Ferguson): I am happy to make some remarks and I thank the committee for inviting me.

As the committee knows, Scotland's tourism industry benefits greatly from our cultural history and Burns is one of our best-known figures. He has attained, at least in some countries, the status of cultural icon. The legacy of his work is well known and is enjoyed far and wide.

As I think committee members will be aware, the Scottish Executive is committed to using the 250th anniversary in 2009 of Robert Burns's birth as one means of encouraging people of Scots ancestry worldwide and people without that background to see this as an opportunity to come to Scotland. It is an opportunity for us to showcase our country generally. I have taken a close personal interest in the development of the celebration. We have been working to ensure that we address as a matter of urgency the poor state of the Burns cottage and the museum and the difficulties that face the heritage park. Those issues should be of concern to everyone in Scotland, but I reassure committee members that I believe that we are moving in the right direction to secure their future. I have been encouraged by recent positive developments.

The Executive took the initiative and brought together relevant interested parties to secure a positive outcome for the long-term future of the national heritage park and the Burns collection. Proposals for a significant redevelopment of the heritage park, including a new museum, are being taken forward by the Scottish Executive through the National Trust for Scotland. The Executive expects, in the fullness of time, to be asked to make a capital contribution to the project. As we speak, the National Trust for Scotland is in the process of taking over ownership of the national heritage park from the current Burns trustees and is preparing a proposal for lottery funding, which is aimed at meeting the remainder of the expected cost of fully redeveloping the Burns assets at Alloway. Of course, we are also assisting with that.

The management and redevelopment of the park by the National Trust for Scotland appears to present the best way of securing the long-term future of the park. In addition to the infrastructure measures, in the past month, I announced that the Executive is to give the Robert Burns World Federation a grant of £20,000 a year for the next five years to help fund its operation. We see the federation as being vital to our work for 2009. We have also awarded £150,000 through the Scottish Arts Council to support Burns initiatives, including

Burnsong, which is a unique biannual project that has been created by Dumfries and Galloway Arts Association to inspire a new era of song writing in Scotland, which will culminate in 2009.

Our plans to recruit a project director and to create an advisory board with experience of both public and private sectors to work for 2009 are going ahead well. In line with advice that we received from the University of Glasgow, the advisory board will provide direction and guidance during the development of the programme of events for 2009. Allan Burns, a director of Diageo, has been appointed chair of the board.

I hope that the committee agrees that the Burns legacy is alive and well and that we are acting now to secure a longer-term future for it.

The Convener: I invite members to make points or ask questions, after which we will decide what to do with the petitions.

John Scott: I welcome the minister's positive response. While the Burns areas that she mentioned are not in my constituency, the matter has a direct bearing on it. I acknowledge her interest and the fact that she has taken the problem by the scruff of the neck to sort it out, which is vital. I welcome the pragmatic approach, including the creation of a business plan and consultancy reports, which is having an effect. All power to your elbow, minister.

I have one specific question. What progress, if any, have you made with the development of a heritage trail, as suggested in Bob Leitch's petition?

Patricia Ferguson: A heritage trail in some parts of the country was established some time ago by, I think, Dumfries and Galloway Council. However, the fact that people who are involved in the Burns heritage and who live in that locality do not know about it tells us that the trail is not as successful as we would like it to be. We will ask the advisory board to work on a heritage trail so that something will be in place by 2009. We want it particularly to consider matters such as joint ticketing so that people can buy one ticket that will give them access at least to the most memorable, impressive or significant parts of the heritage. One problem that we will undoubtedly face is that because the Burns collection is widely scattered throughout the country, we must identify a meaningful trail. That is important; there is no point in saying that there is a trail if people cannot follow it. We will ask the advisory group to work on a trail in its early work. We think that the matter is important and we want a trail to be created.

John Scott: On the Burns artefacts, I trust that you are seeking a long-term solution for them in Ayrshire rather than anywhere else.

Patricia Ferguson: There are parts of the distributed Burns collection that belong elsewhere—some were created outwith Ayrshire or Dumfries and Galloway and some have gone abroad and are in private or institutional hands. However, John Scott is probably referring to items that were taken from the museum in Ayrshire because of the conditions in which they were stored. One of the ways in which we have helped is through the national collections providing curatorial support and taking into safekeeping for conservation items that were under threat because of the conditions in which they were kept in Ayrshire. The plan is to return them when the new facilities are in place.

Jackie Baillie: I, too, welcome the additional commitment that the minister outlined on behalf of the Executive to ensure that we maintain a focus on the Burns heritage, not just in the run-up to 2009, but beyond. I must mention the considerable and quite astonishing cross-party support that my colleague John Scott demonstrated. That is some feat, minister.

The rationalisation and clarification of the ownership issues are also welcome, because that was a recipe for confusion. I note that the Executive is likely to commit capital to the project, so my question is about revenue support. I am clear that a lottery funding application is being made, which we all hope will be successful. If it is not, how will the project be taken forward as intended?

11:30

Patricia Ferguson: It is fair to say that the various partners in the project are highly committed to it and that a great deal of work has already been done to ensure that it will attract lottery funding. I know that there is much good will among Heritage Lottery Fund members towards the application having a positive outcome. Obviously we cannot prejudge the decision, but we have as favourable a set of circumstances as it is possible to have. The Heritage Lottery Fund well understands the importance of the work that we are trying to do in Ayrshire and is supportive of it. I have every reason to be hopeful that we will get a satisfactory outcome.

One of the reasons why the heritage park is in the situation that it is in is that the revenue stream has not been able to keep pace with outgoings. We are mindful of that and are working with the partners to identify how that should be dealt with in the future. It is in everyone's interests for the park to be as self-sufficient as possible and if matters are handled properly, that can be achieved. We will consider how to go about that as part of the formulation of business plans and forward working for the project.

Ms White: I welcome the commitment that the minister displayed in the letter that she wrote to us. She said that the issue was of great importance to her and she has reiterated that today.

Jackie Baillie asked the question about funding that I was going to ask, so I will ask about the task force and the need to get everyone together, which the petitions mentioned. Has everyone been able to feed into the advisory group that you have created? The petitioners made the point that they were not being listened to and that various groups all over the place were doing different things. Have you managed to get all the groups together? Will they feed into the advisory group? How will it work?

Patricia Ferguson: I do not think that we could ever have accommodated in the advisory group everyone who had an interest in Burns, but we had to put together a group that involved everyone who had a responsibility for the heritage so that they could make progress together. The advisory group will include people from VisitScotland, the National Archives of Scotland, South Ayrshire Council, the enterprise companies, the Heritage Lottery Fund and the universities that have an interest in Burns. In addition, I feel that it is important to have a representative of the Robert Burns World Federation to represent the pure Burns interest. I know that the woman who has been chosen will be an active member of the group. That does not mean to say that other people who have ideas or suggestions cannot put them forward. As we run up to 2009, the Burns advisory group will be entrusted with the task of communicating widely with communities, in the same way that the advisory group for the Highland year of culture in 2007 has been doing.

John Scott: I will ask a few supplementary questions, if I may. Is the future of the Executive's input into the Burns festival as we have known it for the past three or four years secure? If the project is successful, will you put on your tourism cap to promote 2009 as a dedicated event? Will there be dedicated budgets, perhaps from VisitScotland, to promote Burns in Scotland, particularly in the south-west?

Patricia Ferguson: The Burns festival—Burns an' a' that—has been very successful. It has been increasingly impressive over the past three or four years. The funding partners are all committed to taking it forward and it will be an integral part of the 2009 celebrations, as will the humanitarian award, which is part and parcel of the Burns an' a' that festival.

The importance to tourism of the forthcoming anniversary cannot be overestimated. Last night, I was speaking about Burns and 2009 to some American tourism agents, who were here on an

orientation visit and who were enthusiastic about it. Burns is someone whom they know and understand and with whom they feel affinity. 2009 is an important marker for us, and we will be looking to market it as strongly as we can, both in Scotland and externally. We will ensure that non-departmental public bodies and agencies around Scotland all have input to the event.

One of my personal hobby-horses—particularly given the focus on Ayrshire and Dumfries and Galloway—is the idea of some sort of golf competition around the name of Burns in 2009. We want to find ways to encourage everyone who has an interest—or everyone who can be persuaded that they should have an interest—to use the opportunity to put Burns on the map, to encourage people to come to Scotland and to encourage Scots to understand more about their heritage, particularly the literary heritage that Burns has bequeathed us.

John Scott: This is not meant to be a frivolous comment, even if it appears to be so. I noticed the involvement of Diageo, and I welcome its commitment to the event. You might be interested to note—this might have escaped your notice—that 2009 will also be the 250th anniversary of the foundation of Guinness. There might or might not be some sort of Celtic connection there in terms of sponsorship, but I draw that to your attention. Guinness's foundation year was also 1759.

Patricia Ferguson: I am perhaps not as familiar with the history of Guinness as I am with that of Burns. However, it is fair to say that Allan Burns will not be there representing Diageo Scotland, but will be there because of his experience, his contacts and his ability to chair a group such as the one that we want to set up. I am sure that that other anniversary will not be lost on him or on anyone else.

The Convener: We have had a series of petitions relating to specific Burns matters, including statues, as well as to the general question of how best to promote Burns. Will the working group that you have set up to ensure that the heritage of Burns is properly appreciated have authority to address concerns that are held by people who have an interest in Burns? I mean, for example, concerns that statues and places of interest will be maintained and positioned as prominently in society as they should be?

Patricia Ferguson: The advisory group's aim is largely to organise the events and activities that will take place around 2009. I hope that they will be national, regional and community events and that they will take place not just in Ayrshire and Dumfries and Galloway, but around Scotland. The group does not have a specific remit on the artefacts and structures that commemorate Burns. However, I hope that the fact that we are going to

put the spotlight on Burns and his heritage will mean that people might take the responsibilities very seriously.

I would not want the committee to think that there is not already a lot of good work going on in areas where there is a Burns heritage. In Mauchline and Alloway, for example, some very good work has been done by people who have an interest in Burns, sometimes in conjunction with national agencies. I have in mind money that has gone to Alloway kirkyard to preserve the family graves there and to carry out conservation work on the old kirk. There is already work going on that has been inspired by local community interests and activities.

I would not want the committee to think that nothing had happened until it became clear that we were involved. We hope that we will add to what is happening and, crucially, we will work to safeguard the cottage, the museum, and the national heritage park in Alloway. However, there is no specific remit for other matters.

The Convener: The committee was pleased with the positive responses that it heard to earlier petitions. We wanted to give you an opportunity to give us more information on what is—judging by the number of petitions that we have received on it—becoming an important consideration for anyone who has an interest in Robert Burns as his 250th anniversary approaches.

We have heard some very positive information this morning from the minister. I suggest that the committee provide the information that the minister has given us this morning to all the petitioners who contacted us so that they are aware of exactly what the Executive is doing. We would welcome the minister's comments on that.

On behalf of the committee, I thank you for giving us the opportunity to discuss the matter with you and for accepting our invitation to put the Executive's position.

Patricia Ferguson: I will be happy to do as you suggest. If the committee receives feedback on our discussions, I would be happy to discuss it with you and to take forward any ideas. One of our aims is to make the information on the work that is going on more widely accessible. We have been trying to do that through the Executive's website until now. However, we are looking for new ways of doing it, so we will be more than happy to assist the committee in getting the message out about the importance of 2009 and the Burns heritage.

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

The Convener: We return to the agenda that we envisaged for this morning. The next petition is

from Susan Bannatyne and Nicola Orr, calling on the Scottish Parliament to consider and debate the implications for the proposed agenda for change legislation for speech and language therapy services and service users in the national health service. At its meeting on 20 April 2005, the committee agreed to write to the petitioners. A response has been received and circulated to members. Do members have any comments on it?

Jackie Baillie: I suggest that we seek an update from Amicus on where we are in the implementation of the agenda for change.

The Convener: We could progress the petition that way.

Members indicated agreement.

Judicial Proceedings (PE759)

The Convener: The next petition is from Robbie the Pict on behalf of the Scottish People's Mission calling on the Scottish Parliament to take the necessary steps to ensure that the names of judges who serve on a judicial bench are displayed and that a full tape recording or shorthand record, which would be available to any party involved, is kept of court proceedings.

At its meeting on 27th April 2005, the committee agreed to write to the Scottish Executive and the Lord President. Responses, which have been circulated to members, have been received from the Lord President and from the Scottish Court Service. Do members have any views on the responses?

Jackie Baillie: It strikes me that all the responses suggest that there should be no difficulty in displaying the names of judges serving on a judicial bench and that that will proceed. However, the Law Society of Scotland raised the issue—which was confirmed in the response from the Lord President—of keeping records of court proceedings not in all cases but specifically in summary criminal proceedings. Should we write to the Executive on that narrow point?

I note that the response from the Scottish Court Service simply repeats the present arrangements and does not reflect on the petitioner's suggestion, which is quite an appropriate one.

John Farquhar Munro: The responses seem favourable, anyway.

The Convener: They do, but, as Jackie Baillie said, there is still a point outstanding on which we could get clarification before we decide to go any further. That point was well made.

Members indicated agreement.

Building Regulations (Thermostatic Mixing Valves) (PE786)

11:45

The Convener: PE786, which is by Alan Masterton on behalf of the Scottish Burned Children's Club, calls on the Scottish Parliament to urge the Scottish Executive to include in Scottish building regulations a mandatory requirement for thermostatic mixing valves to be installed in the hot water systems of all new build and renovated properties. At its meeting on 11 May 2005, the committee agreed to write again to the Scottish Building Standards Agency to seek an update on the working group that is reviewing section 4 of the technical handbooks for the Building (Scotland) Regulations 2004. A response has been received.

Jackie Baillie: The response is extremely welcome. I know that the Deputy Minister for Communities was involved and I am pleased that the Executive and the Scottish Building Standards Agency have acknowledged the problem and acted on it. We might want to encourage the petitioner to respond directly to the consultation, but the petition has served its purpose.

John Scott: I agree; the petition was very successful and it achieved the desired outcome.

The Convener: Congratulations are due to the petitioners. A simple solution has been taken on board and, as Jackie Baillie said, the petition achieved the desired effect. That is another success for petitioners and the petitions system.

Seagulls (Health and Safety Hazards) (PE616)

The Convener: Petition PE616 calls on the Scottish Parliament to investigate and assess the health and safety hazards that are caused by seagulls in urban areas. At its meeting on 24 November 2004, the committee agreed to seek clarification about whether the Executive still plans to issue guidance together with details of a timescale for that. Despite a number of reminders, no response has been received.

Jackie Baillie: I suggest that we write to the Executive again in the strongest possible terms. Perhaps the convener might be minded to have a quiet word in the minister's ear to encourage a response before the end of this year.

Ms White: I was going to say the same. We must write to the minister. I have been following up the issue; I represent people in Glasgow and there is a real seagull menace there as well, particularly in the summer, and nothing has been done. I urge the committee to contact the Minister for Environment and Rural Development.

John Scott: I agree—there is a surprise—because I have a maritime constituency. I well remember Allan Wilson giving an undertaking when we were in the old Parliament buildings. If whoever is responsible for the issue now has difficulty writing to us, perhaps they would prefer to come to the committee and explain their views on the way forward.

Jackie Baillie: I seem to recall that Ross Finnie has responsibility.

The Convener: We will give the minister one last opportunity to write back to us. If he does not, we will pursue the matter.

That is the last of our petitions this morning; I thank everyone for their attendance.

Meeting closed at 11:48.

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