

PUBLIC PETITIONS COMMITTEE

Wednesday 9 November 2005

Session 2

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PUBLIC PETITIONS COMMITTEE

17th 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)

*Mr Charlie Gordon (Glasgow Cathcart) (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 :

Dr James Crowther

Rob Gibson (Highlands and Islands) (SNP)

Fiona Hyslop (Lothians) (SNP)

Margo MacDonald (Lothians) (Ind)

John Swinburne (Central Scotland) (SSCUP)

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 5

Scottish Parliament

Public Petitions Committee

Wednesday 9 November 2005

[THE CONVENER *opened the meeting at 10:03*]

New Petitions

Scottish Civic Forum (Funding) (PE895)

The Convener (Michael McMahon): Good morning and welcome to the 17th meeting of the Public Petitions Committee in 2005. I have received apologies from Rosie Kane.

Item 1 is new petitions, the first of which is PE895, by Dr James Crowther. It calls for a parliamentary debate on the implications of the recent decisions by the Scottish Executive and the Scottish Parliamentary Corporate Body about funding of the Scottish Civic Forum. Before the petition was formally launched, it was hosted on the e-petitions site, where in the period 29 September 2005 to 4 November 2005 it gathered 934 signatures. The usual e-petition briefing has been circulated to members. In addition, the committee has received a number of letters in support of the petition and a further 15 signatures in hard copy.

Dr Jim Crowther will make a brief statement in support of his petition; he is supported by Jane Meagher. I welcome you both to the committee. You have a few minutes to speak, after which we will discuss the petition.

Dr James Crowther: Thank you for giving us the opportunity to speak to the committee. We are from the Edinburgh active citizenship group, which is made up of a number of local authority and voluntary sector community education workers. The petition derives from that group of people. The Edinburgh active citizenship group runs participatory public seminars to debate key issues of the day. I will emphasise several points in the petition that we think need to be taken into account.

The first point is that because we are from community education we see the Scottish Civic Forum through the lens of the community educator. We see it as an organisation that creates possibilities for political—we emphasise not party-political—education in communities. The Scottish Civic Forum creates public fora throughout the country in which people can debate policy issues on which Parliament is legislating and can raise issues that can be fed into Parliament. Since April 2002, more than 3,000

people have participated in those seminars and 71 per cent say that they have not previously participated in such events.

The Scottish Civic Forum has developed a reputation for independence and it has developed expertise in engaging with people whose voices are not usually heard in politics. In the context that citizenship education—particularly among young people—is a national priority, organisations such as the Scottish Civic Forum are more likely to be effective in engaging with disaffected groups. The role of the forum reflects the aspiration to reduce the democratic deficit in Scottish politics through participatory public meetings. It generates a deliberative two-way educational process between the experiences of people outside Parliament and the values and aspirations that inform policy making within it.

The problem of the democratic deficit is not only about structures, institutions or rules; it is also about educational process. I am sure that members are all aware that one aspiration of the Scottish Parliament was that it would move away from the confrontational politics that are reminiscent of Westminster; doing politics differently meant opening up the political process to communities outside party political organisations. Groups such as the Scottish Civic Forum work to meet that aspiration.

The SPCB argues that the role of the Scottish Civic Forum is unnecessary because it duplicates in-house provision. I have already made the point about the importance of an independent organisation that engages with communities outside Parliament. In-house activities can overlap with that, but they are no substitute for it. The forum's role cannot be resourced commercially—another option that the SPCB suggested. The type of engagement that we are talking about in this context would be compromised by commercial considerations, which would bring into question the independent status of the forum's activities.

It is important for the Scottish Parliament to stand in favour of the Scottish Civic Forum and to find a way to work with it, although the relationship will always be difficult and tense because the reality is that the forum might have to bite the hand that feeds it. That always creates difficult relationships, but a mature democracy should be able to live with that possibility.

I will end with a statement from Sir Bernard Crick. He is an international as well as a national authority who was instrumental in the Crick report on citizenship education. He wrote in support of the petition. He states:

"It seems to me a gross repudiation of the original hopes for the Parliament and the parties not to monopolise political activity, but to stimulate it particularly in relation to the voluntary sector".

We hope that members agree with him and with us and that you will support the Scottish Civic Forum and our petition.

The Convener: Thank you. I open the meeting up to members to ask questions or make points about the issues that have been raised.

Jackie Baillie (Dumbarton) (Lab): I welcome the petitioners to the committee.

I will pose a couple of questions. First, should funding of the Scottish Civic Forum be a responsibility of the Executive or Parliament? I am aware that during the general debate on the issue the responsibility was passed from one to the other, so I would appreciate your view.

Secondly, the accusation from the SPCB is that the Scottish Civic Forum duplicates in-house provision. Has that in-house provision been described to you and, if so, can you share that information? Finally—this is where there may be an issue—I am much more keen to address how we get to the most disadvantaged communities, which are probably currently completely disengaged from society. Could you describe the Scottish Civic Forum's role in that task? Although you are from the Edinburgh active citizenship group, I am sure that you are aware of those issues.

Dr Crowther: I will start with the last question first. I say this not because I have a lot of experience in the activities that have been run by the forum but because it has been involved with the Edinburgh active citizenship group, which holds meetings to which the Scottish Civic Forum contributes. The forum reaches a range of different groups of people because it builds an infrastructure of support through contacts in different areas. The Scottish Civic Forum employs a number of co-ordinators who are paid on a part-time basis. Those co-ordinators develop contacts and infrastructure with the people who work in communities in order to publicise events and to attract people to meetings.

It is essential that we have an organisation that can link with people in different locations to create a basis for generating interest in issues of debate. We have seen that work with our group in Edinburgh, but I know that the Scottish Civic Forum tries to replicate that pattern throughout the country.

In my experience, involving people in that way is never easy because it is very hard to engage with disaffected people. However, we have had meetings at the city chambers that have been attended by 150 people. We have even had to close the door because we could get no more people in. The people who attended those meetings were not the usual suspects; rather, they came from all over and from different

communities. I believe that that pattern has been replicated elsewhere.

To answer your question, the work that the Scottish Civic Forum does is very difficult. The expertise that is required for such work can be built only through experience of doing things. We have an organisation that has developed that expertise, but the expertise will disappear if its funding is cut.

You asked about Parliament's in-house provision. I appreciate that Parliament attempts to explain to communities across the country the opportunities that are created by Parliament's existence. It does that by creating information resources and by making Parliament accessible. I have brought students into the Scottish Parliament so that they can see how it works and so on, so I appreciate the essential role that is played by the in-house provision. However, such provision cannot replace the kind of work that is undertaken by the Scottish Civic Forum.

Our view is that Parliament is the body to which the Scottish Civic Forum should naturally relate, because a relationship with the Executive would provide a much narrower base. Given the history of the Scottish Civic Forum, it seems to be more appropriate that the Scottish Civic Forum should reside with Parliament.

Jackie Baillie: I want to tease out one thing from that helpful response. In your view, should Parliament's activities perhaps concentrate on providing information and getting people to visit the building, and should the Scottish Civic Forum concentrate more on the on-going processes of engagement and participation?

Dr Crowther: Part of the Scottish Civic Forum's role is to generate issues and ideas that are based on people's lives. Obviously, MSPs have contact with their constituents, but the deliberative educational process in which the Scottish Civic Forum is engaged is a particular type of intervention that requires sustained work. In academic terms, we might call it the cultural politics of communities, which we need to influence the political culture of the state. Only an educational organisation such as the Scottish Civic Forum can do that.

Helen Eadie (Dunfermline East) (Lab): I want to ask about the wider Scotland context. The flavour of what you said seems to confirm that the Scottish Civic Forum's work is very much Edinburgh dominated. How do you answer that charge, which has been made by a number of MSPs, including me? In my constituency and across Fife, former mining communities that were once part of Scotland's biggest coalfield now contain some of the most disadvantaged areas outside Glasgow. However, I am not aware of a

single Scottish Civic Forum event that has taken place in my constituency. As far as I am aware, no representations have been made by the Scottish Civic Forum with members of my constituency. I feel that the Scottish Civic Forum is very much dominated by the city of Edinburgh and that it does not reach Scotland's most disadvantaged communities, which really need that help.

Dr Crowther: Over the past two years, the Scottish Civic Forum has provided opportunities in 40 different locations around Scotland, including disadvantaged communities. If you like, I can give you a list of those locations after the meeting.

We are talking about an organisation that has fairly limited resources. Basically, the Scottish Civic Forum can develop opportunities in those different communities because it has created an infrastructure of part-time co-ordinators and facilitators who are involved in that work. Clearly, that will always be resource dependent. If I were you, I would be asking why we have resourced such an important organisation with so little for so long. That is the real problem—not the fact that the organisation has not extended beyond Edinburgh. It is a myth that the forum has focused most of its activities on the Edinburgh area. It is a national organisation that has had limited opportunities because of its resourcing, not because of its commitment.

10:15

Helen Eadie: When you look at other disadvantaged areas—as I accept you are doing—how do you prioritise and decide which are the most disadvantaged areas in Scotland?

Dr Crowther: I do not have the information that I would need to answer that question. However, there are people to whom you could address it.

John Scott (Ayr) (Con): You are very confident about the existence of a democratic deficit in Scotland. What makes you certain that you address that deficit better than, for example, elected representatives in Parliament?

Dr Crowther: It is not an either/or situation. I am sorry to have given the impression that it is. Historically, the democratic deficit came from a particular politics and particular developments. From a movement in Scottish civic society, the demand arose for the Scottish Parliament to be reconvened as an institution in Edinburgh. The role of MSPs is important; they need to be closer to their constituents, and their constituents need to feel closer to the institution. We have no problem with the system and we do not think that it is not working.

However, there are additional processes. There has been an attempt to create a more open

political process that is not made up simply of political parties. If political parties were enough, there would not be a constant fall in the number of people who vote and there would not be such public disrespect and disregard for many politicians. We know that that is the case and that people do not trust politicians a great deal. Such problems cannot be solved by the parties that are seen to be responsible for them—that needs to be done by organisations that are supportive of Parliament and of the role of MSPs and which see the need for a wider form of engagement. That is an educational process that cannot be overseen just by elected representatives, although it cannot take place without them. We are talking about alliances and partnerships. The history of the Scottish Civic Forum is that it has been developing a partnership with politicians.

The Convener: My experience in Lanarkshire is that very few people know about the Scottish Civic Forum, whereas many organisations know how to get in touch with their MSP. They do not need an organisation such as the Scottish Civic Forum to allow them to engage in the democratic process. How would you reach out to such communities and organisations to ensure that they can improve on what they already consider to be easy access to the parliamentary system?

Dr Crowther: It is good if organisations believe that they have easy access to the parliamentary system. However, we are talking about a broader form of participatory politics. People do not necessarily see politics as being channelled completely through political parties or their representatives, although they see parties and representatives as being essential. There is a broader notion of a more participatory form of politics that allows people to debate and to identify issues that they would not necessarily take to their MSPs in the first instance. I am talking about a process that enables people to identify aspirations that can be translated into political or policy-making fora. That is the educational process that happens in parallel with, in addition to and prior to engagement with MSPs.

Campbell Martin (West of Scotland) (Ind): I have a question about the Scottish Civic Forum's funding. In the members' business debate on the subject in Parliament, the then Deputy Minister for Finance and Public Service Reform said that the Executive had previously funded the forum on the basis that the forum would thereafter seek funding from other sources. Do you agree with that? Were you aware that you were meant to be seeking funding from other sources? Were you successful in doing so?

Dr Crowther: I cannot answer that question. I do not really know about the issue of alternative funding. We are not from the Scottish Civic Forum

itself. There are other people here who could answer that question, however.

Helen Eadie: My first question was going to be linked to Campbell Martin's, but you have said that you cannot answer on what alternative sources of funding have been sought.

Perhaps you can answer my second question, however. I, for one, recognise that there is an issue about ensuring that the public can get involved and take up opportunities to learn about the democratic process—I do not need to be persuaded about that. There are organisations that do not approach us for funding in the way that we have been discussing, although I am aware that they get some funding from the Scottish Executive. I refer, for example, to the Workers Educational Association Scotland. What links do you have with such organisations?

Dr Crowther: Again, it is difficult for me answer that or to describe the links that the Scottish Civic Forum has with organisations around the country, such as the Workers Educational Association. The Scottish Civic Forum certainly has links in Edinburgh and it has working links with particular forms of activity. It has been involved, for example, with the City of Edinburgh Council in producing a resource pack on running participative public meetings, which has been used at universities, in community education and elsewhere.

The Convener: Do members have any recommendations on how to proceed with the petition?

Helen Eadie: Perhaps we could write to the Scottish Executive and the Scottish Parliamentary Corporate Body and ask for statements of their respective positions on the issue.

Jackie Baillie: I do not dispute that suggestion, but I am conscious of time. It sometimes takes a while for responses to come back to the committee. The petition was not just seeking a view on the issues. There is also the question whether we will debate the matter in Parliament. I am conscious that there was a members' business debate on the subject earlier this year, but I suspect that there is something more than that behind the petition. As well as asking for the views of the Executive and the SPCB, could we also ask whether the matter might be considered for debate? I think that the subject is of interest to Parliament as a whole.

The Convener: I would be happy to do that. Are members happy to proceed in that way?

Members indicated agreement.

The Convener: Thank you, Dr Crowther. We will seek an early response from the Executive, and we will advise you of its contents as soon as we have it.

Railway Infrastructure and Services (Inverness, Thurso and Wick) (PE894)

The Convener: The next new petition is PE894, from the Association of Caithness Community Councils. It calls on the Scottish Parliament to consider investment in infrastructure, rolling stock and timetabling as part of a strategic root-and-branch review of provision of rail services between Inverness, Thurso and Wick, with unrestricted thinking on how best to shorten journey times and to ensure the future of the railway to those destinations.

The Scottish Executive has recently assumed new rail powers under the provisions of the Railways Act 2005, which give it greater control over the development of rail services and the rail network in Scotland.

We are joined—just in time—by Rob Gibson. I hope that it was not the train that held you up. Do you wish to say something before we hear from committee members?

Rob Gibson (Highlands and Islands) (SNP): No, thank you, convener. I am happy for committee members to speak first.

The Convener: Members have seen the briefing papers. Do you have any comments to make on the subject of the petition?

Jackie Baillie: I am curious about a point that Rob Gibson will probably be able to amplify. There seems to be a suggestion that the current train route is slow and that, if it is made quicker, more people will use it. I buy that theory, but the petitioners go on to say that they want to keep the Lairg loop, with the trains stopping at every wee village en route. I am not sure how that squares with the desire to make the trains quicker, although I confess to a lack of local knowledge.

The Convener: It is not quite all of us who are in that position, but I certainly am. I would like to know a bit more about the difficulties involved. Does anybody have any questions based on the information that we have so far?

John Scott: I question Jackie Baillie's assumption that people would use the train if it were quicker than the road. What evidence is there to suggest that that would happen in Caithness when it does not happen anywhere else in Scotland?

Jackie Baillie: First, I base my evidence on the fact that the petitioners say that that would be the case. I defer to their local knowledge about travelling habits in that part of the world. Secondly, it is much quicker getting from Glasgow to Edinburgh by train than it is by car.

John Scott: Not everybody uses the train, though—that is my point.

Helen Eadie: One of the points that are made in the papers supporting the petition is about heavy goods vehicles and the aim of getting more freight on to the railway line. I absolutely applaud every effort that is being made in that direction, and I know that the Lib-Lab coalition Executive has worked hard to increase the amount of freight that is carried by rail, so I strongly support that part of the petition. Perhaps we should ask Rob Gibson to elaborate on those points, because increased rail use would reduce polluting emissions from heavy goods vehicles and lighten traffic on the roads, so that motorists could enjoy their car journeys more.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): The proposal to improve facilities on the line to the far north has been promoted by various organisations in the Highlands for many years. In the past, I have been involved with many organisations that have tried to achieve that. There are various suggestions about how it might happen but, as members will appreciate, a huge budget would be required, even to secure a journey time just a quarter of an hour faster. There are many reasons for that. The argument about the Lairg loop and the possibility of crossing the Dornoch firth with a new railway bridge has been debated over the past 20 or 30 years in the Highlands, but it has not happened and the debate continues.

The petition seems to suggest that the Scottish Executive is not doing enough for the far north line. I question that, because some years ago quite a substantial amount of money was invested in improving the rolling stock on the north line. As a consequence, we have a commuter service running between Tain and Inverness two or three times a day, which is proving to be successful; it is part of the far north line. I know that more improvements are desired, but such things take time and money.

In addition, the Scottish Executive awarded a freight facilities grant to supermarkets to put their containers on to flatbed trailers—a new investment—and Network Rail was encouraged to increase the height of the Killiecrankie tunnel so that those containers could go through. Large amounts of money were given to the supermarkets to make use of the facility, so that containers could be taken off the road up to the far north, but very little has happened. I see now that the supermarkets say that they will not use the service. I do not know why. However, the Government has invested in the far north line.

John Scott: I would like to ask John Farquhar Munro and Rob Gibson to comment further on costs. Is there any suggestion of costed proposals, perhaps with regard to benefits such as repopulation of the area? I am from the other end of the country, as you know, but I would be happy

to hear the members make those arguments on behalf of the petitioners.

The Convener: It would be appropriate to hear from Rob Gibson. A bit more knowledge of the matter might help us.

10:30

Rob Gibson: I shall try to take the points in the order in which they were stated. The railway was designed back in the 1890s so that the Duke of Sutherland, who was a rail buff, could have more railways on his land. It loops in towards Lairg and then back to the coast. If one could cut across by the Dornoch firth, that would reduce the time taken to get to the far north by anything up to 40 minutes, according to modern estimates.

Two thousand to 3,000 people now live in the Lairg area in central Sutherland, but there are potentially 30,000 customers in north Sutherland, Caithness and Orkney who would use the railway if it was a good deal faster. Corus rail engineering consultants have done a preliminary study that suggests that a bridge at Dornoch and improvements to the railway in the far north, such as creating a loop at Hallkirk, would speed up the train to Thurso and could reduce the journey time to roughly the same as that for the road journey.

Last winter, a picture appeared of a service bus that had gone off the road on an icy stretch near the Ord of Caithness. In most parts of the country, people have a choice between road and rail. Currently, it takes more than four hours to travel by rail a distance that is not as far as the distance from Inverness to Edinburgh, which takes much less time to travel by rail. Fewer and fewer people in the north are willing to use the railway and the service is hanging on by a thread.

The Lairg loop issue could be partly dealt with by commuter services, to which John Farquhar Munro just referred. A new service called Invernet, which will start in December, will run commuter trains from Kingussie to Inverness and through to Tain. There will be five commuter trains a day to Tain. However, it was announced yesterday that one of the trains will start in the morning at Lairg. Therefore, the new commuter train will serve the commuter area that is furthest from Inverness.

A faster service to Caithness would not stop at the stations between Inverness and Tain, but would speed up over that section to get passengers to the north more quickly. A recent study—one of many—showed that the vast bulk of passengers who use the line go the whole distance up to Thurso and Wick. Currently, those who want to get to Wick must go to Thurso first because the route is T-shaped—the train comes to a junction where it must go west to Thurso, then come back to the junction to go on to Wick. That

has been the arrangement for the past 20 years or so, but the train used to split into two to take passengers in both directions. Frankly, the railway is hanging on by a thread. If the service was improved, that could lead to a far greater number of people living in the area.

I was a member of the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee. One of the major arguments for having a rail service for Alloa, which is 8 miles from Stirling, was that it was needed to encourage people to travel to places where there is work. Currently, people in the north cannot afford to take the chance of travelling by road because of the particularly awful weather that we get. The committee has received petitions on maternity services in Caithness, which stressed that the 100-mile road route to Inverness can be very dangerous. It is important to give people a choice.

I dispute John Farquhar Munro's view that the rolling stock has improved. The longest journeys are between Inverness and Thurso and the service has some of the poorest rolling stock in Scotland. The modern trains that run between Glasgow and Edinburgh are fine, but the service in the north is not a commuter service; it is a long-distance service between communities, with many smaller communities in between.

The developments that we seek will take time and money, but the petition asks the Executive to be open-minded and consider innovative solutions. Indeed, as I said earlier, Corus rail consultants—who were formerly British Rail people—have produced a scheme that could reduce journey times. They are involved in major developments in Scotland and Britain and are up-to-date, railway people to the core. They believe that journey times in the north can be improved and that the costs can be justified. Any long-distance line must stand or fall on the costs issue.

John Scott might be right that many people choose to go by car rather than by rail, but older people, including older visitors, and travellers who take bikes increasingly prefer to use the railway.

The line is scenic, but that is not the point. We must apply an appraisal system that allows longer-distance lines to be considered for investment. The Scottish transport appraisal guidelines favour short-distance routes, such as the proposed Bathgate to Airdrie line, which create natural links. However, there are questions about other developments in the Executive's current consultation on rail priorities. The far north of Scotland could do with an increase in population through the decentralisation of jobs from the central belt. When Alloa was considered as a place to which decentralised jobs might go, one criterion was that it should have a railway that was suitable for carrying people there in a decent time.

There are many arguments to support the view that the issue must be considered in detail. The problem is a long-standing one that cannot be solved just by plumping for roads instead. We need to give people choice. We need a modern form of transport that meets our needs, that responds to climate change and that contributes to the sustainability of communities in such areas, which feel isolated.

Helen Eadie: We need to get more views to allow us to ascertain what to do with the petition. I suggest that we seek the views of the Scottish Executive, First ScotRail and Network Rail. We should also seek views from the Highland Rail Partnership—I have met representatives of that group and am aware of some of their concerns. Equally, we should seek the views of the Friends of the Far North Line and Friends of the Earth Scotland. Would that be appropriate, convener?

The Convener: That would be entirely appropriate.

John Scott: I ask Rob Gibson to address the central point of my question, which was about cost. He talked about that, but he did not say what the cost would be.

Rob Gibson: The fact is that a proper assessment must be carried out before we know what the costs would be. We bandy around figures such as £300 million for a tramline in Edinburgh, £500 million for the M74 extension and similar figures for rail links to the airports in the central belt, but we could deal with the Killiecrankie tunnel, the Orton loop, the line from Inverness to Aberdeen and the improvements in the far north for about £150 million. Those measures would extend the network to the whole country, so it would be quicker for freight to travel from the far north to the central belt. Working out an exact cost would be part of the development of the petition into a proper study. I cannot give an exact figure, but I know that the cost today would be far greater than it would have been when the Tory Government turned down the possibility in the mid-1980s, at which point European money was available.

A solution to the injustice is long overdue. We must give people in Caithness the feeling that they are part of the whole nation and that we are taking into account their transport wishes. The community councils are asking for that, not me. The people who live in the far north—not the Friends of the Far North Line, who do not live there—are looking for your help to have the matter dealt with rationally.

John Scott: There are 25 signatures on the petition. Do the proposals attract cross-party support?

Rob Gibson: Yes, although some people are more strongly in favour than others. We want to reflect the views of people in the community, not my views or those of other members. I doubt whether any local members would question either the right of people to make the proposal or their intent, as stated in the careful wording that is before the committee, to take into account not just the needs of Caithness, but those of central Sutherland.

Helen Eadie: Is Jamie Stone the local member?

Rob Gibson: Yes.

The Convener: Helen Eadie made a recommendation about groups that we can contact for their views. Are members happy to deal with the petition by sending it to those bodies and asking for their responses?

Members indicated agreement.

Listed Buildings (Consultation on Disposal) (PE896)

The Convener: PE896 is from Ms Florence Boyle, on behalf of West Dunbartonshire Heritage Ltd, and calls on the Scottish Parliament to urge the Scottish Executive to require local authorities to conduct structured and meaningful public consultation before any disposal of listed buildings, common land or related endowments that are held in public ownership or trusteeship.

Before being formally lodged, the petition was hosted on the e-petition site, where it gathered 48 signatures between 5 and 30 October 2005. The usual e-petition briefing has been circulated to members.

The petitioner recently became aware that there is no statutory requirement on local authorities to consult the local community on the sale of listed buildings that are held in public ownership. She argues that, as listed buildings form an important part of the built heritage of the community, the current process for disposal is inadequate.

Do members have any views or recommendations on how we should deal with the petition?

Jackie Baillie: The matter is partly on my patch because part of my constituency is in West Dunbartonshire. For me, there are three separate issues. The first is the need for public consultation when local authorities—or, indeed, health boards and others—dispose of assets that are held in the common good. I seem to recollect that we received another petition on a similar matter and I wonder whether we could associate the two in some way.

Secondly, it is clear that the petitioner is talking specifically about listed buildings. It might be worth

while to explore that specific point rather than consider all assets that are held in public ownership.

Thirdly, my understanding is that a listed building is a listed building, irrespective of whether it is in council ownership, other public ownership or private ownership. I suspect that many local authorities take the view that they are unable to maintain buildings that are gifted to them so they look to others to maintain them. There is a fine line between whether it is preferable for such buildings to be in the public sector or in the private sector. The opposing argument is that we do not want to lose public enjoyment of a building.

Having said that, I think that the petition falls into the general category of the need for public consultation when a public body disposes of assets that are held in common ownership. On that basis, I wonder whether we should look back and see whether the petition is indeed similar to the other petition that we discussed two or three weeks ago. In any event, we should write to the Scottish Executive, the Convention of Scottish Local Authorities, Historic Scotland and the Scottish Civic Trust.

John Scott: The earlier petition was about the creation of a list of assets that are held in the common good by councils. Petition PE896 is slightly different. There may be a link, but I think that PE896 stands alone. It is related, but it is on a different subject.

The Convener: That is probably right. Although the two petitions are in the same territory, we will have to keep them distinct.

Helen Eadie: I endorse Jackie Baillie's suggestion for action.

John Scott: Yes. I am happy to endorse that suggestion.

The Convener: Do members agree?

Members indicated agreement.

Residential Care (Charges) (PE897)

The Convener: PE897 is from Angela Smillie and calls on the Scottish Parliament to consider and debate the financial implications for elderly people with mental illnesses—such as Alzheimer's disease—of having to sell their homes to pay for residential care. A further written statement that was received from the petitioner has been circulated to members.

Members will wish to note that John Swinburne MSP has lodged a proposal for a member's bill

"to disregard the value of a person's home in the financial assessment undertaken by local authorities to establish contributions towards the cost of residential accommodation placements."

In addition, the Health Committee is undertaking a post-legislative inquiry into the Community Care and Health (Scotland) Act 2002.

I invite John Swinburne to comment before we discuss the petition.

10:45

John Swinburne (Central Scotland) (SSCUP):

Thank you for allowing me to come along and speak on behalf of Angela Smillie. I presume that members have copies of her letter, which is typical of the letters that I have received since I came into the Parliament. Anyone who saw her on television three weeks ago will know that she broke down when she was walking through her parents' empty house, which is being taken over by North Lanarkshire Council to pay for her parents' care. The legislation is well meaning, but it is flawed in that aspect.

One of Angela Smillie's parents has dementia and the other has Alzheimer's disease, which is a terminal illness. She makes the case that if they were younger, they would go into care, but because they are elderly and have a home, that home will be sold to pay for their residential care. I have a copy of the letter that she received from the council stating that her parents' home would be placed in its keeping. There is the option of deferred payment, but that is a flawed option. Under that system, a council will not sell a person's home to pay for their residential care but will get them to sign a document that provides that, on their death, their home will become the council's property. However, the person could live for five or 10 years, and no one has evaluated what it would cost to maintain the property, to keep it heated and to keep the garden in a respectable condition. All that will add to the overall bill. There are also the legal costs attached to the sale of the house, and the costs incurred by the social work department in establishing whether someone has any property when it is means testing them.

Professor Arthur Midwinter came up with a figure that staggered me: the average cost to a council would be between £617 and £669 per annum—a minimal amount. However, that sum does not take into account the fact that the council will have to pay legal costs and, if a deferred payment scheme is entered into, the maintenance costs.

The Community Care and Health (Scotland) Act 2002 is a forward-thinking, worthy piece of legislation, which people would kill to have on the statute book south of the border. It looks after the care and home care of the elderly, but why should an older person who is suffering from dementia be treated any differently from a younger person who

is suffering from dementia? That is discriminatory and it should not be allowed to happen. That is the basis of Angela Smillie's case.

Eighteen years ago, Angela Smillie's parents willed the house to their family. She says in her letter that her parents have worked hard all their days. They are not bad people—they are not drug dealers and have never committed a crime in their lives. It is not acceptable that they should have worked hard to buy their home only to have it taken away to pay for their care at the end of their lives. It is discriminatory: they are ill and elderly, but if they were ill and not elderly they would be treated differently. A person with Alzheimer's who is 50 is treated differently from a person with Alzheimer's who is 65-plus. The Parliament must urgently consider that aspect alone, as well as the moral aspect of stealing a person's home to pay for their care.

Do members have any questions? I saw a couple of eyebrows being raised when I mentioned the sum of £669. I raised my eyebrows too, because I thought that the sum would be far higher than that.

John Farquhar Munro: The letter from Angela Smillie refers to the ownership of the property and the fact that the owner made a will some years ago. I now understand that the will can be overruled by the local authority.

John Swinburne: That is one of the major flaws in the 2002 act. Eighteen years ago, Angela Smillie's parents made a will in which they left their home to their family. At that time, they did not think that they would end up with dementia or Alzheimer's, but that is what has happened. Only 4 per cent of the senior citizen population find themselves in that situation. I could not calculate the odds of both parents finishing up in that situation—it is beyond my mental capacity to work that out. The other 96 per cent of my generation worry intensely about ending up in such a situation.

John Farquhar Munro made a good point. Although it was the wish of Angela Smillie's parents that their home be left to their children, the state is denying them that wish. The council has the power to move in and take over their home.

John Farquhar Munro: I was not aware of the situation, but if it is factually correct that it exists, we should make strong representations on the issue.

Helen Eadie: Mr Swinburne, in the course of doing the preparatory work for your proposed bill, have you found out how many families choose to rent out their parents' property while their parents are in a home? That is one way of meeting, or offsetting, some of the costs of care in a home. Do you know how many families in Scotland do that?

John Swinburne: Thank goodness for the Freedom of Information (Scotland) Act 2002. The situation might be easier now, but for the past two and a half years, getting such information from councils has been like trying to draw an eye-tooth. The blank answer that we got from all but 18 of the councils was that the information was not held centrally. Eighteen out of the 32 councils responded—in that regard, councils up north seemed to be better than those in the central belt—and gave us chapter and verse on the relevant numbers. However, quite frankly, I could not deal with two and a half years' accumulation of information.

I am aware that people can rent out their homes, but we must remember that we are talking about people who are ill, alone and at the lowest ebb in their life. The council can sell someone's house only if they live alone. If two people live in a house and one of them needs to go into a home, the council cannot touch the house. That amounts to another discriminatory act. Let us imagine a terrace in which three elderly ladies live in three different houses. The first lady lives in a rented house, the second lady lives with her husband in the house that they own and the third lady owns her house, but lives by herself. If the three ladies end up in care, the lady who rents and the lady who has a husband will have 100 per cent of their care paid for, but the single lady will have her home sold to pay for her care.

Helen Eadie: Of the local authorities that replied to you, did any of them answer the question that I have just asked, which was about how many families rent out their parents' property while their parents are in a home?

John Swinburne: They did not answer that question. The door to going down that road remains open to anyone who gets proper legal advice, but we are talking about people who are frail, vulnerable and elderly, whose memory might be waning a little. I do not mean that they have dementia or a similar condition, but that they are not quite as sharp as they were when they were younger. When an official comes and asks such a person to sign a document, they will probably sign it, even though they might worry about doing so. Signing that document will mean that they will not get the opportunity to pass on the results of their hard work to their family, which is all that they want to do. It would cost very little to allow such people to do that.

Jackie Baillie: I am certainly not as sharp as I once was, so I would like to clarify a few points. Your proposal for a member's bill deals with all older people, but the petition deals with older people who have a mental illness.

John Swinburne: That is correct.

Jackie Baillie: I take it that you are supportive of the narrow terms of the petition.

John Swinburne: In fact, 31 per cent of the people who are in residential care have mental problems such as dementia.

Jackie Baillie: Sure, but 4 per cent of the elderly population was the statistic that you quoted earlier.

John Swinburne: Yes, but that figure related to the number of senior citizens who own their own home—4 per cent of the 67 per cent of senior citizens who own their own home find themselves in that position. When the broader picture is taken into account, the number involved is small.

Jackie Baillie: I understand that; I wanted to make absolutely sure that I had captured what you were saying. Am I also correct in saying that there are three different elements to the costings? The first is personal care, the second is nursing care and only the third element—board and lodging—is the cost that we are concerning ourselves with today.

John Swinburne: Yes.

Jackie Baillie: Thank you. That is fine. Do you accept the argument that, irrespective of age, it is legitimate to expect people to contribute to board-and-lodging costs? Surely they would incur those costs in their own homes anyway.

John Swinburne: That is an argument that many people have put forward strongly to justify what is happening. I wish that they would apply it to criminals. There are a lot of rich people in jail and yet it costs £33,000 per annum to keep them incarcerated. They have all the mod cons and all the rest of it—I do not need to run through all the benefits; members know what they get.

Jackie Baillie: Personally, I do not, but thank you anyway.

John Swinburne: I am told that prisoners have free televisions—

Jackie Baillie: You do not need to tell me, Mr Swinburne—that is fine.

John Swinburne: I will not go along that line in that case. As I said, it takes £33,000 per annum to pay for a prisoner's care, and prisoners are not means tested. Some prisoners submit claims when they leave prison because they have to slop out and get up to £8,000 in compensation. That should go towards the £33,000—prisoners should be means tested a little bit. That does not happen, yet—unfortunately—elderly people are means tested in the situation that I described.

Arthur Midwinter analysed the situation and put forward the information in a way that separates out the care costs—some people get only standard

care whereas others get nursing care plus personal care. He took the average weekly income of £206 for a single pensioner household as the basis for his calculations. On pages 18 and 19 of my consultation document, which has been e-mailed to members, you will see that the calculations leave a balance of £11.88 per week.

Jackie Baillie: I am not looking not for chapter and verse on your bill but to test your proposition that what is happening is discriminatory. If such costs were applied to all, irrespective of age, surely the question of discrimination would be removed.

John Swinburne: Yes. There are various roads that we can go down. The situation also applies to people with a mental illness.

Jackie Baillie: You talked about the obvious costs of maintaining and selling a property; you said that those costs were not accounted for in any way. If those costs were to be taken into account, would that largely resolve the problems that people experience?

John Swinburne: If those costs were to be taken into account, and if councils were to do their book-keeping in the way that Arthur Midwinter did his, the costs to councils of selling a person's home would be made clear. People cannot sell their homes without costs—a council makes only just over £669 top whack as a result of selling the home of a pensioner who is on the average income of £206 per week. If the legal costs of selling the house and the social work costs were taken away from that figure, there would be no profit at all for councils.

Of the large block of money—£500 million or so—that was laid aside for the deferred payment agreement scheme, it is strange that only £104 million was taken up by councils to offset the financial disadvantage of deferring the sale of a house. The Executive has made the money available in the deferred payment scheme, yet councils are not taking it up in the way in which the Executive expected them to do.

11:00

John Scott: On a point of clarification, where is the £400 million if it is not being taken up and used by the local authorities? I find that surprising.

I appreciate the problems that you are raising. I have many constituents who are similarly disadvantaged—as they see it—and have to sell their houses. What would you propose as a more equitable and fair way of funding the long-term care that is required? It has to be funded and, by and large, that funding has to come from local authorities. Given the finite resources that are available to local authorities, what services would you cut?

John Swinburne: I have a fundamentalist attitude to the issue. When I started paying my national insurance in 1948, when Lord Beveridge's welfare state recommendations were implemented, I believed that the national health service would look after us from the cradle to the grave because we had paid into the scheme all our lives.

Now, the state discriminates against sick elderly people and takes their homes from them to pay for their care when everyone else gets care throughout their lifetime—that is, from the cradle until they are on the point of going into residential care. In between those times, the way in which our health service operates is a tremendous credit to this country.

You ask how the care should be paid for. The Conservatives might not like this, but I think that we will simply have to dig a little deeper into our pockets. The statistical evidence that is presented by Arthur Midwinter shows that there is little profit to be made from all the angst and hardship that we are imposing on elderly people.

My proposal would not cost a great deal more than is already being spent on the majority of people. The 4 per cent of elderly people who are being treated in the way that I have outlined should be treated in the same way as the majority.

Campbell Martin: The situation that you have described and which Angela Smillie has written about is fundamentally wrong. You have been asked how you might fund the additional cost of caring for the elderly people about whom you are talking. However, you know as well as I do that politics is all about priorities and that if, for example, we did not spend billions of pounds on nuclear missiles or write blank cheques to wage war on Iraq, we could perhaps look after our senior citizens and meet the cost of their care.

Jackie Baillie made a point about whether elderly people in care should be expected to pay for their food and board. If someone is in hospital with a long-term illness, are they expected to pay for their bed and food while they are there?

John Swinburne: When they go into hospital, an elderly person immediately surrenders their pension, which pays for their care.

No one worries about what it costs to keep a prisoner in jail. The money that is spent on them does not come out of their ill-gotten gains. I am talking about honourable people who should be treated honourably and decently.

An elderly person does not eat much, anyway. Having gone round many care homes, I can say that a person in this room probably eats two or three times the amount of food that the average resident in a care home eats. For all that they eat, it is a sin that we neglect them in this manner.

Campbell Martin: While they are in hospital, they surrender their pension to help pay the cost of their care. They also do that when they are taken into residential care.

John Swinburne: In a care home, an elderly person surrenders their pension and their secondary pension, if they have one. I am not complaining about that. They still get means tested and many of them have good pensions from their work; those pensions allow them to go into a care home without having to sell their home because they are sufficient to cover the costs. People who are in that situation would be automatically expected to pay for their care. I am not worried about that.

In America, the value of a person's home is not used in the assessment of someone's ability to pay. I do not see why we should act any differently in this country. Too many people who have worked hard and who did what they thought was the right thing to do when they bought their homes under the right-to-buy scheme find that their decision is coming back to haunt them. However, in 96 per cent of cases, that does not happen and the people in that 96 per cent should not have to worry that they might have to go through what the people in the 4 per cent are going through.

People can see what is happening all around them—every MSP has dealt with cases involving the situation that I am talking about—and it is unacceptable that, in the 21st century, we are treating our elderly in this despicable manner. It is shameful.

Campbell Martin: So the answer is that politicians should get their priorities right and stop stealing pensioners' homes.

John Swinburne: You have got it in one. The situation is not good enough.

Mr Charlie Gordon (Glasgow Cathcart) (Lab): Does Mr Swinburne feel that Parliament should remove from local authorities the discretionary power to charge for board and lodging?

John Swinburne: When the Sutherland report was published, it was hailed as the panacea for all ills and was praised across the board. The Lib Dems went for it 100 per cent. The Labour Party went for it nearly 100 per cent—it considered the financial implications and produced a slightly flawed solution to the problem. That has left a little glitch in the system, whereby some people must sell their homes.

Mr Gordon: If we removed the discretionary power, I presume that the funding gap would be filled by the local council tax payer or the national taxpayer.

John Swinburne: I see no alternative to that.

Mr Gordon: Is there a danger that the law of unintended consequences might kick in? If the service became free, would a big rush start to put into care many people in the categories mentioned who are looked after at home or by relatives? Doing that would mean that neither the individual nor their family would incur cost. Would that outcome be desirable?

John Swinburne: Charlie—if I can call you that—I assure you that the last thing that people of my generation want is to go to see a doctor and find out that we are ill. The best thing that could happen to people of my generation would be full implementation of the Kerr report, which would vastly reduce the number who require to leave their own homes, where they want to stay. They do not want to leave their little house—their wee castle—for which they have paid.

Mr Gordon: We are talking about a client group whose relatives—usually their children—have often taken charge of their affairs. The relatives may have power of attorney, for example. Carers experience stresses and strains and they might transfer their loved one into institutional care if they knew that doing so would incur no cost and would remove some stresses and strains, although they might be replaced by other pressures such as feelings of guilt from time to time. I am worried about the law of unintended consequences. The proposal could create a big shift of vulnerable people into institutional care.

John Swinburne: I deny that situation completely.

Mr Gordon: Is it conceivable? Have you thought it through?

John Swinburne: There are bound to be instances that would bear out your argument but, by and large, people do not want to go into a residential home or care home. They want to stay in their own home. If Andy Kerr succeeds in implementing Professor Kerr's recommendations and providing more ancillary staff in the community, people will be happy to stay in their own homes. There is no doubt that the percentage who are a danger to themselves will have to go into care homes, but an awful lot of people who are care home residents could easily be looked after in their own homes at one quarter of the cost to the community.

Mr Gordon: If you think that Professor Kerr has a comprehensive answer to such issues, would it not be better to implement that than to approach the issues in what could be argued to be a piecemeal fashion?

John Swinburne: The only problem is that Professor Kerr's comprehensive answer, which I hope that Andy Kerr will implement, will not provide an immediate solution. My proposal could

be introduced much more quickly and would remove the anomaly once and for all.

You have only to consider the situation. If you were to go to a care home and look deeply into the eyes of someone who has been placed in that situation, you would see the hurt there. One cannot put a monetary value on that. Those people feel that the state has kicked them, and kicked them, and kicked them again.

I will not rest until this piece of legislation has been put right. The only way of putting it right is to do what is done in the United States of America—take the person's home out of the financial equation. People would still have to pay for their care if they could afford to do so. We will have to stump up for an infinitesimally small percentage. It is annoying to know that a solution would be achievable at no great cost. I cannot see people taking advantage of such an arrangement.

The other day, I heard a chap from the pharmaceutical industry argue that if free prescriptions were introduced, people would be queuing up for them. The idea that one would take a day off work to see a doctor for a prescription that is worth £6 is not realistic. People do not want to have to get medical care; they do not want to see doctors; they do not want to have to go into a care home. However, unfortunately some of them have to do those things. To take away someone's home to allow them to go into a care home is, quite frankly, criminal.

The Convener: I want to come to recommendations on how we take the matter forward.

Helen Eadie: I agree. We have explored the issue quite a bit this morning. It raises wider issues, such as what we think about inherited wealth, although the debate on that will have to take place elsewhere. That comes through in the petition.

I suggest that we pass the petition to the Health Committee, which is doing one of its first post-legislative scrutiny inquiries. It might want to consider this issue as part of that inquiry.

We should refer the petition to John Swinburne, because he is undertaking a consultation across Scotland on his member's bill.

The Convener: Are members happy with those suggestions?

Members indicated agreement.

The Convener: John, we will forward the petition to you so that you can take cognisance of it. We will see what the responses are from elsewhere.

John Swinburne: Thank you for a very fair hearing.

Aviation Fuel (VAT) (PE891)

The Convener: Petition PE891, which is by Mark Whittet, calls on the Scottish Parliament to urge the Scottish Executive to make representations to the United Kingdom Government to impose VAT on aviation fuel.

It appears that the petitioner seeks the introduction of VAT on aviation fuel primarily for environmental reasons. The petitioner also considers it unfair that fuel duty should apply to other forms of transportation, but not to aviation.

Taxation of aviation fuel is a reserved matter.

Jackie Baillie: I have a question about process. I would have thought that the petition was not competent for us to consider. The petition concerns a reserved matter, so I wonder why it is before us. Our practice used to be to deal with petitions that were not considered to be competent under a third agenda item, so I would be interested in hearing what makes this petition competent.

The Convener: The petition asks the Scottish Executive to make representations; that makes it admissible. The Scottish Parliament and the Scottish Executive can take a view on any subject, although they may not be able to deal with it.

Jackie Baillie: That is very interesting. However, since the petition concerns a reserved matter, I suggest that we do nothing further with it. We should close it and refer the petitioner to the Westminster Parliament.

Helen Eadie: I agree.

The Convener: Do members agree?

Members indicated agreement.

Current Petitions

Neurological Services (Post-polio Syndrome) (PE873)

11:15

The Convener: Under agenda item 2, the first current petition for consideration is PE873 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 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.

At its meeting on 28 June 2005, the committee agreed to write to the Scottish Executive, NHS Quality Improvement Scotland, NHS boards and the neurological alliance of Scotland. Responses have been received and circulated. Do members have any comments?

Helen Eadie: Perhaps we should invite the views of the petitioners on the responses that we have received so far before we decide what action to take.

The Convener: That would be our normal course of action.

Does Margo MacDonald want to comment?

Margo MacDonald (Lothians) (Ind): Good morning to you, convener, and to the members of the committee. I have had a chance to speak to two of the petitioners, who are present today. We are most heartened and very grateful for the response from NHS Greater Glasgow—perhaps Charlie Gordon could pass on our thanks. It is quite firm about the need for an audit to establish the prevalence of PPS; that is where we, too, would want to see the process start. As far as contacts and so on are concerned, there is a list of 300 to 340 contacts—that is the same size as the survey that was undertaken in Ireland. We have copies of the Irish survey, which is how the process started there.

NHS Quality Improvement Scotland states:

"We agree that the post-polio syndrome (PPS) needs to be brought to both health professionals' and public's attention."

It continues:

"That we need to have a fuller understanding of the epidemiology of PPS in Scotland and the UK is undeniably important."

NHS Greater Glasgow has suggested that it would be willing to undertake such a survey and research at the Southern general centre, and I recommend that we strike while the iron is hot. If NHS Quality Improvement Scotland says that we need that research and if NHS Greater Glasgow is up for it, why not?

The Convener: Do members have any comments on what Margo MacDonald has said or any suggestions? I know that you are speaking on behalf of the petitioners, Margo.

Margo MacDonald: Yes. I have met them this morning. I am here to assist the committee.

The Convener: I appreciate that. You have made some valid points. It would be worth our asking for a written response from the petitioners, so that we know their views on all the responses.

Margo MacDonald: Aye. Well, I think that you will want to censor their views on one of the responses.

The Convener: They are entitled to comment on the responses.

Margo MacDonald: I think that you would want to censor their views on one of the responses, but that is a matter for the committee.

John Scott: The fact that we have not received responses from many health boards, despite repeated requests, is rather disappointing. Margo MacDonald welcomed the response from NHS Greater Glasgow; similarly, I welcome the very positive response from NHS Ayrshire and Arran, which says that it deals with the issue on a case-by-case basis. I do not always agree with everything that Kirsten Major says, but the response is positive. I think that we should take this forward in a constructive way.

Margo MacDonald: Before I came here today, I had to visit my own doctor, and I did a wee bit of business while I was there. I asked him about this issue, about the idea of an audit and about the professionals having access to much more information. He said that that is definitely needed among general practitioners as well. There is a general willingness to take action if it can be worked out how that can best be done. You will certainly get written responses from the petitioners.

The Convener: Other questions may arise, based on the petitioners' responses. Asking for a written response will allow us to get a detailed analysis of the views of the petitioners on the responses that have been received and to pose other questions on the back of that.

Jackie Baillie: The recommendation that we contact the petitioners is helpful. However, we have had very helpful responses from Michael

Bews of NHS Quality Improvement Scotland and Tom Divers of NHS Greater Glasgow. Could we write back to them to point out the co-operation that a national prevalence study might lead to? Asking about a timescale for that might nudge them into activity. It is important to get an evidence base so that we can consider whether more requires to be done.

The Convener: That could run in conjunction with writing to the petitioner; I do not think that it would cause any hold-up. We will look forward to receiving responses and we will obviously be able to discuss the matter further.

Margo MacDonald: I keep referring to Ireland because the situations are comparable. The Irish started from more or less where we would be starting from.

The Convener: We will have a chance to consider the matter further when we receive the petitioners' response. At that point, we will discuss what more we can do with the petition.

Margo MacDonald: Thank you very much—what a lovely committee.

Jackie Baillie: It is only because you are such a lovely MSP.

Road Design Standards (PE838)

The Convener: PE838 by Sheila Carribine, on behalf of Low Valleyfield community council, calls on the Scottish Parliament to urge the Scottish Executive, in the interests of road safety, to review its policy in relation to road design standards and to encourage both the publication of such standards and their proper and consistent application across Scotland.

At its meeting on 11 May 2005, the committee agreed to write to the Society of Chief Officers of Transportation in Scotland, the Institution of Highways and Transportation, the Scottish Executive, the Transport Research Laboratory, the Royal Society for the Prevention of Accidents, and Fife Council. Responses received have been circulated to members.

Helen Eadie: I notice in our papers a suggestion for action. However, I wonder whether we could seek the views of the petitioner—just as we did with the previous petition—before coming to a decision at the next meeting at which we discuss the petition.

The Convener: Are members happy with that?

Members indicated agreement.

The Convener: We will keep the petition open until we receive a response.

Wind Farm Construction (Public Inquiry) (PE800)

The Convener: Our next petition is PE800 by William Robert Graham, which calls on the Scottish Parliament to urge the Scottish Executive to conduct a public inquiry into wind farm construction and in the meantime to introduce an immediate moratorium on further wind farm developments.

At its meeting on 25 May 2005, the committee agreed to write to the petitioner and to the Scottish Executive. Responses have now been received and circulated to members. Are there any comments? Are we happy to note the responses and close the petition?

Members indicated agreement.

Erskine Bridge (Tolls) (PE869)

The Convener: Our next petition is PE869 by Councillor Andrew White, which calls on the Scottish Parliament to urge the Scottish Executive to remove the tolls from the Erskine bridge. At its meeting on 28 June 2005, the committee agreed to write to the Minister for Transport and Telecommunications. Are there any comments?

Jackie Baillie: You would expect me to comment, convener. My support for this petition has already been declared and I feel that it would be very helpful to keep the petition open. I note the response from the minister's office, but the petition is part of a continuing dialogue that will, I hope, lead to the removal of tolls from the Erskine bridge. Until that happens, the petition should stay on our agenda.

The Convener: Are members happy with that?

Members indicated agreement.

Helen Eadie: May I put down a marker for the Forth road bridge too? You knew that that was coming.

Prescription and Limitation (Scotland) Act 1973 (PE836)

The Convener: Our next petition is PE836 by Ronald E Conway, on behalf of the Association of Personal Injury Lawyers. The petition calls on the Scottish Parliament to urge the Scottish Executive to review, as a matter of urgency, the Prescription and Limitation (Scotland) Act 1973 and, in particular, sections 17 and 19A of the act in relation to compensation for injured people.

At its meeting on 11 May 2005, the committee agreed to write to the Scottish Executive, the Scottish Law Commission and the Scottish Trades Union Congress. Are there any comments?

John Scott: The Scottish Law Commission is taking the issue seriously now; indeed, it is incorporating the views that are expressed in the petition into its further discussions. That is quite a success for the petitioner and the committee, so I do not think that we need to take the petition any further.

The Convener: Are members happy with that?

Members *indicated agreement.*

Sports Academy (Scottish Borders) (PE849)

The Convener: Our next petition is PE849 by Kayleigh Boyd, on behalf of St Ronan's Primary School. It calls on the Scottish Parliament to urge the Scottish Executive to establish a sports academy in the Scottish Borders.

At its meeting on 25 May 2005, the committee agreed to write to the Scottish Executive; sportscotland; Heriot-Watt University—Scottish Borders campus; Borders College; and the Scottish Rugby Union. What do members think of the responses?

Helen Eadie: I suggest that we ask for the petitioner's view on the responses that we have received and that we consider his or her view—or their view; I remember that a whole team of them came to the committee—at a future meeting.

John Scott: The responses are very positive; I hope that Kayleigh will be pleased with them.

The Convener: I am advised that Kayleigh Boyd might be with us this morning. We will write to her and ask her to let us know whether she agrees that the responses are positive. If she does not agree, we will consider what more we can do to help her to achieve her aim of a sports academy in the Borders. We look forward to Kayleigh writing back to us to let us know what she thinks of the responses. I thank her very much for coming back to the committee.

Fishing Industry (PE804)

The Convener: Our next petition is PE804 by Carol MacDonald and Morag Ritchie, which calls on the Scottish Parliament to use its influence to return control over the fishing industry to Scotland.

At its meeting on 28 June 2005, the committee agreed to write to the Scottish Executive. A response has been received. What do members think of it?

Helen Eadie: Again, I would invite the petitioners to give us their views on the minister's response.

The Convener: Are members happy with that suggestion?

Members *indicated agreement.*

Rural Schools (Closure) (PE872)

The Convener: Our last current petition is PE872 by Alexander Longmuir, on behalf of the Arbirlot—I know that I have pronounced that wrongly again—parents group. The petition calls on the Scottish Parliament to urge the Scottish Executive to introduce a legislative presumption against the closure of rural schools unless there is an undeniable educational and social benefit to the children and communities affected.

At its meeting on 28 June 2005, the committee agreed to write to the Minister for Education and Young People. A response from the minister has been received and I would be happy to hear members' comments.

Jackie Baillie: I will make a practical comment, which has a bearing on the petition. After the letter that is included in our papers was received, the minister appeared at the Education Committee, where the position that he took was substantially more helpful than that which is outlined in the letter. I have confirmation from the minister that the letter was written prior to his committee appearance. To investigate the Executive's policy, we should examine the comments that were made during the minister's appearance at the Education Committee. On the basis that the Education Committee can scrutinise the matter much better than we can, I suggest that we send the petition to it.

The Convener: Fiona Hyslop has joined us. Would she like to comment?

Fiona Hyslop (Lothians) (SNP): I welcome Jackie Baillie's comments. We had a very good meeting with the minister at the Education Committee. Many serious issues have been raised and it will be helpful if the Education Committee can consider the matter further in the future. We have embarked on our consideration of the issue and the minister is co-operating extremely well with the committee. I hope that we can move things forward. It would be helpful for the Education Committee to hear from the petitioners and it could do so if you were to refer the petition to us.

The Convener: Are members happy that we send the petition to the Education Committee?

Members *indicated agreement.*

The Convener: We will wait to see the outcome of the continued discussions; I understand that progress is being made. That is all very positive.

I thank everyone for their participation.

Meeting closed at 11:28.

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