

# **PUBLIC PETITIONS COMMITTEE**

Wednesday 8 February 2006

Session 2

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## PUBLIC PETITIONS COMMITTEE

3<sup>rd</sup> Meeting 2006, 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 :

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD)

Polly Buchanan (Skin Care Campaign Scotland)

Professor James Ferguson

Rob Gibson (Highlands and Islands) (SNP)

Dr James Inglis

Dr Sylvia Jackson (Stirling) (Lab)

Lynn Kelly

Donna Stewart

John Watson (Barnardo's Scotland)

### CLERK TO THE COMMITTEE

Jim Johnston

### ASSISTANT CLERK

Richard Hough

### LOCATION

Committee Room 2



## Scottish Parliament

### Public Petitions Committee

*Wednesday 8 February 2006*

[THE CONVENER *opened the meeting at 10:02*]

### New Petitions

#### Skin Cancer (PE931)

**The Convener (Michael McMahon):** Good morning. I welcome everyone to the third meeting in 2006 of the Public Petitions Committee. I have received apologies from Helen Eadie, John Farquhar Munro and John Scott. Although Jackie Baillie is here, she has to go to the meeting of the Communities Committee; Sandra White, too, has to leave when an appropriate moment arises. *[Interruption.]* As soon as I have given Helen Eadie's apologies, she turns up. At least that makes up our numbers.

Our first petition is PE931 from Helen Irons on behalf of Skin Care Campaign Scotland, which calls on the Scottish Parliament to urge the Scottish Executive to review its policy on tackling the growing skin cancer epidemic in Scotland. I welcome to the committee Polly Buchanan from Skin Care Campaign Scotland, who is accompanied by Professor James Ferguson of Ninewells hospital in Dundee, and by Dr James Inglis, who is a consultant in public health medicine at the Scottish Executive. I ask Ms Buchanan to make a brief statement to the committee in support of the petition, after which we will discuss the issue.

**Polly Buchanan (Skin Care Campaign Scotland):** In Scotland, skin cancer has reached epidemic proportions. About 11,000 new cases are diagnosed annually and many young people die unnecessarily from the condition. Skin cancer figures continue to rise every year, so today we are presenting a petition that urges MSPs to support the implementation of health education programmes and to encourage people who have skin tumours to seek advice as early as possible.

There are two main groups of skin cancer, the first of which is the more common non-melanoma skin cancers. Each year, there are approximately 10,000 new cases of such tumours, which can cause disfigurement. The condition represents a huge burden on the Scottish health service: an estimated 30,000 patients undergo skin biopsies every year and many more require out-patient diagnostic assessment, which costs the national health service approximately £30 million a year. That works out at £6 per person per year.

The most serious form of skin cancer is malignant melanoma, which can be fatal if it is not recognised early and treated promptly. In 2002, 842 new cases of melanoma were registered in Scotland, which continues the increasing trend of previous years. Approximately 20 per cent of those patients will die from their disease.

The incidence of all skin cancers is trebling every 20 years. Research evidence has shown that the main cause of the disease is ultraviolet radiation, and has linked sunburn in childhood and intermittent high intensity exposure to sun with future melanoma development. It seems to be the case that lifetime accumulation of sun exposure is more important in the development of non-melanoma skin cancers.

We are a nation of sunseekers and the rapid increase in sunshine holidays is not about to decrease. Unfortunately, the pale and interesting Scottish skin type is not designed for such a challenge and a two-week sunshine holiday each year is enough to double our annual UV exposure. It has always been estimated that one bout of severe sunburn in childhood can double the risk of melanoma. Also, in the United Kingdom, 100 deaths a year—or 10 deaths a year in Scotland—are attributed to sunbed use.

As a group representing skin cancer patients, their families, the general population and health professionals, we urge Parliament to support the implementation of a comprehensive prevention campaign for Scotland. Despite the fact that approximately £6 per person per year is spent on treating skin cancer, only 1p per person per year is spent on primary prevention education; indeed, that low figure is half of what it used to be.

We can improve the current situation for the Scottish population in three ways. First, we should implement a health education programme on sun awareness and protection that targets children and young adults. It is vital that children grow to adulthood with a culture having been adopted that reduces the risk of skin cancer. Health education campaigns are effective, and preliminary work that has been conducted in Scotland suggests that co-ordinated health promotion in pre-school nurseries increases knowledge and understanding and can positively influence the behaviour of children and their carers. However, campaigns must be expanded to parents and policy makers in councils, schools and colleges. Such campaigns must also be sustained. After all, they have a relatively low cost and are aimed at preventing skin cancer before it can even start.

Secondly, we need early identification of skin cancers, which are curable if they are treated promptly. Currently, more than 60 per cent of all dermatology specialist referrals are related to lesions that are suspected of being skin tumours.

More resources are required to develop those services to meet the increasing demand in communities and hospitals.

Finally, legislation can help. For example, it has been shown that controls on sunbeds—a prime source of UV light—are important in skin cancer prevention.

Skin cancer is a serious health problem in Scotland, not only in financial terms but in terms of loss of life. Approximately 10,000 cases of non-melanoma skin cancer and 842 cases of malignant melanoma are reported each year. It has been estimated that 80 per cent of deaths from malignant melanoma are preventable, either by sun avoidance or by early diagnosis. In each MSP's constituency, 150 people each year will be diagnosed with skin cancer; however, for the past two decades, our Government has not fully addressed the rising epidemic. We must address it now; with Parliament's help and support we will do so.

**The Convener:** Thank you. I now open up the meeting to members' questions.

**Rosie Kane (Glasgow) (SSP):** I thank the petitioner for submitting the petition, which deals with an issue that interests and concerns me. I have many questions, but I will try not to blurt them out all at once.

**The Convener:** Just one or two questions at a time, Rosie.

**Rosie Kane:** I might not get any answers if I ask all my questions at one time.

I have been interested in the subject for some time now. Your evidence shows that, compared with the figures for women, skin cancer deaths in men are increasing. Is that because men are not coming forward soon enough?

**Dr James Inglis:** There are two aspects. First, men are generally more resistant to health education messages and so take longer to change their behaviour. Secondly, men tend to be more reluctant and take longer to come forward with health problems that they are concerned about. Men have yet to change that behaviour. They also present with a melanoma or other tumours later, so treatment for them is less likely to be curative.

**Rosie Kane:** I notice that there can be 20 to 30 years between exposure and development of cancer. Fewer sunbeds were around 20 to 30 years ago and skin cancer figures are now increasing. I am certain that sunbeds and an increase in holidays abroad have played a role in the increase, so education is important.

There are environmental issues in respect of the ozone layer; I believe that particulates that would have scattered harmful rays are no longer there. Is

it possible that outdoor workers—who are predominantly male—are in more danger? My father was a construction worker who had red hair and freckles; he developed skin cancer although he had never been abroad in his life and had never been within a stone's throw of a sunbed. I am concerned that outdoor workers, from construction workers to traffic wardens and the police, are more susceptible. Could that be the case?

**Professor James Ferguson:** There is evidence that accumulative exposure increases the risk of non-melanoma skin cancer, which is related to sunburn episodes. Therefore, the answer to your question is that there is an association. In clinical practice, I see many patients who have skin cancers but who have never been outside Scotland and have never been on sunbeds. However, I am sure that a large part of the increase is related to people living longer, people going on holidays and sunbed exposure.

**Dr Inglis:** The ozone layer is not as yet really a significant issue for us here in Scotland. As Professor Ferguson said, outdoor workers tend to have a greater lifetime exposure.

**Rosie Kane:** Many of us get sunburn here in Scotland during our childhood—I know that I did. I have serious concerns that poorer families and bigger families might not be able to afford expensive sunblock. I am not talking about factor 4 or factor 10 tan-building creams; I am talking about complete blocks. My understanding is that only people who have certain skin conditions can get sunblock on prescription. Would it be helpful if families could get sunblock on prescription to protect children and enable them to go out and play in the sun? It can cost £9 or even £18 to cover a family of four children for a week so that they can go out to play. Is that an issue? Would it help if sunblock were available on prescription for children?

**Polly Buchanan:** Sunscreen is certainly part of the protection strategy that we advise. The most effective option is to keep out of the sun when the sun is at its strongest. It is also important to cover children up by ensuring that they have tee-shirts and hats on and to use sunscreen on sun-exposed areas of skin. We are already working towards having sunscreen made a zero-rated VAT product. If sunscreen were to be readily available from general practitioners that would be all well and good, but I fear that that is a long way off. Sunscreen is part of an overall protection strategy. The first part is to keep children's clothes on to protect their skin from the sun or for them to be in the shade or indoors.

**Professor Ferguson:** I am sure that that is a good idea. Part of the schools programme—a pilot study—that was funded by the new opportunities

fund related to regular use of sunscreen at schools. For such a programme to be successful it would be very helpful if sunscreen was made available.

**Rosie Kane:** So it is a health and safety matter as well. Do trade unions have a role to play in respect of workers?

**Dr Inglis:** Yes.

**Rosie Kane:** Education is important because men are too macho to put on sunscreen. Are there countries in the world that are dealing effectively with the problem through education? I believe that there is a big campaign in Australia; part of it is that people can get sunscreens on the way to the beach. Do good initiatives exist that would assist us?

10:15

**Dr Inglis:** That is undoubtedly the case. Fortunately, I happened to be working in Australia in 1981, when the "slip! slop! slap!" campaign began. Then, it had been worked out from the epidemiology of Australia's epidemic that eventually everyone of pale-skinned origins in that country would develop skin cancer. A substantial and highly successful campaign was launched, for which the help of many famous sportsmen was enlisted. The corner has now been turned in Australia—you are right that sunscreen is now available free virtually everywhere. One can certainly get free sunscreen on the beach, for example. The main thing is that having a tan and being brown are no longer desirable for Australian youth—when young people are convinced that being pale is more interesting, a corner has really been turned.

**Ms Sandra White (Glasgow) (SNP):** I do not know whether being pale is always more interesting than being tanned. I admit that I quite like to get a bit of sun because it makes me feel better. That is why people like to get a tan.

I was interested in what you said in response to Rosie Kane about the provision of sun cream, which I was going to mention. Instead, I will concentrate on sunbeds and tanning salons.

Before I signed Ken Macintosh's proposal for a sunbed licensing bill, I went round some sunbed parlours to find out what is happening. I agree entirely with what you said about the need for advertising campaigns. I notice that the Executive allocated £17,000 to such campaigns in the 2005-06 financial year, but I wonder whether that is enough if we are to be as successful in getting the message across as the "slip! slop! slap!" campaign was in Australia. Is it important to stress not just that it is necessary to put sun cream on, but that people should cover up or not go out at certain times of the day?

I am extremely worried by the fact that tanning parlours—especially those that use coin-operated sunbeds—do not have to be licensed. You mentioned that you want all tanning studios to be licensed. Do you agree that the Executive has a part to play in that? I know that in Glasgow—the area that I represent—it is possible to get two minutes on a sunbed for £1. Although I realise that we cannot close down all the tanning parlours, I would like some to be closed down. What do you think about tanning parlours that have no operators and no controls, and in which people just put £1 in a slot to use a sunbed and there is no one to check the age of customers?

**Professor Ferguson:** A survey that was conducted recently in Dundee and Perth and Kinross revealed the deterioration that has taken place. The sunbeds that are available now are much stronger and clients use them for much shorter times. The figures from the study—which is being prepared for publication—show that 83 per cent of the beds that were surveyed had a UV output that exceeds the British and European standards. The shorter wavelengths that burn are a major concern. It is worrying that since the 1997 survey was carried out, the number of unregulated private tanning parlours has increased by 30 per cent. In addition, the number of beds or stand-up cubicles per parlour has gone up significantly and the lamps that are used are more powerful. The fact that there are coin-operated beds means that no records are kept.

The Health and Safety Executive has produced clear guidelines for the United Kingdom, but those are not being implemented at all and the situation is almost chaotic. I know that the Health and Safety Executive assessors are busy doing many tasks, but we need somehow to exert control if we are to bring the skin cancer epidemic under control. I agree totally with Sandra White's suggestion.

**Ms White:** My problem is that no one is monitoring the parlours that I have visited. The Executive obviously has a role to play, but councils do too, because they can license parlours if they wish to. I know that Renfrewshire Council licenses them, whereas Glasgow City Council and other councils do not. Your advertising and education campaign will be about covering up during certain hours, but could it also highlight the fact that sunbeds are dangerous? Would it be within the Executive's scope to do that?

**Dr Inglis:** I should say that there is a slight error in the agenda: I actually work for Health Scotland, not for the Scottish Executive.

**Ms White:** I am glad that you have cleared that up.

**Dr Inglis:** I must also clarify that I am speaking as a consultant in public health medicine, not as a representative of Health Scotland. I have been instructed to make that point.

I agree with the point that was made that a sunbed regulation bill would be very helpful and would prohibit unlicensed and unmanned premises. It could also prohibit young people who are under 18 from using sunbeds. The main issue is that advertising campaigns need to be substantial and sustained over years—as they were in Australia—if they are to be of benefit. Even then, as the evidence against sunbeds accumulates, it is reasonable to say that because a person's risk of skin cancer is related to their lifetime exposure, every time they use a sunbed, they increase the risk of getting skin cancer. Sunbeds increase the annual dose of ultraviolet radiation, and using high-intensity sunbeds once a month or so will double a person's annual dose of ultraviolet radiation. Use of sunbeds increases the risk of cancer.

**The Convener:** We have known for some time that campaigns that warn people about the dangers to their health have an impact; I am thinking specifically about smoking. For a long time there have been campaigns warning people not to smoke, but it was recognised that it was not enough to warn people not to smoke without actually banning the advertising of cigarettes. I see some similarity to the sunbed issue: we ask people to be careful about their health and to avoid the sun, but we see adverts that glamorise suntans and encourage people to buy products that will give them a nice suntan. Do we need to take the same attitude to sunbeds that we took to smoking? Is it enough for us to say, "Be careful of your health" or do we have to stop the glamorisation of suntan?

**Polly Buchanan:** Yes. Over the past two years or so, some advertisements have focused specifically on the unseen damage to the skin. One advertisement starts off with a bathing beauty, only for the camera to show a completely destroyed skin and the wrinkles that appear in later life. Some advertisements take responsibility by saying that tanning too early is not so glamorous. We need to keep promoting that approach to let people know that tanning is unhealthy and that it ages the skin.

**Campbell Martin (West of Scotland) (Ind):** Should tour operators, airlines and the people who take us to the sun play a greater role? For example, in-flight magazines portray people having great holidays in their swimming trunks and bikinis. Should the travel industry highlight the danger that people can put themselves in when they are in the sun?

**Professor Ferguson:** There is no doubt that they should. We do not want people to avoid tanning totally; it is a pleasurable experience, and there are artificial tans that can produce the desired effect. However, we do ask people to be mindful of intermittent exposure to strong sunlight. That is the kind of message that tour operators could enforce. We have targeted holiday firms in the past so that when people have their passports and tickets returned to them, they get information leaflets so that they know to reduce exposure to sunlight. That is a definite educational opportunity.

**Dr Inglis:** We have done some work on that, although there is—understandably—tremendous resistance among tour operators to highlighting the danger of tanning. However, passport offices, Boots the chemists and others who are more forward-looking are willing to help. Generally, however, travel operators are reluctant to help because they would in effect be diminishing the quality of their product for the people who buy it.

**Helen Eadie (Dunfermline East) (Lab):** I am pleased to see you all here this morning—you are good friends.

Could you say a little more about the issue that we all confront in respect of the message of the medical clinicians who say, with regard to bone disease, that we need to have more and more sun? How do we get the message out there that there is a balance to be struck and that, although it is good to have some sun, we should not go out when it is strongest? Perhaps you might also want to talk about examples of best practice in schools that have done work in that regard.

**Professor Ferguson:** There is a balance to be struck. It is important to get enough vitamin D and it is to be hoped that one can get enough from one's diet. The great thing about getting vitamin D from one's diet as opposed to manufacturing it from sunlight is that doing so is not carcinogenic. We therefore encourage people who feel that they need more vitamin D to take fortified vitamin D.

We need to get the message through to people who want a suntan that it is important for them not to get burned. We need to ensure that they understand about high intermittent exposure and about controlling exposure, instead of their rushing out to the beach in the midday sun on the first day of their foreign holiday and developing a blistering reaction, which is bad news from a cancer risk point of view.

We need to talk about that sort of balance. It is important to tan slowly and if people want to look darker, they should use artificial tanning products, which some tanning parlours are starting to supply. It is important to develop that kind of behaviour pattern. We need to take a balanced approach that ensures that risk is reduced but



does not reduce the quality of people's lives in an over-the-top nanny-culture kind of way that people will resist. However, we do not feel that the balance exists at the moment; the situation is a bit out of control.

**Helen Eadie:** Could you talk about some of the work that has been done in schools?

**Polly Buchanan:** A report is just about to be published on skin cancer prevention awareness work that was undertaken in pre-school nurseries in Fife and Tayside. The most important finding was that that work increased knowledge of the dangers of sunshine and that the children developed an understanding that we need to cover up and to put on sunscreen. Doing so became part of their way of life in the schools. One of the recommendations of the report will be that such work has to be extended. We need to include not only the carers, teachers and nursery workers but the parents, people in the private sector and councils in order that we can ensure that everyone is fully informed about sun-awareness campaigns for children. Furthermore, we need to extend those campaigns into primary and secondary schools. That is the great dream that would help to ensure that children grow up with a healthy attitude to the sun and the need to protect their skin from it.

**Helen Eadie:** I know that there is an issue in respect of television advertising relating to the dangers of the sun. My recollection is that a programme of adverts advising people not to sunbathe kicks in only after we have had three consecutive days of sunshine. That could be an issue because people do not understand that it does not necessarily require sunshine in order for the danger to be present, because the sun can be harmful even when its light comes through clouds. Do you want to say a little bit about that?

10:30

**Dr Inglis:** The Health Education Board for Scotland, which is the organisation that I used to work for, made a modest effort in that regard. When the Met Office forecast three days of sunny weather in Scotland, a 10-second advert urging people to take care in the sun would appear at the end of the news. In essence, that mechanism was designed to ensure that the adverts would be shown when they were likely to be most effective. We did that for a couple of years, but it does not happen any more.

It is cause for concern that the prevention efforts that were being made have all faded away. That has been partly to do with the restructuring of organisations and changes in priorities, but no prevention effort is currently being made in Scotland. An epidemic is under way that affects 11,000 Scots every year. The classic response to

any epidemic lies in primary prevention, or educating people on how to avoid the disease, and in secondary prevention, or encouraging people to come forward and get diagnosed early. Those forms of prevention have worked in other countries and other situations. We need to commit to doing that for some years to come.

**Helen Eadie:** The figures in your papers say that 6,500 cases could be prevented every year. That is a lot.

**Dr Inglis:** There are roughly 6,500 to 7,000 more cases now than there were 20 years ago and they are probably all the result of cosmetic tanning. The general rule of thumb is that about 80 per cent of all skin cancer cases are preventable. Between 8,000 and 8,500 Scots could avoid skin cancer every year if we put enough effort into prevention.

**The Convener:** You have mentioned artificial tanning. A local authority recently took an initiative under which people were recruited to go into schools to teach young people how to apply artificial tans. That met with a degree of ridicule in some sectors of the media, but do you think that it was a good initiative? Can such initiatives be positive in helping to address the concerns that you are raising this morning?

**Professor Ferguson:** Such initiatives can be positive. That sort of artificial tanning is a safe way of getting a tan. It does not involve exposure to the cancer wavelengths. It has been used for many years, and the technology has been greatly improved. It also produces a much better colour now. People used to get an orangey colour, but it is now a much more tan-like colour. If we could persuade sunbed parlours and users to use more of that technology so that people would undergo less of the carcinogenic type of exposure, that would be common sense. The practice is growing and people are increasingly seeing artificial tanning as a sensible way of getting a tan. I would encourage such initiatives.

**Rosie Kane:** I have some more worrying anecdotal evidence. About four years ago, my attention was drawn to a woman who was tanning herself a lot. She was very brown, but she felt that the fact that her child's skin was very white made it look obvious that her tan was fake. She therefore took her six-year-old child to unmanned sunbeds so that her kid would be the same colour as she was and her own tan would look more natural. The fact that that can happen should be of huge alarm to all of us. It occurs to me that, as well as skin cancer, other problems could result from that, such as sunstroke and sunburn. I presume that a lot of people present with those conditions at hospital casualty departments.

**Professor Ferguson:** Yes. People can burn under a sunbed quite easily if they overdo the dose. They might be tempted to put another few coins into the box to up the dose; no one is there to stop them doing it. The story that you have just told is horrific.

In France and in some states in the US, children under the age of 16 are not allowed on sunbeds. There is a global concern over sunbeds. Medical papers are being produced thick and fast about legislation in various parts of the world, particularly Europe and some US states, where people are beginning to get a handle on the issue.

The new technology that is coming out is very fast to give people their treatment. Literally two minutes of light in one of these boxes might be sufficient. It is quite pernicious and we can imagine the temptation for people to pop in, get their treatment and then carry on with their shopping. In Dundee, there is even a supermarket with 12 sunbed units.

**Rosie Kane:** I am sorry to go on about this, but I wish to mention the possibility of having a sunbed at home, as people can rent or own them. That makes education particularly important. I think that children would take the lessons on board. Unlike other organs of the body, which can get affected by smoke and so on, the skin is visible. It is less of a mystery, which can make the risks easier to explain. I became more careful about this when I learned—I hope that I am right in saying this in front of you very learned people—that skin has a memory. That struck a chord with me in that any damage can easily be revisited over time. Presenting information such as that is important and young people will easily take it up because it is so in your face—in that sense it is different from showing damage to internal organs as a deterrent to cigarette smoking. I thank the witnesses for their answers.

**The Convener:** I thank the witnesses for bringing this important petition. How do members believe that we should approach it?

**Helen Eadie:** It has been a moving morning. A year ago, I worked with the Skin Care Campaign Scotland. We organised a conference in the Hub at which Dennis Canavan spoke movingly about the loss of his son, who died from skin cancer. Everyone, including the physicians, found what Dennis said heart-rending. The convener is right that it is important for us to write to NHS Health Scotland, Cancer Research UK, CancerBACUP Scotland, which is a leading information service, the Sunbed Association and the Scottish Executive. We can also write to the Convention of Scottish Local Authorities, as environmental health officers and regulations have a role to play in the area.

It is interesting to know what is happening at European level. In the past year, there were moves to establish controls over the manufacturing standards of sunbeds. I do not know what has happened on that. Can we get information on that from the European Commission?

**The Convener:** We will request information from the Scottish Executive on what it is doing on European directives in this area.

**Rosie Kane:** Given what I said earlier, we can ask the Scottish Trades Union Congress about the position of workers. I have spoken to it in the past about this issue. Is there a dermatology organisation in existence?

**Professor Ferguson:** There is the Scottish Dermatological Society, which has a United Kingdom counterpart.

**The Convener:** We will contact the Scottish organisation. Are members happy that we write to those organisations?

**Members indicated agreement.**

**The Convener:** When we get responses, we will make the petitioners aware of them and continue the dialogue on the subject until we see some progress.

### Play Strategy (PE913)

**The Convener:** Petition PE913 is from Debbie Scott, on behalf of To Play or Not to Play, and calls on the Scottish Parliament to urge the Scottish Executive to adopt a play strategy that recognises the right of all children in Scotland to a safe, accessible and challenging play environment.

Lynn Kelly, Donna Stewart and John Watson, who is policy and parliamentary officer for Barnardo's Scotland, will make a brief statement to the committee in support of the petition.

**Lynn Kelly:** For the past three years I have been part of a parents group called To Play or Not to Play. We have been trying to find ways to make our area a place where our children can play outside safely and happily. We have noticed that there is a lack of clean, safe and green play spaces in Possilpark and the wider north Glasgow area. Hardly any new spaces have been created, and what spaces there are are not cared for. Since our group was started, we have visited communities and green space projects in West Dunbartonshire and play space schemes in East Dunbartonshire and Edinburgh. We saw there that it is possible to have good-quality play spaces that benefit everybody. The quality of play spaces that local authorities create differs, and a play strategy for Scotland will bring today's spaces up to a higher standard for every child in Scotland.

**Donna Stewart:** I am a parent from Provanmill, which is a rundown area of Glasgow. My experiences have been similar to those that Lynn described. Our children cannot go out to play because the only available land is used for fly-tipping. Any available play parks are covered with graffiti and broken glass. It is natural for children to want to play outside their homes, but our children cannot do so safely. That saddens me because I feel that I am not meeting my children's needs and giving them the life experiences that they should have. Access to play spaces should not be a matter of luck; all children should have the right to safe, green spaces wherever they live.

**John Watson (Barnardo's Scotland):** I will add a couple of quick comments to explain why I am here. Barnardo's Scotland and Stepping Stones for Families run a project called the children's inclusion partnership in north Glasgow, and they have supported the To Play or Not to Play parents on this matter for a few years. I came into contact with them through that connection. From our discussions, we realised that Possilpark was a good example of something that is a national problem in Scotland. Since then, we have compiled a comprehensive list of other groups—particularly parents groups—that work in their areas to improve the available play space. Barnardo's Scotland is aware of the physical, mental and socialisation benefits of play for children. We are very much of the opinion that the opportunities for that kind of play are decreasing because roads are being taken over by transport and hostile adults, and a lot of the available green space is being developed. We are worried that Scotland has no national policy to address that and we would like to see some kind of action being taken. That is why we support the petition.

**The Convener:** Do members have any comments or questions?

**Ms White:** I met Lynn Kelly and others when I visited Possilpark a couple of weeks ago, although I could not get to Provanmill and Blackhill. Will you tell us more about what you do in Possilpark? Have you been successful in getting recognised areas where your kids can play? Do you want to use such areas for organised types of play? Do you want to use the spaces that Donna Stewart told us are currently used for fly-tipping to help kids to understand their environment? I know that you had a project that was receiving funding for a little while and that the kids were very enthusiastic about that and enjoyed it a lot. Will you clarify exactly what it is you are looking for, not just for Possilpark but for Scotland? What project did you have and why is it no longer there?

**Lynn Kelly:** We are not looking for big play adventure parks. We just want clean, green spaces where the kids can run about. Play parks

would be a great bonus, but where I come from, there is nowhere for my kids to run about. There is nothing at all—not one bit of clean, green and safe land. Basically, that is what I am asking for, and I do not think that it is too much.

**Ms White:** I got your brochure about the green space that you had created, and plants and—

**Lynn Kelly:** We never got round to doing that. A bit of land was given to us, but it was taken back. We knew that it would be greened only temporarily but, unfortunately, it has been given to builders. We were never told; the land was just taken back to allow the builders to move in.

**Ms White:** So you are saying that you were given a piece of land by Glasgow Housing Association and that the kids and you cleaned it up.

10:45

**Lynn Kelly:** No, we never got that far because we were waiting for a geotech survey to be carried out, but it was not done. As I say, the developers have moved on to the land now.

**Ms White:** Would you say that there is plenty of derelict land that you could use in your area as well as in areas such as Provanmill and Blackhill?

**Lynn Kelly:** There is loads of land. Some of the other girls and I went around Possilpark and mapped about 20 or 25 spaces that were vacant land. Some of them have been built on now. When we started the project, one of the first things that we did was map out vacant spaces; there were quite a few, but they were all earmarked for something so there were very few that we could use.

**John Watson:** That highlights a few of the problems with the context in which this group and others are working. First, it is very difficult to find funding to support local projects such as this. The funds that have been made available in England and Wales through the Big Lottery Fund have not been diverted towards play in Scotland; they have been diverted to more general community activities. That is fine, but it means that there is a big hole here where play is being supported elsewhere.

Secondly, it is hard for the group to lobby the council on the issue. A lot of good stuff is being done by councils, but play is not a must-do for local authorities and, when funding is tight, as we know that it is, the things that are optional tend to get squeezed the most.

Thirdly, any good space that there is comes under pressure from development. We need to look at the planning laws to see how we can redress the balance a bit and raise the importance

of green space, play space and open space, and not always be looking towards the building of flats or whatever might make more money.

**Rosie Kane:** I agree with what you said about the importance of play for exercise as well as for the social, psychological and emotional development of our children. Far from play areas expanding at the moment, there is a big decline in their number. The committee has received petitions about the loss of play areas and playing fields to all sorts of development. I take on board and support what you are trying to do.

Car use has increased in our communities, especially in built-up areas where the level of car ownership among families is shooting up. When many of us were kids, we could go outside the front door and play on the kerb quite safely, but that does not seem to be the case these days.

There is also a lot of evidence that parents are quite frightened to let their kids out for several reasons. Is that an issue? Might better play areas overcome that problem and help to educate parents that they should not wrap their kids up in cotton wool?

**Lynn Kelly:** Definitely. That sounds good to me.

**Donna Stewart:** On the way over here, we were talking about how we used to play when we were kids, and how silly things such as playing with skipping-ropes or kicking a ball about were all types of exercise. If someone mentions exercise to kids, they do not want to do it, but when they are out playing, they are exercising. That puts them in a better mood and their parents can deal with things better when the kids are outside. However, they cannot let their kids out because there is broken glass or fly-tipping in the open spaces. If there were better play spaces, the kids would get the exercise that the Government is pushing for. If kids could play more, they would get more exercise.

**John Watson:** That reflects a lot of the discussion that we had at our meeting in Glasgow when we came up with the wording of the petition. There are so many different angles that feed into the problem; traffic is one, stranger danger is another and derelict land is yet another. That is why we had the idea of a play strategy, which is a horrible phrase, but there is no one solution to the problem. We need a package of different solutions that work together across the borders of different policy areas.

We wanted to highlight the idea that play spaces should be "safe, accessible and challenging". They should be safe to allay the danger from traffic and the perceived danger from strangers. However, they should be challenging at the same time. It is not enough just to have chutes and swings; those are great but kids need more than that. These

spaces also need to be accessible, so that kids do not have to cross busy roads to get to them and disabled children can use them; that is a particular need at the moment.

Then we had quite a long discussion in which we came up with the word "environment" instead of "play spaces". An environment has a much broader scope. It is not just a wee fenced-off play area, fantastic though that is, but a much more child-friendly living environment.

The crux of the matter is what we want in the broadest and most holistic sense in order to create a good childhood for the kids whom we bring up. Play is a vital part of that. Play covers all the policy areas and it must happen throughout the child's day and throughout the child's life. The broad package is the important matter. It encompasses the playing fields discussion and the obesity discussion in the Parliament, but it is much more than that. The approach needs to be very broad.

**Rosie Kane:** In other countries, environments are created outside people's front doors to allow children to go out into the street—I do not know whether such areas exist in the UK, although they might. As Donna Stewart said, it is a matter of turning the clock back to what we used to do. Are you aware of any such measures to keep traffic out of smaller streets so that kids can play safely and be watched by the neighbourhood? Would that help?

Projects are also under way to retrain children in how to play, which is quite sad and distressing. Those projects are needed because skipping-ropes and ball games have been replaced by other, usually high-tech, games. That shows the scale of the problem—the play skill has not been passed on to children. Are you aware of any of those projects?

**Lynn Kelly:** No. I have not heard anything about that.

**Donna Stewart:** No. I have not heard anything.

**Campbell Martin:** National planning policy guidelines are supposed to safeguard open space and green space, but we MSPs have found that, unfortunately, local authorities throughout Scotland ignore those guidelines when that suits them and allow developments that encroach on areas on which we all used to play.

That leads me to my question, which is on a point to which Donna Stewart referred. Did you grow up in the area in which you live?

**Lynn Kelly:** Yes.

**Campbell Martin:** Where did you play when you were wee? Are those areas still there? If not, what happened to them?

**Lynn Kelly:** I was brought up in high-rise flats, underneath which were play facilities—they were supplied with the housing. The situation is the same today. My mum still stays up there. Everything has just been revamped and loads of green grass, swings and chutes have been put in. However, those four blocks of flats and umpteen maisonettes are a wee community in themselves. The facilities there will cater for kids in that area but not for all the kids in Possilpark. When I was growing up, I was fortunate to have somewhere to go to play.

**Donna Stewart:** I had much better play areas when I was younger, but I no longer live where I stayed then. I remember being able to go out to a grass park just to play about. There were loads of groups of us who would go out just for a game of rounders. There is no way that my kids will be able to do that, which hurts me a lot. We talk about what we used to do, but my kids will have nothing to talk about, because they will not have done anything in their lives if they do not have somewhere to go to play.

**Campbell Martin:** It is surely not too much to ask. As you have said, you are asking not for all-singing, all-dancing play areas, but for space.

**Donna Stewart:** As we said, we have seen it done in East and West Dunbartonshire, so we do not see why we cannot have that.

**Helen Eadie:** I am sorry for missing your presentation. When I read the committee papers, I had a question. If you have already answered it, I will obtain the information from the clerks afterwards. One document said:

“the UK Government pledged that £200 million of National Lottery money would be earmarked for new and improved children’s play facilities”.

It said that the share of that money for England was £155 million and, although it did not give the figure for Wales, it said that the National Assembly for Wales had established an implementation group on play policy. Can you update us on where we are with the lottery money in the Scottish context?

**John Watson:** Two sets of lottery money—the Big Lottery Fund and the previous funding—have gone specifically towards play. The interest of Barnardo’s in this stems from our being commissioned to distribute much of the money from the first tranche of funding. I think that we distributed £10.5 million, funded 225 projects, and did an evaluation that showed that 80,000 children had benefited as a result. However, that was only in England. In Scotland, the equivalent money went into other pots.

After the 2001 election, the incoming Government pledged £200 million directly to support play. That was split among the four

nations: £155 million for England; £15 million for Wales; and £20 million for Scotland. In each country, it was decided to go for cross-cutting themes in the Big Lottery Fund, but a separate case was made for the play fund, which was kept distinct in England and Wales. However, in Scotland, the £20 million of play money went into a wider supporting communities fund—the play money makes up the bulk of that fund. It is possible to apply to the supporting communities fund for play projects, but it is clear that much less money will go towards play than would have been the case had the fund been ring fenced.

I would love Scotland to adopt the Welsh model. A few years ago, the National Assembly for Wales defined a play policy; it made a statement that committed it to supporting play. A working group that was set up by the Assembly looked at the issue and made recommendations. I think that the Assembly is about to announce its final play strategy, which will include a series of measures across the board. There will be new regulations for teacher training colleges to highlight the importance of play. The strategy will impact on planning regulations and will place a statutory duty on local authorities to provide a certain standard of play environment. It would be great if such a cross-cutting package of measures was introduced here.

**The Convener:** You say that the areas that you experienced when you were growing up are no longer there. What is there now?

**Lynn Kelly:** Derelict land.

**The Convener:** We are not talking about a developer moving in.

**Lynn Kelly:** Some developers have moved into some bits of land, but one bit of land in particular has lain derelict for 15 or 16 years. People use it for fly-tipping; it is disgusting. It is a great big piece of land that is going to waste. Unfortunately, there is derelict land all over Possilpark, as a lot of Possilpark has been pulled down. Houses have been built on some of it, but there is no green space.

**The Convener:** There are two points that occur to me. First, some local authorities insist that a play area be included when a new housing development is built. However, that often becomes an area of contention, because the people who live nearby are disturbed or may not be tolerant of young people playing there, and that causes community problems. That is something that we have to address.

Secondly, the village in which I grew up had two major areas where young people could play freely, but both were lost to the local community when trees were planted on them as an environment project. I found that slightly ironic. We are not

necessarily talking about developers coming in; we are talking about the use of land for purposes other than play. Am I right in saying that?

**Lynn Kelly:** That sounds pretty accurate.

**Donna Stewart:** Aye.

**Rosie Kane:** John Watson said that many different aspects, including transport, traffic and speed limits, have to be brought together to get safe play areas. The convener mentioned trees, and I must say that, even in later life, I would have played in the trees—

**Lynn Kelly:** So would I.

**Rosie Kane:** If it was safe to do so and if people did not complain.

There is a question of attitudes. As the convener said, designated play areas that are created in developments can cause problems. They also do not encourage community and can create territorialism, which is a large problem in our communities. As kids get a wee bit older, they need somewhere to play that is different from the place that they are used to. This is a large issue with many different areas that we need to consider. I hope that we can also consider the long-term issue of how to advance facilities for children in their teenage years and young adulthood.

11:00

**The Convener:** Have members any ideas on how to take the matter forward? Although I would like to see ideas for treetop football, I do not think we will manage it.

**Helen Eadie:** There was a news item on the BBC recently about older people in Finland who were encouraged to use children's play equipment—I think that it was a jungle gym. In time, they reduced the time for completing the course from a minute to 12 seconds and improved their fitness levels. With the advent of that type of thinking, we will get more facilities for younger people. When older people provide it, younger people benefit.

The committee should contact Play Scotland, Scotland's commissioner for children and young people, sportscotland and the free play network, which is a network of individuals and organisations that promotes the need for better play opportunities for children. The committee should ask the Scottish Executive for its thoughts on this issue, as well as COSLA.

**Ms White:** When writing to the Scottish Executive, can we request that it considers a similar idea to the Welsh idea? Although the Executive is not willing to develop a play strategy for now, we could ask it to develop a strategy in

future similar to the one agreed at the Welsh Assembly. Did the Executive distribute the moneys from the Big Lottery Fund?

**John Watson:** The moneys are distributed by the Big Lottery Fund itself.

**Helen Eadie:** We could write to it.

**Ms White:** I would like the committee to write to it. If the money is for play, there is no reason why it should not have been designated for play in Scotland. I want to find out who decided that funds should not be designated for play in Scotland.

**The Convener:** That would be a worthwhile inquiry.

**Rosie Kane:** Kidscape is an organisation that springs to mind. It encourages parents to let their children out to play. I wonder whether we can seek its views on the matter too.

**The Convener:** I do not see any problem with that.

We will receive responses from those organisations and we will make the petitioners aware of those. We can then discuss further how the petition can be taken forward. I thank the petitioners for bringing this interesting petition to the committee.

### Primary Education (Specialist Visiting Teachers) (PE915)

**The Convener:** The next petition is PE915, from Anne Mackenzie, on behalf of Hilton primary school, calling on the Scottish Parliament to urge the Scottish Executive to ensure that all primary school children have access, on a regularly timetabled basis, to specialist visiting teachers, especially in music, physical education and art.

I had requested that the petitioners be invited to give us information on their petition this morning, and we discussed various ways in which they could do that. However, yesterday the clerk received notification from the petitioners that they wished to withdraw the petition. On that basis, all that the committee can do is note that the petition was lodged. We had to address the petition, as it was already on the agenda, but we can do nothing further with it now that it has been withdrawn. I ask members simply to note that the petition was lodged.

**Rosie Kane:** Is there any reason for the withdrawal?

**The Convener:** No.

**Campbell Martin:** It is a shame.

**The Convener:** As no indication has been given that the petition will be brought forward on another occasion, unfortunately we cannot consider what I thought would be an interesting petition.

### Freemasons (Membership) (PE912)

**The Convener:** Our next petition is PE912, which was submitted by Sidney Gallagher. It calls on the Scottish Parliament to urge the Scottish Executive to commission research into membership of the freemasons by members of the police and judiciary.

We have received a number of petitions on this subject. Some time ago, we passed them on to the Justice 2 Committee, which conducted a full inquiry. I do not think that PE912 adds anything to the conclusions of that inquiry. We can note the petition, but there would be no value in considering it further because the relevant committee has already made its judgment on the issue.

**Helen Eadie:** I suggest that we note the petition and close our consideration of it.

**Rosie Kane:** I hear what the convener says, but there are a few points that I want to raise. We have heard in this morning's news that a raft of new measures on Scottish judges is coming in, which will deal with such matters as whether they are competent. In future, they will be accountable and could, in certain circumstances, lose their position. In my view, that is a missed opportunity. MSPs are required to disclose their membership of and support for other organisations, as well as their allegiances and interests. It is right that that is the case because we can be influenced by such factors. I am certainly influenced by the bodies to which I am affiliated, such as the environmental movement—that is why I am affiliated to them.

It is important that we disclose such information and it beggars belief that membership of the freemasons does not have to be disclosed. I do not understand why that is the case—perhaps it is a secret. It is regrettable that the Parliament has not taken up the issue. For a number of reasons, the petitioner has worked incredibly hard on his case and continues to do so at great cost to himself. If members of the police and the judiciary were to disclose their membership of the freemasons, it would take away the suspicion that hangs around, which gives rise to the accusations that are made. One would think that it would be in the best interests of justice, democracy, openness and accountability for membership of the freemasons to be disclosed. I want to put that on the record.

I wish that we did not have to close our consideration of the petition. If I could think of a viable way of keeping it open, I would suggest it, but I cannot—perhaps another member can help me. I do not think that we have even asked the first set of questions that need to be asked, the answers to which would give rise to a further set of questions.

**The Convener:** I have a great deal of sympathy with what you have said. We have received petitions on the subject in the past. They were passed on to the Justice 2 Committee, which conducted an inquiry. That is why there is nothing more that we can do. The issue has been addressed by the Parliament.

Although I sympathise with the sentiments of your comments, the issue is what we can do to progress the petition. Given that a full parliamentary inquiry on the matter has already been held, I do not think that there would be any value in our considering the petition further.

**Campbell Martin:** I agree with what Rosie Kane has said, but I think that there is a problem with the petition in that it seems to call on the Executive simply to commission research into membership of the freemasons by members of the police and the judiciary. That would just establish that there are masons in the police and the judiciary. Although it might give an idea of the extent of such membership, it would probably not give an accurate reflection of the situation. That would not take us much further forward; it would simply establish that there were masons in the police and the judiciary. Although I agree with Rosie Kane, I do not think that there is much that we can do with the petition.

**Rosie Kane:** It sounds as if a new petition is required.

**Helen Eadie:** I agree with what has been said, but there is another issue. The petition focuses on freemasonry, but we all know that there are secret organisations throughout the world. We would be tackling just one part of the problem.

The convener is right. The relevant committee has undertaken an in-depth inquiry, so I do not see how we can make progress. All the evidence that was taken will be in the *Official Report* and every document that the Parliament has on the issue will be accessible to any member of the public, so they will be able to find out whether all the questions that all of us would be concerned about have been asked. I agree with the convener. I do not think that we can make progress on the petition. I suggest that we simply note the petition and take no further action on it.

**The Convener:** Do members agree to that proposal?

**Members indicated agreement. [Interruption.]**

11:10

*Meeting suspended.*

11:12

*On resuming—***Erskine Bridge (Tolls) (PE926)**

**The Convener:** Our next petition, PE926, from Councillor Sam Mullen, calls on the Scottish Parliament to urge the Scottish Executive to remove the tolls from the Erskine bridge at the earliest possible opportunity. Members will recall considering a similar petition, PE869, on 9 December 2005. The committee agreed to invite the Scottish Executive to keep it updated on progress on the review of the future management of Scotland's tolled bridges. Do members agree to couple this petition with PE869 and to make the Scottish Executive aware of it and ask it to get back to us as quickly as it can with the review?

**Members indicated agreement.**

**Mobile Telephone Masts  
(Residential Areas) (PE924)**

**The Convener:** Our next petition, PE924, from the Cumbernauld masts relocation group, calls on the Scottish Parliament to urge the Scottish Executive to ban the siting of 3G—third generation—and terrestrial trunked radio masts in residential areas until all the evidence that suggests that they are a health risk has been examined by the Parliament. The petitioner considers that mobile phone mast radiation is dangerous and proposes a 1-mile exclusion zone around all residential sites.

The petitioner has provided the committee with a significant volume of material detailing a range of published scientific studies that the petitioner argues provide evidence of biological malfunction in people and animals exposed to radiation of this type.

Members will be aware that the Communities Committee has already agreed to investigate the issue of community involvement in the planning process and the relationship between health and planning issues during its scrutiny of the Executive's proposals for the development of the planning system.

Do members have any suggestions on how we deal with the petition?

11:15

**Rosie Kane:** I am sorry to whinge, but it is regrettable that the petitioner is not speaking to us today. I am sure that there is a raft of reasons for that, but it is regrettable nevertheless because this issue moves on and new information constantly comes in. I always like to hear about such new information from petitioners and we saw this

morning how useful it is to hear new information in that way. I have said my piece.

The petitioner has supplied us with a lot of information, which I have read. There is increased concern as a result of research from Germany and America into the results of waves coming from the masts. It would seem that they tend to be sited in the poorer areas and I know that masts can even be put in the signs of McDonald's restaurants without the public knowing about them. That means that people cannot avoid them even if they want to.

Many things are connected to the issue. I am not going to pretend to know anything about the DNA issues that are raised in the information before us, but I know that there is some evidence that, in areas around masts, there have been increases in cancer rates and problems with damage to people's immune systems and that people in such areas have reported an inability to concentrate, sleep or think coherently. That leads me to wonder whether the guidelines are adequate. All the masts conform to the guidelines that have been set by the Office of Communications. However, I wonder whether those guidelines have been reviewed in light of the new evidence that is coming forward. We are talking about a fairly new science, which means that new evidence needs to be constantly researched.

We do not want to end up with an issue that is similar to the skin cancer issue that we dealt with earlier. We do not want to be sitting here in eight years' time saying, "If only we had done something back then." Twenty years ago, there were people who did not think that there was a hole in the ozone layer.

I want to place on record my view that, as this is a new science, we need to move quickly. Big business tends to hold all the cards; the communities do not and are therefore placed in danger.

**The Convener:** I take on board everything that you say. However, by way of explanation, I should say that, although the petition might relate to new technology, we have already had petitions on TETRA masts, 3G masts, global system for mobile communications railway masts and 2G technology. That—and the fact that the petitioner supplied a considerable amount of written information that members would feel was sufficient to enable them to understand where the petition was coming from—was why I did not think we required to get additional oral information. Further, I thought that it was fairly obvious what we could do with the petition, given that the Planning etc (Scotland) Bill is going through Parliament and that this committee has, on a number of occasions, raised health issues relating to



planning that are not currently taken into consideration and has asked the Communities Committee to consider that aspect while it is dealing with that bill. I hope that you understand the reasons for the decision that was made.

I genuinely believe that this is a good petition that will help the Communities Committee in its deliberations on the planning bill. I hope that you would agree that that is an appropriate route for us to take with the petition. The petition will have a direct impact on that consultation if we decide to send it to the Communities Committee.

**Helen Eadie:** I agree. I was involved in the first inquiry that the Transport and the Environment Committee did on this subject. If it taught me anything, it was that we should keep an open mind, because this is a developing area. In the end, we recommended that the Executive adopt the precautionary principle, which it agreed to do. That was an important step forward.

You are right to say that we should ask the Communities Committee to take on board the petition and the concerns that it raises.

There has been an independent expert group on mobile phones and we have had the Stewart report. Further, there has been an advisory group at the European level. We have to keep all that in mind but, at the end of the day, we are where we are. I agree that we should pass the petition to the Communities Committee.

For me, the health impact of planning decisions is vital. I am pleased that the Communities Committee is examining that issue, because I have studied a paper on this issue from the University of Glasgow and was persuaded by the arguments that it contained.

**The Convener:** Are members happy that we follow the suggested action?

**Members** *indicated agreement.*

## Current Petitions

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

11:20

**The Convener:** The first of our current petitions is PE799, from Tom Vella-Boyle, which calls on the Scottish Parliament to urge the Scottish Executive to support the Community of Arran Seabed Trust's proposal to close an area of Lamlash bay to all forms of marine life extraction, which would establish a so-called no-take zone, and to close the rest of the bay to mobile fishing gear, which would create a marine protected area.

At its meeting on 28 June 2005, the committee agreed to write to the petitioner, to Professor Callum Roberts of the University of York and to the Scottish Executive. Responses have been received and circulated to members.

**Helen Eadie:** It is good that the Executive is now responding directly to COAST. Given that that seems to be a positive outcome, the committee might consider not taking any further action.

**The Convener:** We might not need to take any further action, but I am not sure that this is the end of the road for the petition.

**Campbell Martin:** I think that some further action should be taken, but I appreciate that another committee, such as the Environment and Rural Development Committee, might be better placed to deal with the petition.

I am disappointed with the response that the committee received from the Executive. Apart from the fact that it took three months, it seems to be an exercise in filling up space without saying an awful lot. It also seems to have been put together quite quickly—it must have taken about half an hour to cut and paste. However, it took the Executive three months to send it to us and the only conclusion to come out of it—after the references to other pieces of work—is that the minister will write to COAST in the near future with his formal response. That is what he said four months ago. Members of COAST—Tom Vella-Boyle and Howard Wood—are present in the gallery and I can assure you that COAST has not heard from the minister in those four months. If that is the Executive's idea of "shortly", I would not want to have to wait for what the Executive considers to be a long time.

I am disappointed that that letter is the result of the Executive's three-month consideration of the petition. It refers to work that is in hand—fair enough—but offers no conclusions. We do not know what the minister's considered and formal response is.

We might simply delay matters further by asking the Executive what the formal response is. Perhaps it would be more appropriate for the Environment and Rural Development Committee to take up the issue and examine it more thoroughly.

I was disappointed in another aspect. Of the bodies that we invited to respond, I do not think that North Ayrshire Council responded. However, I believe that it is the body that is tasked with implementing the United Kingdom biodiversity action plan in this area of the Firth of Clyde. It would therefore have been quite informative if it could have told us what its opinion was of the COAST proposals and what progress it has made on implementing the UK BAP.

Perhaps we can ask why North Ayrshire Council did not respond and what progress it has made. Whatever the committee decides to do, I would like to put on record the fact that COAST has overwhelming local support for its proposals. Further, virtually all the scientific and expert opinion supports what the group is asking for. There appear to be only two flies in the ointment: the Clyde Fishermen's Association—and I am not sure how many people it represents or, therefore, how much value we should put on its subjective opinion—and, unfortunately, the Scottish Executive, which appears to be holding the process up. It would be helpful if, in the three months that it took to write this letter, it could have told us what its objection is.

**The Convener:** I agree with you on that point. The Executive indicated that it would have a response for us this morning, but it never arrived. I am disappointed that the relevant department is not co-operating with us in that regard. It would have been useful to know the answers to the points that you are making before we considered the matter further.

However, even if we had that response, I think that we would have to conclude that the petition required further scrutiny. Therefore, I think that sending it to the Environment and Rural Development Committee would be a good route to go down. However, I would still like to see the response from the Executive. We could send the petition to the Environment and Rural Development Committee and forward the Executive response to it once we get it. However, I think that we have to do something with the petition this morning.

**Helen Eadie:** Given that, at the end of his letter, the minister says that he will respond directly "to COAST on its proposals",

we should perhaps wait until COAST receives that response and then seek its views. After all, the minister says that there will be

"a Ministerially chaired stakeholder group" that

"will comprise the chairs of existing national stakeholder bodies, such as the Scottish Coastal Forum"

and various other local groups, environmental non-governmental organisations and so on.

Interestingly, the letter also refers to pilots, including one for the Firth of Clyde. I wonder whether the minister proposes to include COAST in that pilot, because such a move would enable the organisation's serious concerns to be taken on board. As long as we are keeping the door open for COAST and are protecting its position, we should wait until it receives the response from the minister and then seek its views.

**The Convener:** We were expecting the Executive to tell us what it was going to tell COAST. We should still wait for that response, which will let us know the Executive's intention in that respect. As a result, it will do no harm to follow my suggestion of referring the matter to the Environment and Rural Development Committee while we await the Executive's response and then advising the committee of that response when we receive it. I just do not see any purpose in holding things up.

**Rob Gibson (Highlands and Islands) (SNP):** Last night, when he addressed Scottish Environment LINK as part of Scottish environment week, the minister made great play of the marine conservation area that will form the subject of a forthcoming bill. In that respect, I remind the committee of the excellent example of what happened when concerns were highlighted about smells from sewage treatment plants. Those concerns fed into the waste strategy, which became part of the Environment and Rural Development Committee's work, and were then taken forward in the subsequent regulations and primary legislation. It would be an important move to refer the petition to the Environment and Rural Development Committee, as it highlights the community's interest in looking after the near sea bed and inshore waters and will strengthen the debate within the committee about any proposals that the minister eventually puts forward. Having that parallel track would certainly help COAST.

**The Convener:** Are members happy to take the suggested course of action?

**Members indicated agreement.**

### **Telecommunications Masts (Council Land) (PE839)**

**The Convener:** The next petition is PE839, from Peter John Convery, which calls on the Scottish Parliament to urge the Scottish Executive to develop clear and concise guidance for local

authorities on the use of moratoriums to exclude telecommunications masts from being sited on council land.

At its meeting on 6 June 2005, the committee agreed to write to the Scottish Executive, and a response has now been received and circulated. Do members have any comments? Are they content with the response and do they wish to close the petition?

**Helen Eadie:** We might want to wait and see how the petitioner, Councillor Peter John Convery, responds to the proposed review of the guidance in national planning policy guideline 19. People throughout Scotland are concerned about this issue. Indeed, my own local authority, Fife Council, placed a moratorium on erecting mobile phone masts, although it reconsidered its position because of the guidance. The review will take place in late 2006; I know that that is a long time to wait but, instead of simply closing the petition, surely it would be better for us to wait until Councillor Convery and the others are satisfied that their concerns have been addressed.

**The Convener:** Are members happy to keep the petition open? I am not too worried either way. However, the review seems a long time away. It might be better to close our consideration of the petition, given that the guidance will be reviewed, and suggest to the petitioner that he could submit another petition on the back of the review. If we keep the petition open, it will lie until after the review is completed. Doing that would not make an awful lot of difference.

11:30

**Rosie Kane:** People have it fixed in their minds that if the petition is open somewhere, it is in a safe place. However, you are saying that the petitioner could come back to us after the review. Will that option be flagged up to him?

**The Convener:** We would be more than happy to receive another petition if the petitioner were unhappy with the review's outcome. The petitioner will receive a copy of the *Official Report*, in which he will read our suggestion. If, after the review is complete, he thinks that another step should be taken, he can petition the Parliament again to address his concerns. That would be a different petition, which it would be legitimate for him to submit.

**Rosie Kane:** I just wanted to check that it would be okay for the petitioner to do that. That is fine.

**The Convener:** We will close the petition but leave open that option for the longer term.

### **Community Sports Clubs (PE868)**

**The Convener:** The next petition is PE868, from Ronald M Sutherland, who calls on the Scottish

Parliament to urge the Scottish Executive to introduce legislation to create a right to buy for member-based community sports clubs that occupy or use land and/or premises for recreational or sports purposes.

At its meeting on 22 June 2005, the committee agreed to write to the Scottish Executive, sportscotland, the National Playing Fields Association and COSLA. Responses have been received. Do members have comments on the responses?

**Helen Eadie:** I am a bit disappointed that the Executive is

"not convinced of the need for legislation ... to give member-based community sports clubs a right-to-buy",

because I remember the evidence of the tennis club representatives and all the issues. The Executive says that it

"is aware of a range of pressures facing sports clubs"

and that it proposes research to establish information on the range of issues that affect sports clubs, which it hopes that those bodies will participate in. Given that

"Officials are currently working up proposals for Ministers' consideration on how best to take forward"

the commitment

"to pilot an extension of the Land Fund to assist communities not currently eligible under the scheme, with the purchase of land for community activity",

we might obtain the solution that the petitioners seek, but that seems to be taking a wee bit longer than hoped. We had hoped that there might be a nice, straightforward, simple answer.

**The Convener:** Are we suggesting that we should keep the petition open and ask the Executive for its view on the position of sportscotland and the National Playing Fields Association?

**Rosie Kane:** I note that COSLA has not responded. We should give it a wee dunt.

**The Convener:** Perhaps that is not the technical term, but I know what you meant. We will ask COSLA for its views, which would be helpful. We will keep the petition open and ask the Executive for comments again.

**Members indicated agreement.**

### **Limited Companies (Court Representation) (PE863)**

**The Convener:** Petition PE863, from Bill Alexander, calls on the Scottish Parliament to urge the Scottish Executive to amend the Solicitors (Scotland) Act 1980 to allow limited companies to be given either the right to apply for legal aid or the right to represent themselves in court.

At its meeting on 28 June 2005, the committee agreed to write to the Scottish Executive, the Scottish Legal Aid Board, the Law Society of Scotland, the Federation of Small Businesses and the Confederation of British Industry Scotland. Do members have comments on the responses?

**Helen Eadie:** We could write to seek the petitioner's views. I remember the petition, which was quite moving. The petitioner's views would inform our next step.

**The Convener:** We will go back to the petitioner.

**Rosie Kane:** I note that CBI Scotland has not responded, despite being sent a reminder. It has not taken the petition very seriously.

**The Convener:** We will write to give the organisation another opportunity to avail itself of.

**Rosie Kane:** CBI Scotland has plenty to say most of the time, so it would be nice if it responded to the petition.

**The Convener:** Okay.

### **High Voltage Transmission Lines (Potential Health Hazards) (PE812)**

**The Convener:** Petition PE812, from Caroline Paterson on behalf of Stirling Before Pylons, calls on the Scottish Parliament to urge the Scottish Executive to acknowledge the potential health hazards that are associated with long-term exposure to electromagnetic fields from high-voltage transmission lines and to introduce as a matter of urgency effective planning regulations to protect public health.

**Dr Sylvia Jackson (Stirling) (Lab):** Following the previous consideration of the petition, I want to concentrate on three points to do with health concerns, which were the thrust of the petition.

The first point concerns the progress that is being made by the stakeholder advisory group on extremely low frequency electric and magnetic fields. Members will remember that SAGE is the stakeholder group that was set up after the National Radiological Protection Board advised the United Kingdom Department of Health

"to explore precautionary approaches to limit exposure to electric and magnetic fields lower than the levels in the NRPB guidelines".

SAGE met on 6 December 2005 and recommendations are expected in May, but planning guidelines may be several months away.

The Deputy Minister for Health and Community Care states that the UK Department of Health considers SAGE to be the appropriate forum for evaluating research and developing guidelines. While we wait for such guidelines, it is surely

pragmatic to take a precautionary approach when siting new power lines. That is the main thrust of the petition.

The World Health Organisation and the Health Protection Agency recommend the need for further precautionary measures to be considered. Stirling Council regards the health threat that is posed by the Beaully to Denny power line as being "a major material consideration". The proposal that Anne McGuire and I have made as, respectively, the MP and MSP for Stirling, is very much along those lines. Given the range and scope of the objections and a perceived lack of public confidence in the project, the Executive may well have to decide that the only way to deal with these issues is to move the whole project for consideration by a public inquiry. We have gone into the health issues in detail.

The second issue is the Draper report, which should not be dismissed out of hand. It was a massive study, which was publicly funded by Scottish ministers among others. The petitioner takes issue with some of the comments that the minister makes in his reply. One of those is the quote from the report that there is

"no accepted biological mechanism to explain the epidemiological results"—

although I am a scientist, I find some of these words hard to pronounce. The petitioner says that there are at least seven independent studies, including human studies, into the disruption by magnetic fields of the nocturnal production of melatonin—a powerful antioxidant—which could account for the increases in cancer, depression and miscarriage.

Another quote from the report in the minister's letter with which the petitioner takes issue is the statement that

"the relation may be due to chance or confounding".

The petitioner argues that, given the scale of the study—60,000 children were involved over 33 years—and the consistent results, which even exhibit a grading in levels of childhood leukaemia relative to distance from power lines, that is highly unlikely. The Draper report concludes:

"There is an association between childhood leukaemia and proximity of home address at birth to high voltage power lines, and the apparent risk extends to a greater distance than would have been expected from previous studies."

The report also states:

"The most obvious explanation of the association with distance from a line is that it is indeed a consequence of exposure to magnetic fields."

Moreover, the petitioner argues that previous pooled international studies showed a similar doubling of childhood leukaemia for those who live

in close proximity to power lines where the magnetic field is greater than 0.4 microtesla. That information is in the summary of the Draper report and in Professor Henshaw's letter to the Public Petitions Committee, which predates the Draper report. The committee has received all that information in previous correspondence.

It is not acceptable to play down the number of children affected by stating that only

"4% of children in England and Wales live within 600m of high voltage lines at birth."

For those unfortunate children, the risks are high—they are doubled.

The third issue is Professor Denis Henshaw's letter to the Public Petitions Committee. There is little comment in the minister's response on the content of Professor Henshaw's letter other than a somewhat dismissive comment about his corona ion theory by the advisory group on non-ionising radiation, although his theory is also referred to in the Draper report as a possible explanation for electromagnetic field effects being monitored at large distances. Professor Henshaw is accused of being "pre-emptive" in advising that no new lines should be sited near housing or the converse. Members will remember that the Public Petitions Committee sought Professor Henshaw's advice on the issue in the full knowledge that it related to the possible construction of the Beaulieu to Denny line. As we have said before, we must also remember that some countries—including Sweden 10 years ago, but more recently Australia, some US states, some Italian regions, Holland and Switzerland—have acted on the body of research that has been gathered from 25 years of international research.

The petition was submitted in December 2004 as a matter of urgency in the light of the Beaulieu to Denny 400kV power line proposals. Public health did not feature in the routing process, despite Stirling Before Pylons informing the companies responsible, Scottish and Southern Energy and Scottish Power, of the threat posed to those living along the proposed routes. No action was taken. Indeed, it could be argued that, in some parts of the Stirling area, the line will be brought closer to people's homes, breaking the nominal 100m clearance that the companies said they were working to.

The petitioner argues that the route through Stirling could place more than 800 homes within 600m of the line—a distance within which the Draper report recorded a significant increase in childhood leukaemia. However, I have to sound a note of caution. Because of the deviation corridor that has been used by Scottish and Southern Energy, it is difficult to know exactly where the power lines will go, so the figure might not be as high as that estimate suggests. However, the

public are concerned about health issues. Approximately 18,000 objections to the Beaulieu to Denny proposals have been lodged, with well over half raising health issues as a major concern.

The petitioner feels that the minister's response allays not one of her fears. On the contrary, it raises fears that public health is not the main interest. There is no serious discussion of the scientific evidence. Rather, there is an attempt to dismiss and discredit theories that have been put forward in an attempt to explain the epidemiology, which itself is not in dispute. Scotland has a great opportunity to protect its public health, now and in the future, and to ensure that the transmission of renewable energy is sustainable. The petitioner argues that a poorly sited line that threatens lives will seriously threaten the development of renewables in Scotland and will not have people's support.

I have tried to fit a lot of information into a short period of time.

**The Convener:** You have. Thank you very much.

**Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** I echo Sylvia Jackson's concerns, which she has put to us briefly and well. To someone who believes in the precautionary principle, it seems somewhat perverse if, given that SAGE has been set up to consider the issue and, as Sylvia said, it is only a month or two before its findings are published, the matter is not left on the table until those results are available. Anybody who has read the Draper report will know that it raises serious concerns about high voltage transmission lines. Although the minister's letter appears to be dismissive, I appeal to the committee to leave the petition on the table.

**The Convener:** I think that we can do more than that with it.

**Rosie Kane:** The committee business today has made me scared to leave the building, what with electromagnetic fields, the sun's rays and the various other things that are flying about in the air out there, but these are all important issues.

Given that, as Sylvia Jackson has pointed out, the petitioner is not entirely happy with the deputy minister's response, I think that we should seek the petitioner's views and ask the deputy minister to keep us updated on developments in relation to the SAGE recommendations.

**The Convener:** Are members happy to return to the petitioner as suggested?

**Helen Eadie:** I agree with Rosie Kane's view. I feel that the issue serves to underline, yet again, the great concern that exists across Scotland and the feeling that a health impact assessment needs to be included as part of our process for

considering planning applications. I know that there is resistance to that in some quarters, but I feel that, since its inception, the committee has had nothing but health concerns about planning issues brought before it. We cannot underestimate the level of public concern about that and, as politicians, we ought to take that on board.

**The Convener:** I would be more than happy to give the petitioner the opportunity to tell us specifically what concerns her about the responses that she has had and the questions that remain unanswered, or about any points that she wants to contest. When she responds to us, we can return to the issue again, and I am happy to keep the petition open until she has had the opportunity to advise us of her remaining concerns. Are members happy with that?

*Members indicated agreement.*

### **Bankruptcy Law (Sequestration Recall Process) (PE865)**

11:45

**The Convener:** The next petition is PE865, from Edward Fowler, calling on the Scottish Parliament to investigate the sequestration recall process and to consider amending the law to allow a right of appeal for those made bankrupt by mistake and to have all such appeals heard by a sheriff.

At its meeting on 8 September 2005, the committee agreed to write to the Scottish Executive. A response has been received and members are invited to comment.

**Helen Eadie:** Given the informative response that we have received, I think that the whole issue should be referred to the Enterprise and Culture Committee, which is currently considering the Bankruptcy and Diligence etc (Scotland) Bill at stage 1. The petition raises serious issues and I imagine that the petitioner would welcome such a referral.

**The Convener:** Okay, we will do that.

### **Health Service Provision (North Clyde) (PE735)**

### **NHS Clinical Strategies (Cross-boundary Working) (PE772)**

**The Convener:** The next petitions are linked. Petition PE735, from Vivien Dance, calls on the Scottish Parliament to urge the Scottish Executive to require NHS Argyll and Clyde and NHS Greater Glasgow to make a special agreement on transferring responsibility for the design and provision of health services in the north Clyde area and, when appropriate, to amend existing legislation so that the boundaries of the two health

boards are adjusted to achieve the transfer of authority for the north Clyde area from the former to the latter.

Petition PE772, from Jackie Baillie MSP, calls on the Scottish Parliament to urge the Scottish Executive to ensure that any proposed clinical strategy emerging from national health service boards such as NHS Argyll and Clyde must clearly demonstrate cross-boundary working in the interests of patient care.

At its meeting on 19 January 2005, the committee agreed to keep the petitions open pending the outcome of reviews. The committee has now received an update from the Minister for Health and Community Care, and an announcement was made by the Scottish Executive in December last year regarding health services in Argyll and Clyde. Are members happy that the matter has been dealt with?

**Helen Eadie:** I think that it has.

**The Convener:** We cannot do much more than abolish the NHS area, can we? I think that what the Executive has done has addressed the issues behind the petitions, so will we close them?

*Members indicated agreement.*

### **Scottish Civic Forum (Funding) (PE895)**

**The Convener:** Our final petition is PE895, from Dr James Crowther, calling on the Scottish Parliament to debate the implications of the recent decisions by the Scottish Executive and the Scottish Parliamentary Corporate Body regarding the provision of funding for the Scottish Civic Forum.

At its meeting on 9 November 2005, the committee agreed to write to the Scottish Executive and to the SPCB. Responses have been received. Do members wish to comment?

**Helen Eadie:** The Executive has given a fairly detailed response. It has always agreed that the Scottish Civic Forum plays a key role in supporting the founding principles of the Parliament, and the Executive's response tells us that it has provided more than £1 million pump-priming funding since the forum's inception. From the outset, the Scottish Executive made it clear that there was no open-ended commitment on the part of the Executive to provide core funding to the forum. I know that that is an on-going issue for the forum and I know that it has played an important role, but I understand that detailed discussions have taken place elsewhere with regard to the issue, so perhaps we should simply close the petition.

**The Convener:** Do members agree with that? I can see that Rosie Kane is swithering.

**Rosie Kane:** I know.

**The Convener:** Do members agree, even reluctantly, that we should close the petition?

**Members** *indicated agreement.*

**The Convener:** That concludes our business. I thank everyone for attending.

*Meeting closed at 11:48.*





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