

# **PUBLIC PETITIONS COMMITTEE**

Wednesday 19 April 2006

Session 2

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## PUBLIC PETITIONS COMMITTEE

7<sup>th</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 :

Christine Grahame (South of Scotland) (SNP)

Pauline Gilgallon (Glasgow Save Our Schools Campaign)

Susan Green (Glasgow Save Our Schools Campaign)

Diane Huddleston (Dornock Easttriggs Creca Initiative  
Development Enterprise)

Carolyn Leckie (Central Scotland) (SSP)

Catriona Lessani (Parents Action Group for St Kevin's  
Primary School)

Paul Martin (Glasgow Springburn) (Lab)

Alex Neil (Central Scotland) (SNP)

Patrick Strickland (Parents Action Group for St Kevin's  
Primary School)

### CLERK TO THE COMMITTEE

Jim Johnston

### ASSISTANT CLERK

Richard Hough

### LOCATION

Committee Room 6



## Scottish Parliament

### Public Petitions Committee

*Wednesday 19 April 2006*

[THE CONVENER *opened the meeting at 10:00*]

### New Petitions

**The Convener (Michael McMahon):** Good morning and welcome to the Public Petitions Committee's seventh meeting in 2006. Unusually, we are in one of the smaller committee rooms, as people will have noticed. That is because committee room 2 is being used as the debating chamber. The unfortunate knock-on effect is that, also unusually, our time will be restricted—we must leave the room by 12 o'clock. We want to treat the petitions appropriately, but members must bear in mind the time restriction.

I have received apologies from John Scott.

### School Closures (PE945 and PE955)

**The Convener:** The first new petitions to be considered are PE945 by Susan Green, which calls on the Scottish Parliament to consider and debate the inadequacy of the existing legislation on parental consultation over school closures, and PE955 by Catriona Lessani, on behalf of the parents action group for St Kevin's primary school, which calls on the Scottish Parliament to urge the Scottish Executive to review the implementation of its guidance on school closures to ensure that parents and pupils are properly consulted.

We will hear first from Susan Green and Pauline Gilgallon on petition PE945 and then from Catriona Lessani and Patrick Strickland on petition PE955. Members will have the opportunity to question all four people on both petitions.

Do members agree to link the two petitions, which are similar?

**Members** *indicated agreement.*

**The Convener:** I ask each group of petitioners to make initial remarks, after which the committee will discuss the issues that you have raised.

**Susan Green (Glasgow Save Our Schools Campaign):** As a parent who has recently been subjected to the legislation that governs school closures, I feel that it is important to examine the law as it stands, because I do not think that it strikes a fair balance between all interested parties.

Local councils are under an obligation to provide 28 days for a full consultation process. That period

is totally unacceptable and should be increased to allow parents to gain all the information that is necessary to make a balanced decision about closures.

I recommend that documentation from councils should be in language that is used by and understandable to parents. At present, documents are in council language, which parents do not understand. Parents are put off objecting to school closures because they do not understand the implications.

Education services should be obliged to give parents a clear and concise document that states precisely why a school closure has been proposed. By the time a public meeting is called, parents should be fully aware of all the facts that relate to a closure. At present, public meetings provide a way for councils to tell us to put comments on our response sheets. Meetings do not open dialogue between parents and education services or give parents the opportunity to talk with teachers, a council or one another about a closure's implications. At a meeting, a gentleman from the council simply says, "Put comments on your response sheets," and no questions are answered, but school closure proposals affect children's education and parents' voices should be heard.

Comments at public meetings do not currently form part of the response documentation, because the only feedback document that a council recognises is the response sheet. That is deplorable, considering everybody's fear of forms. All feelings that are expressed at public meetings or in telephone calls, e-mails and other contact that parents have with education services should be considered before an education committee decides on a closure.

As the law stands, if parents want to refer a school closure to the Executive, the 5-mile rule must apply. That approach is inadequate in the context of urban school closures. It is unlikely that the 5-mile rule will apply in the city of Glasgow, which means that we will not have a voice, through the Executive, to back up our concern about school closures.

The other element that involves the Executive in consideration of school closures is the rule about 80 per cent capacity. Our school is closing because it is less than 80 per cent full. The bulk of the upper classes—primary 5, P6 and P7—are 80 per cent full, but because numbers are so low in the infant school, overall attendance is at 65 per cent of capacity, so we cannot refer the closure to the Executive. That means that the children in the upper school are being forced into cramped accommodation. We will not get a new build but will be amalgamated with another school. Our school is closing and our identity is being taken

away. Glasgow City Council has not consulted us—I think that the council made the decision to close the school prior to our saying anything at all. The law should reflect parents' vulnerability relative to councils' strength.

**The Convener:** I invite Ms Lessani to comment. We will bring in the other petitioners when we start to discuss the issues.

**Catriona Lessani (Parents Action Group for St Kevin's Primary School):** In 2002, the Scottish Executive invited local authorities to bid for funding to take forward education public-private partnership proposals. North Lanarkshire Council prepared papers for the project, which outlined the proposals and implications for each school that was involved. The council said that it appreciated the need for dialogue and that officers would visit schools that were to be affected by rationalisation or closure, to discuss matters. The council also said that it would set up various groups, such as focus groups, which would include teachers unions and church and community representatives. The council said that there would be pro formas and public meetings.

However, in Bargeddie we missed out on all that consultation. In dialogue with us, North Lanarkshire Council's senior education officials were irate, rude and condescending and mainly spoke in a dictatorial manner. The convener of the council attended one of our board meetings and called a board member a "ringleader". The head of services for education insulted senior citizens from our community by saying, "Why don't you go back up the road and watch 'Coronation Street'?" Officials also bet parents that they would not get cheaper quotes from the council for the huttred accommodation that they were seeking. Officials sneered at us and said, "You know you will never get your huttred accommodation." That was unacceptable. Another education officer called three parents "prats" and refused a parent her heart medication while she was taking part in a peaceful protest. One day, the local publican telephoned our school's head teacher to pass on a message from the council to ask the school to tell our school board that councillors would not attend a board meeting that evening. Pro formas were cancelled and there were no public meetings for our school, because the council said, "You're just getting a refurbishment so you're not entitled to a public meeting." However, our school is scheduled for a rebuild. No focus group was set up. The notice-to-neighbour letters that were sent out were all post-dated. We were told from the outset that semi-open-plan classrooms were not up for discussion, including with teachers. Community groups that use the school have still not been told that there will be no further lets from May. The education department lied about the date of the committee meeting on the outcome of the decant

consultation and held the meeting a day earlier, so we were denied access to that meeting.

The North Lanarkshire local association of the Educational Institute of Scotland pulled out of the consultation process, saying that the consultation was a complete sham and that it had been given only half an hour to scrutinise the details of the plans for several schools. More than 350 objections were sent to the planning department but they were completely disregarded.

Our children's human rights have been breached. They have not been consulted by the teachers, by the head teacher or by the education department. It is clear from articles 3.1, 12.1, 12.2, 13.1 and 14.2 of the Convention on the Rights of the Child, from the United Nations office of the High Commissioner for Human Rights, that North Lanarkshire Council has broken procedural rules in national law. We now find ourselves having to seek legal representation on this matter.

For the past three years, including this year, parents of new-starts have not been consulted. When they approached the school to ask whether they could come in to see the plans, the head teacher phoned the education department. The parents were then denied access; they were told, "No. You're not getting in."

North Lanarkshire Council also failed to mention to the parents who registered in January this year for the new intake in August that the school was to be part of a joint campus. Those parents did not know that the school was not even going to be there in August or that, for 15 months, their children were to be decanted 4 miles away by bus. The first time that they heard anything about such things was two weeks ago, on 23 March.

Although we understand that we cannot always get our own way, we as parents expect our rights. We expect our opinions to be respected and listened to. We are outraged and appalled at the way we have been spoken to and at the dictatorial manner of council officials—especially the officials in the education department of North Lanarkshire Council. We feel that the consultation process in North Lanarkshire is only a formality. It is a paper exercise and a complete sham. We would like this committee to consider our dilemma and look into the way in which the consultation process was conducted. We hope that the committee will be able to put a temporary hold on the decanting of our children on 24 May.

**Ms Sandra White (Glasgow) (SNP):** Convener, before I ask the witnesses questions, I should say that I have to leave the meeting early, as I have another committee meeting to go to. However, I am very interested in what has been said here.

I attended most of the meetings during the consultation process in Glasgow, and Susan

Green is right to say that people turned up with their minds already made up. One of the submissions refers to a public meeting. Was anything that you presented at that meeting taken into account? Were your points about the loss of a community school or the loss of amenities considered?

**Susan Green:** We raised those kinds of points at the public meeting and the minutes of the meeting showed that around 60 questions were asked. However, none of that formed part of the final response, because Glasgow City Council said that filling in a form was the only way to respond to its proposal. That form was a bit of A4 paper that did not even have tick boxes to help the children to fill it in. Most parents do not often communicate with council officials and it could all have been made so much easier.

There was also no feedback process. We could have asked 1,000 questions but there was no obligation on the council to answer any of them. The director of education made recommendations to the education committee, which took two minutes to vote to close a school that is one of the best performing schools in Glasgow. There was no parental representation on that committee.

We make a huge thing about the transparency of the Parliament, so it is deplorable that there is no transparency in councils. Councils do everything behind closed doors. They go on the defensive and say, "We have made this decision and we really don't care what you say." That should not be allowed.

**Ms White:** Catriona Lessani said that North Lanarkshire Council had said that there would be no consultation process because the council could not get round all the schools. However, after what Susan Green has said, a consultation probably would not have been worth while anyway. She is saying that, no matter how many people turned up at meetings, no matter how many genuine concerns were expressed and no matter how many forms were completed in good faith, none of the interests of the parents or children—the people who actually use the schools—was taken on board in the council's final response to the consultation.

10:15

**Susan Green:** I read through all the responses that related to my school—I went to the council's education services department prior to the vote in the education committee. I also read the response document that the director of education produced. Issues that were raised on many response sheets were not included in that response document. There were only two possible results of the process. Why do we have a law on consultation if it is just a waste of money and people are not

heard? If that law is to be effective, the situation must change. We could just throw the consultation law out the window, because councils ignore it.

**Rosie Kane (Glasgow) (SSP):** I thank the witnesses very much for all the information that they have given, some of which is alarming. For the record, I point out that I have signed petitions in the street in support of Pauline Gilgallon and Susan Green and have been involved in demonstrations against the school closures.

The committee hears the words "inadequate consultation" week in, week out in relation to a wide range of subjects. The drumbeat is getting louder and louder and I hope that the Parliament will listen to it. As Susan Green said, consultation might as well not happen if communities feel that they have not been listened to. If the right language had been used to include everybody, if the right forms had been sent out and if teachers, pupils and everybody else had been consulted fully, what would you and your supporters have taught the council? What would the council have learned that it does not know at the moment?

**Susan Green:** It would have learned that education is the most important thing that any parent can give a child, so there is a great strength of feeling among parents on the issue. We want to be involved in our children's education and to ensure that they get the best possible education. Compromises could have been reached in the decisions. We all know that local government must be run cost effectively, but we could have benefited children's education without costing money. We could have all got on board quickly prior to the public meetings to discuss the issues rationally. Instead, we and the council went on the defensive and the exercise was meaningless. I feel that the process in the past six or seven months—or, in Catriona Lessani's case, three years—might as well not have happened. The issue is about educating children. The process should have been easy and simple. We could have sat round a table, as we are doing now, with teachers, parents and the council and thought about the best way forward for educating children, within the cost constraints.

The council did not even have the decency to say why it intends to close St Edmund's primary school. There was a broad approach—"This is why we have arrived at the pre-12 strategy"—that did not even relate to us. The council just said, "We have buildings that can take 400 children but which have 80 children in them." Our school can take 205 children and it has 130 kids in it. The presentation looked like something that the council had produced three or four years earlier and had taken out of a drawer. That is wrong. The process must be addressed to benefit children.

**Pauline Gilgallon (Glasgow Save Our Schools Campaign):** I have a point about ethnic minority families in Glasgow. The first language of many families that I speak to is not English. Glasgow City Council has had the foresight to expand its school lunch menus in keeping with religious and cultural specifications and it has specially trained teachers to deal with kids whose first language is not English. Why did those families get the consultation document in English rather than in their preferred format? They did not understand the document. How many families city-wide have been left without a voice on the issue and have not even written down their opinion and sent it away? I have spoken to many ethnic minority parents on the subject, as Carnwadrick primary school has several ethnic minority children. Most of the parents did not even know about the pre-12 strategy, because the council did not inform them about it, other than through documentation in English. That is a huge flaw in the consultation process. Twenty to 25 per cent of the kids are from ethnic minorities and their families' voices have not been heard on this matter, which I think is unforgivable.

**Rosie Kane:** Some of the things that Patrick Strickland and Catriona Lessani have told us today about the treatment of and language used towards people who are sticking up for their community are quite alarming. Have you made a complaint to the bodies concerned?

**Patrick Strickland (Parents Action Group for St Kevin's Primary School):** I have never made an official complaint.

**Catriona Lessani:** Complaints fall on deaf ears. We are still seeking a meeting with Gavin Whitefield and the leader of North Lanarkshire Council, Mr McCabe, who seems to be like the Scarlet Pimpernel—we cannot get hold of him. I am not here to name call, but that is how we feel. We cannot get hold of any council official. We have gone to the council and stood outside waiting for the officials. We have managed to speak to their secretaries, but they are always in a meeting or have just left the building or are on a phone call. Our director of education came to a meeting that we had with the convener of the council. All he said in two and a half hours was, "My name is Michael O'Neill. I am director of education." That is all the response that we got from him.

Our community is absolutely divided in two. Families are tearing one another's hair out. Our school is very small. There were 103 children at it, but at the moment there are 89. Come August 2006, there will be 79. The simple fact is that children, including mine, are getting taken out of a Catholic school and put into a non-denominational school. I am quite prepared to do that, because my children were registered in Bargeddie and they

are entitled to an education there. They are not getting bussed 4 miles away to an area that is unfamiliar to them.

The reason why the council wants to send children there is that it is cost-effective, but the education department did not explain to the councillors on the education committee that the amount provided for bussing did not include escort fees, taxi fees or mileage fees. When we got all the officials in the one room and asked them why they did not explain that, they did not answer us. We asked them about 60 questions; we got answers to two.

**Patrick Strickland:** The officials said that the figure that they gave for the transport costs was wrong and that they knew that it was wrong, because it did not cover added costs. The original figure quoted was £35,000 and they said that it would be nearer £42,000. That does not include all the costs that Catriona Lessani mentioned.

I am one of the prats, according to one of our education folk. Some people might consider me a prat—my wife would definitely consider me a prat—but that is not the sort of language that we expect from people who are employed to help us.

I agree with absolutely everything that Catriona Lessani said, but I want to add something that she did not mention. The fact that the consultation process was absolutely worthless and that the council had no intention of taking anything into consideration can be proved by the fact that it planned for a decant date of 3 April, which I know has passed, and its consultation process finished on 10 January. That is a period of less than four months. The council's own paperwork states that a lead-in period of six months is required for tendering, planning procedures, site preparation and construction. The consultation process finished on 10 January, so why did it arrange for the school to be decanted on 3 April, given that it said that it would need a six-month lead-in time? I do not know about you, but we were all right for maths at St Kevin's, so we know that 4 goes into 6, but 6 does not go into 4—there is 50 per cent extra there. The consultation process was a waste of time. It was a paper exercise. The council is legally obliged to have a consultation process, but it has not acted on any of the submissions.

**Pauline Gilgallon:** John Flanagan, a Govan Labour councillor, recently escaped expulsion from the Labour group for up to two months. He voted against the pre-12 strategy proposal. The people of his ward wanted a local school to stay in the community and Mr Flanagan, instead of abstaining, voted against the proposal. Apparently he angered colleagues by refusing to abstain, choosing instead to exercise his right to vote against the party. He was issued with a severe warning and was allowed to stay on as a councillor



after a second ballot, which he scraped through by just one vote. That is a clear example of democracy not working. To find out that a Labour councillor was reprimanded for voting against that proposal takes away any faith that I and a lot of parents had that the council was being run democratically. When bullying tactics are employed by councillors on matters of such importance, what chance do we, the parents, have? If the council will not listen to its councillors, why should we assume that anything we say will be given due consideration?

It is a joke—and not a very funny one—to put the matter to consultation and expect us to believe that we will be heard and that our views will be taken into consideration. A councillor has escaped expulsion for voting against a pre-12 strategy proposal. Surely he has the right to stand up and say, “No, I don’t agree with this. The people in my community don’t want this.” Look at what happened when he voted against the proposal. How many Labour councillors out there voted for the proposal for fear of losing their jobs? That is a huge point that the committee should be made aware of.

Carnwadrick primary school has 239 pupils. We are scoring well above the Glasgow average on targets for reading, writing and maths. We are not a failing school. It is not a school with a falling roll; it is the heart of our community. There is a Langside College annexe at the school and the school has a pre-five unit, a mobile crèche and after-school care. A great many facilities are jammed into the building. Glasgow City Council has purposefully neglected the school for 18 years. It has not put any money into it and has decided that we have to move to a whole other community.

The territorial aspects have to be taken into consideration. I grew up in Arden and I now live in Carnwadrick so I am well placed to make that comment. We all like to think that it no longer happens, but the territorialism of Arden and Carnwadrick kids and kids from elsewhere still goes on. We need to think about the impact on Carnwadrick children of moving into Arden. No one has asked the children of Glasgow and North Lanarkshire what they want. The children of Carnwadrick primary school love their school, their teachers, their big classrooms and their big playground. They love walking to school and not having to leave at 8.30 am to get there. They do not want to move. They do not want more kids in their classes. They do not want to be ignored, but my children feel that that is what is happening. Carnwadrick primary kids do not want to breathe in toxic air from the motorway that will be 50ft from the proposed new site. St Patrick’s RC school in Anderston, which is near the M8, has an air quality monitoring system in its playground. Nitrogen

dioxide and particulate matter are exceeding safe levels. My school will be even closer to a motorway than that school. We need to take into consideration where we are putting these kids, the atmosphere around them and the air that they will breathe. Respiratory illnesses are on the rise as it is. My kids do not have asthma—I am worried that they could get it. It is a serious matter, which we need to consider.

The consultation process has been a sham from the beginning; as far as we are concerned, it has not ended yet. Ronnie O’Connor has been argumentative and hostile. We have been told that it will cost £5.45 million to refurbish our school. We have repeatedly asked for proof of that. Ronnie O’Connor has not sent in contractors or builders; he just plucked that figure out of thin air. Arden primary school is a good school. It is a good building; there is nothing wrong with it. We want our school refurbished and we want it to stay in the community. Glasgow City Council took our community centre nine years ago and promised that any money saved would be put into the school. It has not done that—Ronnie O’Connor has admitted that to my face. When I said that the children would need to walk a fair distance, his reply was that levels of childhood obesity are so high that it would do them good. When I said that the school would be near a mobile phone mast, his reply was that most kids have mobile phones anyway, which do more harm than a mast would. His attitude is shocking.

10:30

**Campbell Martin (West of Scotland) (Ind):** Unfortunately—as Rosie Kane said—the committee keeps hearing about this situation, which you have outlined very well. Such situations seem to be happening in many areas in Scotland. For example, people in my area of North Ayrshire have had to deal with a similar situation and have described it exactly as you have, in that they feel that the local education authority is acting like a dictatorship, that they are not being listened to and that consultation has not been meaningful but has, in fact, been the bare minimum the authority could get away with and has served simply to minimise or circumvent what the council sees as being resistance from local people.

You said that one councillor was apparently disciplined for not doing what he was told. A council is not made up of the council officials who keep ignoring you; it is made up of councillors. If they have let you down or have ignored you, you should pay them back by not voting for them in next May’s election. That is what we mean by openness, accountability and democracy.

The bottom line is that the decisions affect your kids and local schools. Are the decisions

financially driven or have they been taken because councillors think they know better how your kids should be educated?

**Susan Green:** The decisions have been financially driven. For example, the decision to close St Edmund's primary school in June was taken on 22 February. My child's school now has a huge skip outside it—the education authority is already starting to clear the school out and, as far as it is concerned, the process is over. The children are finishing their education there with stickers on the furniture to show where it has to go and they must share books because so many have been packed away to be taken to other places.

Council officials do not realise the full impact on children of their decision to close the school; the problem is not just that the decision was made even after consultation was carried out. I send my child to school to be educated, not to put stickers on furniture or to share reading books because the school has to be packed away. That kind of situation can affect a child's education for months. The children at St Edmund's have only seven years at primary school, and they have already been affected for this whole year.

What frightens me is that our children will now have to be educated in a building that is three years older and in a more distressed state than their current building. The council itself has said, "Our work in Pollok has not finished"—that is the type of language it uses. That means that primary 1 pupils who have had to go through the closure will be moved to an older building at St Marnock's primary school which the council will decide, two years down the line, to close in order to merge schools in a new build at St Monica's primary school. The council has already admitted that that is on the cards. The children are being pushed aside now and will have later to face another school closure. Primary school children should not have to go through even one school closure—I would find it deplorable if they had to go through another.

Councils are too blasé about the impacts that their decisions have on children. They simply say, "Oh, we'll do a couple of joint exercises to amalgamate the pupils." They do not realise that it fundamentally affects children's education to have to take part in amalgamation exercises when they should be learning how to read and write in the classroom and to do social activities. They ought not just to close schools and affect children's education in that way, but that is exactly what councils in Ayrshire, North Lanarkshire, Glasgow and all over the rest of Scotland are being allowed to do. Everyone in this room needs to realise that although children under 12 are facing the closures, we have it in our power to make it harder for the

councils to make such decisions, so we must stop them in their tracks and make them come back and consult us.

**Catriona Lessani:** There is a full skip at our children's school. Yesterday, the children were doing jigsaws to see which were complete and which were not so that they could throw the incomplete ones out. The school will close in four weeks. Our councillor came to one of the school board meetings only because—I admit it—I threatened him and said, "If you don't come to our school board meeting, I'll personally go out and make sure that you're not voted in at the next election". Lo and behold, he turned up. He said that he had never been consulted on anything to do with the PPP and that he knew nothing about it. Unfortunately, he has had a stroke and cannot speak, but he is still our councillor and he goes to meetings every week. His daughter went with him to meetings for six months and she took all his notes, but nothing was done.

After that, we complained so much to the other councillors that a different councillor now babysits our councillor every week, which means that if one of us goes to see one councillor one week, we might be lucky enough to get to speak to him or her again three weeks later, and then something might be done. That is what is happening in our area—councillors have admitted that they might have let the situation go on for too long.

I agree totally with Pauline Gilgallon about territorialism. We are not sure what is going to happen with our children. We have been told that they will be decanted to an area in Kirkwood. People from Kirkwood and Bargeddie do not get on and have not for years and years. Our four-year-olds and five-year-olds are going to be bussed there. The children are to be decanted in four weeks but we still do not know the bus timetable. Our children will have to leave home at 10 past eight in the morning and will be back in the village again at half past three according to the main bus route timetable, which we have been given. Our children will have to be out before the high-school children. They will also be on a busy main road that is connected to the M8.

We asked whether the situation could be sorted out and we said that we would have another school board meeting, but we have been penalised. All our school curriculum activity has been cancelled and we are not allowed to go into the school. Yesterday, we were told that we are not allowed to hold any more school board meetings; I think that the council is terrified that we will have a sit-in.

The convener of the education committee came with the director of education to a two-and-a-half hour meeting. They wanted to move our children in April. We stopped that because they had

forgotten that the school that the children were being decanted to had a five to six-year overlap because there are another two schools waiting to move on to the joint campus. If our children had gone there in April, there would have been no room for them. The council had forgotten about that. I phoned a councillor from another area, and he phoned the director of education who phoned the head of services. The head of services then phoned the headmaster and at the next school board meeting, which was the following night, I asked them to tell us when they had found out about the situation. They would not answer me and I told them that I knew that they had found out at 4 o'clock the day before. Because the parents pushed for it, the children will now leave in May, but our dilemma is that we have had to fight for everything we have got.

**Patrick Strickland:** The council's main concern is the monetary cost. That is not my main concern, although my being a taxpayer means that I have some concern about it. As Susan Green said, our main concern is our children. The council is not prepared to pay £485,000—the council's quote for the cost—for a temporary school for two years that would keep the kids in our village, but it is prepared to disrupt the education of a whole school roll. Those were the council's words; it said that if our children were to be decanted to St James', it would disrupt their education. As a parent, I do not want my child's education or the Bargeddie children's education to be the price that we pay—it is too big a cost. I would rather pay the money and make sure that the kids are safe and kept in the village.

St James' primary school has been named as the school that our children will go to. I went to the school and, in my opinion, it is not fit for children because it is basically derelict. If members were to go there, they would see that. It looks as if only 20 per cent of the windows have glass in them—the others have plastic or fibreglass boarding. There is a 4ft-long crack above the lintel of the door to the children's canteen and the cement is exposed. The central window has been smashed and is covered with a bit of plywood. There is graffiti in the playground. According to law, one of the school's five gates should be open to allow access for emergency services, but every time we have been there, all five gates have been open. Half are broken and cannot be closed without forcing them—I imagine that that is what happens at Christmas. Our kids will be able to gain access to the outer community through those gates.

A year ago, a person who lived in a halfway house in the community abducted and abused a small girl. That is the community that they want to put our kids into and I am not prepared to allow that to happen. In the interests of safety, my child will not be going to St James' primary school. I am

a Catholic and my religion is a big issue for me, so my child will not be going to Bargeddie primary school. That means that the council is not providing education that is fit for my child—

**The Convener:** We need to move on and allow some more questions to be asked.

**Jackie Baillie (Dumbarton) (Lab):** If "prat" is the worst thing your wife calls you, you are doing well, Mr Strickland.

Clearly, there is a lot of tension in the communities about what is going on. I would not dismiss any of that, but I want to pull the discussion back to general principles. Your cases might illustrate things from which we can learn.

I assume that you agree with the general principles that it is appropriate to consider how we provide education for our children because we recognise that there is over-provision as a result of falling school rolls, and that some schools'—such as certain schools in my community—being in a state of disrepair is important because the environment in which children are educated impacts on their education.

**Susan Green:** I disagree with you about school buildings. Even if a building has no walls, education can be provided if the parents, pupils and teachers work together as a community.

I agree with you about falling rolls, but the problem is that councils are bulking everything together. Schools are being closed based on that principle, which does not apply in the situation that we are talking about.

**Jackie Baillie:** I understand what you are saying, but I am trying to talk about general principles. I have been in schools in which the fact that the teachers have to struggle to keep the classroom windtight and watertight means that they cannot teach the kids as effectively as they might. That observation relates to a general principle; it is not a comment on your schools.

Can we also agree that, often, the end result of a consultation will not satisfy everybody?

**Susan Green:** If there was a consultation—

**Jackie Baillie:** I am coming to that. As a parent, I have been part of a consultation process on a school and, luckily, so has my child. However, the way in which such processes are implemented varies throughout Scotland.

We have legislation that says that people should be consulted. As a consequence of work that was done by the Education Committee in 2004, we have guidance that says not only that people should be consulted but that there should be more consultation, more information, more time in the process and real involvement of parents. People have come to Parliament to say although the guidance is right, it is not being implemented—

**Susan Green:** Can I stop you there?

**Jackie Baillie:** Give me a minute; I am coming to the point.

Is the key problem that, although the legislation and guidance are good, they are not being implemented at local level? If so, should we put in place a monitoring system that would enable that process to be followed through or should we do what some areas have done and engage independent consultants to facilitate the process and ensure that views are taken on board? Would that instil confidence? I will shut up now.

**Pauline Gilgallon:** Formal meetings were called in all the schools. Margaret Orr, a senior education officer, attended the meeting at Carnwardrick school. Other parents and I had been telling people to come to the meeting because it was going to be important because she was the person who would be able to answer all the questions. That is how the meeting had been sold to us. There was quite a good turnout at the formal meeting; Margaret Orr showed us images of a lovely new school with carpets—it was all beautiful, and we sat there thinking, “Okay—fair enough.” We were then asked whether we had any questions. I can categorically state that every question we asked Margaret Orr met with the same reply: she said, “I can’t answer that. Put the question in your consultation document and it will be addressed”. We were quite miffed. After that, Councillor Josephine Dodds stood up and continued to patronise us, which was lovely.

10:45

We duly filled in our consultation documents. There were 62 people present—some of their consultation documents went missing, but I cannot prove what happened to them. We asked pertinent questions, for example about school crossing patrols. My children will have to cross eight busy roads, including bus routes, so we asked why the school cannot stay where it is, which is the big question for our community. None of those questions has been answered. Why should Margaret Orr, Ronnie O’Connor or anyone else come to a meeting and just say, “Write your question down and we will answer it”? I talked about ethnic minority families who have English language problems and we are all aware that many adults have difficulty with writing and reading, so I and others helped people to fill in their forms. That was a total waste of time, because our questions were never answered. Ronnie O’Connor has been evasive—I am still waiting for him to reply to my e-mail and tell me how he reached the figure of £5.45 million, but he is ignoring us. We are all being treated like imbeciles, which grates a lot.

**Susan Green:** There should be feedback on responses to consultation documents. There is no obligation on councils to feed back to parents who feed in to the education committee. It would be an improvement if there was direct feedback to parents about their concerns. Also, parents should be given the opportunity to present at the education committee, just as the director of education does. If that happened, the education committee would get a balanced view of the community’s feelings. That would work if all councillors were allowed to vote for what they believe was right, rather than voting how they are told to vote.

**Catriona Lessani:** If North Lanarkshire Council did not send out fancy documents—we all get them—we could probably have £485,000 for our huttet accommodation. One edition of the council’s publication, “Education 2010” says that further information is available on the website, but the website has not been changed since 2003 so we cannot get more information.

The document also refers to

“feedback from ... important interest groups. These include teachers, other staff, pupils, school boards, elected members and parent representatives ... and community groups”.

However, teachers were not allowed to be consulted on semi-open-plan classrooms. The pupils have never been consulted and board members have torn everyone to shreds because they get no answers from anyone. There has been no community representation. Many activities take place in the school hall; we sent letters about that, but have never received replies.

The council’s document says that

“feedback will be used by head teachers”,

but our head teacher has lost the respect of the entire community. He has been at the school for 34 years, but stood up in front of everyone and sided with the council. I know that that is his job, but he should have some loyalty to the school, its children and their parents.

The document also talks about focus groups. What is the point of that when we are not given focus groups or public meetings? The council makes it all look good, which is what it has to do, but it does not follow through.

**Patrick Strickland:** The legislation should require councils to take action on anything that is submitted. In our case, 90 per cent of the people who submitted comments to the consultation process want the children to stay in Bargeddie—that is the only option that they are prepared to consider.

North Lanarkshire Council was in a situation in which there was an easy win. The community is to

get two new schools and facilities such as a floodlit park.

The council had a chance to bring the community together, but instead it has torn the community apart through its actions. The Catholic-Protestant thing will become an issue. As Catriona Lessani said, the Catholics have started taking their kids out of the schools. Kids are being enrolled at the public schools in Bargeddie on account of the bare fact that they will still be in Bargeddie. As a Catholic, I would not do that and I would not want anybody else to do it, although every parent has their reason for doing what they do and they have to take their kids' feelings into consideration.

The council should be forced to act on behalf of the majority instead of forcing through whatever it feels is best for our community.

**Jackie Baillie:** It is important that we understand where the gap is, as you describe it. We have legislation and guidance, which mirror much of what you tell us should be done, but they are not being implemented.

**Susan Green:** I have read the guidance; there should be a legal obligation because the guidance is probably left unread in the bottom drawer.

**Jackie Baillie:** My understanding is that you are happy with the content of the guidance, but the problem is that it is not being applied on the ground.

**Witnesses:** No.

**Rosie Kane:** I want to respond to something that Jackie Baillie said. I am hearing that the 28-day period is neither long nor full enough, and that plain language and translations are not used. The problem is not about implementation of the guidance; the process does not work at the core.

We are hearing today from people who have not been listened to. Jackie Baillie spoke about different roles. The Scottish Executive is trying to increase the population of Scotland. If we do not listen to the petitioners, we will have to build new schools in 10 years to accommodate the new people that this country attracts or gives birth to. If we in this Parliament do not look forward to how we will achieve that, closing schools now will be a false economy, and the Parliament will be failing.

Not to consult people properly shows short-sighted thinking when we could learn from such active citizens by including them in the process, which is what we are supposed to be about. I find the situation alarming, short-sighted and disingenuous because we are trying to grow the population. We need smaller class sizes and we need those school buildings for the future.

**The Convener:** Jackie Baillie asked the question and the petitioners answered that the guidance is not sufficient, so that point has been made.

We are joined this morning by Alex Neil and Carolyn Leckie.

**Alex Neil (Central Scotland) (SNP):** Thank you for allowing me to come along and speak. Like Carolyn Leckie, I have been involved with the Bargeddie people.

The consultation situation applies both to where there is a proposal for a permanent closure as well as, in the case of Bargeddie, a temporary relocation and closure of a school. The consultation process is totally inadequate because the existing guidelines are not implemented and are—in my opinion—faulty.

I hope that the Public Petitions Committee can intervene on two levels. The first concerns the specific cases that have been presented to the committee this morning. I hope that the committee agrees to write to the Minister for Education to ask him urgently to seek meetings with the two councils to review the procedures that are employed—or are not employed, as in this case—when a local authority makes such proposals.

There is a great deal of dissatisfaction, anger and, above all, genuine concern about the education of the children who will be affected in the cases we are discussing. The impact on their education is the main problem, so there is a case for ministerial intervention. There is also a more general policy issue about what needs to be done to address the situation. Jackie Baillie's question was the right one and needs to be answered.

Having experience of North Lanarkshire Council, I can say that this situation is not a one-off. We can multiply many times the example of people who are being treated in the most contemptuous fashion by its education committee's convener and by officials, whose public statements and insults to parents and pupils have at times been beyond belief.

"Consultation" has become a dirty word because nobody believes that consultation is genuine. The idea of consultation is to put several options before people and to list each option's pros and cons. After that, people sit down to discuss the pros and cons and, ideally, reach an accommodation on the best way forward. To North Lanarkshire Council—the approach in Glasgow sounds much the same—consultation means saying, "Here you are. Take it or leave it. If you don't like it, you can bloody well lump it." That is the attitude that is adopted. It is not consultation, but dictation.

Consultation needs to be completely rethought and what it means in practice must be considered. I have two policy recommendations that it would be worth the Minister for Education and Young People's while to consider. The first is that we strengthen the powers of the Scottish public services ombudsman to intervene in such cases not after the event, but while it is happening and before the process is complete. If a complaint is made that the process is inadequate, the ombudsman should have the power to intervene—on request—if she agrees that there is a case for intervening. The ombudsman should have the power to direct a council to adhere to the guidelines and the law.

My final recommendation is about guidelines and could apply to proposals about hospitals and other facilities. In relation to school closures, when parents and pupils dispute the fundamentals about whether or not to go to Bargeddie or wherever, an arbitration system is needed, because the council's attitude is that, "We make the decision. We're the big boys so, after we've consulted you, we'll tell you what you're going to do." Referral of a dispute to arbitration would be a practical way to resolve problems and would help to change the dictatorial attitude that officials and councillors have adopted in North Lanarkshire and in Glasgow, because they would know that they had to argue their case to an independent body, which would make the final decision. An increase in the ombudsman's powers and the introduction of an arbitration system would go a long way towards solving the consultation problem.

In the meantime, we need the minister to intervene, because the guidelines have been breached. All that the parents can do is go to the Court of Session, but just getting there would cost them 30 grand. That is unrealistic, undemocratic and unfair and is not justice. We need a far better system if we are to make consultation really work.

**Carolyn Leckie (Central Scotland) (SSP):** Thank you for letting me speak, convener. I agree with all that Alex Neil said. It is important to stress that we have witnessed some of the behaviour of council officials that Catriona Lessani described. I remember hearing in North Lanarkshire Council's offices at Kildonan Street a challenge to parents' right to have any say over what should happen. It was said that it was not the parents but the council's education department that has a statutory obligation to provide education, and that therefore the council knew better and others would do what they were told.

Even more alarming is the fact that the council had the community's consent to the overall proposals for a school and joint campus, although it was a PPP project. It has now emerged that no consultation took place on whether the proposed

school's layout should be open plan. It has blown that consent out of the water for the sake of—in its estimate, which has been challenged—£485,000 for two years to keep children in their community. The parents went to every possible length to do the council's work, to get costings and to put alternative proposals to the council, but it has not taken them seriously. It has dismissed them.

11:00

I return to Jackie Baillie's point. The key thing that shows whether consultation works or not is whether there is any evidence of the public body shifting its position in response to the consultation. It does not matter whether the body goes through the processes beautifully, produces the leaflets, holds the public meetings and even answers questions. If, in the face of an overwhelming argument and the will of the community, the council does what it wants, consultation will be a sham. That is the challenge.

The policy direction is set by the Scottish Executive and budgetary constraints are set by the Scottish Executive. It is not just about the council's PPP policy. If guidance or law on consultation are to work they must allow for expansion of democracy and they must allow decisions to be overturned. That is the only way in which consultations can be seen to be effective and that is what needs to be challenged. The law and the guidance are not enough. Even if all these things had not happened, neither Glasgow City Council nor North Lanarkshire Council has indicated any willingness to shift, no matter how much evidence is presented. That is the problem.

**The Convener:** I ask members of the committee for recommendations on what we should do with the petitions.

**Jackie Baillie:** May I pose a question? I recognise the pain that people have been through, but has anybody read the 2004 guidance that they dismiss and claim does not deal with the matter?

**Alex Neil:** Aye.

**Carolyn Leckie:** Yes.

**Jackie Baillie:** I think that it deals with the matter. To me, the point is that it is not being implemented and nobody is championing it. That is why I am heading in Alex Neil and Carolyn Leckie's direction. Maybe there is a need for something as a backstop that is to do with arbitration and people feeling that they have had feedback from the process, but my sense of where the problem is may be slightly different from theirs.

**The Convener:** We will probably have to agree to disagree on that, but we still have to find a way forward for the petitions.

**Ms White:** The consultation process is important, but guidelines are only guidelines. I am sure that Charlie Gordon could tell us about Glasgow City Council's pre-12 strategy, as he is the ex-leader of the council. The strategy was set out years ago, but we are still looking at the details. The consultation process has not worked because there is no mandatory guidance on consultations.

To move the matter forward and help everyone who is involved in the heartache of the school closures and local schools being taken out of the community, we have to write to the Minister for Education and Young People. Time is short, in some cases. We should ask him in particular about the situation in North Lanarkshire, which is disgusting. As much as I may attack Glasgow City Council, I have never heard its officials speak to people at public meetings in the way that officials have in North Lanarkshire. The minister must look into the conduct of North Lanarkshire Council.

We should also write to the EIS to ask for its views, because it was not even consulted. We should write to Glasgow City Council and ask for its feedback on the parents' concerns about what has been happening. In one case, the council is putting 680 kids on one site. All the parents are up in arms, yet the council is going ahead. It has to be answerable not just to the committee but to parents. We should also write to North Lanarkshire Council.

I do not know whether we should write to the Convention of Scottish Local Authorities. We never seem to get a reply from it, so I do not think that I would bother. However, I would certainly like the views of the two councils, the EIS and the minister. In our letter to the minister, we should express particular concern about the cases in North Lanarkshire.

**Rosie Kane:** I agree. We should write to COSLA anyway, just because we usually do that. We should also seek the views of any parent-teacher associations that might be able to inform the debate.

**The Convener:** Yes. I think that there is a parent council or parent-teacher association.

**Mr Charlie Gordon (Glasgow Cathcart) (Lab):** The lion's share of the discussion has thus far focused rightly on the concerns of parents. Over the years, I have been involved in many school rationalisation consultations, as a councillor and as a parent. I well remember my now grown-up children's education being disrupted by a change of primary school. However, it is important to emphasise the broader public interest. Views on education schemes are not the exclusive preserve of current parents, because such schemes have to be in place for 30 or 40 years and serve children

who are as yet unborn. Another wider public interest is that schools are community resources.

Although we have had, within the time constraints, a decent enough discussion, the issue of how consultations are conducted must be gone into in more depth by another committee of the Parliament, namely the Education Committee. The petitions should be referred to that committee. If the Public Petitions Committee simply engages in correspondence with ministers, local authorities and other organisations, all we will get is a game of ping-pong. Parliament has already had a go at refining the guidance, although opinions vary as to whether that has been effective, so the issue is a serious one for the Parliament. The Education Committee can give the matter the sufficient depth of attention.

**The Convener:** The Education Committee is considering the guidance and its implementation, so it would be useful for it to be made aware of the discussions that have taken place. That committee can take those discussions on board as it continues to consider the issue. However, given the specifics that we have heard, we should also follow the recommendation to write to local authorities and the minister to ask for their views. I agree with Charlie Gordon's suggestion, but we can do both.

**Mr Gordon:** Sure.

**Pauline Gilgallon:** We have been playing ping-pong for the past seven months.

**The Convener:** I understand that. We must consider how the committee can make progress on the issue for you.

**Jackie Baillie:** The convener's suggestion is enormously helpful. Some petitions have taken six months to come back, by the time that we have chased people for responses. As well as writing to the various bodies, sending the petitions to the Education Committee while it is considering the guidance is probably the timeliest thing to do. I support the convener's suggestion.

**Ms White:** The convener's suggestion is spot-on. My big worry is that if the petitions went to the Education Committee and we did not write to the various authorities, the Public Petitions Committee would lose control of the matter. That is why I want the two-pronged approach of sending the letters and informing the Education Committee. At least that will mean that the petitions are kept in the control of the Public Petitions Committee, so we will be able to give feedback to the parents when we get the responses.

**The Convener:** Are members happy to take up all those options?

**Members indicated agreement.**

**The Convener:** I thank the witnesses for coming to the committee.

### **Ownerless Land (PE947)**

**The Convener:** Our next new petition is PE947 by Dornock Eastriggs Creca Initiative Development Enterprise, calling on the Scottish Parliament to urge the Scottish Executive to provide community groups with the right to take ownership of land that is currently ownerless or abandoned by its owners for seven years. I welcome Diane Huddleston, who will make a brief statement to the committee in support of the petition.

**Diane Huddleston (Dornock Eastriggs Creca Initiative Development Enterprise):** Good morning. As you have already explained, I am here as chair and representative of Dornock Eastriggs Creca Initiative Development Enterprise. Among other constitutional obligations, we are charged—as many community groups are—with working with residents

“to provide and enhance amenities for the benefit of the general public”

and

“to protect and preserve the local environment”.

We want our community and, indeed, all communities in Scotland to thrive and to have the amenities and facilities that they require and request in the 21<sup>st</sup> century. That would enable all inhabitants to enjoy facilities that might be denied them at the moment simply due to the lack of relevant space. Taking ownership of a parcel of ownerless land may be the kick-start to an improved community life. It could be argued that a community group could stand accused of being in dereliction of its duty if, following reasonable attempts to establish the ownership of ownerless or abandoned land, it did not legally attempt to take ownership of the land.

I hope that the committee will consider petition PE947 suitable for consideration by the committee and the Scottish Executive.

**Ms White:** Convener, you will be glad to know that I do not have to go early, so you will need to put up with me for the rest of the meeting.

I was very interested in the petition because I have seen a lot of derelict land but did not know that it went back to the Crown. I do not see any specific information on the area in which you stay. Is there a certain piece of land in your area that you want to develop? If so, how did your interest come about? I was surprised to see that, although there can be a presumption of death after seven years, 10 years is needed to claim ownerless land. I had not seen that before.

**Diane Huddleston:** We did not want to be parochial; we wanted to open the petition up for the whole of Scotland.

Eastriggs, the main village in our area, is 91 years old. It was built to house munitions workers when Lloyd George, who was the Minister of Munitions, had quickly to find a space to put workers for cordite production. I understand that, at one stage, there were 30,000 residents between Dornock and Longtown, which is in Cumbria. The housing is good. When the houses were built 91 years ago, they all had bathrooms and gardens and there was community-type accommodation as well. However, that means that land is very short in our area, and there is one piece that appears to be ownerless. We have tried through various channels to establish ownership but have not been successful and feel that owning that land might be the kick-start that our community needs. We do not have a village hall any more because it burned down many years ago and was replaced by a shop. We would like a village hall—as, I am sure, many other communities would—but we do not have a space to put one on. It could be argued that the ownerless space is not big enough for that, but owning it might provide the kick-start that we need.

**Ms White:** As I said, I found the petition interesting. When I go about, I see a lot of derelict land. Many people want a play area for their kids, for example, so I wondered what your interest was. I fully support your petition; it is great. I do not know what the committee's recommendation will be, but I found the petition interesting because the issue is not parochial but applies throughout Scotland. Even in the inner cities, there is ownerless land that could be used. I look forward to hearing the recommendations that other committee members come up with, but I thank you for lodging the petition.

11:15

**Jackie Baillie:** I am now going to attempt the impossible by describing to you my understanding of the process, to see whether that satisfies what you are looking for or whether there is a gap. I understand that if land is lying without an owner, it reverts to the Crown under a set of specific circumstances. Apparently, however, under Scots law there is something called—let me get this right—a non domino disposition.

**Diane Huddleston:** I have not heard that one.

**Jackie Baillie:** It is all news to me, so we are in the same territory.

Basically, my understanding is that, where the owner of a piece of land cannot be traced, someone can apply to the Registers of Scotland for a non domino disposition and can become the



aspiring owner. The land register can transfer ownership to the aspiring owner, but the key thing is that they must possess the land for 10 years; if nobody comes along and says, "By the way, we made a mistake, because that was ours and we forget to tell you about it," they will enjoy that possession thereafter as owner of the land. The land register will suggest to them, or to the local community, that they take out some form of indemnity so that if they apply for a non domino disposition to become the owner of the land, they are protected in case somebody pops up in the intervening 10-year period.

Would that bit of Scots law allow you to do what you want to do—to take possession of that land? You could have protection for your community, so that somebody cannot come along in a few years' time and say, "By the way, that's ours," and their claim would no longer be valid after 10 years in any case. Is it the case that you have the means to take possession of the land but that the process is so obscure that it is not really known about? Maybe that would allow you to achieve what you are after.

**Diane Huddleston:** I have heard of that scenario, but I have not heard it called that. I am not sure whether that could be used in this case, because there are other parties who are interested. I do not want to go any further into that, but I personally feel that the community should have a claim on the land, rather than allowing it to go into someone's personal possession.

**Jackie Baillie:** If that mechanism suits, the issue for you is about who has the prior claim. You are suggesting that, across Scotland, the default position should be that the community has the first claim in land in such cases.

**Diane Huddleston:** That is right.

**Jackie Baillie:** I am clear on that now.

**Helen Eadie (Dunfermline East) (Lab):** You have brought us some new information through the petition and I have certainly learned a tremendous amount, so I congratulate you on that. It is a matter that many of us around the table may take back to our communities to look with new eyes at the situation in our own areas.

Convener, are you ready for suggestions as to what we might do with the petition? It would be helpful for all of us to have further information on the matter, so perhaps the committee should write to the Queen's and Lord Treasurer's Remembrancer—that is a lovely title—as well as to the Registers of Scotland, the Law Society of Scotland, the Scottish Community Land Network, which aims to encourage community land initiatives throughout Scotland, and the Scottish Executive.

All of us around the table like the idea of more such community initiatives so, once again, I congratulate the petitioner on raising the issue.

**Diane Huddleston:** Thank you very much.

**Ms White:** I agree with Helen Eadie, but I wonder what the situation is with regard to the community rights established under the Land Reform (Scotland) Act 2003. That right to buy would not work if you do not know who the owner is, of course. Is it the case that you do not know who owns the land?

**Diane Huddleston:** I have no idea at all.

**Ms White:** In that case, I would go along with Helen Eadie's recommendations.

**The Convener:** Are members content to take that course of action?

**Jackie Baillie:** I am happy for us to do that, but let us make it quite clear that if the existing legislation serves the function, the primary claim on the land should, as the petitioner said, rest with the community first and foremost.

**Diane Huddleston:** That is wonderful. Thank you very much indeed.

**The Convener:** It is agreed that we shall take the petition forward in the way suggested by Helen Eadie.

### Tolled Bridges (PE925)

**The Convener:** PE925 was lodged by George Campbell on behalf of the National Alliance Against Tolls Scotland and calls on the Scottish Parliament to urge the Scottish Executive not to extend the tolling regimes on the remaining tolled bridges—the Forth and Tay bridges—but to take over the bridges and their approaches as part of the national road system and to remove the tolls forthwith. Before it was lodged, the petition was hosted on the e-petitions site, where it gathered 1,623 signatures. Members received the e-petitions briefing. I invite suggestions about how we progress the petition. The committee has received a few petitions on the subject recently and I think that we are aware of all sides of the argument. The minister has announced a further review of the situation, so it might be worth our while putting the petition forward as part of the review.

**Helen Eadie:** I am sure that members will be glad to hear that I will restrain myself from speaking at great length. I support the petition. Like other members who represent Fife, I welcome the further review of tolls. I declare an interest: I have put forward a draft proposal for the abolition of tolls on all bridges in Scotland, because it is quite wrong for politicians to treat one part of the country in one way and another part in a different

way, in the guise of regarding a toll as a congestion charge. We can debate congestion charges in Scotland, but we should not single out the Forth and Tay road bridges in such a debate. I suggest that we forward the petition not just to the Minister for Transport and Telecommunications but to the First Minister, because the issue is so important to people in east central Scotland. The First Minister is well aware of the anger and concern that have been expressed by people across the spectrum in east central Scotland. People in the north of Scotland are also concerned about the tolls, given the impact of a level playing field on them.

**The Convener:** Are members happy with Helen Eadie's suggestion?

**Members indicated agreement.**

### Parliamentary Standards (PE951)

**The Convener:** PE951 was lodged by Walter Dean and calls on the Scottish Parliament to ensure higher parliamentary standards by amending the Scottish Parliamentary Standards Commissioner Act 2002 to put in place an appeals mechanism for complainants whose complaints to the commissioner have been rejected; by providing adequate resources for the Scottish Parliamentary standards commissioner to carry out those functions properly; and by amending the Freedom of Information (Scotland) Act 2002 to ensure that the standards commissioner is subject to its provisions. Before it was formally lodged the petition was hosted on the e-petitions site, where it gathered 51 signatures between 22 February and 6 April. The e-petitions briefing has been circulated to members and I am interested in hearing their recommendations. Should we pass the petition to the Scottish Executive for information, given that the Executive is reviewing the operation of the 2002 act? Would it be worth giving the Standards and Public Appointments Committee sight of the petition?

**Ms White:** I think that the Executive reviews legislation after a number of months.

**Jackie Baillie:** The Standards and Public Appointments Committee is the most appropriate place for the petition.

**The Convener:** Do members agree to send the petition to that committee?

**Members indicated agreement.**

**The Convener:** That concludes consideration of new petitions.

## Current Petitions

### Erskine Bridge Tolls (PE869 and PE926)

11:24

**The Convener:** PE869, which was lodged by Councillor Andrew White, calls on the Scottish Parliament to require the Scottish Executive to remove the tolls from the Erskine bridge; and PE926, which was lodged by Councillor Sam Mullin, calls on the Scottish Parliament to urge the Scottish Executive to remove the tolls from the Erskine Bridge at the earliest possible opportunity. At its meeting on 8 February, the committee agreed to link consideration of the two petitions and to await the outcome of the Scottish Executive review of the future management of Scotland's tolled bridges. That review is now complete and tolling on the Erskine bridge ended on 31 March, so there is not much to be done on the petitions.

**Jackie Baillie:** I point to the success of the Public Petitions Committee on the matter and suggest that we close the petition, because the tollbooths have been removed.

**Helen Eadie:** That augurs well for the Forth and Tay bridges.

**The Convener:** So we agree to close that petition.

**Members indicated agreement.**

**The Convener:** There is not much more we can do once the tollbooths have closed.

### Global Campaign for Education (PE734)

**The Convener:** Our next petition is PE734, by Angela O'Hagan, on behalf of Oxfam in Scotland, which calls on the Scottish Parliament to endorse the aims of the Global Campaign for Education to achieve the millennium development goals and make the United Nations Convention on the Rights of the Child a reality in Scotland. The petition also calls on the Parliament to consider practical steps by which it and the Executive could promote those aims.

At its meeting on 8 September 2005, the committee considered a response from the petitioner and agreed to seek further comments from the Scottish Executive. A response from the Executive has been circulated to members. I seek members' views on the petition.

**Jackie Baillie:** I suggest that we send a copy of the response to the petitioners. However, given the Executive's response, I suggest that we close the petition.

**The Convener:** Are members happy to agree that?

**Members indicated agreement.**

### Agenda for Change (PE768)

**The Convener:** The next petition is PE768, by Susan Bannatyne and Nicola Orr, which calls on the Scottish Parliament to consider and debate the implications of the proposed agenda for change legislation for speech and language therapy services and service users in the national health service. At its meeting on 5 October 2005, the committee considered a response from the petitioner and agreed to write to Amicus. A response from Amicus has been circulated to members. A further response has been received from the petitioner, which has also been circulated.

**Helen Eadie:** Amicus requests in its letter that

“consideration of a response by the committee be further delayed until adequate information is available in September 2006.”

I suggest that we agree to that request and keep the petition open until further information is available in September.

**The Convener:** Are members happy with that suggestion?

**Members indicated agreement.**

### Community Hospitals (Scottish Executive Policy) (PE806)

**The Convener:** Our next petition is PE806, by Mr Len Wyse, which calls on the Scottish Parliament to urge the Scottish Executive to review its policy on community hospitals and, in the meantime, to introduce a moratorium on the closure of such hospitals, which are vital to the NHS in Scotland, particularly in rural areas such as the Scottish Borders. At its meeting on 26 October 2005, the committee agreed to seek the views of the petitioner to responses received from Borders NHS Board, the Minister for Health and Community Care, the national workforce committee and the national advisory group on service change. The petitioner's response has been circulated to members. Members' views on it and on what we do now would be welcome.

**Helen Eadie:** The committee has given attention to and done work on the petition. Given the responses that we have had, we appear to have done all that we can. The committee's position is that we do not interfere with the decisions of local authorities or health boards. I urge that we continue that position. In this instance, we should simply agree that we have done what we can. Ultimately, what happens is down to Borders NHS Board. I flag up for members' attention the fact that Bill Butler will introduce a bill in due course, which people may or may not like to support, whose aim is to ensure more democracy in local health boards.

**Ms White:** I have often been told in the committee that we cannot interfere with health boards and so on, although I wish sometimes that we had the power to do so. Perhaps we should push for legislation that would enable us to do that because it is a shame that the petitioners are losing the facility to which they refer. I am sure that I am reading correctly what the petitioner says, but can it be clarified that he says in his response that he feels that there is nothing much more that we can do? Is that right?

**The Convener:** Yes.

**Ms White:** In light of that, I will agree with Helen Eadie's suggestion.

**The Convener:** So we agree to close the petition.

**Members indicated agreement.**

### Food Chain (Supermarkets) (PE807)

11:30

**The Convener:** Our next petition is PE807, by James Mackie, which calls on the Scottish Parliament to urge the Scottish Executive to conduct an inquiry into the influence of supermarkets on the food chain and to examine in particular safety issues arising from the use of chemicals to extend the shelf-life of products and from central purchasing and distribution, and the impact of supermarket trading on local economies and small producers. At its meeting on 26 October 2005, the committee considered responses from the Office of Fair Trading, the Food Standards Agency, the Scottish Consumer Council, the National Farmers Union Scotland, the Scottish Retail Consortium, the Scottish Executive and the Institute of Grocery Distribution and agreed to write again to the OFT and the Scottish Executive. Those responses have been received and circulated.

The clerk has advised me that in February 2006, the Environment and Rural Development Committee took evidence from several organisations as part of a short inquiry to examine issues to do with the food supply chain. The Environment and Rural Development Committee has considered the evidence that it has received to date and written to the OFT and the United Kingdom Government minister who is responsible for competition on several issues that were raised during the inquiry. The committee agreed to consider how to proceed with the inquiry after receiving those replies.

Rather than both committees continuing to pursue the issue separately, it might be more appropriate for this committee to refer the petition to the Environment and Rural Development

Committee as part of its scrutiny of the issues. Do members agree with that?

**Members** *indicated agreement.*

## **Common Good Assets (PE875)**

### **Listed Buildings (Consultation on Disposal) (PE896)**

**The Convener:** PE875, by Mary Mackenzie, calls on the Scottish Parliament to urge the Scottish Executive to ensure that all moveable and heritable common good assets throughout Scotland are properly recorded, audited and insured, and to introduce legislation to ensure that such assets are properly safeguarded.

At its meeting on 5 October 2005, the committee agreed to seek the views of the Minister for Finance and Public Service Reform, Audit Scotland, Historic Scotland, the Accounts Commission, the Registers of Scotland and the Convention of Scottish Local Authorities. The responses have been received and circulated. Members have also received letters in support of the petition from Peebles Civic Society and Dingwall community council, and the petitioner has sent us some relevant newspaper clippings.

Are members happy to link the petition with PE896?

**Members** *indicated agreement.*

**The Convener:** PE896 is from Ms Florence Boyle, on behalf of West Dunbartonshire Heritage Ltd, and it calls for local authorities to be required to conduct structured and meaningful public consultation before any disposal of listed buildings, common land or related endowments held in public ownership or trusteeship. At its meeting on 9 November 2005, the committee agreed to seek the views of Historic Scotland, COSLA, the Scottish Executive and the Scottish Civic Trust. Responses have been received and passed to members.

Do members have any ideas about how to deal with the two petitions?

**Ms White:** I do not quite know what to do with them but I was concerned to see that every response mentions best value. As far as I know, a common good fund is for the common good of the people and was never supposed to be linked to best value, which I think was brought out by the Executive in 2003. Is it within the committee's remit to write to COSLA and ask if legislation requires that best value has to be taken into account when local authorities are disposing of common good land? The Executive's letter says:

"The Best Value duty also has direct implications for asset management".

I did not think that common good land was supposed to be subject to best value, but it seems from that letter as if it is and I am concerned about that.

**The Convener:** COSLA's response is:

"COSLA does not consider that there is any need for legislative change. Common good property of all kinds is already recorded and audited as part of the legislative audit regime and there is a requirement to keep a separate common good account."

**Ms White:** The requirement to keep a common good fund is fine and people can see it if it is open and accountable. However, it is the link with best value that the Executive has imposed on local government that concerns me. Best value means that a council will be looking for the best amount of money for the common good.

**Campbell Martin:** Is any committee considering common good property issues? The most relevant committee is probably the Local Government and Transport Committee, but if we send the petitions to that committee and they disappear we will not have served the petitioners well at all.

I am asking because many issues to do with common good property are disputed, including what is and is not common good property. Most local authorities seem to assume that anything that belonged to the previous local authority now belongs to them. That is disputed and legal judgments have determined in some cases that land that belonged to the former burgh councils should have been recorded as common good, but was not and went instead into the land file of the local authority.

I wrote to North Ayrshire Council's senior legal officer and asked him to prove unequivocally that the council owned a certain piece of land. He wrote back and said that he did not have to do that. An individual who wanted to challenge that would have to go to the Court of Session and employ a Queen's counsel at huge expense. That will not happen. Councils are getting away with operating on the presumption that the land belongs to them. Someone needs to challenge that presumption because a legal judgment is required to give clear guidance on what is and is not common good. If the Parliament has not done that, perhaps we should. The question is how to go about it.

**The Convener:** The suggestion is that we ask the Local Government and Transport Committee to look into the matter.

**Jackie Baillie:** The first point of contact should be the Local Government and Transport Committee, to establish whether it is willing to take on the work. If it is, that is the most appropriate place for the work to be done.

I will return to some of the issues that are raised in the petitions. Campbell Martin is right to say that there are not just one or two issues—there is a plethora. Are matters being properly recorded? Are councils acting in accordance with the best value duty in relation to the disposal of assets? How are they involving the community? Those questions have not been fully answered. The minister's letter points to things that local authorities should be doing; perhaps they are in some cases, but in other cases they might not be aware of the full requirements that are placed on them. It is sensible to send the petitions to the Local Government and Transport Committee.

I point out that—unlike the other petitioner—Florence Boyle, whose petition is on behalf of West Dunbartonshire Heritage Ltd, has not been sent a copy of the responses. I would be grateful if that could be done.

**The Convener:** Yes. That would be appropriate.

Christine Grahame has had an interest in the matter from the outset.

**Christine Grahame (South of Scotland) (SNP):** Yes. I commend Ms Mackenzie for her petition. I endorse Jackie Baillie's comments about the Local Government and Transport Committee conducting an inquiry—I am sorry that I missed the previous remarks.

The issue of how democratically accountable councillors are for the use of common good funds has been raised. In Peebles the common good revenues were used to support a bus service. One has to ask whether funding for such a service should come out of the local authority's grant-aided expenditure rather than out of common good funds. There is a lack of awareness among the public—until it is too late—of what the common good fund contains; it can contain artefacts as well as land and revenues. The common good funds have been inherited by local authorities. The matter must be examined to ensure that there is democratic accountability. Common good funds should not be used in place of local funding through council tax or GAE; they should represent the icing on the cake rather than the cake itself.

An audit of artefacts is required. I mentioned at a previous meeting that a chair from the City of Edinburgh Council chambers appeared in an antique shop. It was identified because someone recognised the coat of arms on it. We are losing historic artefacts. An inquiry by the Local Government and Transport Committee is a grand idea.

**The Convener:** Are members happy that we refer the petition on to the Local Government and Transport Committee?

**Ms White:** I am not unhappy about the suggestion, but because of what has sometimes

happened when petitions have gone to other committees I am concerned about what will happen. The concern is not that the petition will be put aside—I have great faith in the Local Government and Transport Committee not to do that. Is there nothing else that we can do in addition to sending the petition to the committee?

**The Convener:** When we write to the Local Government and Transport Committee we can specifically ask it to look into the matter. Paul Martin and I are both on that committee and we have heard the debate this morning.

**Ms White:** Thank you very much.

**Christine Grahame:** Convener, think of the interesting visits that you could make round the country.

**The Convener:** Are members happy to refer the petition to the Local Government and Transport Committee?

**Members indicated agreement.**

### **Dementia Treatment (PE886)**

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

At its meeting on 5 October 2005, the committee agreed to seek the comments of the National Institute for Health and Clinical Excellence. A response has been received and circulated. Further correspondence has been received from the petitioner, which has been circulated to members. Having seen that information, do members have any comments to make?

**Helen Eadie:** Perhaps we could consider writing to NICE to ask it to provide the committee with details of the new guidance when it is published. We could also invite the views of NHS Quality Improvement Scotland on the guidance. I know that my colleague Irene Oldfather has led a short-life cross-party working group on the issue.

**Ms White:** I am glad that there was more to say after "short life".

**Helen Eadie:** Perhaps it would be appropriate to send copies of the documents to Irene Oldfather and seek her comments on the issues that have been raised.

**The Convener:** Should we also write to NHS QIS to seek its views?

**Helen Eadie:** Yes.

**The Convener:** Okay. We will do that.

### **Justice System (Child Sex Offenders) (PE862)**

**The Convener:** Petition PE862 is the last of our current petitions. It is by Margaret Ann Cummings and calls on the Scottish Parliament to urge the Scottish Executive to conduct a full review of the current system for dealing with and monitoring convicted child sex offenders.

At its meeting on 21 December 2005, the committee considered a response from the Scottish Executive and agreed to seek the views of the petitioner on it. A response from the petitioner has been received and circulated. We are joined by Paul Martin, who has had an interest in the petition from the beginning. Do you have any comments to make or information to share with us before we consider what to do with the petition?

**Paul Martin (Glasgow Springburn) (Lab):** Yes, thank you, convener. The petition was lodged on 27 May last year. The petitioner, Margaret Ann Cummings, and I and other elected members acknowledge that there has been significant progress on the issue, with the focus on the need for additional legislation and on Professor Irving's report. In her latest correspondence of 10 March this year, Margaret Ann Cummings set out a template that the Justice 2 Committee might use for a comprehensive investigation into how effective legislation has been and what we can learn from international examples of managing sex offenders.

Margaret Ann Cummings has said that we need to acknowledge that there is an issue with disclosure and to consider how it has been approached in different parts of the world and how effective that has been. We all have different views on disclosure.

I call on the committee to refer the petition to the Justice 2 Committee and to suggest that it produces a comprehensive report as a matter of urgency, to ensure that the issues that Margaret Ann Cummings has set out clearly in her latest correspondence are considered.

**The Convener:** Do members have views on that? My experience of a constituent being run out of his home because he was suspected of being a paedophile when he was totally innocent has always made me wary about such issues. However, as Paul Martin said, the letter that Margaret Ann Cummings has sent back to us is rational and reasonable in suggesting how to proceed and questioning how we can protect our communities sensibly. It is worth considering

further. We should consider seriously the suggestion that we refer the petition to the Justice 2 Committee.

**Ms White:** I agree that the petition should be sent to the Justice 2 Committee so that it can consider the issue. There is great concern out there. As the convener said, people can be accused falsely. One of the things that we have found out through not just the letter but meetings is the number of people on registers who are put in deprived areas. All those issues have to be considered. People have a right to know if a registered sex offender is in their community, although they should not necessarily know their name. We should be able to monitor where sex offenders are. What is happening at the moment is not good enough. I agree with the recommendation.

**The Convener:** Are members happy with the suggestion?

**Members** *indicated agreement.*

**The Convener:** I thank Paul Martin for attending.

## Public Petitions Committee Event (Report)

11:45

**The Convener:** Agenda item 3 is on a report on our event in Dunfermline on 30 January 2006, which was the fourth in our rolling programme of events. A draft summary of the event has been circulated to members. The Parliament's public participation officer and a senior research specialist from the Scottish Parliament information centre conducted an evaluation exercise for the event. A copy of the evaluation report has been circulated. Are members happy with the report? If so, can we put the information that has been collated on to our website and circulate it to those who attended the meeting so that they can see the feedback?

**Members** *indicated agreement.*

## Public Petitions (Administrative Procedures)

11:46

**The Convener:** We turn to our final agenda item. Members will be aware that the committee's consideration of petitions can be a lengthy process. We have a proposal that is intended partly to alleviate that situation. In an attempt to reduce the time between each substantive consideration of a petition, the committee is invited to consider whether, at the same time as agreeing to write to various organisations for their views on a petition, we should also decide whether the responses should be forwarded to the petitioners for their views before the petition is brought back to the committee. Members should be aware that that would mean responses being made public before the committee had an opportunity to consider them.

I will give some background to the proposal. In the past few meetings, we have received many responses from organisations and then decided to send them to the petitioner and wait for their response. In some cases, that has caused delays of a couple of months. I spoke to the clerks about the issue and we felt that we could save a bit of time in dealing with petitions—sometimes time is of the essence—if, immediately we receive responses, they are sent to the petitioners so that we can consider their response at the same time as the original responses. The downside is that petitioners may put something into the public domain that we have not had sight of, because we had not received it in our briefings. Personally, I think that that is a chance worth taking if we can speed up the process overall and help petitioners to make progress.

**Jackie Baillie:** That is a sensible suggestion. We should adopt a common position in the event of any press contact on letters that are in the public domain but which the committee has not yet considered. We should not comment on them until the committee has considered everything.

**The Convener:** We will do that, if members are happy to be bound in that way.

**Ms White:** The issue that Jackie Baillie raises is more of a concern than the issue about the information being in the public domain is, as the public have the right to see that information. It would be more of a concern if a member used the information before the committee had seen it and made a decision. I agree with Jackie Baillie.

**The Convener:** An issue could even be discussed in the press before we have considered information, but we should take that chance. We

can always review the practice if it causes problems for the committee. It would be helpful for the process of petitions if we adopted the procedure. Do members agree to adopt it?

**Members** *indicated agreement.*

**The Convener:** That concludes our business this morning—we made it before 12 o'clock.

*Meeting closed at 11:48.*



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