

PUBLIC PETITIONS COMMITTEE

Wednesday 29 November 2006

Session 2

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PUBLIC PETITIONS COMMITTEE

19th 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

Susan Deacon (Edinburgh East and Musselburgh) (Lab)

Phil Gallie (South of Scotland) (Con)

Rob Gibson (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Sarah Campbell

Harry Conroy (Scottish Catholic Observer)

Peter Cox (Mothers for Justice Campaign)

Gerard Gough (Scottish Catholic Observer)

CLERK TO THE COMMITTEE

David McGill

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Wednesday 29 November 2006

[THE CONVENER opened the meeting at 10:03]

New Petitions

Abusive Parents (PE997)

The Convener (Michael McMahon): Good morning, everyone. Welcome to this morning's meeting of the Public Petitions Committee, which is our 19th meeting in session 2. I have received apologies from Jackie Baillie, Campbell Martin, Charlie Gordon and Rosie Kane. On behalf of the committee, I express our sincere condolences to Rosie, who lost her father at the weekend. She has now lost her mother and father within a few weeks. We all express our sincere sympathy to Rosie during this very difficult period.

The first new petition is PE997 by Peter Cox, on behalf of the Mothers for Justice Campaign, calling on the Scottish Parliament to urge the Scottish Executive to provide greater protection to the children and partners of abusive parents by introducing legislation to ensure that, when an allegation of abuse has been made against a parent, access rights are suspended pending a full investigation; that all previous convictions of an abusive parent are taken into account before access rights are granted; that all access hearings are held in open court; and that all sheriffs who deal with child custody cases are given appropriate training.

Before being formally lodged, the petition was hosted on the e-petitions system, where it gathered 104 signatures. In addition, 1,893 signatures were submitted in hard copy as part of *The Scottish Sun's* Mothers for Justice Campaign. Peter Cox will make a brief statement to the committee in support of his petition. He is joined by Sarah Campbell. If you would like to take a few minutes to address the subject, Mr Cox, we will then discuss the important issue that you have brought before us.

Peter Cox (Mothers for Justice Campaign): I am the assistant editor of *The Scottish Sun*. This summer, an extraordinary letter was delivered to our women's editor, Yvonne Bolouri. She is an experienced journalist who is sensitive to women's issues and she normally deals with such issues herself. However, on July 26, she saw fit to bring that letter to my attention. It was written by the

lady on my right, who, for legal reasons, we have referred to throughout the campaign as Sarah Campbell. That is not her real name. She wrote a harrowing letter about her experiences in front of the family division, involving her four children and her ex-partner.

We are circumspect in dealing with such stories, as identification is a problem. We cannot go down the normal tabloid route: we cannot name her or photograph her. It has been a difficult exercise for her. However, as soon as I read her letter, I knew that the situation should be examined further. I brought the matter to the editor's attention, he agreed with me and we published the letter. The committee should have received copies of the letter and members are probably aware of it.

I had not legislated for the amazing response that we received to the story. Over the next few days after we had published Sarah Campbell's letter, we received an avalanche of mail, calls to Yvonne Bolouri, texts and e-mails from ordinary folk who had found themselves in a similar position. It was like stirring up a murky pool and finding something nasty at the bottom. We took advice and spoke to a lot of the mothers—and, in some cases, fathers—who were in similar positions: their partner was abusive and they felt that the sheriff who heard their case allowed a situation that could be extremely damaging to the children to go ahead. We also took advice from a pressure group called Mothers for Justice, which gave us its take on the matter.

You can see what we are asking for, but you do not know the response that we received. I have been an executive on national newspapers for more than 25 years. I know my market, and *The Sun* is the market leader both north and south of the border. On a simple phone-in vote—for example, should Scotland be independent: yes or no?—a good response would be in the order of 500 to 600 replies. By the end of the day on which we ran Sarah's story, 1,893 people not only had phoned in but had cut out pieces of the paper and put them in envelopes, paying for the stamps themselves.

That is why we are here. The response was so great—unrivalled in my experience—that there appears to be something to look at. Whether we have got it right in suggesting that the legislation is wrong, I am not sure; I am not a lawyer. It could be the application of the legislation that is slightly awry. Whatever is the case, 1,893 souls are crying out to *The Scottish Sun*—and, inevitably, the committee—that they perceive an injustice in the current family court legislation.

All that we can ask is that you reconsider the legislation and refer the matter to Cathy Jamieson's Justice Department to see whether there are loopholes. We fully appreciate the fact

that anyone who has had a sheriff make a decision involving their personal life may have a grievance; however, believe me, in 25 years I have never known 1,893 people to have such a grievance. We ask you to consider the issue. Thank you.

The Convener: Thank you very much, Mr Cox. I open it up to committee members to ask questions of Mr Cox and Sarah Campbell, so that we can get to the crux of the matter.

Peter Cox: Sorry. I should have mentioned this. Sarah has made the effort to come along today and has left her four children with her mum. She desperately wants to have her say; therefore, I would be grateful if the committee could include her in the discussion.

The Convener: Absolutely, and when members ask questions I will give her a lot of latitude in answering them.

John Scott (Ayr) (Con): Good morning and thank you for lodging this important petition. I agree utterly with the sentiments that you express. By way of explanation, might Sarah like to go through some of the details of her circumstances and tell us of the avenues that she explored, how she sought help and why those avenues failed?

Sarah Campbell: I met my ex-partner 12 years ago—I was only 16 at the time. From the minute I met him, I was basically raped, abused and beaten. I had no friends. I was always pregnant. I was sexually exploited. Only in the very latter stages of the relationship did I manage to tell a friend that I had been put in the boot of a car and taken to the woods, where I was raped and assaulted by my ex-partner.

The police were involved. Twelve years after I met my ex-partner, it was disclosed to me that the man was a convicted sex offender with several convictions for indecent assault and for exposure to women and children between the ages of 11 and 13. I lost a baby after a beating—that was my fifth child. I managed to escape that relationship with the help of Scottish Women's Aid, which put me in a safe house.

The man pursued me through the courts. He has had court-sanctioned access three times in family centres and the sheriff who was dealing with the case was adamant that he would have access to the children in the home through the family. My oldest son does not go out—he is petrified. He has written to the sheriff to plead for help. The sheriff has just appointed a curator for my oldest son, so that he can have his bit said.

John Scott: That is very helpful. From which agencies did you seek help? I can see that you feel utterly let down by the courts. That is a matter

for the courts and we cannot reasonably discuss it. Did the agencies that you approached help you?

Sarah Campbell: Women's Aid was the main agency that helped me. The social work department cannot help me because I do not have a drug addiction and I am not depressed. Unless I have a psychological problem or some addiction, I cannot have help from the social work department. However, it sends a woman as a befriender so that I can offload.

John Scott: It is bizarre that social work cannot help you when you and your children are apparently in physical danger. Why cannot social work help you?

Sarah Campbell: I do not know. As I said, social workers told me that because I have no emotional problems or addictions and because the courts are dealing with the situation, they cannot step in.

John Scott: Thank you—that is helpful. We may ask you more questions in a minute.

Peter Cox: I will make a point that Sarah might not make. Before we stepped into this maelstrom, I wanted to be absolutely sure that we were dealing with a person of totally sound mind—a responsible citizen—and that she had the backing of her legal team. We could not say so in the newspaper, but we have spoken to her legal team, which thinks that the court has treated her appallingly. We have done as many checks as the police would on Sarah's personal circumstances. What she says is not only true, but inexplicable.

John Scott: It is inexplicable and bizarre that the social work department has refused to become involved.

Ms Sandra White (Glasgow) (SNP): I thank Peter Cox and Sarah Campbell for presenting the petition, which gathered a phenomenal 1,893 responses. Sarah, you told John Scott of your experiences and how let down you felt not only by the court, but by the social work department. You are here by yourself, but do you represent just the tip of the iceberg? You have spoken to Women's Aid and presented the petition. Do such situations unfortunately tend to be swept under the carpet? Do people need to be brave to bring forward such cases?

10:15

Sarah Campbell: Lots of women out there are in these circumstances and sex offenders are getting court-sanctioned access to their children. The children are being abused, but charges cannot be brought against the abusers, either because the children are too small or because there is not enough evidence. The cases are dropped, which means that the fathers or mothers

can reapply for court-sanctioned access. Access is granted and the kids are put back into the same situations.

Ms White: How did your ex-partner get access to the kids?

Sarah Campbell: A contact centre took on the access.

Ms White: How do you feel when the contact is made? Do you feel that there is more pressure on you and more torture?

Sarah Campbell: Yes. If I do not comply with the court and do as I am told, I face being in contempt of court and being put in jail. I am forced to take the children to the contact centre, and even there I am harassed outside by him and his family. I have to go in the back door just so that my kids can get into the place.

Ms White: I want to follow that up and go back to the social work circumstances. Obviously, something must be happening to the children emotionally, regarding the abuse that you mentioned they go through. What state are the children in when you get them back?

Sarah Campbell: I have two children with special needs. Nineteen months ago, it was thought that they were severely autistic, but after a year of being away from the man, things changed. Liam is my second youngest and all that he did was scream and rock. He could not go out. When he walked down the street, he was petrified by the cars and noises. Jack, my second oldest son, was also thought to be autistic. The psychologists and specialists who have been involved concluded that the children are not autistic but that damage was done to them from being in the circumstances that they were in.

Jack is now six, but he has the emotional maturity of a three-year-old. Liam is getting better. He can go out. He still worries and gets anxious and screams, but he is now talking. Jack could not even put three words together, but he can now have a conversation.

Helen Eadie (Dunfermline East) (Lab): You have been very brave to come to the committee this morning and I applaud you for that. Of all the petitions that we have considered, yours must rank as one of the most concerning.

I want to ask you about wider support in the community. You have obviously come through a harrowing time over the years. Were there any people you could go to—ministers, people in the churches, volunteers—or any organisations that could give you any help or support at all?

Sarah Campbell: No.

Helen Eadie: Convener, it is an indictment of our society that a mother could be in such a state

and not have support in the community. *[Interruption.]* I am sorry, convener.

The Convener: Okay, Helen.

I will ask a question to try to get a perspective on the matter. When the Parliament considered the Family Law (Scotland) Bill recently, the issue that you raise was raised by Women's Aid. The committees that considered the bill—and all of us in the Parliament—took the view that fathers should have rights and that, if they are registered as the father on the birth certificate, that gives them rights. Do you believe that that should be reconsidered?

Sarah Campbell: Yes. I am not saying that you should take away fathers' rights. There are fathers out there who are genuinely good fathers and there are mothers who are just as bad as some fathers can be with regard to abusing children. However, when it comes to convictions, especially of schedule 1 offenders, the case should be investigated and judged on its merits. Assumptions should not be made. There has to be more investigation into the background and the people involved.

The Convener: Yesterday evening I had a meeting with my local Strathclyde police division, in which I received a briefing on the multi-agency risk assessment committee—or MARAC—which it has set up to ensure that all the agencies that would be involved in a case such as yours are talking to one another and that women are not being left to endure the kind of pressure that you are enduring without the involvement of those agencies. I was told that in that one division, 600 women are being assessed by MARAC and that 100 have been assessed as being at severe risk. You would be in that category.

Sarah Campbell: The police have already alarmed my house and I have lights. The council has put a six-foot fence around the garden, so that he does not abduct my children.

The Convener: The police told me last night that those are the kind of things that they put in place when they have assessed someone as being at high risk. MARAC involves the health board and social work department and, where necessary, it can involve other agencies of local government. How could you not have been supported by social services, given your circumstances? Was any explanation given as to why social services could not get involved?

Sarah Campbell: The only explanation that I have been given is that I am a good mother and am coping really well with the situation, so social services have no concerns for the children, because they are in safe hands. They would step in to help only if I was not doing my job as a mother.

The Convener: So you were given an explanation. It was not that the opportunity for social services to become involved was missed; they considered your case but decided that there was no requirement for them to intervene.

Sarah Campbell: Yes.

The Convener: That is disappointing.

John Scott: Thank you for lodging the petition. I congratulate *The Scottish Sun* on taking it up. Having considered the petition thoroughly in consultation with your solicitors, can you tell us which area of law is not working? Where is the really sore bit? Where is the bit that is not serving Sarah Campbell adequately?

Peter Cox: I am not sure—I do not think that anyone at *The Scottish Sun* is sure—whether it is the legislation or its application that needs to be tightened. I have had formal talks with officials from the Justice Department. They said that in their view there is a discrepancy between what they would like the sheriffs to act on and what they are acting on. Sheriffs' training is somewhat lacking when it comes to these specific incidents. Most of our sheriffs are men; perhaps they do not have the experience that would give them access to their softer, female side.

Equally, if the hearings were not held in camera things would be a little more transparent and perhaps there would be a little more pressure on the bench. We are not suggesting that we report any of it. We are absolutely convinced that anonymity is the way to go and that there should be no identification whatever. The perception of mothers is that because the hearings are held in camera, they are not getting the fair treatment that they deserve.

A mother might come to the court and say, "I'm being abused. I married—as Sarah Campbell did—a child abuser, although I did not know that at the time, and you are ordering me to release my children to that abusive man. That is extraordinary. What is the sense of that?" We feel that those issues should be considered, although I do not know whether they are a matter for legislation or a directive.

John Scott: What I am saying is, notwithstanding your inability to come to a conclusion on which part of the law is not working—it is not necessarily for you to do that—would you be prepared to make some of the paperwork available to the clerks? I am sure that you will have consulted the most eminent solicitors for advice and it would be a help if you could let us see some of that, if you have not already done so, because it would give us pointers in the direction of where the law is failing women in Sarah Campbell's situation.

Peter Cox: I will certainly do that, but I would like to point out that there seems to be a slight intransigence within Ms Jamieson's department. I had a meeting with some of her aides at which I asked for help. I said that we were dealing with highly specific law and that we would like a digest, in layman's terms, of what the new law covered so that we could pick through it as a newspaper rather than as lawyers to identify whether there were any areas that we felt could be improved for the mothers concerned. That was promised me by Monday, but it has not arrived.

John Scott: From your inquiries, can you tell us whether there are other agencies to which women in similar situations should be going? Sarah Campbell was unable to detail any such organisations, but perhaps that was because there is none.

Peter Cox: There is none that I can think of for women in Sarah's circumstances. I cannot speak for all 1,893 people who got in touch with my newspaper. Undoubtedly, some of those cases fall by the wayside and might not involve people who are as deserving as Sarah, but as she points out, it is extremely hard to bring up four children—two of whom are difficult to bring up—when they rely just on their mum. The agencies do not seem to want to know when someone who behaves as a proper citizen needs help. That may be to do with a failure in communication, rather than the following of a series of logical steps.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Just for clarification, when the court was deciding on access, was any support provided by the social services or other agencies or was any advice given to the court?

Sarah Campbell: No. According to social services, they could not get involved because it was court-sanctioned access.

John Farquhar Munro: Were the social services aware of the circumstances of your partner?

Sarah Campbell: Yes. Since my former partner was 15 years old, he has been known to Billy Armstrong, the top man in social services. Billy Armstrong knows about my former partner's circumstances, his convictions and any investigations that were done on him when he was a young man. The social services would not get involved.

John Farquhar Munro: I find myself in a dilemma because I would have imagined that the court or the sheriff at the hearing would have taken all the advice that was available and would have come to a decision that was contrary to the one that was made. It seems strange that the decision that was taken was contrary to the need to protect the children and you. Where do we go

from here? We would expect the court to dispense justice in favour of the abused, but that did not happen.

Peter Cox: Surely that assumption is precisely why we are here.

John Farquhar Munro: What happened seems very strange.

Ms White: I want to go down the same track as John Farquhar Munro. What you have said in the petition is eminently sensible but, like John Farquhar Munro, I am quite confused. If the children are suffering—as was obviously the case—the court has a duty to protect them from the abusive parent, whether that parent is male or female. You are saying that although two of the children are difficult, no record was kept of the circumstances relating to the case and nothing was presented to the court before access was granted.

Sarah Campbell: Social work reports and psychologists' reports that explained the man's nature, his deviances, his convictions and the way that he thinks were handed over to the court, but in spite of the recommendations at the back of those reports, the sheriff was adamant that he would grant court-sanctioned access.

10:30

Ms White: So even though the evidence—to which John Farquhar Munro alluded—on the effects that access rights would have on the children was before the sheriff, he still deemed that it was okay to give access.

Sarah Campbell: Yes. Family members failed to tell me away at the start what kind of person I was dealing with, or who he was.

Ms White: The four requests that you make in your petition are eminently sensible for the protection of children. However, if we made the changes to family law that you suggest, but a sheriff decided that somebody should get access to their kids, the legislation would not matter. I imagine that we would need further legislation to deal with cases in which the sheriff said that access was okay. Perhaps that is where the training part of the petition comes in—that might deal with that issue.

Peter Cox: My personal theory, which is nothing to do with *The Scottish Sun* and has never been expressed by it, is that the high-profile campaign by Fathers 4 Justice has, I suspect, led to a teensy-weensy politically correct knee-jerk reaction by some sheriffs to bend toward fathers when such situations arise in court. That may be a worry that could be ironed out fairly quickly. That may be one factor.

The Convener: I am always worried about legislating to force sheriffs or judges to make decisions. The independence of the judiciary in Scotland is held in high regard and politicians would be frowned on if we legislated to tell sheriffs how they will or will not find in a court of law. Occasionally, we should take the sheriffs out to get a cup of coffee so that they can wake up and smell it, but the reality is that although we can legislate on some matters, we cannot legislate to tell sheriffs how they will find once the evidence has been presented to them.

During stage 2 of the Family Law (Scotland) Bill, the Executive lodged an amendment that added what is now section 24 of the Family Law (Scotland) Act 2006, which provides that, when considering whether to make an order under section 11 of the Children (Scotland) Act 1995, the courts must have regard to the need to protect the child from any abuse or the risk of any abuse that affects or might affect the child. It may be that what happened to Sarah Campbell happened before the 2006 act took effect. Have you considered whether the loophole that affected her might have been addressed by the Scottish Executive? In your discussions with the Justice Department, has that been made clear to you?

Peter Cox: That point was made, but the breadth of the response to the petition shows that something is wrong. We could not go through every response and ensure that the process was date sensitive, but many of the cases were current. I believe that something is wrong. We put it no higher than that, but something did not happen to protect nearly 2,000 mothers and their children. It is difficult to put one's finger on where the issue lies. Scottish Executive officials explained the situation that the convener set out. They feel that their new legislation is probably adequate, but that somehow its nature is not being carried through in the administration at sheriff court level. That was the Executive's position, although it was off the record.

The Convener: I suspect that that might well be the case. It is down to the judgment of the court to apply the law. That is the difficulty that politicians have when we read your newspaper when, on occasion, it highlights decisions that are made in the courts. Public outrage is understandable, as is the request that we do something about such matters, but the issue is out of our hands, because of the independence of the judiciary.

Peter Cox: That is true. However, sheriffs have a lot of leeway. It is common sense to introduce something into the legislation to specify that, should an accusation of abuse that involves children be made, the process should stop at that point so that the matter can be investigated

outwith the court, after which the case can go back to court for the sheriff to make a decision.

The point that we are trying to make in part of the petition is that that is not happening. Sheriffs are making decisions that may be based on less than 100 per cent of the facts. Were investigations to take place and a proper, much more detailed report outlining specifically the incidents of abuse to be presented, we might get decisions the other way and, therefore, more protection for mothers and children.

The Convener: You are saying that, while that process is taking place, we should err on the side of caution and deny access.

Peter Cox: Yes.

John Scott: I take the point that you make about the abuse of children but, given the horrific and, I presume, verifiable details of the sexual abuse to which Sarah Campbell was subject, I should have thought that it was reasonable to extend the same approach to the abuse of women in circumstances as horrific as those that have been outlined here today.

You said that the Justice Department was intransigent when you spoke to it about the need to review the legislation. Can you be more specific about the grounds for its intransigence? Was it based on the fact that new legislation has just been passed and time is needed for it to bed in?

Peter Cox: Not totally, although that point was made. I will explain what I meant by intransigent. The Justice Department is pleased with the new legislation. I was not pushing at an open door, but it took on board the point that something is going wrong. I am sorry to use that vague term, but I am not a lawyer and have not been through all the sections of the Family Law (Scotland) Act 2006. The department took on board the point that we are letting people down somewhere.

Helen Eadie: I would like to make some recommendations. We have heard a harrowing tale, and I agree with John Scott that we need as much information on the issue as we can get. The fact that the petitioners are willing to share with us the 1,893 letters that they have received is welcome, because that will enable us to get to the heart of the matter. I agree that we must place equal emphasis on women and children, because really caring about what happens to people is a measure of our society.

I suggest that we seek views on the petition from a range of agencies, including Scottish Women's Aid. I am sure that that body will be as concerned as we are about what we have heard today. We must also hear what Families Need Fathers Scotland has to say. I take the point that there is not a families need mothers Scotland; we need to

reflect on that. We should also seek the views of the Scottish Child Law Centre and of the Judicial Studies Committee, which is responsible for judicial training in Scotland. The convener has alluded to the difficulties that we have in that area. Finally, we should seek the views of the Scottish Court Service, the Scottish Executive and the Law Society of Scotland. I and all other members of the committee will pledge to do what we can to address a critical issue that is very distressing. Thank you for bringing the matter to us this morning.

The Convener: I agree with the recommendations that Helen Eadie has made. Given my concerns about what you have said this morning about social services' lack of willingness to become involved, I would like to hear the views of the Association of Directors of Social Work in Scotland on the issue. I would like to know what role it sees social workers playing in relation to such cases. If they are partly responsible for producing the information that forms the basis for decisions, I would like to know why they feel that it is appropriate for them to step away from circumstances such as those about which we have heard this morning. Social workers have a vital role to play in ensuring that courts are aware of the potential harm that can be done to people such as Sarah Campbell and her children.

John Scott: I endorse what you say utterly. Is there an organisation of social work directors?

The Convener: Yes; the Association of Directors of Social Work.

John Scott: That is perfect. I also suggest contacting Victim Support Scotland. The petitioner is obviously a victim of a variety of crimes and it might be interesting to know how many people are in similar circumstances. Victim Support Scotland is a national organisation of great value, but I do not know whether its records are held centrally.

The Convener: We will write to all those organisations and get responses from them. Before we do anything else with that information, we will give it to the petitioners so that you can give us your views on those responses and highlight any concerns that you have about them. We would welcome your comments so that we can then deliberate on the replies that we get from those organisations while bearing in mind the petitioner's position and the very harrowing circumstances that have been outlined here this morning.

On behalf of the committee, I thank the petitioner for bringing this important issue to the Scottish Parliament and giving us the opportunity to look into the circumstances that caused you to come here this morning. I congratulate you on lodging the petition.

Blessing Oneself (PE1005)

The Convener: Our next petition is from Harry Conroy on behalf of the *Scottish Catholic Observer*, calling on the Scottish Parliament to urge the Scottish Executive to ensure that the act of blessing oneself does not result, in any circumstances, in a police investigation or criminal proceedings. The petitioners have submitted completed coupons representing support for the petition from approximately 1,500 *Scottish Catholic Observer* readers. Harry Conroy will make a brief statement to the committee in support of his petition. He is supported by Gerard Gough.

Harry Conroy (Scottish Catholic Observer): Thank you, convener, and I thank the committee for giving us the opportunity to present our case.

First, I want to clarify one thing so that we do not start off with a misconception. The petition is not about Artur Boruc blessing himself at an old firm game, although that is where it started. The story grew legs because of the Crown Office's incompetence, quite frankly. The first story appeared in *The Scottish Sun*, saying that the police were investigating Artur Boruc for blessing himself at an old firm match. There was no denial of that story and we did not touch it.

There then appeared in the *Evening Times* and *The Herald*—they took the “Glasgow” out of *The Glasgow Herald* so that people in Edinburgh would buy it, although they still do not—a small story saying that Artur Boruc had been cautioned for blessing himself. We missed those stories because they were so small, but our readers did not miss them and we soon found ourselves receiving e-mail letters from readers demanding that, as a Catholic paper, we should raise the issue.

We approached Gerard Gough, a reporter with the paper, and asked him to ask the Crown Office for its comments on the fact that it deemed it fit to caution the Celtic goalkeeper for blessing himself. We received a statement that did not mean anything. If, at that point, the Crown Office had said that we were incorrect and that Mr Boruc had not received a caution for blessing himself, the story would probably have ended there. However, the Crown Office did not take that opportunity and we carried a front-page story saying that the Celtic goalkeeper had been cautioned for blessing himself. That story spread across the world. It was covered in Australia, Canada, Malaysia and Singapore. It reached its heights when Ruth Kelly forgot that it was a devolved matter and commented on it on a Sunday political programme.

10:45

At that point, the Crown Office decided to clarify the position, saying that the player was cautioned not for blessing himself but for other gestures. We asked the Crown Office to clarify whether that meant that blessing oneself is not deemed to be a criminal offence. We got more fudge, with the Crown Office saying that it would not wish to speculate. To us, that meant that the position was that people could indeed be prosecuted for blessing themselves. We can say that because the First Minister is on record as saying that, if people bless themselves in certain circumstances, if it was to lead to incitement, provoke people or cause a disturbance, they could be charged with breach of the peace. That is the principle that we are fighting against.

Only in Scotland—or perhaps Scotland and Northern Ireland—would such a statement be made by a politician. I would lay a bet that if we were to approach people in all the other countries in the world and ask them whether they could envisage circumstances in which a person could be charged for blessing themselves, they would think that we had come down from the planet Mars. If there had been a goal in this year's world cup finals for every time a player blessed himself before going on or off the pitch, there would have been the highest scoring rate ever.

We ask you to take the matter to one of the justice committees, the Crown Office and the Scottish Executive in order to get it clarified. We say that blessing oneself is a prayer. If that causes someone upset, provokes them or incites them, they must be a bigot, because nobody other than a bigot would even think of anybody blessing themselves as something wrong. That is where we are coming from.

Let us suppose that I bless myself before a meal. A diner in the same restaurant jumps up and says, “That man has upset me. He's provoking me into trouble.” The police are called, and I could then be charged with causing a breach of the peace, because I have upset and provoked somebody by the mere fact that I have blessed myself.

Let me put it the other way round. As a Catholic, I have often felt intimidated by Orange marches. I can remember my mammy and my granny saying, “Wheesht. Don't say anything, or you'll get us into trouble.” Imagine if I was to stand on the pavement and shout to the marchers—who are banging their drums louder as they pass the chapel—“That's a disgrace. You're upsetting me. You're provoking me.” The police would arrive, but they would arrest me. I could not ever see the circumstances in which they would arrest the marchers.

Yet it is the other way round in the situation that we are discussing. It is like saying that a black person walking into a whites-only bar during the apartheid period in South Africa was provoking a breach of the peace, because of the law at the time. Does that make the law right? I do not think so. Something had to be done to change the law there and we think that the Scottish Parliament has to clarify, once and for all, that blessing oneself cannot, in any circumstances, lead to a police investigation in Scotland and cannot end up with someone being charged.

The Convener: Thank you, Harry. You have outlined a clear perspective on the issue. I have witnessed the circumstances that you have outlined and I was greatly concerned by the reports about a football player being questioned because he might have caused offence by blessing himself. I took the matter up with the Crown Office myself and I was reassured by it that the specific circumstances did not relate to the Celtic goalkeeper blessing himself but related to other gestures that he had made. It has to be said, however, that some of the complaints that were made against Artur Boruc were in relation to his blessing himself. They were dismissed, but other complaints were upheld. It was for that reason that the procurator fiscal wrote to him.

I attend football games in the west of Scotland and I have seen parades in the village that I grew up in and in the community in which I now live. Is it beyond possibility that someone could step in front of an Orange parade, make the sign of the cross in an antagonistic manner and thereby cause a breach of the peace? Are you saying that, in those circumstances, that person should not be charged with a breach of the peace?

Harry Conroy: Any person would have to be daft to do that. I do not think that they would end up getting charged; they would end up getting killed. If they were to do that, they would be abusing the prayer; they would not be making the sign as a prayer. However, the fact that that was seen to be provocative would say something about the people who were marching. If they were not bigots in the first place, they would just say, "What's that guy doing?" I would point the finger at the people who are the bigots.

The Convener: I have tried to research the matter myself.

Harry Conroy: There is a case of a Celtic football player blessing himself at a Partick Thistle game and getting booked for it because it was liable to cause upset.

Gerard Gough (Scottish Catholic Observer): It was a Partick Thistle player.

The Convener: That was a Partick Thistle player who blessed himself as he left the park and

was criticised for doing so because he did it in front of Rangers supporters.

In my local area, someone was recently charged with a breach of the peace for stepping in front of an Orange parade and blessing himself. I would say that that person did not do that as a prayer. Is that the distinction that you make—that, if someone does it in a reverential manner, intended as a prayer, it should not be an offence?

Harry Conroy: Yes, but the question is who decides that. If I blessed myself before a meal or, through tradition, as I walked past the front of a chapel and somebody took offence at that and accused me of provoking them, how could I prove that I did it in a reverential manner and not to provoke them? When the police come and somebody is jumping up and down, pointing their finger, the person who made the sign gets lifted.

The Convener: I am trying to think of scenarios in which I have seen that happen. I have seen people, in certain circumstances, using the sign of the cross in a provocative way. At Celtic park, I have seen people turn towards the Rangers supporters and bless themselves, finishing off the gesture with a gesture that in no way could be associated with the sign of the cross. I have seen it and other people have witnessed that type of irreverent use of the sign of the cross. Are you saying that that should never be criminalised?

Harry Conroy: As Cardinal O'Brien said earlier this week, every time we talk about sectarianism, we immediately link it to the old firm. However, the stats from the Lord Advocate show that most sectarian abuse takes place away from football. As you will know, a Catholic is five times more likely to be attacked. We must keep sectarianism in context, not treat it in an isolated form.

The Convener: I take on board the points that you make and I totally endorse the position that Cardinal O'Brien took the other day in relation to the statistics that were released. However, we are talking about whether making the sign of the cross should never be an offence. I live in the west of Scotland and have witnessed people using the sign of the cross in a provocative manner, and it has caused me offence to see them doing that. Should that not be considered an offence?

Harry Conroy: I do not think that it should be considered a criminal offence. Why is it provocative? It is provocative only if the people in front of whom it is done are bigots, although that does not excuse someone using a prayer in that way.

Are we going to deal with the other problem? You have not asked me about an Orange march drum being hammered as the march goes past a chapel. Is that not provocative? Are we going to

start charging the Lambeg drummer? I do not think so, somehow.

The Convener: That is a fair point, but it is not what your petition is about.

Do members have any questions or comments?

Helen Eadie: I guess that I was fortunate: I was brought up in Stenhousemuir in the central belt and did not have to deal with these issues when I was a child. However, I now live on the east coast of Scotland and am very aware of the issues that the convener has mentioned.

In answer to a written question from Dennis Canavan, Elish Angiolini, the Lord Advocate, said:

“Making the sign of the cross does not constitute a criminal offence. The Crown Office and Procurator Fiscal Service fully respects religious belief and lawful religious practices and would not countenance action against an individual for lawful acts of religious reverence or observance. Where any religious act or symbol is abused with intent to mock persons of that religion, or as part of conduct calculated to incite disorder it may form part of the circumstances amounting to a Breach of the Peace, but this will depend critically on the context of the incident and the facts and circumstances of the individual case.”—[*Official Report, Written Answers*, 13 September 2006; S2W-28001.]

I wonder what you think about that response, which I agree with and which, in fact, endorses the convener's point. The question is whether an act of reverence is intended to mock a religion or provoke people. I take your point about Orange marches. I support people of all faiths and none and believe that we should certainly never seek to provoke or incite people. We must respect people's religion, regardless of where they come from.

Harry Conroy: Gerard Gough, who is accompanying me this morning, covered this story for the newspaper. What the Crown Office says in that answer is only a repetition of what it said to us.

The question is who decides whether an act of reverence is made provocatively. For example, in restaurants, I often bless myself and say grace before my meal. I do so quietly, but what if someone sitting opposite finds the act provocative because they are anti-Catholic? What if they cause a scene and the police are called? It is left wide open for the police to charge me.

Helen Eadie: Ultimately, the procurator fiscal will make a determination on that charge based on the evidence. In any case, surely all this comes back to the fact that we need to teach tolerance in Scotland, which is the message that the First Minister—and indeed everyone I know in the Parliament—has been trying to get across.

Harry Conroy: I could not agree more, but the fact is that there is no tolerance in Scotland. We

have to deal with the facts. I have not always sat under a halo; I used to be a crime reporter for the *Daily Record* and know how the police act when they arrive at a scene. If someone has disrupted a restaurant by bawling, swearing and shouting, “This guy provoked me,” it does not matter if I say to the police, “All I did was bless myself.” Because they just want to quiet things down, they will say, “Aye, okay—out you go,” and charge me. The fiscal might or might not decide to drop those charges. After all, it is my word against theirs.

Helen Eadie: But any determination has to be based on evidence.

Harry Conroy: Yes, but if two people sitting at the same table find the act provocative, they could corroborate each other's story. It will be my word against theirs. That raises the argument of where guilt lies.

How have we got into this position? I cannot imagine this happening in any other country, apart from Northern Ireland. And why has it come down to the issue of people blessing themselves, making the sign of the cross? Why are provisos not made for provocative marches?

11:00

Helen Eadie: That is not what Elish Angiolini—

Harry Conroy: But we have to deal with everything in context.

Helen Eadie: I hear what you are saying, but it all comes down to evidence. I take your point about biased witnesses and corroboration, but we have to let the fiscal do their work.

We have a massive job to do in educating people and persuading them to be tolerant. I acknowledge that there is a problem; I am not shying away from that. Our message must be clear: we do not want to see the kind of intolerance that you have described.

Harry Conroy: The *Scottish Catholic Observer* is a small paper. Earlier, we heard about the number of people who had contacted *The Scottish Sun*. Its circulation far outstrips ours, but we were still contacted by 1,500 people. That shows that there is an awful lot of concern among ordinary Catholics. Why are they concerned? They are not all paranoid. And anyway, just because you are paranoid, it does not mean you are not right.

The Convener: At the time of the reports of what happened with Artur Boruc, I raised the issue with the First Minister and the Crown Office. I subsequently learned that it was not because he had blessed himself that Artur Boruc was written to by the procurator fiscal. However, what concerned me was that the Catholic community in Scotland believed that a footballer blessing himself

on a football pitch could lead to a police investigation. That tells us something about Scottish society. It turned out that blessing himself is not what he was cautioned for, but the fact remained that the Catholic community believed that it was possible for a footballer to cause offence by blessing himself. That, to me, was the cause of greatest concern.

Harry Conroy: As it was with the papers that carried the story.

John Farquhar Munro: Good morning.

Harry Conroy: Good morning.

John Farquhar Munro: You have just mentioned the press; for me, it was in the press that things started to go wrong. You and I will regularly see people coming on to the field and blessing themselves. That has been happening for many years and nobody has objected. I have never heard of anybody being prosecuted. You mentioned the world cup; players in the world cup blessed themselves all the time and there was no problem. It was a regular event when players came on or went off. I have seen the same thing when a player is waiting to take a penalty. However, the way in which the Artur Boruc story was first presented to the public justifiably raised concern. People were led to believe that the prosecution of the goalkeeper was started because he had blessed himself. We later found out that there was more to it than was first thought.

Where do we go from here? Do we make a big issue of it and say that people must not bless themselves? That would be quite absurd. Who draws the line between what is provocative behaviour and what is not? The debate was generated by the press, but I feel that the time has come to draw it to a close. The longer we continue with the debate, the more convoluted it will become.

Harry Conroy: I totally disagree with you. I was brought up a Catholic boy in Scotland and I was told to keep my head down, keep quiet and shut up so that I would not get into trouble. The Catholic community in Scotland still finds such difficulties in every area. Yes, our petition is about blessing oneself, but it has to be seen in the context of the way in which Catholics are viewed in Scotland—with which there is a lot wrong.

You are right to ask who decides where the line is drawn. At the moment, the people who decide whether a person is being provocative are the bigots. They are the ones who decide that the person is inciting them or causing trouble. The many good Scots who are ecumenical would not find any problems. The vast majority of Church of Scotland members have no difficulty with people blessing themselves. However, there is a small but substantial core of bigots and they decide whether

someone is inciting or provoking. We say that that is unacceptable. It is not good enough. It is the Parliament's responsibility to protect the Catholic community of Scotland.

There is an awful lot of talk about sectarianism in Scotland and it is portrayed in the press as if it equals Celtic and Rangers. Frankly, that trivialises the matter. It is like saying that the problem of racism in the United States is because of the black people. We are blamed for sectarianism, but in fact we are the victims of sectarianism.

Until MSPs start to take a grip and listen to what we are saying, the problem will not be solved. I ask you not to sweep the matter under the carpet but to ask the justice committees and others to consider the matter. Will the First Minister reconsider his remark that someone could cause a breach of the peace if they bless themselves and it provokes, incites or upsets somebody? I know a few people who would be provoked if I blessed myself or said a Hail Mary in front of them, but it would not be my fault that I was provoking them. That is their problem, not my problem, yet I am made out to be the cause of the problem.

The Convener: I fully endorse a lot of what you said. I have made the arguments myself to the people to whom you refer, but I have to say that my experience teaches me that there are bigots on the Catholic side as well. Some people will try to incite problems and they use the sign of the cross as the method by which they do that. I am sure that you would not consider that to be a reverential blessing of themselves.

Harry Conroy: No. It is not a prayer when they do that.

The Convener: But the making of the sign of the cross is the method by which they try to provoke a response. It is not beyond the realms of possibility that that could happen. Do you agree that there is a clear distinction between someone who reverentially blesses themselves in an appropriate manner and someone who uses the sign of the cross to provoke and antagonise other people?

Harry Conroy: I understand what you say, but legislation should err on the side of the innocent. The innocent Catholic who blesses themselves as they pass the front door of a church could be open to prosecution because someone of whom they are not aware is provoked by it. Protection in legislation could mean that the loonies get away with doing what they do, but they do not even know how to bless themselves properly, and I suggest that they are probably doing something else at the same time for which they could be charged, just like Artur Boruc—if that is true; maybe I am paranoid, but it is strange that there is

no closed-circuit television footage of the crowd behind the goals and there was no evidence of it.

The Convener: You raised a lot of important issues this morning. I would like to get on the record the positions of the various organisations that are involved. It would be useful for the committee to contact the Crown Office and the Scottish Executive to find out their positions. We will give you sight of the responses and would welcome your comments on them before we decide what we can do to progress the issue.

Harry Conroy: Thanks, convener. I should say that I was thinking of blessing myself at the start of the meeting, but I thought that it might bring the meeting to an end.

Shetland Islands Regulated Fishery (Scotland) Order 1999 (Revocation) (PE1003)

The Convener: Our next new petition is PE1003, by Sydney Johnson. It calls on the Scottish Parliament to revoke the Shetland Islands Regulated Fishery (Scotland) Order 1999.

The petitioners are shellfish fishermen from Shetland who are concerned that regulations passed by the Shetland Shellfish Management Organisation will prevent them from fishing in local waters and will result in their prosecution and/or financial ruin.

On 13 November, we received correspondence from the petitioner and from James Robb seeking clarification on whether both a United Kingdom fishing licence and an SSMO permit are required to fish legally within the Shetland six-mile limit.

Perhaps we could seek clarification, on behalf of the petitioners, from the Executive. Do members have any other suggestions as to how we deal with this petition?

Ms White: I am grateful that we received extra evidence, because I was confused about the various organisations and the various people who are represented on them. I agree with your recommendation, convener.

John Scott: This issue is inordinately complicated. As people used to say about the negotiations around the general agreement on tariffs and trade, if you are not confused, you have not been listening. In this case, it seems that the more information we get, the more confused I become. We need to seek clarification from the Scottish Fishermen's Federation, Scottish Natural Heritage, the SSMO, the North Atlantic Fisheries College and the Scottish Executive in relation to everything that has been placed before us—and, possibly, a great deal more things that we do not yet know about.

The Convener: Our papers suggest that we contact the Royal Society for the Protection of Birds. Does it have a remit in relation to the water?

David McGill (Clerk): Not directly, but there is an issue to do with the environmental impact of inshore fishing. The area with which the petition is concerned is covered by an order that regulates inshore fishing.

John Scott: Thanks for that clarification. I suggest that we contact the RSPB as well.

The Convener: When we get the responses from those organisations, we will ask the petitioner to give us his perspective on them.

Do we agree to take the action that has been proposed?

Members indicated agreement.

Affordable Housing (Subsidy) (PE1002)

The Convener: The next petition is PE1002, by Tina Wilson. It calls on the Scottish Parliament to urge the Scottish Executive to prevent private sector developers from receiving public subsidy in relation to the provision of affordable housing.

Before being formally lodged, this petition was hosted on the e-petition system where it gathered 45 signatures.

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

Helen Eadie: Shall we seek clarification from Communities Scotland of the extent to which private sector developers receive public subsidy in relation to the provision of affordable housing? I find this quite surprising: it is usually local authorities that are seeking subsidy from developers.

John Scott: I am a little surprised by this petition and its tone. I think that the system is working pretty well. Regardless of my concerns in that regard, however, I think that we should do as Helen Eadie suggests.

The Convener: Do we agree so to do?

Members indicated agreement.

The Convener: We will seek the petitioner's views on the response when we receive it.

Council Tax (Appeals) (PE1001)

The Convener: The next petition is PE1001 by Damian Pavillard. It calls on the Scottish Parliament to urge the Scottish Executive to remove the requirement for appeals to a local valuation appeals committee against decisions made by a local authority in relation to council tax payment to be initiated within a two-month period.

Members will be aware that Mr Pavillard has submitted two previous petitions—PE784 and PE785—on the subject of council tax discounts. It appears that the petitioner was not advised of his right to appeal when a single-occupant discount was withdrawn. The petitioner considers that, in such circumstances, when the local authority has failed to inform a householder of their right to appeal, the time bar for appeals should be removed. Do members have any suggestions on how we should deal with the petition?

11:15

John Scott: Mr Pavillard raises a serious point. We should ask for the views of the Convention of Scottish Local Authorities, Citizens Advice Scotland and the Scottish Executive. Thereafter, we can invite the petitioner's views on those responses. I suggest that we also seek the views of Dumfries and Galloway Council and ask it, out of fairness, to explain its position on the matter. It would be reasonable to hear the council's side of the argument, too.

The Convener: Okay. We will get back to the petitioner with those responses in due course and give him the opportunity to comment on them.

Criminal Legal Aid (Abolition) (PE1016)

The Convener: The next petition is PE1016 by Mev Brown, on behalf of the NHSFirst party. It calls on the Scottish Parliament to scrap criminal legal aid and to create a public defender's office that is responsible for undertaking the role of defending those who have been accused of criminal offences but who cannot pay for their own defence. The petition suggests that the public defender's office should be phased in over a period of four years to allow law firms and practitioners to adjust to the new service. Before being formally lodged, the petition was hosted on the e-petition system, where it gathered 19 signatures. Do members have any suggestions on how we should deal with the petition?

Helen Eadie: The matter is, to an extent, already being addressed through the Executive's on-going pilot project, the public defence solicitor's office, which opened in Edinburgh in October 1998. There is on-going evaluation of that project, and we should note the petition in the context of that work.

The Convener: We could perhaps point the petitioner in the direction of that and let him follow it through.

Helen Eadie: Yes.

The Convener: Are members happy for us to do that and to close the petition?

Members indicated agreement.

Current Petitions

Methadone Prescriptions (PE789)

11:17

The Convener: The first current petition is PE789 by Eric Brown. It calls on the Scottish Parliament to take a view regarding the need for regulation to ensure that methadone prescriptions are taken by the patient while they are supervised by a suitably qualified medical practitioner. At its meeting on 22 March, the committee agreed to write to the Minister for Health and Community Care. A response from the minister has been received and has been circulated to members. Do members have any suggestions on how to deal with the petition?

Ms White: I was very concerned about this petition. As I said at our meeting on 22 March, I visited some pharmacies to see how the methadone programme is carried out. Glasgow seems to have a good record. Unfortunately, since the petition was lodged, there has been another tragic death—this time in the NHS Lothian area. I find that worrying and disturbing.

The last response that we got from NHS Lothian mentioned a monitoring group that meets on a six-monthly basis, whereas, in Glasgow, the monitoring is going on all the time. These unfortunate incidents—the latest one involved a wee baby—are happening in the Lothian area. I would like to keep the petition open and to get further information from NHS Lothian. I feel that something should be done.

I accept the Executive's response about its on-going review of the circumstances in which methadone is prescribed, but it says that it will seek information on the application of UK guidelines and that it will

"participate in the UK-led working group".

As methadone is a prescribed drug under Scottish policy, I question that decision. I do not know how long the process will take, but I am worried that it will drag on.

I would like the committee to write to NHS Lothian, to ask for an update on what is happening. I would also like us to write to the Executive, to ask how long it expects the UK-led working group to take.

John Scott: I agree with Sandra White. To put it more succinctly, we need results and a timescale. When will that group report? Given the dreadful circumstances surrounding the death of Derek Doran, we must move matters on as swiftly as possible. I suggest that we keep the petition open

and let the Executive know that we will not close it until we see some results.

Helen Eadie: Would it be possible to ask for more information about what some of our European partners are doing? I understand that France deals with such issues in a different way. I would be happy to share with the committee clerks the document about that that was sent to me. Lessons might be learned from elsewhere. The issue is causing great concern throughout Scotland. Like other colleagues, I suggest that we keep the petition open to see whether we can get more progress on this important issue.

The Convener: The issue has not gone away. We keep hearing problems about that type of prescription delivery. We need to know that the issue will be resolved and when it will be resolved. I agree entirely with Sandra White that we need to ask questions about the timescales that will be involved.

John Scott: Convener, forgive me for taking up more time but I want to mention that an item on Radio Scotland yesterday morning highlighted the fact that Switzerland's approach to drug use and drug abuse is fundamentally different from the approach that we take in the United Kingdom. If it is possible, we should include information on that in the paperwork on the petition. I do not know whether we should pursue an approach that is hugely different from our current model but, from my casual hearing of the issue, I think that it might be worth pursuing that idea. There are different ways of treating drug and methadone addiction.

The Convener: We can ask the Scottish Executive for its views on that study.

John Scott: That might be a better way of going about it. Switzerland now has experience from a 14 or 15-year programme.

The Convener: The Executive must have some perspective on that. Perhaps our letter will encourage the Executive to take a look at the idea.

It is worth keeping the petition open to ensure that the issue is addressed within a reasonable timescale and to ensure that a wider perspective is kept on the issue. Is that agreed?

Members indicated agreement.

Gaelic Language Teachers (PE857)

The Convener: Our next petition is PE857, which is by Mrs C A Jackson on behalf of Bowmore primary school. At its meeting on 17 May, the committee agreed to invite the views of the petitioner on the response that we received from Argyll and Bute Council. The petitioner's response has now been received and has been

circulated. Do members have any suggestions on how to deal with the petition?

John Farquhar Munro: The issue has been debated at some length over many months. I think that the situation has improved sufficiently. I am not aware that the problem exists at present.

The Convener: Are you happy that we close the petition as the issue has been resolved?

John Farquhar Munro: I see that the recommendation is that we close the petition.

The Convener: Do you agree that it is possible to close the petition at this time?

John Farquhar Munro: Yes.

The Convener: I think that we should take John Farquhar Munro's advice and close the petition. Is that agreed?

Members indicated agreement.

A77 (Southern Section Upgrade) (PE859)

The Convener: Petition PE859, by Sheena Borthwick, calls on the Scottish Parliament to urge the Scottish Executive to upgrade the southern section of the A77 between Ayr and Stranraer, to include the provision of passing places every six miles and to develop a bypass at Maybole.

At its meeting on 18 January, the committee agreed to invite the views of the petitioner on the responses that it received and to write to the Scottish Executive to seek an update on the proposals for a bypass at Maybole. The petitioner's response has now been received and has been circulated with an update from Transport Scotland on the latest position. Do members have any comments?

John Scott: I suggest that we seek the petitioner's views on the response from Transport Scotland. Knowing that stretch of road very well—Maybole is not in my constituency, but my home is in the constituency—I know that more fatal accidents have happened on that road since the petition was lodged. Indeed, I have known personally some of the people involved. The need for the upgrade is greater than ever because of the volume of traffic from Northern Ireland.

The Executive states in its response that it is looking at the issue, but it gives no commitment to provide a Maybole bypass. That is a matter of regret. It would be in everybody's interests—I am sure that everyone in Ayrshire agrees—to have a Maybole bypass. Probably the fairest thing to do is to refer the response back to Sheena Borthwick, who has done a sterling job in bringing the petition to the committee.

The Convener: Okay. We will invite the petitioner to comment and keep the petition open until we see her response.

Rural Schools (Funding) (PE937)

The Convener: Our next petition is PE937, by Catherine MacKinnon on behalf of Roy Bridge primary school. It calls on the Scottish Parliament to urge the Scottish Executive to recognise and promote public-community partnership funding as an alternative to public-private partnership funding as a means of securing the long-term future of rural schools. At the committee's meeting on 22 March, we agreed to write to Highland Council, the Scottish Trades Union Congress, the Convention of Scottish Local Authorities and the Scottish Executive. Responses have been received and circulated to members. Do members have any suggestions on how we should deal with the petition?

Helen Eadie: I find the response from Highland Council particularly disappointing and I am sure that Catherine MacKinnon will, too, but perhaps we should allow her to judge and ask her for her views on the responses. I understand the view that COSLA has taken, but I feel that it should be a bit more proactive on community ownership.

John Scott: I agree with Helen Eadie that the petitioner will find Highland Council's reply disappointing. Nevertheless, and unlike Helen Eadie, I understand why Highland Council has taken the view that it has—but we should seek the petitioner's views.

Helen Eadie: It is about having trust in our communities.

John Farquhar Munro: I find it difficult to understand why Highland Council opposes the proposals to the extent that it does. The Roy Bridge community is organised and is happy to make the finance available to provide the facility, so the response seems strange. The argument goes back many years, when it was agreed to build a new primary school at Spean Bridge, which is 3 miles along the road from Roy Bridge. At that time, it was anticipated that Roy Bridge primary school would close and that pupils would go to Spean Bridge. However, Spean Bridge school is full to capacity at present, so there is justification for the parents in Roy Bridge having their own facility, but Highland Council has refused to provide it. The parents went out and secured finance and are ready to move if Highland Council agrees.

The Convener: I am happy to see what the petitioner's views are on the responses and to consider the petition again when those come back.

John Scott: I should make clear that I have every sympathy with the petitioner's point of view, but I can understand where Highland Council is coming from.

The Convener: We will discuss the matter further when we get the petitioner's views.

Family Law (PE944)

The Convener: Our next petition is PE944, by Gary Strachan. It calls on the Scottish Parliament to urge the Scottish Executive to investigate why, in Scots law, there is no presumption of equal access or residence for children with both parents after separation; to investigate bias against fathers as equal parents in the Scottish court system; to investigate why contact orders are not enforced; and to investigate why parental responsibilities and rights are ignored by the medical, welfare and governmental institutions to the detriment of children. At the committee's meeting on 22 March, we agreed to write to the Scottish Executive and responses have been received.

Helen Eadie: Gary Strachan might be pleased with what is happening, but we should allow him to come to that conclusion and ask him for his views on the letters that we have received.

The Convener: Are members happy to do that?

Members indicated agreement.

Disabled People (Local Transport) (PE695)

The Convener: Petition PE695, by Jan Goodall, calls on the Scottish Parliament to ensure that local authorities make affordable and accessible local transport available to disabled people who cannot use public transport and to provide ring-fenced funding to local authorities and/or community groups to provide dial-a-ride projects for that purpose.

At the committee's meeting on 22 March, we agreed to write to the Minister for Transport to seek an update on the Executive's current work on improving transport for disabled people, concessionary fares for the community transport sector and demand-responsive transport. That update has been received.

Helen Eadie: We should ask Jan Goodall for her views on the response. I am a bit disappointed that the Minister for Transport has not really picked up on the issue. He uses the term "disabled people" but, as is evidenced in the letter that we received from Jan Goodall and the Dundee accessible transport action group, the thrust of the petition is more about frail elderly and vulnerable people, not just disabled people. The key point is that it is not enough just to have disability access; we need to consider how we can improve matters for really frail people who want to get out, too.

11:30

Ms White: I have read Jan Goodall's letter, but I do not know whether it would be her final response. She might want to respond further, so I agree with Helen Eadie's suggestion.

I draw the committee's attention to the fact that the Equal Opportunities Committee's report on its disability inquiry has come out and that it is to be debated in the Parliament on 20 December. The report has lots of recommendations on transport. Jan Goodall might want to come and listen to the debate. I hope that the Minister for Communities will respond positively to the report's recommendations.

The Convener: Before that, if the committee agrees, we will give Jan Goodall the chance to respond to the written information that the committee has received.

Members indicated agreement.

Seagulls (Health and Safety Hazards) (PE616)

The Convener: Our next petition is PE616 by John Boyd. It calls on the Scottish Parliament to investigate and assess the health and safety hazards caused by seagulls in urban areas. At its meeting on 22 March, the committee agreed to write to the Deputy Minister for Environment and Rural Development. A response has now been received and circulated.

Ms White: I have raised this issue on numerous occasions. The petition was first lodged in 2003. The report by the University of Stirling has been a long time coming. A lot of money was spent on it, but we do not seem to have any answers yet. I live in the centre of Glasgow, where seagulls are a nuisance. The research in the report is research that any of us could have done. I am quite disappointed in it.

Our papers recommend that we seek the views of the petitioner. We should do so, to see what he thinks of the responses the committee has received, but I had hoped that we could do something about the seagull menace in city centres. A lot of what is in the report is common sense and I agree with it, but a lot of money was spent on it and people will still suffer come the nesting season next year.

I would like to see the response from the petitioner, but I am not sure whether I would like the petition to be closed after that. I have already received evidence from Glasgow City Council, and I will wait for further evidence.

John Scott: I live close to the coast in Ayr, where seagulls are a growing problem. To deal with it, the Scottish Executive should meet local authorities to try to establish best practice.

Like Sandra White, I am slightly disappointed that the report does not make more recommendations. It suggests that the United Kingdom is the first country to investigate the problem, but I wonder whether we might consider maritime communities elsewhere in the world. I am thinking in particular of Massachusetts and the north-east coast of the United States of America. The birds there are similar to ours and I would be surprised if they did not cause a similar problem. I would be surprised if the problem was confined to Scotland or the UK. We should investigate best practice worldwide.

The Convener: Shall we write to the petitioner and then consider the petition again when we receive his views?

Members indicated agreement.

New Towns (PE887)

The Convener: Our last petition this morning is PE887, by the Rev Neil MacKinnon. It calls on the Scottish Parliament to urge the Scottish Executive to review the long-term planning, social, economic and transport issues surrounding the creation of new towns such as Cumbernauld.

At its meeting on 8 March, the committee agreed to invite the petitioner's views on the responses from the Scottish Executive, North Lanarkshire Council, Architecture and Design Scotland and the Royal Incorporation of Architects in Scotland. How should we deal with the petition now?

Helen Eadie: Since we last considered this petition, the Planning etc (Scotland) Bill has been passed. Sections in the bill relate to business improvement districts. Because of that, and because of the possibilities for partnership for the business community and the wider community, I think that good progress has been made. We should write to the petitioner and say that that is the committee's view. No further action should be taken on the petition.

The Convener: Are we happy with that?

Ms White: The petitioner certainly seems happy with the responses, which is good.

John Scott: We have a précis of the response from the Royal Incorporation of Architects in Scotland, which is especially sensible. If mistakes have been made, it is important to acknowledge them, learn from them, and move on.

The Convener: Are members happy that we close the petition?

Members indicated agreement.

Meeting closed at 11:35.

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