

PUBLIC PETITIONS COMMITTEE

Wednesday 13 December 2006

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2006.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Wednesday 13 December 2006

	Col.
NEW PETITIONS	2941
Animal Carcasses (PE1004).....	2941
Proposed Scottish Disability Community Development Council (PE1017)	2956
Antibiotic Resistance Campaign (PE1019)	2962
Disabled Parking Bays (Improper Use) (PE1007)	2964
Disabled Parking (PE908).....	2964
Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations (PE909)	2964
Local Planning (PE1009).....	2969
NHS Dental Services (PE1018).....	2969
CURRENT PETITIONS	2970
Community Sports Clubs (PE868)	2970
Neurological Services (Post-polio Syndrome) (PE873)	2970
Maternity Services (Rural Areas) (PE898).....	2971
Ownerless Land (PE947).....	2973
Ship-to-ship Oil Transfers (Conservation) (PE956)	2975
Forth Estuary Ship-to-ship Oil Transfers (PE982)	2975
Borderline Theatre Company (Funding) (PE959).....	2981
7:84 Theatre Company (Closure) (PE970)	2981
Housing Stock Transfer (PE829)	2982

PUBLIC PETITIONS COMMITTEE

20th 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 :

David Adam

Bruce Crawford (Mid Scotland and Fife) (SNP)

Councillor Joy Mowatt

Mr Mark Ruskell (Mid Scotland and Fife) (Green)

Stewart Stevenson (Banff and Buchan) (SNP)

Mr John Swinney (North Tayside) (SNP)

Ms Maureen Watt (North East Scotland) (SNP)

William Wilson

CLERK TO THE COMMITTEE

David McGill

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Wednesday 13 December 2006

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

New Petitions

Animal Carcasses (PE1004)

The Convener (Michael McMahon): Good morning, everyone, and welcome to the 20th meeting of the Public Petitions Committee in 2006. I have received apologies from Rosie Kane.

The first new petition is PE1004, by David Adam, which calls on the Scottish Parliament to consider and debate the environmental impact of animal gasification and to urge the Scottish Executive to ensure that the Scottish Environment Protection Agency has sufficient powers and resources to adequately deal with the environmental problems associated with burning and rendering animal carcasses.

I welcome David Adam, who will make a statement to the committee in support of his petition, and Councillor Joy Mowatt, who accompanies him.

David Adam: The animal rendering and incineration plant that is run by Sacone Environmental Ltd sits at the eastern outskirts of Brechin. The company's permit allows it to process anything from a family pet to a whale, and livestock from as far away as the Orkneys and northern England is brought to Brechin for culling in the adjacent abattoir. That implies that there is a lack of facilities throughout Scotland—and indeed the United Kingdom—to deal with the disposal of animal carcasses. The incineration plant runs day and night, all year round.

Since Sacone introduced the Brookes gasification process in 2000, Brechin has suffered from sickening odours of burning bone and flesh, which are carried by foul, smoky emissions when the prevailing wind is from the plant. This year, the odour has become extremely offensive due to the introduction of a tallow-extraction cooking process for the macerated carcasses. The animal by-products that are stored for processing also emit rotten smells.

In trying to increase continuous throughput to meet demand from the over-30-month scheme and the older cattle disposal scheme, Sacone has modified the original gasifiers, which were designed by David Brookes. SEPA officials report

that a variety of problems have arisen. Tackling one fault leads to another, and without input from the designer Sacone might lack the technical experience to make an already flawed technology function. The company's promises to install a rotary incinerator that would burn more cleanly have come to nothing.

The pollution prevention and control permit states that all emissions to air from the installation shall be free from offensive odour and smoke. Like my fellow Brechiners and visitors who pass through, I can state that the installation is never free of offensive odour. Because of mismanagement and a fault-prone incineration process, it does not meet the requirements of the PPC permit. Because of SEPA's dutiful yet dubious balancing act between encouraging sustainable development in Scotland and safeguarding the environment and people's health, the situation at Brechin will not be resolved to the community's benefit.

The plant seems to be of national importance, which implies that during any future outbreaks of disease in livestock it must be kept operational at all costs.

In 2003 the European Commission Scientific Steering Committee was not able to advocate the use of the Brookes gasification process to incinerate category 1 high-risk material, because of the lack of evidence that had been produced to prove that the process destroyed the BSE prion that can cause variant CJD. Before it closed down, Sacone at Carntyne allowed BSE carcasses to be incinerated illegally. I suspect that such incidents have taken place at Brechin without our knowledge.

SEPA has admitted that it cannot assure us that emissions from the plant are safe and are not a hazard to health. For the sake of our environment, we need the Scottish Parliament to act to ensure the development of new installations to deal with the safe disposal of animal by-products in Scotland and to investigate the current incongruous all-encompassing role of SEPA as a paid permanent licensor, as technical adviser, as an environment and health protector and, finally, as prosecutor.

The Convener: Thank you. I invite members of the committee to put questions to the petitioners.

Ms Sandra White (Glasgow) (SNP): Thank you for presenting your petition today. I have three basic questions for you. First, you mentioned that the plant runs day and night. At what times does it run? Secondly, you have provided us with at least 30 bullet points listing actions that you have taken and people to whom you have spoken. What feedback have you had from those whom you have contacted, such as SEPA, Sacone and

environmental health officers? Thirdly, you mention various incidents that have taken place. Two of those incidents are still subject to formal investigation, but there is no indication of what they are. Can you enlighten me on that point?

David Adam: I will deal with the last question first. The investigations concern fugitive emissions of smoke, to which the bulk of complaints from people in Brechin relate. Such emissions can be seen in the photograph that we have supplied.

The plant operates for 24 hours—all night, all day—every day, including Christmas day; it does not stop.

Your second question related to the people whom we have contacted and the actions that we have taken. Councillor Joy Mowatt has led the way on that issue. We have contacted as many people as possible, but they tend to pass the buck. We have been in touch with the state veterinary service, which passed the issue back to SEPA. At the end of the day, we are stuck with SEPA. Our relationship with SEPA has deteriorated tremendously because it cannot cope with our questions. It refuses even to answer the phone or to reply to parts of our e-mails. That is a sad state of affairs. We feel that SEPA is not dealing fairly with our community.

Councillor Joy Mowatt: I had a statement to add to Mr Adam's comments, but I will respond to the member's questions. The list of actions in the committee's papers shows the actions that I have taken. As a local councillor and the convener of Angus Council's environmental and leisure services committee, I speak regularly to environmental and consumer protection officers and have discussed with them what they could do. As Mr Adam said, it all comes back to SEPA. The state veterinary service has an interest, but not in relation to the issues that concern us. The same applies to the Health and Safety Executive.

I asked the HSE to investigate two situations that caused us enormous concern. At about 9 o'clock on a Wednesday evening I received a phone call from a constituent and went down to the plant. Plumes of black smoke were gushing out the length of the roof of the building. My concern was that that could not be beneficial to the health and safety of staff.

There was a further incident of a fire, and the excuses that we were given for it were bizarre in the extreme. There was a suggestion that a container with about 4.5 tonnes of fat had suddenly ignited when someone was up above it, fixing a beam with welding equipment. I discussed that with the fire service.

I tried the NHS Tayside route because of the comments that SEPA had made at a public meeting, at which it could not give us assurances

that we were safe from any risk from the emissions, whether it is the black smoke, the white smoke—which SEPA says is not smoke—or the smells. I had thought that Tayside NHS Board might be able to take that on. Its response was that, when the licence was being issued, it was a consultee, and that that was as far as the board's role had gone.

You can see what we have tried to do. I have met the management of the plant face to face, but they do not talk now—they have not spoken to me for some months. My last e-mail communication with SEPA was a week last Sunday, when I asked whether we could get some statistics on the number of complaints. I had to e-mail again on Monday to say that I had not even had an acknowledgement. So far, I have had only read receipts from the officer directly responsible for Sacone and his line manager. It is as though they are not speaking to us either. I think that we present a particular challenge.

Jackie Baillie (Dumbarton) (Lab): I like challenging people, and I think that what you are doing is very positive for your local community. I wonder whether I could take you through a letter that is included among our papers, from the Deputy Minister for Environment and Rural Development, Rhona Brankin, to John Swinney, who is with us this morning. It highlights a number of the activities that SEPA has undertaken in the past. There were enforcement notices in May and June, and as late as 31 August, and the incinerator was closed down for a short period for matters to be rectified. I understand from the correspondence that operations were restarted on 4 September. I am trying to clarify whether you are saying that there have been repeat problems since 4 September. Do the recent problems predate that time?

Councillor Mowatt: The problems continue. The community's concern is that SEPA is not sufficiently removed from the management of Sacone to be impartial. Sacone and SEPA staff seem to work together to discuss and agree modifications. Every time there is a modification, we are assured that things will be better and that they will be fixed. I was on holiday in November and came back two weeks ago to complaints. I had a phone call on Monday night about problems on Sunday. Our local steam railway, which is running Santa specials, has suffered from the smell emissions—the railway is quite a distance away. At this time of the year, when we should not have to think about such things, the problems are still there.

David Adam: It was only following our presentation to the management of Sacone and SEPA that they began to make major modifications to the plant. The Brookes gasifiers

are basically big containers, with two chambers and guillotine doors that open up. Whenever those doors are opened, smoke comes out into the building. The workers are stinking with smoke. When they come into Brechin, they are scared to go into shops, because people complain. The library staff had to ask some staff—some Polish workers—to leave. The conditions are so bad at the plant.

In relation to the guillotine doors that I described, we have forced Sacone's owners to install canopies, which are like extractor canopies for ovens, so that any emissions that come out because of the doors opening are recycled and go through the filters. However, that was not done until we started to complain to the owner. The process is on-going: the people at the plant fix one thing, but then another thing happens. The whole set-up is flawed. The plant is not really designed to work at its current capacity, even by David Brookes's admission.

10:15

Jackie Baillie: I understand from the correspondence that, at one stage, SEPA considered submitting a report to the procurator fiscal for action to be taken on non-compliance with the permit. Given that the issues continue, does SEPA intend to take such action?

David Adam: This is the second letter that we have received from Rhona Brankin. She mentioned that SEPA and the procurator fiscal are taking action, but, as far as I know, nothing has happened yet.

Councillor Mowatt: At the moment, all we hear are idle promises or threats. However, as far as the community can see, no action has been taken.

David Adam: People who work in a local garage about 200m away from the plant are frequently physically sick. People taking slates off roofs in the nearby Queen's Park estate, where a nursery is due to be built, have been sick. A friend of mine who owns a removal business and has a storage unit in the area has been sick. I have even heard on the grapevine that SEPA officials investigating the reports have been sick, the smell is that strong.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): In your introductory remarks, you said that, if the plant was accepting all manner of offal, animal waste and carcasses, there was a possibility that some of that material might be contaminated or infected with BSE. Did you say that it was illegal to incinerate that sort of material in the same plant?

David Adam: There are different licences for these activities. Incineration of high-risk material,

including BSE-infected carcasses, requires a category 1 licence. The state veterinary service has stated that the plant does not burn BSE-infected carcasses; however, the same company, Sacone, burned such carcasses illegally in its Carntyne incinerator. The BSE crisis is supposedly over, but there are still some cases around.

Moreover, warehouses throughout Britain store 700,000 tonnes of powdered meat and bone meal material from the BSE crisis. That seems to be top secret, because it is very difficult to find out about it. In fact, a warehouse in Glenrothes was cleared of that material only this year. Because the plant is the only one in Scotland that is big enough to deal with it, I am greatly concerned about MBM material and ash passing through Brechin for incineration. We cannot ask SEPA enough questions on this matter, but it has no answers.

John Farquhar Munro: How would the company be able to determine that a carcass that was delivered should not be incinerated?

David Adam: There are obvious, visible signs of BSE infection and, in any case, tests on the brain stem must be carried out. Unfortunately, with regard to what happened at Carntyne, the results of tests for BSE take 10 to 14 days to come back in Britain; in Europe, the results are available within 10 hours, because people want to protect workers in incinerators and abattoirs. I suppose that all carcasses need to be disposed of within 10 to 14 days; after all, no one can afford to freeze them and they cannot simply be left lying around.

Councillor Mowatt: I suspect that someone who is competent enough to judge whether material should be incinerated might not always be available when it arrives.

John Farquhar Munro: So the operation could hold hazards quite apart from the hazards associated with the plant emissions.

David Adam: There are further, potential hazards, because there might be further outbreaks of disease in Britain's livestock herd. We do not know what the future holds with regard to foot-and-mouth disease, for example, and I simply do not know whether there are measures to safeguard a wee town such as Brechin when such material is taken through it. SEPA certainly has not given us enough confidence to trust it on this matter.

Councillor Mowatt: When the carcasses arrive, they are not always disposed of straight away. There is an element of stockpiling for the weekends, when there are no deliveries. The carcasses are not refrigerated when they are stored.

David Adam: They are put in a huge pit.

Councillor Mowatt: The animal carcasses can be mixed with fowl carcasses. It is not a particularly pleasant prospect.

John Farquhar Munro: From the papers that you submitted, I understand that the plant, if it is working efficiently and properly, has no emissions because the gases that are generated are used to continue the process within the plant. So if it is emitting smoke into the atmosphere, obviously something is wrong.

David Adam: Even when the plant is running in a way that might seem efficient because no smoke is coming out, there is still gaseous vapour that smells or has an odour. No matter where people are in relation to the chimney stack—in Brechin and in the fields and cottages around Brechin—there is a foul smell.

John Farquhar Munro: What are the agencies doing to control the efficiency and operation of the plant?

Councillor Mowatt: SEPA regularly examines the plant and makes modifications. The last time that we had communication on the matter, we were told that a significant new piece of processing equipment was to be installed but, as far as we know, that has not been done. SEPA is involved every time a modification is carried out—it has to approve them.

David Adam: To use an old Scottish phrase, the two bodies are trying to make a silk purse out of a sow's lug, but it just is not working. We need something to be done. Why should we suffer for their experiments? SEPA is hand in glove with Sacone. Technically, it is advising Sacone, which is a private company—it has admitted that. It should not be doing that, as far as I am concerned.

John Scott (Ayr) (Con): I want to pick up on that point. Will you comment further on the relationship between SEPA and Sacone? Councillor Mowatt implied earlier that it somehow verges on the improper. Can you give us more information on that?

Councillor Mowatt: It is a matter of perception. I have had regular contact with SEPA and at times it has not liked my questions.

John Scott: That is different from alleging that the relationship is improper.

Councillor Mowatt: SEPA has statutory responsibilities for monitoring and enforcement. We have asked what action it is taking and have been told that it has to consider and approve any modifications. We know from our discussions with the appointed officer that he is regularly at the plant to discuss issues. He can describe the whole process, so he is aware of it. Sacone discusses with him what it plans to do and if he does not

agree, it will not happen. As far as we know, he is no more of a technical expert on Brookes gasification plants than we are or Sacone is. The proposals are discussed and agreed. At the public meeting that we had and at a private meeting, it was agreed that, if the measures did not work, Sacone would cease production and SEPA would take enforcement action. That was months ago, in September, but nothing has happened. You have to wonder why SEPA is not taking enforcement action. I said that the public perception is that the bodies are hand in glove and far too close.

David Adam: It is quite simple to answer the question. In our conversations with SEPA's technical engineer, he always uses the word "we". For example, he says, "We have tried," or, "We are in the process". The scheme is a joint one. The issue is of such importance that SEPA has to get it right. What else does it have to move to? SEPA has to keep the plant working. What will happen when Sacone runs out of money or ideas to improve the faulty process? Members have a copy of a letter from David Brookes, the chap who designed the burner at the plant, in which he disowns Sacone because of the modifications to the burner, which can be seen in the photographs that are attached. That is modification—they have burnt it out.

Councillor Mowatt: SEPA staff have admitted that, if the process does not continue outside Brechin and the carcasses are unable to be processed there, they will go to Liverpool.

John Scott: I am certain that that is the case, but if the plant is relatively new, we must have managed without it before, so we would probably manage without it now if it is unsafe or SEPA is not monitoring it properly. Have air-quality tests been carried out?

David Adam: No. SEPA has refused to install any air-quality monitoring system. It has installed a continuous monitoring system for the emissions from the stack, which are meant to fall within the PPC permit outline.

John Scott: Are you saying that they do not fall within that outline but that SEPA is ignoring that?

David Adam: Yes. The communications between SEPA in Edinburgh—that is the main office that is dealing with the issue—and Sacone are poor. SEPA has admitted that if we were not on its back, it would not know what was happening. In the early part of the year, I phoned up the SEPA officer involved, who said, "Thanks very much Mr Adam for telling me this, because we really don't know what is happening up there." Those were his very words.

Councillor Mowatt: The air-quality monitoring is done by authorised SEPA noses. When they showed us their little identification cards with their

authorisations on the back, they told us specifically that only SEPA officers are authorised to agree that a smell is offensive, and there have to be two of them.

David Adam: In September this year, we had 42 complaints, only two of which were substantiated by SEPA officials who came through from Perth and, I think, Stirling. That is a long way for them to come and it is an hour or perhaps two before they get there to witness the problem.

John Scott: Given the obvious level of local concern, has the local authority's environmental health department carried out any monitoring?

David Adam: The local authority has nothing to do with it; it is entirely SEPA's responsibility. We have written letters to Angus Council, but it is not interested; the situation is only to be dealt with by SEPA.

Councillor Mowatt: I have challenged the local authority officers repeatedly about that, but they do not have the authority to do anything. It all comes back to SEPA. Before SEPA was set up, the local authority would have dealt with the issue, but that responsibility was taken from local authorities.

Mr Charlie Gordon (Glasgow Cathcart) (Lab): I will start with that last point. Surely Angus Council, as an environmental health authority, can monitor air quality around the town of Brechin or anywhere else within its area.

Councillor Mowatt: The air-quality monitoring that the council does is done according to strict criteria, which the plant does not come into. I have asked about that. The monitoring that is done takes place in Forfar and is done annually. I have asked the environmental health officers why it cannot be done in Brechin, but they have no authority to do it, as it is not their responsibility. Otherwise, it would have been done—the fact that it is not being done is not for want of trying.

Mr Gordon: I would tend to take your line that that is a debatable point. I am familiar with the Carntyne case in Glasgow, so I understand your concern and believe that you have raised an important issue.

Your petition asks for a number of things. It asks the Parliament

"to consider and debate the environmental impact of animal gasification plants".

I suppose that it is entirely possible that we might have a debate on that in due course.

The petition also asks the Executive

"to ensure that the Scottish Environment Protection Agency has sufficient powers and resources"

to deal adequately—I do not like split infinitives—

"with the environmental problems associated with burning and rendering animal carcasses."

That, too, is a point worth considering, but I have been struck by the number of times that you have said that you do not trust SEPA and that it has a conflict of interest. I am trying to get my head round why you want the Executive to strengthen SEPA and give it more powers and resources when you have raised such a point about its constitution. Why do you want to strengthen SEPA if it has a conflict of interest?

10:30

David Adam: SEPA must be strengthened because it has so many weak parts. As far as I am aware, it must generate a certain amount of revenue to exist, and companies have to pay many thousands of pounds for PPC licences, for example. Why should everything be rolled into one? Such things should be kept completely separate. It does not make sense to pay somebody who will slap your wrists and prosecute you tomorrow.

Mr Gordon: Let us take local government as a parallel case. It would not be unknown for environmental health officers to give advice to businesses but also to warn them that they could be liable to enforcement action. In principle, there is nothing wrong with regulatory bodies advising businesses on the best technical options.

I was struck by what was said about some guy in an office in Edinburgh relying on you to be SEPA's eyes and ears in Brechin, where there is a rather unusual plant that ought to be a big issue for that organisation. Your petition hints at what is happening by calling for a strengthening of SEPA's resources. Perhaps SEPA needs somebody on the ground in Brechin virtually full time to deal with issues relating to the plant. However, if you do not trust SEPA because you think that it has a conflict of interest, that is a more fundamental issue. Having a local SEPA officer on the ground will not get around that problem.

Councillor Mowatt: It is a personal issue that has arisen from our experience of dealing with the officer in question.

David Adam: The community of Brechin does not trust SEPA. People do not bother phoning it now because they think that it has not acted in the past. People laugh when it is mentioned. They have phoned its 0800 hotline for complaints, which was made available only this year. A person who phones the Arbroath SEPA office will be put through to the Edinburgh office and dealt with by one officer. SEPA officers who have the power to come to Brechin and judge whether the smell there is offensive or whether Brechiners are hawering have recently been reintroduced in

Arbroath. If somebody cannot open a window or go out into their garden to have a wee drink of beer or a coffee, they will phone SEPA. Two hours later, an officer will come wandering in and say, "I can't smell anything." That is because they do not monitor properly.

Mr Gordon: Would you have a different view if the Executive gave SEPA more resources and a wee SEPA office was opened next to the plant at Brechin?

David Adam: That would be great. I would hope that such things would help.

The Convener: John Swinney, who has an interest in the matter, has joined the meeting. I invite him to comment.

Mr John Swinney (North Tayside) (SNP): Thank you, convener. I have an interest in the matter as the city of Brechin is in the constituency that I represent.

The issue that we are discussing has rumbled on for some time, but the smell has become particularly intense this year. Members will appreciate that the summer was as warm and pleasant in Brechin as it was in the rest of Scotland—and a large number of my constituents could not sit in their gardens because of the atrocious smell. Instead, they had to go back into their houses.

Mr Adam, Councillor Mowatt and many other people in the community of Brechin have made many efforts to address the problem. Indeed, Councillor Mowatt has distributed a list of the actions that she has taken to find a solution. I want to highlight the third from last bullet point in that list. She has stated that she

"Called and chaired a private meeting with Sacone management, community representatives, SEPA, and John Swinney".

That meeting, which was not a large public meeting of the type with which we are all familiar, was particularly helpful in bringing around the table Sacone's management, SEPA, a couple of concerned local residents and me to try to achieve progress. We had a helpful discussion, and we agreed on a number of actions and significant technical improvements to the plant and its process—I am happy to supply information on them to the committee.

At the time of the meeting, the plant was shut down because the smell was so awful, but within a matter of days SEPA authorised the reopening of the plant and the restarting of its operations. I cannot tell you how staggered I was by that decision, because the list of actions for improvement seemed like a three-month technical process. Within days, the plant was open and the smell was back.

Mr Gordon made a point about SEPA. I think that there is no port to call at other than SEPA. As Mr Adam properly said, it has the statutory duty to be a paid permit licenser, technical adviser, environmental health protector and prosecutor. That is a statement of fact, and the community must feel that all the different functions are being pursued. At the private meeting, SEPA said that the plant could reopen if the company did certain things, so I was really surprised that it reopened so soon afterwards. The community has to have confidence that SEPA is properly executing all of its responsibilities. That is not how the community feels and it is not how I feel. The problem has gone on for too long with too little intervention.

Jackie Baillie mentioned a letter from the Deputy Minister for Environment and Rural Development. I am not sure when that letter was dated, but I received a letter from Rhona Brankin, dated 22 November, in which she said:

"I understand that between 13th and 25th October,"—

so it postdates the material Jackie Baillie mentioned—

"activities at the plant gave rise to a number of complaints from the local community about odour."

That shows that the issue was still going on.

The minister referred to specific examples on 25 October, but I will quote the last paragraph of the letter:

"The investigations into a number of the complaints received in October continue and, at this stage, I understand SEPA is considering submitting further reports to the Procurator Fiscal. I do agree that it is unacceptable that local residents are continuing to experience problems with Sacone's plant. SEPA's enforcement action is intended to address this, and if this is proving to be ineffective, SEPA will clearly need to take further action."

I welcome those remarks from the minister, because they are the first recognition of the seriousness of the issue and the fact that SEPA's actions to date have not adequately addressed the prolonged problem.

Jackie Baillie cited a letter from the minister in which she mentioned the possibility of further action. The minister's letter to me, dated 22 November, includes another promise that further action may need to be taken. I simply say to the committee that the issue has gone on and on. Charlie Gordon suggested that there may be a case for a wee SEPA office in Brechin; I think that there is a very good case for a comprehensive reassessment of the operation of the plant, because it is not fit for purpose.

Improvements can be made so that the plant can be fit for purpose—I refuse to believe that, technically, the process cannot be made to work. The process must happen, because the disposals have to take place. I cannot believe that the

process cannot be made to work in an acceptable fashion to protect the environmental health and welfare of my constituents—but that is not happening just now and it has not happened at any stage in the past months. It was dreadful for people in Brechin over the summer, which they were not able to enjoy as people in other parts of the country were.

I hope that the committee will agree to encourage others to examine in further detail the issues that are raised by this case. The situation is undermining the quality of life and health and welfare of my constituents. At no stage have any of us been able to get satisfaction that what is happening at the plant is not having some detriment to the health of the citizens of Brechin.

John Scott: John Swinney mentioned a meeting he had with Sacone, at which it was agreed that a list of improvement works would be carried out. He described his indignation when SEPA gave permission for the plant to reopen within a matter of days. When did the meeting take place? More important, has the list of improvement works been carried out in the interim, despite the plant being open?

Mr Swinney: The meeting took place in early August. It was the day I came back from my summer holidays: I came back and went straight to the meeting. It was about the second week in August. I could provide you with the date.

John Scott: So three months have elapsed since the meeting.

Mr Swinney: The plant was reopened within days, despite the fact that a comprehensive list of works had to be undertaken. I cannot tell you with authority whether all the measures have been implemented, neither can I tell you whether they were adequate to tackle the problem. Sacone might have carried out all the works on the list—some of the work has been completed—but, as the minister's letter makes clear, the problem was still going on between 13 October and 25 October. Councillor Mowatt has raised issues about complaints that have been made in the past 10 days. Even if all the steps have been taken, I am not sure that they are sufficient to address the problem.

I accept that SEPA has a statutory responsibility to advise where technical improvements can be made, but having sat in at the private meeting I have to say that I thought that SEPA was the only one that was offering technical advice. It was saying to the company, "Try this, try that, try the next thing." SEPA offered advice, but I did not leave the meeting with a sense of confidence that its recommendations would be adequate to tackle the core problem.

The Convener: Thanks, John.

Mr Adam said that if the plant at Brechin did not exist, the stuff would have to be shipped to Liverpool. I have a rendering plant in my constituency. It causes the same problems in the village that I grew up in as those that you are experiencing. The same argument was put to me by management: it said that if the plant had not existed, especially during the BSE crisis, it would have had to be invented and that the problems that are synonymous with rendering would exist regardless of who operated the plant, because there are problems when cattle carcasses are rendered. The issue is how you address those problems.

I have letters on file that are similar to the one John Swinney has from the minister about how things should be done and how matters can be taken forward. The plant in my constituency is subject to reports to the procurator fiscal, so I must be careful not to say anything that could affect that.

Much of this comes down to the attitude of management. SEPA will ensure that technical expertise is brought to the plants and it will tell plant operators that they should use particular types of door and particular types of equipment to address the problem, but once those measures are in place and SEPA sees that they are operational, it allows the plant to operate. It is management practice that allows the situation to deteriorate. If the drivers who go in and out of the plant do not use the airlocks properly, emissions come out. It is down to management to ensure that their staff operate the equipment properly. Only when the equipment is not used effectively does the local community become affected, which means that the complaints to SEPA start again and it investigates the problem to see whether it can address it again.

Like Charlie Gordon, I do not see why SEPA should not offer technical assistance—I do not see that as a conflict of interest—but we should have much stronger enforcement, too, so that plant managers know about the consequences of plant operations. Managers appear to believe that they should be allowed to continue to operate regardless of whether they operate effectively. They take the view that if they were not there, someone else would have to do the job—but they would face the same problems.

10:45

The strength of enforcement is fundamental. It is a matter of whether companies such as Sacone believe that a sanction will be imposed on them if they cause problems in communities such as Newarthill, in my constituency, and Brechin, where the emissions may be offensive and cause nausea, but are not poisonous or hazardous.

The difficulty is that although the quality of life of local communities is affected by the smell, the plants are not breaking any regulations. It is fundamental that plants should be operated effectively, to address quality of life issues. I thank Mr Adam for presenting the petition to us.

David Adam: You are almost saying that odours can be permitted because the process cannot operate at its best at the moment and that SEPA should not stipulate in a plant's PPC licence that there should be no odours or smells.

The Convener: I am not saying that SEPA should permit smells. SEPA has told me repeatedly that if plants operate as they should, there should be no emissions and no smells. Enforcement of the correct operation of plants is the problem. If plants operate with the type of equipment they are told to under technical guidance from SEPA, that should eradicate the problem.

Millions of pounds have been invested in the plant in my constituency. When the equipment was used correctly, it made a difference. Over time, however, the operation of the plant became lax again: doors were left open, the equipment was not operated properly and the emissions emerged again. The problem that SEPA has to come to terms with is enforcement of the use of the technical equipment that it advises plants to use.

David Adam: Sacone seems to have a habit of putting in new filters, supposedly to filter the odour. After that, it does not want to spend the money on a new set of filters. The situation needs more money and more expertise. The community of Brechin has never called for the plant to be closed down—we have always been aware that a certain number of jobs are involved—but we want it to work properly. As you say, it needs good management—I would suggest that the management is not up to the job.

The Convener: This is an important issue. I invite members to suggest how we take it forward.

John Scott: In fairness to all concerned, we must first ask SEPA to explain its position, as well as establish Sacone's position. We should seek the minister's input and, from the point of view of environmental protection, we should ask Friends of the Earth Scotland whether it has a view. I wonder whether we should ask the National Farmers Union of Scotland its view, considering that it is its products, so to speak, that are being disposed of. When we write to the Executive, it would be worth asking it about the point John Farquhar Munro raised about the risk to the population of prions from BSE-infected animals not being destroyed. My understanding is that the incidence of BSE in cattle is now very low—it is

fewer than five a year—but I stand to be corrected on that. It would be worth assessing the risk—if indeed there is one—of BSE, or new variant CJD, prions being released as a result of the process if it is not working properly.

Ms White: I agree with everything John Scott has said. This is not the first time that we have had a petition regarding the operation, or non-operation, of SEPA. It does not appear to monitor or do any checks. We should contact SEPA and the other agencies that John Scott mentioned.

I would like us to write to Angus Council in the hope that we will get answers about why the council is not allowed to monitor the environmental situation. We should also write to the Health and Safety Executive for its advice, because I am worried about the effect on workers. SEPA has a lot to answer for. Although it has applied the process, it has done no monitoring to check up on it. We have to know why it has not monitored or reported to the council, MP, MSP or whatever to tell them that such checks have been put in place.

John Scott: Sandra White raises a good point about writing to Angus Council—I will be interested to know which legislation precludes the council from monitoring something that the community believes to be an environmental health hazard. I am astounded that that should be the case, so I would like to know which legislation officials think stops them carrying out monitoring.

The Convener: Are members happy for us to write to all those organisations?

Members indicated agreement.

The Convener: When we get responses from all the organisations, we will make the petitioner aware of them. We would welcome your comments on them before we consider the petition further and look to see what action we can take to progress it on your behalf. Thank you very much for bringing your petition to us this morning.

Proposed Scottish Disability Community Development Council (PE1017)

The Convener: Our next new petition is PE1017, from William Wilson, who calls on the Scottish Parliament to urge the Scottish Executive to establish a Scottish disability community development council to provide those with life-term disabilities with health, education, training and arts-related support for life assistance in order to combat benefits dependency, poverty and social or community isolation. Before being formally lodged, the petition was hosted on the e-petitions system where it gathered 191 signatures.

William Wilson is here to make a brief statement to the committee in support of his petition. Welcome to the committee, Mr Wilson. You have a

few minutes to speak and then we will start to discuss the issue that you raise.

William Wilson: My petition is for life-term support for people with long-term illness or disability. We are a small minority in Scotland and have only a small voice in this Parliament and at local authority level. Benefits dependency, poverty, employment issues and social exclusion, combined with concerns about adequate housing provision, are problems for people with disabilities that they cannot solve on their own. There is a clear need for effective dialogue between Parliament, the local authority and the disabled community.

People with long-term illness or disability require practical care measures and public service implementation that allows them to live as normally and carefree as possible. The current Government view, which seems to be concerned with seeking employment-based solutions to poverty, including among the disabled community, shows a lack of understanding and awareness that such solutions do not provide practical support for people who are unable to work.

Positive care is essential, but the answer is not simply to create standard care provision for all. In Scotland, we have many problems that impact on the sick and disabled in our communities. Given the differences in population size between areas and the differences between the north and the south, there is little uniformity in the provision of care facilities. Areas such as Edinburgh and Glasgow have many more facilities than do small village or town communities. Also, the care that is offered is often out of step with the needs of the people.

I feel that a disability community development agency or council that was able to generate funding and provide support to people facing poverty and employment difficulties would be able to create a situation in which we could use crafts, arts and every facet of our society to open the doors to the disabled—especially those who are unable to work, many of whom are very isolated.

The welfare of the disabled should be important to the Parliament and to everybody in the community. Many of us—even some of the people here—will, one day, be disabled through illness, accident or disease. Disabled people need to have available to them facilities that are not available at the moment. Local authorities work through policies that interpret Government legislation, but those policies often differ from one local authority area to another. For example, someone is likely to get better care in Edinburgh than in Bathgate, where I live.

We cannot take away people's serious illnesses or disabilities but, by the same token, we cannot

be responsible for adding to the cares and worries of their lives. It is up to Parliament and the Executive to create ways of dealing with people's problems and not to add to them through apathy, indifference or insufficient investment. It is extra investment that I am calling for.

The Convener: Thank you for bringing your petition to us this morning. I open it up to members to ask questions of Mr Wilson.

I do not see any members who want to speak, so I will start the questions. For the record, it should be noted that I am the convener of the cross-party group on disability in the Parliament. I have thought a lot about the issue that you have raised and I have read your submissions on it. I hope that you will be able to clarify something for me. I am always concerned that we might be trying to reinvent the wheel and that what is asked for in petitions might already exist. The system might not be working particularly well in certain areas, but the structures to address the issues that you raise are already in place. Can you see that? Are you saying that, although you understand the structures that are in place, you think that more needs to be done?

William Wilson: Yes. The structures exist to deal with certain aspects, but there are wider issues. For example, new information technology could be deployed to enable people to work from home who cannot work in mainstream employment. In Britain, there are around 180,000 telecottagers—people who work from home at a computer. Only 4 per cent of those people are disabled. The Government could increase that percentage by increasing funding and making facilities available to ensure that disabled people in all local authority areas can use information technology to get what they need. I believe that we need a centralised body to oversee that.

The impetus for change in the community—especially the disabled community—starts here with the Public Petitions Committee. There are many organisations that deal with different issues for the blind, the deaf—

11:00

The Convener: I agree, but all local authority areas have disability forums, which are umbrella organisations that work on behalf of disabled groups to ensure that local authorities take cognisance of the issues that affect disabled people. It is in the nature of local government that it has to respond to local demand and local needs, which might be different in different parts of Scotland. It might be more problematic to have a top-down approach than to allow local authorities, working in conjunction with the disability forums in their areas, to agree service provision in their

locality. Would the body that you propose supersede that?

William Wilson: No, but we need a body that can bring uniformity to the systems that are in place because, in many ways, those systems do not function. A lot of people out there are desperate for help, but they do not get it because their local authority is doing almost nothing. I am aware of cases where people need special help in their homes but they cannot get it because it is not financially viable. The budget is too far ahead—one excuse after another is given for people's needs not being met.

If somebody wants to have their garden removed because they can no longer look after it, who will do that? The local authority will say, "We can get someone in to cut your grass, but we can't make the garden accessible for you. We can't remove it or monoblock it. We can't turn your front garden into a driveway for your Motability car." In many cases, it is a question not just of employment or service implementation but of quality of life. Many people are so isolated or lost that they spend most of their time wandering about supermarkets or shopping malls because they have nothing to do.

What I seek is a way to give people the opportunity to change their lives and build on their capabilities. If that means assisted living or assisted employment—if we can help someone to get a job that they can do over the internet—what is wrong with that? However, that would require a national group rather than a local group because it would involve bringing in employers at a national level.

John Scott: Good morning and welcome. Thank you for bringing this important petition to us. You might have answered this question already but, given that the provisions of the Disability Discrimination Act 2005 are coming into force, particularly this month, and given what the convener said, do you think that there is still a gap in the legislation? The Parliament takes equality and disabilities seriously and it has done a great deal to try to address the problems.

William Wilson: Great strides have been taken with finding employment for those who are able to work. Remarkable things are being done to help those people to find work, but many people who are unable to work are unemployed and dependent on benefits, which means that they are in poverty.

For most disabled people—I am one of them—outgoings far exceed weekly income and nothing is done to help with that. If they want to decorate or furnish their home, for example, where does the money come from? The social fund is available through the Benefits Agency, but that provides

only small amounts of money. There needs to be some way of generating funds for people who cannot work and who cannot provide for their family because they are stuck in the house or have to take the wife shopping in a Motability car, for example, because they are not able to function in mainstream employment. We need to find alternatives for people in that situation and I do not think that that can be done at a local level—there needs to be a national development group that is capable of doing that.

John Scott: Although it is possibly a policy development issue, there would still have to be implementation at local level.

William Wilson: Yes, certainly.

John Scott: I am dismayed because I thought that provisions to help people to get into work were already in place.

William Wilson: I am not saying that everyone who is currently physically unable to work can work, but—

John Scott: It is a matter of degree.

William Wilson: Yes, it is. For many people such as me who have a severe, life-term disability, there is nothing—there are few facilities for recreation or for education through open and home learning, although there are some.

For a long time, I pressed the case for IT and the setting up of a Scotland-wide network as a way of empowering the seriously disabled by enabling them to speak to one another on the internet. At least they would be able to express a common bond over the internet. I spoke to politicians, bankers and others, but no one took us seriously even though the technology is viable.

Jackie Baillie: I have three questions to put to you. I am genuinely interested in your view because you seem to be suggesting that it is a case of national versus local. In my view, that is a false choice because it is at a local level that I have seen some of the more creative work going on, when local communities and disabled people have got together with local authorities, employers and others to generate significant change on the ground. I am instinctively nervous about having one central body, which I believe you have suggested would be based in Livingston.

William Wilson: It would not matter where it was based.

Jackie Baillie: That was in the papers.

William Wilson: I am sorry about that.

Jackie Baillie: Okay. Do you appreciate my discomfort?

William Wilson: Yes.

Jackie Baillie: I prefer to have variation at a local level to enable creative thinking, from which other communities can borrow. Do you view that as a difficulty?

William Wilson: That is a possibility, but how can we ensure that that approach would work? For example, how could we ensure that Falkirk region followed suit if West Lothian or Lothian provided certain facilities?

Jackie Baillie: In other areas, we find that if there is a good idea, everyone wants to copy it. I think that that approach would achieve a degree of spread and networking.

Are you aware of an organisation called Inclusion Scotland?

William Wilson: Yes. I have not read a lot about it, but I know about it.

Jackie Baillie: It strikes me that it seeks to do some of the things that you seek to do, so perhaps there is an argument for that organisation to be strengthened.

William Wilson: There are many other groups in Scotland that deal with the disability duty. For example, there is Capability Scotland, which does a wonderful job. However, I think that, as you said, those bodies try to engage interest at the local level. That is important, but I still feel that there has to be capital funding and legislation from a central body.

Jackie Baillie: On 5 December, elements of the Disability Discrimination Act 2005 were rolled out, primarily the disability equality scheme, which means that all local authorities—and other public bodies—are required to mainstream consideration of disability in the provision of their services. Do you think that that will have a positive effect?

William Wilson: It should. I hope that it will.

Ms White: Thank you for lodging the petition. I agree that services should be delivered locally, but they have to be legislated for nationally. Every area has its own issues.

Jackie Baillie referred to the duty that came into force. Are you aware of the two reports that were published recently? The report of the disability working group that was set up by the Executive was published on 23 November. Also, the Equal Opportunities Committee, of which I am a member, published the report on its disability inquiry on 28 November, which covered a lot of the issues that you have raised. I do not know whether you were involved in the inquiry.

William Wilson: I was not.

Ms White: The report that was published takes on board every point that you have made.

On 20 December, there will be a debate in the chamber on the Equal Opportunities Committee's report. I am not making a recommendation, convener, but I think that it would be a good idea to send the petition to that committee; I am sure that the clerk will be able to provide each of its members with a copy. Some of the issues that the petition raises could be mentioned in the debate, as they were raised in the inquiry. Would it be helpful for you to attend the debate on 20 December and hear what is happening?

William Wilson: Yes. It would be good to hear what is going on.

You said that you agreed with the points about having an impact locally. I am concerned about poverty among the disabled, which is a real issue. Despite what has been said in the Parliament, I do not think that the real needs of those who cannot work have been met.

Ms White: Some matters are reserved and some are devolved. Benefits are reserved to Westminster. Numerous people raised the issue of poverty among the disabled during the inquiry. It was said that if people go to work, their disability allowance is taken off them for a few weeks, so they are reliant on handouts. That issue will be raised in the debate. It would be beneficial to send the petition to the Equal Opportunities Committee. Perhaps we could send you a letter reminding you that the debate is on 20 December. It would be useful if you could come along to it.

William Wilson: Yes.

The Convener: I add to Sandra White's recommendation that it might be worth sending the petition to my cross-party group on disability, so I will write a letter to myself to ensure that it has the opportunity to consider the petition. There is a lot of merit in considering the issue that you have raised, Mr Wilson, and I am sure that the group will want to do so. It might also be worth writing to Inclusion Scotland to let it see the petition, too.

Thank you for coming to speak to your petition.

William Wilson: Thank you.

Antibiotic Resistance Campaign (PE1019)

11:15

The Convener: Petition PE1019, by Imran Hayat, calls on the Scottish Parliament to urge the Scottish Executive to start a nationwide health promotion campaign to raise patient awareness of the proper use of antibiotics in order to combat antibiotic resistance. Before being formally lodged, the petition was hosted on the e-petitions system where, between 11 October and 1 December 2006, it gathered 20 signatures.

The petitioner is concerned about the incorrect use of antibiotics and the prevalence of MRSA and other resistant infections, which he considers have reduced the efficacy and effectiveness of antibiotics. The petitioner therefore proposes a health-promotion television advertising campaign to raise patient awareness of this issue.

John Scott: The issue that the petition identifies is a growing problem. The efficacy of antibiotics has declined. Therefore, I have a great deal of sympathy with the petition. However, I am not medically qualified, so I am not sure how important the issue is. Because of that, I think that we should ask NHS Quality Improvement Scotland, NHS Health Protection Scotland, the British Medical Association, the Royal College of Physicians of Edinburgh, the Scottish Microbiology Society and the Scottish Executive for their views on this matter. Once we have those responses—we are bound to get a huge amount of wisdom from those people—we should seek the views of the petitioner on them.

Mr Gordon: Strange as it may seem, this matter has been a hot topic around my breakfast table for some time. Since we had a new addition to the family about 17 months ago, we have had a great deal more engagement with the local health services as children in a nursery environment pick up various viruses as they develop their immunity. As you can tell, I am currently struggling with a virus.

My perception is that general practitioners are already taking a tough line—probably on national instructions—on giving prescriptions for antibiotics. Sometimes, they can be too inflexible in that regard and people can be debilitated for longer than they otherwise would have been—but I do not want to quote too many personal examples.

This is a tricky issue. I agree with John Scott's suggestions about whom we should consult. However, I should say that it has been evident to me for some time that GPs are resistant to issuing scripts for antibiotics, probably because of the concerns that have been expressed in this petition.

The Convener: A lot of people have picked up on that. Do members agree that we should follow John Scott's suggestions?

Members indicated agreement.

Disabled Parking Bays (Improper Use) (PE1007)

Disabled Parking (PE908)

Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations (PE909)

The Convener: Our next new petition, PE1007, is from Catherine Walker, on behalf of the greater Knightswood elderly forum. It calls on the Scottish Parliament to urge the Scottish Executive to prevent the improper use of disabled parking bays and to ensure that they are used by registered disabled users only.

Members will have noticed that current petitions PE908 and PE909, on similar matters, are due to be considered later in the meeting. In order to avoid repetition, are members happy that we consider the new petition jointly with PE908 and PE909?

Members indicated agreement.

The Convener: PE908, by Connie M Syme, calls on the Scottish Parliament to urge the Scottish Executive to ensure that traffic regulation orders are applied to all disabled parking bays to ensure that they are used by registered disabled users only.

Petition PE909, by James MacLeod, on behalf of Inverclyde Council on Disability, calls on the Scottish Parliament to urge the Scottish Executive to review the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations to allow for speedier provision and enforcement of dropped kerbs and disabled parking bays to prevent their abuse, ensuring greater and easier access for disabled, elderly and other users.

At its meeting on 14 June, the committee agreed to seek the views of the petitioners on the responses received. Those responses have now been received and circulated to members. Do members have any suggestions on how to deal with the petitions? Jackie, perhaps you would like to speak about this first of all.

Jackie Baillie: Thank you, convener. I was going to suggest that the committee might want to write to me—not on all of the petitions, but on some of them. Petition PE1007 raises two quite separate issues: the enforcement of disabled parking bays; and the efficacy of the blue badge scheme and whether the scheme is working appropriately. We have seen some notable campaigns by the likes of the *Sunday Mail* that aim to ensure that disabled people can access all areas. Together with the petitions, those campaigns are to be commended.

I have a suggestion to make. I am bringing forward a bill on the enforcement of disabled persons' parking bays. I have indicated my intention to the Parliament and I am carrying out a consultation. I would love to include at least two of the petitions in the consultation, although I am happy to include them all.

I also suggest that we write to the Executive about the blue badge scheme. The Executive is reviewing the scheme and, frankly, the subject is too big for a member's bill to bite off and come to proper conclusions on. I understand that the Executive expects to publish its review report in February. It would therefore be timeous for the Executive to be made aware of all of this. However, I am happy to include the matter in my consultation.

I received an e-mail from the Inverclyde Council on Disability, which submitted petition PE909. A representative cannot attend the committee this morning, but the council is keen to see the petition left open. Petition PE909 raises the slightly tangential but equally important issue of dropped kerbs. People with mobility problems are unable to move about freely because inconsiderate drivers are parking across dropped kerbs. The issue is similar but not identical to that of disabled persons' parking bays, so I suggest that it should be drawn to the attention of the Executive separately, if that has not already been done.

My preference would be for us to keep all the petitions open. That would enable us, in the context of my forthcoming bill, to look at what remains to be taken forward.

The Convener: Thank you, Jackie.

Ms White: I remember the meeting at which we heard evidence on the two current petitions. It was a freezing cold, foggy day and we were meeting in Dunfermline. I remember that Jim MacLeod drove all the way from Inverclyde to give evidence on his petition. I would like to see all three petitions being kept open.

I seek clarification on the paper that we have received from the clerks. I asked Tavish Scott, the Minister for Transport, about this last week. I seek clarification on whether local authorities have the power under traffic regulation orders to paint double yellow lines to ensure that parking in disabled bays is an offence. I believe that that is happening in some places at the moment. I am heartened by some of the responses that we have received from the police, the Convention of Scottish Local Authorities and others. Even the Executive has said that, as long as double yellow lines are painted on the road, people can be prosecuted for parking in disabled parking bays.

I raise the point because, although I concur with and appreciate everything Jackie Baillie has said

and is doing, we should clarify the situation for the sake of people in various disabled groups. Given that an election is taking place next year, members cannot introduce a bill. What Jackie Baillie has introduced is a consultation. Like others, I have been contacted by representatives of disabled groups who think that a bill has been introduced into the Parliament. In the options for action that are set out in the paper, I note that, under rule 9.14.15, a bill cannot be introduced within the current timescale.

Basically, after September this year, no bill could have been introduced into the Parliament. What Jackie Baillie introduced was a consultation to propose a bill in November. Unfortunately, there is no chance of the bill ever being put through this session. I want to put that on the record. It is disingenuous to say to disabled people that a bill could be introduced—

The Convener: To be fair, it is easier for a newspaper headline writer to put the word "bill" into a headline than it is for them to use the word "consultation". It is not Jackie Baillie's fault that the press have portrayed this as the introduction of a bill. Jackie Baillie knows exactly what she has introduced. We do not need to have a discussion about the processes of parliamentary legislation. What is important is that people are aware that the consultation is taking place. The process is something that we can take care of. I will take another couple of points and then come back to Jackie Baillie.

Ms White: It has to be mentioned, because it has been said—

The Convener: You have mentioned it, but you do not have to accuse people of being disingenuous when they have no intention of being so.

Ms White: I accused nobody of being disingenuous.

Helen Eadie (Dunfermline East) (Lab): I am 100 per cent behind Jackie Baillie's proposal for a bill, which is a consultation exercise. There is no one more genuine in the Parliament than Jackie Baillie has been in everything that she has done in the Parliament. I take great exception to anyone suggesting anything else.

Many members, including the convener, Cathy Peattie and others, have worked exceptionally hard on issues for disabled people. It is right and proper that the Parliament should put disabled people high on its agenda. In the study that the Executive commissioned, "Improved Public Transport for Disabled People", which was published in May 2006, researchers found that key inequalities still exist between disabled and non-disabled travellers, that many disabled adults have difficulty in travelling and that the majority of

disabled adults would like to travel more than they do.

For those reasons and all the other reasons that were highlighted in an Equal Opportunities Committee report—Marilyn Livingstone is the reporter on disabled people for the Equal Opportunities Committee and I know that she, too, has worked exceptionally hard on the issue—I am pleased that the Public Petitions Committee will keep the petitions open, particularly given that Connie Syme from Rosyth is my constituent. I hope that I will have the privilege, honour and blessing of electors after May to continue to have her as my constituent. If I am here after May and if Jackie Baillie is—I hope that we are—we will work hard to ensure that her proposal for a bill hits the ground running after the consultation finishes and that it becomes a bill that she introduces in Parliament. I will be 100 per cent behind her in queueing up to support it. I thank all the people who have been responsible for bringing us to the point that we have reached today.

Mr Gordon: By and large, I agree with Jackie Baillie's assessment of the relationship between the various petitions that we have linked. I will add only one comment and one suggestion about the concern that the Inverclyde Council on Disability has expressed about dropped kerbs. One of my pet hates is that some motorists seem to think that dropped kerbs are there to help them to drive their cars on to the pavement. I take a particularly dim view of people who park across dropped kerbs and I think that the police could do more.

It is true that we have so-called civilian enforcement of parking in many parts of Scotland—not least in Glasgow—so yellow-line enforcement is done by the local authority and moving-traffic enforcement is done by the police. Unfortunately, the police seem to think that that means that they are not involved with other parking issues. I do not know whether local bobbies still leave the police office every day with their book of tickets, as they used to in days of yore, but I know that the police have powers to book motorists for obstruction. I would like the Executive to encourage chief constables to encourage police officers to do someone who has parked across a dropped kerb for obstruction.

John Scott: I take a similar view to Charlie Gordon and I congratulate Jackie Baillie on bringing forward a bill, which I hope, when it is introduced—

Mr Gordon: It is a consultation.

John Scott: Consultation—whatever it is. The information is in our notes. I might not be as effusive in my praise of Jackie Baillie as Helen Eadie was but, notwithstanding that, I hope that I will be able to support it.

The point that Charlie Gordon made about dropped kerbs could be considered when the consultation or bill is introduced. That is an issue in my constituency—I was contacted as recently as yesterday about it. I hope that I will be able to support the measure in due course.

The Convener: Jackie Baillie wishes to clarify a couple of points.

11:30

Jackie Baillie: I think that that would be helpful. First, let me deal with the substantive point about traffic regulation orders. I have consulted all the local authorities in Scotland and their response is that they find it too costly, too complex and far too time consuming to use the legislation effectively. That is why we are in the position that we are in. The majority of disabled parking bays are advisory and therefore not legally enforceable. The intention of my proposal is to make the process much easier for local authorities so that they do not have to choose whether to enforce.

On the less than substantive point about the nature of the proposal and whether it is a bill or not, I say that it is a draft proposal for a bill. That was clear when it was lodged with the Parliament and it is clear from the information that I sent out. A more than cursory glance at the press releases would indicate that I hope that the bill will be the first to be considered in the new session of Parliament.

Do not get me wrong—the expectation out there is high, and I want us to deliver on it, but people also understand that there is a process to go through. We lodged the draft proposal, which is out to consultation. I welcome the opportunity to plug the consultation, which closes on 26 February, and I invite people to respond because their comments will help us to shape the bill. We will introduce the final proposal in the new session of Parliament.

I found some of Sandra White's comments to be almost a counsel of despair. She suggested that, because we cannot introduce a bill now, we should do nothing. That is not my style. We will come back with something that is well packaged and ready to run in the next session of Parliament.

Ms White: Convener, I—

The Convener: I do not want to keep the debate going, Sandra. We need to decide what to do with the petitions.

Ms White: Could I make a recommendation, then? We should seek the Scottish Executive's views, because councils already have enforcement powers. The three petitions on the matter should be sent to Jackie Baillie in relation to her consultation. It should also be made clear

that I would welcome Jackie Baillie back next year if she is re-elected, but if she is not re-elected, the chances for the proposal may be slim indeed.

The Convener: Are members happy with those recommendations?

Members indicated agreement.

Local Planning (PE1009)

The Convener: Before we move on to the election, we move on to our next new petition. PE1009, by William and Angela Flanagan, calls on the Scottish Parliament to urge the Scottish Executive to ensure that there is justice in local planning matters for third parties who seek redress and financial recompense when planning authorities have acted in error. The petitioners seek the provision of an advocacy service to represent third parties in the court system. The petitioners have submitted further information, which was circulated to members this morning.

Do members have any suggestions on how we should deal with the petition? I suggest that we seek the views of the Scottish Legal Aid Board, Planning Aid for Scotland, the Law Society of Scotland and the Scottish Executive.

John Farquhar Munro: I agree.

The Convener: Are members happy with that?

Members indicated agreement.

NHS Dental Services (PE1018)

The Convener: The next petition is PE1018, by Keith Green, on behalf of the Kinross group of the save NHS dentistry campaign. The petition calls on the Scottish Parliament to urge the Scottish Executive to restore NHS dental services throughout Scotland. Before it was formally lodged, the petition was hosted on the e-petitions system, where it gathered 144 signatures.

We are already considering PE920 and PE922, which also concern the provision of NHS dental services. We are seeking the petitioners' views on the responses that we received on those petitions.

Jackie Baillie: I suggest that we link the petitions, see what responses come back and then consider whether we need to write again if anything is not picked up.

The Convener: Are members happy with that?

Members indicated agreement.

Current Petitions

Community Sports Clubs (PE868)

11:34

The Convener: Agenda item 2 is current petitions. PE868, by Ronald M Sutherland, calls on the Scottish Parliament to urge the Scottish Executive to bring forward legislation to create a right to buy for member-based community sports clubs that occupy or use land and/or premises for recreational or sports purposes.

At its meeting on 26 June, the committee agreed to write to the Scottish Executive to express its concern about the lack of response on the petition. The Executive has responded with apologies for the delay, and the response has been circulated.

Members might wish to note that the right to buy was considered and not agreed by Parliament. We may have to close the petition, given that the issue was considered thoroughly during the passage of the Planning etc (Scotland) Bill.

Ms White: When we considered a similar petition two weeks ago, unfortunately we had to close it because we could not take it any further. I agree with your recommendation.

The Convener: So we will close the petition.

Members indicated agreement.

Neurological Services (Post-polio Syndrome) (PE873)

The Convener: PE873, which is from Helene MacLean on behalf of the Scottish Post Polio Network, calls on the Scottish Parliament to urge the Scottish Executive to join the international community in recognising post-polio syndrome and to conduct a much-needed national review of neurological services to take account of the needs of PPS and all other long-term neurological conditions with a view to establishing multidisciplinary centres of excellence to assess, treat and research such conditions, which affect the lives of many thousands of individuals in Scotland.

At its meeting on 3 May, the committee agreed to write to the chief scientific officer, the chief medical officer and the Minister for Health and Community Care. Responses have been received and circulated to members. In addition, we have received correspondence from Margo MacDonald.

The committee might wish to consider exploring further with the chief scientific officer the options for funding a relevant research study—that point came through clearly in the correspondence. It would also be worth seeking the petitioner's views

on the responses received. We could write directly to the CSO to ask about the prospect for research to be funded and, once we get a reply, forward it to the petitioner and seek a response on all the points that have been raised.

John Scott: The chief medical officer's response is particularly helpful. He points out that Scotland has a well-developed network for developing guidelines and advice, but that he would be happy to discuss the feasibility of developing further guidelines with the groups involved. That is a positive outcome for the petition—well, it is a good starting point anyway.

The Convener: We will await the petitioner's views on the overall perspective, but it would be helpful to identify the PPS organisations' prospect for research funding. It would be useful for them, too, to know that response.

We will write to the petitioner with that information.

Members *indicated agreement.*

Maternity Services (Rural Areas) (PE898)

The Convener: Our next petition is PE898 from Mrs Lynne Simpson, which calls on the Scottish Parliament to urge the Scottish Executive to review the provision of maternity services in rural communities to ensure that quality of and access to services are retained locally.

At its meeting on 17 May, the committee agreed to invite the views of the petitioner on the responses received from the Scottish Executive, NHS Grampian and the Royal College of Midwives. Those views have been received and circulated.

We are joined by Stewart Stevenson and Maureen Watt. Do you have any comments?

Stewart Stevenson (Banff and Buchan) (SNP): It may help the committee's consideration of the petition to be aware of two points, one of which is factual and the other of which is slightly speculative.

The factual point is that NHS Grampian's consultation has been severely criticised by the relevant inspector. That will inform the minister's decisions when he comes to make them. There was also a useful meeting in which the minister allowed an hour to the people in my constituency who have particular concerns, which are part of the general concern about support for maternity services in rural areas. As a result of that meeting, the minister acknowledged that he had new information, and he has accordingly taken somewhat longer to come to a conclusion.

I speculatively indicate that my sources suggest that the minister is likely to decide whether to

accept NHS Grampian's decision in that part of Scotland, where rural maternity services are a particular issue, probably later this month. In the light of that indication, the committee may wish to defer further consideration of the petition until the minister's views are known. I suspect the minister's decision will inform any conclusions that the committee may choose to reach.

Ms Maureen Watt (North East Scotland) (SNP): The problem is a serious one that relates not only to Fraserburgh. That was brought home to me last Friday when I visited a school in Aberdeen. Groups of children had to give a presentation on an issue and one little boy—he was in primary 6—talked about midwifery services. He said that one mother had had to wait for ages in Aberdeen maternity hospital to get a room because no midwives were available. Because rural services are being closed, the pressure on the main centres is huge. I would like the committee to take that into account when it decides what to do with the petition.

The Convener: Do members have any suggestions on what we should do with the petition, based on the additional information? Obviously, the pending decision of the Executive will have to be taken into consideration.

John Scott: We should forward the petition to the Executive, prior to its making a decision.

The Convener: Once we have sent the information to the Executive and the Executive has made a decision, that could be the end of the petition; the matter will not come back to us for further consideration. However, if the minister is going to make a decision, he should have the information that Stewart Stevenson, Maureen Watt and the petitioner have provided.

Stewart Stevenson: If I may, convener, I point out that the minister is about to make a decision in relation to NHS Grampian. Of course, the petition is drawn rather more widely than that. This is entirely up to the committee, but I suspect that you will get a clear indication of the minister's attitude to the issue, which is a concern throughout Scotland, when he makes his decision on NHS Grampian. The implications may be local or national; at this stage, I cannot say which and I suspect that no one but the minister can say that either.

The Convener: Whatever decision the minister makes, it would be useful for him to have the information that we have been given before he makes it. The decision will come thereafter.

Ms White: In the information that we have received from the petitioner, I was struck by the comment that the number of deliveries of babies has risen in rural areas, whereas NHS Grampian says that the number has fallen. There is an

argument there. The minister should know that the petitioner says the opposite of what the health board says.

The petition should go to the minister. I am not sure whether we can keep the petition open until the result is announced and we have got the petitioner's thoughts on it. I leave that up to the wisdom of the clerks—they will know whether that is allowable.

The Convener: We can send the petition to the Executive, but I do not know what more we can do. The *Official Report* of our discussion will go along with the information that we send. The minister will reach his decision at the appropriate time and in the appropriate way. When the decision is made, it will not come back to us and we will not sit in judgment on it. Unless the decision is made after a response on the petition comes back to the committee—although I do not know how that would be possible—we will have to say that the petition is closed. Once the minister has made his decision, that will be that.

Ms White: That is my concern. People cannot resubmit a petition on the same subject, so the petition could not be resubmitted. I seek the clerk's advice on whether there is any way in which we can keep the petition live until the minister makes a decision.

The Convener: It will be live—that is the point that I am making.

Ms White: So it will still be live.

The Convener: It will be live, as information for the minister, but once the minister makes his decision, the petition will have to be closed, because we cannot sit in judgment on that decision.

Ms White: So the petition is still open at this time. That is fine.

The Convener: I thank Stewart Stevenson and Maureen Watt.

Ownerless Land (PE947)

The Convener: Petitions PE908 and PE909 were discussed earlier, so our next petition is PE947, by DECIDE—Dornock Eastriggs Creca Initiative Development Enterprise—which calls on the Scottish Parliament to urge the Scottish Executive to provide community groups with the right to take ownership of land when it is currently ownerless or has been abandoned by its owners for seven years.

At its meeting on 19 April, the committee agreed to seek views on the petition from the Queen's and Lord Treasurer's Remembrancer, Registers of Scotland, the Law Society of Scotland, the Scottish Community Land Network and the

Scottish Executive. Responses have been received.

Stewart Stevenson has stayed with us, as he has an interest in the petition. I ask him to make any comments, before we consider the petition.

11:45

Stewart Stevenson: I became aware of the petition only when I looked at today's agenda, but I have a relevant constituency case of which the committee might find it valuable to be aware. In one village in my constituency, people wanted an abandoned house, which had been abandoned for some 10 years when the case first came to me, to be sold to someone simply so that it could be dealt with and would no longer be an eyesore. Initially, it appeared that the Queen's and Lord Treasurer's Remembrancer could be the ultimate owner. However, when advertising boards were put up, a company in Panama identified itself as the owner of the building. Since then, I have spent about £400 of my allowances on translation services in corresponding with the Panamanian company. We may yet get a conclusion.

I give the committee those brief details as a practical illustration of the difficulties that remain in the system of ownership in Scotland. In particular, I point out the lack of any requirement for a foreign owner to have a resident representative and the lack, for historical reasons, of clarity about where ownership lies. The documents that the committee has elicited from various sources are useful, so I will keep them in my personal file for future reference.

The petition provides a useful illustration of how one may proceed, but I encourage the committee to grunt and heave and strain to help not just the petitioners from Dumfries and Galloway but all of us—MSPs and others—who need to deal with the issue, which can occasionally be a serious matter for communities. I congratulate the petitioners on lodging their petition.

The Convener: We will make the petitioners aware of the responses that we have received and ask them for a further response. Perhaps Stewart Stevenson can encourage those who are involved in his constituency case to make their correspondence available to us for future consideration along with the petition.

Stewart Stevenson: If the committee's intention is to keep the petition open, I will certainly be happy to see what I can provide that might further inform the committee's considerations.

The Convener: That would be helpful. Are members happy that we proceed in that way?

Members indicated agreement.

Ship-to-ship Oil Transfers (Conservation) (PE956)

Forth Estuary Ship-to-ship Oil Transfers (PE982)

The Convener: The next two petitions are PE956 and PE982.

Petition PE956, by Mary Douglas, calls on the Scottish Parliament to urge the Scottish Executive to ensure that the Conservation (Natural Habitats, &c) Regulations 1994, as amended, are applied in relation to ship-to-ship oil transfers in Scotland.

Petition PE982, by B Linden Jarvis, calls on the Scottish Parliament to consider and debate the implications of proposed ship-to-ship transfers of oil between vessels at anchor in the Forth estuary. The petition asks that the consideration and debate should focus specifically on the likely impact of such operations upon wildlife, tourism and local authority funding of clean-up. The petition also asks the Parliament to consider how it might use its powers within the 12-mile tidal limits to protect the local ecology, scenery and environment and areas of special scientific interest and habitat within the estuary.

At its meeting on 3 May, the committee agreed to seek views on petition PE956 from a wide range of organisations, including local authorities, conservation bodies and the companies directly involved, and to seek the views of the petitioner on the responses once they were received. The Scottish Parliament information centre has provided a summary of the written evidence, for which I record our gratitude. We have also received additional information from the RSPB, which has been circulated this morning.

I had hoped that we would be joined by Marilyn Livingstone, who is the local MSP, but she contacted me to say that she would be tied up with this morning's meeting of the Education Committee, although she hoped to join us for this discussion. However, we have been joined by Mark Ruskell and Bruce Crawford, both of whom have an interest in the issue. Marilyn Livingstone suggested to me that we should take cognisance of the Environment and Rural Development Committee's inquiry, so we can bear that in mind. We might want to send the petitions to that committee.

As Helen Eadie is a member of this committee, I ask for her comments before I ask for those of her colleagues.

Helen Eadie: Thank you, convener. Marilyn Livingstone, Christine May, Scott Barrie and I have worked closely in considering ship-to-ship oil transfers, so I know a bit about what Marilyn

Livingstone thinks are the issues involved. She did indeed want to be at this meeting.

I am grateful to the SPICe researcher Alan Rehfishch—I hope that I have pronounced his name properly—for providing us with a good summary of the written evidence. We asked for and received technical and legal advice from the 17 organisations to which we wrote. In addition, six of the respondents said that they supported the petitioners, which is interesting. I was especially pleased about that. However, I was disappointed that no responses were received from the harbour authority—Forth Ports plc—or from Melbourne Marine Services, to which my colleague Christine May has written seeking a meeting with its representatives. I am pleased that she has done so.

I submitted a public petition to the European Parliament, which Marilyn Livingstone, Christine May and Scott Barrie supported, because we think that several issues arise, particularly with regard to the European requirement that no authority should have a conflict of interest when it is making a decision on an application. We all know that the Scottish Executive must call in planning applications that relate to local authorities' own land or properties. There should be a similar requirement on member states to call in proposals from which organisations such as Forth Ports stand to benefit. That is why we submitted our petition to the European Parliament. Catherine Stihler, who is the member of the European Parliament for the area, helped us when we wrote to that Parliament.

I hope that we can keep the matter alive. Can we send petition PE956 and a copy of the *Official Report* of the relevant debate that was held in the Scottish Parliament to the President of the European Parliament to refer to the European Parliament's Committee on Petitions, so that it will consider petition PE956 when it considers the petition that we submitted? Furthermore, can we copy the correspondence to Her Majesty's Government? I say that because one of the City of Edinburgh Council's key concerns is the role of the harbour authority. It has stated:

"Forth Ports will require to demonstrate a lack of bias in the approval process as clearly they have a perceived conflict of interest between acting as approval authority and beneficiary".

As a result of a ruling by the European Court of Justice on 20 October, I do not agree with Ross Finnie's view that the Maritime and Coastguard Agency and Forth Ports are competent authorities to deal with the matter. That ruling found against the United Kingdom for failing to transpose EU habitats directive 92/43/EEC directly into UK law. Given that the UK has been found guilty in that respect, the Maritime and Coastguard Agency

does not have a basis on which to arrive at its view, which is why I question its competence to deal with the matter. I would like that to be highlighted when we write to Her Majesty's Government. I feel strongly that a decision is being thrust on us that is against the will of the City of Edinburgh Council, West Lothian Council and Fife Council.

Another key point arises from the SPICe briefing, which I emphasise was helpful. Costs will be met by council tax payers, but there will be no income stream from which to recover those costs. We know that there has not yet been an oil spill, but when formulating budgets councils must have a degree of preparedness. The proposal has cost implications for emergency planning and the emergency services. The taxpayer alone will have to pick up the cost of a commercial venture that is being driven forward by Forth Ports. That is a particularly powerful argument.

The North Sea Commission, which comprises all the local authorities in the North sea area, including authorities in Denmark, Sweden, Norway, Germany, Belgium and Holland, is united in its view that the effects of oil spills can be devastating. We know that the economies of Fife, Edinburgh and the coastal parts of the Borders depend on the benefit that tourism brings. It would be crass, stupid and totally unjust for us to allow the proposal to go ahead when there are such serious economic development issues to be addressed. I appeal to the convener and other members of the committee to support my suggestion that we refer the petition to the European Parliament's Committee on Petitions in support of the petition that we have already submitted.

The Convener: I have no difficulty with our doing that. We can refer the petition to the European Parliament and to Her Majesty's Government for information. If we refer the petition to the Environment and Rural Development Committee for consideration during its inquiry, we cannot keep it open; any responses that we receive will have to be sent to that committee.

Helen Eadie: The petition is too urgent to go into the melting pot and to be referred to another committee for consideration. We should hold on to the petition and press it on the agenda of every meeting between now and when the decision is made. We must also ask about the timescale for any decision.

The Convener: I will give other members a chance to make recommendations.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): Helen Eadie gave us a useful rundown of some of the current issues. It is clear that there is cross-party support for dealing with the issues that

the petition raises in a timely fashion. Time is running out: Forth Ports may make a decision within months. It is important that a committee considers the issue sooner rather than later. The Environment and Rural Development Committee is in an excellent position to do that, because it is already collecting written evidence for its marine inquiry. I know of petitioners and others from Fife communities who are contributing written evidence on this important issue to the inquiry. Given that the committee will take oral evidence at a series of meetings in the new year, it would be most timely and appropriate for the petition to be referred to it. I would like that to happen as quickly as possible.

Bruce Crawford (Mid Scotland and Fife) (SNP): I am sorry for giving you such short notice of my attendance at this morning's meeting, convener.

I thank the petitioners for ensuring that there continues to be a focus on ship-to-ship oil transfer. It is obviously important, for the reasons that Helen Eadie outlined. There is significant concern in the coastal communities surrounding the Forth about the matter. The issue has been dealt with reasonably on an all-party basis, and everyone is doing what they can to push forward the agenda. Alyn Smith MEP and I met representatives of the European Commission's environment directorate-general in Brussels to discuss the issue. On behalf of the communities affected, we lodged a complaint about the proposal with the European Commission.

Helen Eadie is right to suggest that we should refer the petition to the European Parliament's Committee on Petitions. Depending on the guidance that the convener gives us about the impact on other committees of our doing that, it might also be useful to send our deliberations and the petitions to the European Commission environment directorate-general, because it is still investigating the complaint that was raised with it and is actively discussing the matter with the United Kingdom representatives in the European Union.

12:00

The legislation is incredibly complex. When Forth Ports was privatised by the former Tory Government, I do not think that anyone foresaw the circumstances that we are in today. I am loth to attack Forth Ports, because in many ways it has been left in the situation and must deal with the legislation that is in place. However, I have no doubt in my mind that there is a conflict. The environmental concerns are serious. The report produced by consultants for Forth Ports admits that there will be oil spills and admits to the significant difficulties that exist in the estuary. The risk assessment work exists for all to see.

That brings me neatly to what ministers could still do using the powers that are available to them under the regulations under the habitats directive. The Minister for Environment and Rural Development has powers under the regulations to consider the impact on conservation areas in the River Forth, of which there are many categories in the area. I am glad that the minister accepts that he has some responsibility, through Scottish Natural Heritage, if not for signing off the decision or giving approval, for saying whether the work that is being carried out by Forth Ports is valid.

In addition to what has already been suggested, it would be of value for the committee to contact Ross Finnie to establish what point the Executive has reached in its deliberations on regulation 44. The minister told me off the record that the Executive accepts its responsibility. Dr Ladyman, who is the Minister of State for Transport at Westminster, responded earlier this year to a written question from Mike Weir of the SNP. He stated:

"Furthermore, under regulation 44 of the Habitats Regulations, there is provision to license activities that could disturb a European protected species, or damage or destroy breeding sites or resting places."

That is exactly what is under threat. He continued:

"As this is for a devolved purpose, it is the responsibility of the Scottish Executive to determine whether a licence would be required for ship-to-ship transfers in the Firth of Forth."—[*Official Report, House of Commons*, 25 July 2006; Vol 449, c 1308W.]

That is a clear statement by the UK Minister of State for Transport. We must press the Minister for Environment and Rural Development to accept that position and seek his view on the outcome of any potential licensing process.

Ms White: The issue has been addressed on an all-party basis. Marilyn Livingstone has also expressed concerns: I spoke to her about the issue at the Equal Opportunities Committee. There is great concern not only about the impact on the habitat but about the other impacts of oil spills. The issue is serious.

If the petitions were sent somewhere other than to the Environment and Rural Development Committee while it is holding its marine inquiry, I would be concerned that the Parliament would lose control of them. Bruce Crawford mentioned the habitats directive. SEPA is also under the control of the Scottish Parliament. We must look for something to be done about the matter under the current legislation.

The Convener: If the petitions go to the Environment and Rural Development Committee, they stay with the Parliament. The issue on which I seek clarification relates to the fact that Helen Eadie wants us to send them to the Committee on

Petitions and to Her Majesty's Government. I have no problem with that, but the petitions can be sent on for their information only if we pass them to the Environment and Rural Development Committee. Once we pass the petitions to another committee of the Parliament, it becomes its responsibility to take them forward. Any responses that we get from the European Parliament's Committee on Petitions, the European Union or Her Majesty's Government would go to the Environment and Rural Development Committee for it to handle. The petitions would still be in the possession of the Parliament; I would not want us to relinquish them.

Ms White: I agree.

Helen Eadie: That is precisely what I hoped for. We have already submitted a petition to the European Parliament's Committee on Petitions; it went there a couple of months ago. I was seeking—you have given your blessing to the suggestion—that the petitions should go to the Committee on Petitions for information.

I was not aware that the Environment and Rural Development Committee had reached the point that it has on the matter. I was just worried that we would be in a queue waiting for the business to be conducted. However, if the issue is already being acted on, I am quite happy with that. I am comforted by Mark Ruskell's words.

I want to pick up on Bruce Crawford's point about the habitats directive.

The Convener: Could you do so briefly, Helen, because we need to get on?

Helen Eadie: The habitats directive has been found wanting by the European Court of Justice. It has been ruled to be defective, which is one of our concerns.

The Convener: Are members happy for us to send the petitions to the Environment and Rural Development Committee and to the two levels of Government that Helen Eadie mentioned for their information?

Members indicated agreement.

Ms White: Could we also highlight the fact that we did not receive replies from—

The Convener: Yes, that concerns me. As Helen Eadie said, Melbourne Marine Services and the United Kingdom Offshore Operators Association did not reply to us. I am disappointed that they could not find the time to do so, given that we asked them for information. I am more surprised that we did not receive responses from Friends of the Earth Scotland and Greenpeace. They might want to respond to the Environment and Rural Development Committee when it considers the petitions further. If we rebuke them

for not replying to us, it might encourage them to participate in the Environment and Rural Development Committee's work on the petitions.

Helen Eadie: RSPB Scotland should be complimented, because it has given us good briefings on this matter all the way through.

The Convener: Yes. That has been helpful. We will take forward the petitions in that way.

Borderline Theatre Company (Funding) (PE959)

7:84 Theatre Company (Closure) (PE970)

The Convener: Our next two petitions are PE959, by Eddie Jackson, on behalf of Borderline Theatre Company, which calls on the Scottish Parliament to urge the Scottish Executive to act urgently to ensure the continuation of Borderline Theatre Company's innovative touring and lifelong learning programme; and PE970, by Chris Bartter, on behalf of 7:84 Theatre Company, which calls on the Scottish Parliament to urge the Scottish Executive to act urgently to prevent the closure of 7:84 Theatre Company.

At its meeting on 28 June, the committee took oral evidence on the petitions and agreed to consider at a future meeting the evidence and what further action to take. Responses have now been received and circulated.

John Scott: I welcome the fact that 7:84's appeal has been successful, but I am dismayed that Borderline's appeal has not been successful. The Scottish Arts Council does not come out of this at all well. Borderline has been discriminated against by the SAC, which changed the criteria for assessing applications after they were submitted. I believe that Borderline's assessment of what has happened is accurate. It is a very professional organisation and always has been, so it would not make such allegations lightly. I am disappointed at how the SAC has handled the matter. That said, I am not sure what we should do. I appreciate the letter from the Minister for Tourism, Culture and Sport, but I am disappointed that she feels unable to do anything, particularly as Borderline is in my constituency.

The Convener: It is one of those things. Once the decision has been made, we are not going to be able to overturn it, no matter how much we might express our disappointment.

John Scott: I have to admit that, grudgingly, but I am utterly frustrated that a company of the quality of Borderline in my constituency should be put in jeopardy by the Scottish Arts Council for being too audience focused. It is utterly outrageous.

The Convener: It is a ridiculous state of affairs. We all expressed that opinion at the time. We just have to close the petitions. Is that agreed?

Members indicated agreement.

Housing Stock Transfer (PE829)

The Convener: Our last petition is PE829, by Mrs Anne Ayres, on behalf of Carntyne Winget Residents Association, which calls on the Scottish Parliament to consider and debate the impact of housing stock transfer on Scottish communities. At its meeting on 17 May, the committee agreed to write to Glasgow Housing Association. Do members have any suggestions on how to deal with the petition? I welcome the additional information that we were given this morning.

Ms White: I got that information this morning, as did everyone else. Some of the information from Anne Ayres is different from that contained in the reply from Michael Lennon. Anne Ayres said that the pilot scheme would be starting next year, but the letter from Michael Lennon said that it would be starting in November 2006. I do not know how to proceed with the petition. We have written to GHA and the Scottish Executive, but GHA does not seem to be moving on the petition. I am worried that we are just getting platitudes. Could we write to the Minister for Communities for his thoughts on the petition?

The Convener: I do not see why not, given that issues have been raised about timescales. Are members happy for me to draw up a letter to the Minister for Communities to ask questions about the information that we received this morning?

Members indicated agreement.

Ms White: That would be smashing. Thank you.

Meeting closed at 12:10.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Monday 25 December 2006

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

Scottish Parliament

RNID Typetalk calls welcome on
18001 0131 348 5000
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers