

PUBLIC PETITIONS COMMITTEE

Wednesday 17 January 2007

Session 2

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PUBLIC PETITIONS COMMITTEE

1st Meeting 2007, 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)

Colin Fox (Lothians) (SSP)

Phil Gallie (South of Scotland) (Con)

Rob Gibson (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED :

Chris Ballance (South of Scotland) (Green)

Frank Beattie

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

Ian MacKinnon (Action Against Marine Park)

Hugh MacPherson

Mr Stewart Maxwell (West of Scotland) (SNP)

Stuart McMillan

Helen Wilson

CLERK TO THE COMMITTEE

David McGill

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Wednesday 17 January 2007

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

The Convener (Michael McMahon): Good morning, everyone, and welcome to this morning's meeting of the Public Petitions Committee, which is our first meeting of 2007. I welcome Rosie Kane back to the committee; she was unable to attend some of our meetings before Christmas. Our thoughts have been with you over the difficult time that you have had recently.

Rosie Kane (Glasgow) (SSP): I thank everyone very much; I appreciate that.

The Convener: Before we begin our consideration of petitions, I welcome to the meeting Senator Mary O'Rourke and her colleagues from the Irish Senate, who will take an interest in this morning's proceedings. We will hold a discussion with them once we have concluded our business. I welcome you all.

New Petitions

National Parks (Scotland) Act 2000 (PE1011)

The Convener: Item 1 on our agenda is consideration of new petitions, the first of which is petition PE1011, which was submitted by Ian MacKinnon of Action Against Marine Park. The petition calls on the Scottish Parliament to amend the National Parks (Scotland) Act 2000 to require that before any national park can be established, it must be approved by a majority in a local referendum. I welcome to the committee Ian MacKinnon, who is supported by Helen Wilson and Hugh MacPherson. You have a few minutes to make a brief statement in support of your petition, after which we will discuss the issue that you want to raise.

Ian MacKinnon (Action Against Marine Park): In his foreword to "SNH Advice on Coastal and Marine National Parks", the outgoing chairman of Scottish Natural Heritage, John Markland, wrote:

"For the right area ... we believe that a National Park can make an important contribution".

We agree with that. Our petition is not about stopping a national park; it is about ensuring that it goes in the right area. John Markland went on to say:

"Support from local communities and other stakeholders is essential to bringing any proposal forward".

We want to ensure that a marine national park goes in the right place, where it has support from the local community. The local community has not been consulted on the issue in the two areas that SNH is putting forward as its favourite areas: Mull and Argyll and the islands; and Ardnamurchan, south Skye and the small isles.

We were concerned about that, so we went back to SNH and got it to come to a meeting at which we raised our concerns. SNH said quite simply that it was not asked to carry out a public consultation. When we raised the issue in a meeting with Mr Finnie and the Executive, they said that they were acting on the advice of their advisers. We want to find out who is representing us—the people who live there.

We went to our MSP, Fergus Ewing, and he raised matters on our behalf, but we feel that, because he is in the Opposition, his views are pooh-poohed and ignored, so our views and concerns are disregarded. On Mull, because of the political persuasion of their MSP, the people do not have his support.

Fergus Ewing arranged an opportunity for us to meet all the other Highland MSPs, and we came down and expressed our concerns. In the

subsequent debate, either they or another member of their party expressed the same view as John Markland, that the support of the local communities was vital and that our voices had to be heard. However, when we go to the Executive, it still tells us that it bases its decisions on advice from its advisers, who are SNH. When we go to SNH, it says that it was not asked to carry out a public consultation.

The public consultation that is going ahead has been criticised by just about everybody. Hugh MacPherson is here as a member of Acharacle community council. Acharacle is a community in Ardnamurchan, where the big roadshow bus did not go. It avoided going there and instead went to just two places—Fort William for a day and Mallaig for a day. We wrote to the Executive to express our concerns that the bus was coming to dish out glossy brochures, but the people on the bus could not answer our questions. We asked, “What is going to happen to fishing?” “That will be worked out in the park plan,” they said. We asked, “What about aquaculture? Housing? Tourism?” “It’s all going to be in the park plan,” they said.

Loch Lomond and the Trossachs national park has been going for four years now and it still does not have a park plan that has been passed by the Executive. We are being asked to sign away the future of our communities and we do not know what for. Every time that we ask SNH, it tells us, “We were not asked for a public consultation.” If we ask someone from the Executive, we are told, “The bus came round.” It did not go to Ardnamurchan. It came to Mull on the day of the Mull rally. It came to Mallaig in the middle of the October holidays, with one week’s notice. As fishermen, we do not go on holiday in the height of summer—that is when we make the money to see us through periods such as the three months of almost non-stop gales that we have just had. Yet the bus came when it did.

The consultation document asks more questions than it answers and other people are answering them. For example, the Ramblers Association believes that there should be closed fishing areas. I have fished for 21 years, and I have yet to see a rambler out there, but the association has an opinion. What is it based on? It is certainly not based on speaking to fishermen, because it did not approach us.

Other groups answering the consultation include Scottish Environment LINK, an umbrella group for 36 environmental groups in Scotland, which is funded by SNH and the Scottish Executive. What funding are we getting to represent the people who live and work in the communities and on whom the park is going to be imposed?

Mr Finnie said that he would not impose a park if there was substantial local opposition. How can he

find that out without a referendum? To go ahead and put a park in the wrong place, where the people do not want it, would be a mistake. Our petition is about trying to avoid a mistake.

The Convener: Thank you, Mr MacKinnon. You made a few very interesting observations that the committee can now ask questions about.

Mr Charlie Gordon (Glasgow Cathcart) (Lab): Have you consulted the local authority? What is Highland Council’s view on the matter?

Ian MacKinnon: As far as I am aware, the council has not debated it. It was going to wait until the final area was decided. There was a shortlist of five, with a possible amalgam of parts of the Ardnamurchan and Mull areas to make six. The shortlist was put back up to 10 when the consultation document was issued. Highland Council was waiting until a particular area was chosen before it debated the subject. Charlie King, our councillor, and Michael Foxley, the councillor for Ardnamurchan, have their concerns and feel that the people have not been consulted adequately.

Mr Gordon: I have considerable sympathy with your views, but I am a bit wary of your conclusion that we should have a local referendum, albeit that some years ago I was involved in organising the Strathclyde water referendum, which could not be replicated under current legislation. Referendums on big constitutional issues affecting the whole nation are one thing, but having referendums on decisions that affect local areas would bypass established political structures, including, crucially, the local authority.

I was slightly confused about what you said about consultation. First, you said that there was no consultation, but then you said that consultation is happening now. Do you think that, with adequate consultation, your local authority and MSPs are well able to reflect the views of local people and that such views can carry weight in Parliament, to which, ultimately, SNH is accountable?

Ian MacKinnon: We would like to try to assess whether there is any local support for the proposals. Everybody has said that the national park is vital. I do not know how to assess local support, other than through a local referendum.

The consultation has been totally inadequate and has been criticised widely, as I am sure that you have read. We believe that a local referendum is the way forward to assess local support.

There are numerous examples throughout the world of where Governments have said, “There you go. There’s your national park. You live with it.” At the moment, in the Kalahari, the Bushmen are being put out to make way for a game park

and the same is happening in the Masai Mara. I would not like to see that happening in Ardnamurchan and Mull, but I fear that it will if we do not get the chance to express our views.

Mr Gordon: I have sympathy with your views, but I am not sure about your conclusion that the only way to reflect local opinion adequately in the ultimate decision-making process is through the novel development of a local referendum. That would establish a precedent and I would worry that, in the local planning process throughout the country, we would end up having decision-making powers removed from local authorities and calls for referendums in hundreds of situations. That is the only caveat.

Ms Sandra White (Glasgow) (SNP): Good morning. As someone who has lodged a motion on a referendum on Trident and written articles on Trident, I believe that referendums are a way forward, because they engage the people not just in political matters but on aspects of the way they live. I suppose that I should declare an interest in this issue.

You mentioned organisations. The evidence that we have is that 191 organisations and individuals were contacted, of whom 25 were consulted further. You mentioned Scottish Environment LINK. Were any local people's organisations among the 25 organisations—which seem to be established organisations mainly—that the Executive and SNH spoke to?

Ian MacKinnon: No. I went through the list of the 25 stakeholders and could see none that has headquarters in or is based in the areas concerned. One of the groups within Scottish Environment LINK, the Hebridean Whale and Dolphin Trust, has its headquarters on Mull. The Scallop Association was included, but I do not know where its headquarters are. Its secretary, John Hermse, is also the secretary of Mallaig and North West Fishermen's Association, which has its offices in Mallaig. However, the association does not represent all fishermen. There are a number of other fishermen's groups. Hugh MacPherson and I are involved in Ardnamurchan Fishermen's Association. There is also the Mull Aquaculture and Fisheries Association, which was not represented.

The Scottish Fishermen's Federation was represented in the stakeholder groups. Mallaig and North West Fishermen's Association is affiliated to the federation, but the majority of boats that the federation represents are far larger, especially on the east and north coasts. Those boats work well outside the proposed six or 12-mile limit of a national park.

10:15

Ms White: The total number of organisations and individuals consulted was about 300, including 191 who were contacted directly. Twenty-five organisations, rather than groups of people who had shown an interest in the issue, were involved in the group that was established. The evidence that we have indicates that 10 locations were identified as possible sites for a national park and that the number was then reduced to five. You say that it has now been further reduced to two. Did SNH advise you of that? We have been told only that 10 suitable locations were identified.

Ian MacKinnon: A number of suitable locations were identified. There was supposedly a shortlist of five: Ardnamurchan, the small isles and south Skye; Argyll and the islands, including Mull; the Solway coast; north Skye; and south of Argyll, down to the Mull of Kintyre. There was also a magical, mysterious amalgam that would be acceptable. We thought that we were working on a shortlist of five, but the two areas of Argyll and the isles, and Ardnamurchan, south Skye and the small isles were touted as the favourites. We were led to believe that there was a level playing field and that no decisions had been made, which is possible, but those two areas and the magical third option are certainly being pushed. The consultation document suggests repeatedly that they have been identified as the most suitable locations.

Hugh MacPherson is from Ardnamurchan and is a member of the local community council. The community councils in the area were not contacted and the consultation document was not sent to them. Eventually, the secretary of Arisaig community council got it, after asking the Executive to send it to Acharacle. However, groups such as Strontian community council and Kilchoan community council did not get the document. The National Assembly for Wales has been consulted for comment on it, which is absolutely correct, but why are groups such as community councils being missed out? The community councils that have been contacted do not know what they are supposed to do, because no one has given them a role to play in the process.

Ms White: I will probably come back with further questions, but you have clarified some of the issues about which I wanted to ask.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Thank you for appearing before the committee. Your presentation was excellent and easily understood. I understand the concerns that have been expressed in areas such as the Ardnamurchan peninsula and Mull about the lack of consultation, because that is a topical issue in my constituency. Fishermen and the local

community in Ullapool have also complained about a lack of consultation. One of the earlier consultations that took place there was held on a very stormy evening. Two people arrived in a transit van, opened the back doors and handed out pamphlets to anyone who came along. That was not very effective consultation—there are big questions to be asked about the issue. What is the perceived benefit to the wider community of having a marine national park?

Ian MacKinnon: It is difficult to gauge. Whenever we ask the wider community, we find that, because of the lack of consultation and definite answers, it is unsure. If there were going to be a referendum, the Executive would make sure that it was trying to win. It would have to go out and win the hearts and minds of the people, so the consultation would be adequate. People would be shown the benefits, although we want to hear about the disadvantages as well. We are told, “Don’t worry, everyone. You will have a bigger say in what happens in your community.” The process has got this far in two years and no one has come back to us to ask what we think.

We came down to Edinburgh and spoke to John Farquhar Munro and the other Highland MSPs on the day of the debate. We raised our concerns and I was glad that you could listen. However, on the following day, Maureen Macmillan MSP, who did not attend our lunchtime meeting, was quoted in *The Press and Journal* as saying that opposition to the national park was nothing but negativity. We come along and tell people that we are concerned and worried. It is not about stopping a national park; it is about trying to get someone to listen to what we are saying. The people from Mull had a two-day journey and a few of us got back at 2 o’clock in the morning after leaving at 6. However, apparently all that is nothing more than negativity.

If the Executive wants us to come out in favour of the national park and say that we want it because it is good and an accolade that we will enjoy, it needs to come and listen to us and answer our questions. It needs to make sure that a national park has at its heart the aims and needs of the community and the people who live there.

John Farquhar Munro: I think that there will be a degree of support for what you have suggested. The democratic process is where all the community that has been affected is consulted and given an opportunity to voice an opinion, whether through a referendum or some other means. Prior to doing that, the community would need to know clearly and distinctly what is on offer and what the restrictions are. It is all very well agreeing to the establishment of this wonderful marine national park, but what will the end result be? What is to be restricted and what is to happen to local development and other local activities?

The community would need to be clear about and satisfied with whatever has been proposed within the national park structure. No detail on that is coming out. All that is being said is, “This is a wonderful thing. We are going to have a national park and everyone is going to benefit.” Where are the benefits and what are the restrictions?

Ian MacKinnon: You have summed up our concerns and fears. We need to know, so that we can go forward to the future. We rely heavily on the use of our natural resources and I happen to believe that we have done pretty well—so well, in fact, that we are good enough to be a national park. These areas are not under threat. Legislation exists to protect them and we are the ones who are doing it.

I have completely lost track of what I was going to say, but John Farquhar Munro has summed up our fears.

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

As someone who has more than a passing interest in the Loch Lomond and the Trossachs national park, I start with a correction, because it is important to put this in context. I am sure that you would agree that it is not about the time that it takes to get the national park plan in place but about getting it right and consulting all the stakeholders. That is exactly what the Loch Lomond and the Trossachs national park has done.

Ian MacKinnon: I am sorry, but I believe that if there had been a referendum down there, it would have paved the way for a park plan that would have been in place far more quickly than has been the case.

Jackie Baillie: I am trying to stick to the debate, but let me correct you. There was overwhelming support for the national park at Loch Lomond and the Trossachs; indeed, people had been campaigning for it for a decade prior to its delivery by the Scottish Parliament. The devil is, of course, in the detail. In order to get things right, we need people to negotiate in an on-going process; to talk about what is right for the area; and to build on the knowledge and expertise that you have in your area, as others have in Loch Lomond and the Trossachs. I am afraid, therefore, that you are wrong.

However, there are common ingredients. My understanding of the process for the designation of national parks is that an initial proposal is drawn up by SNH and that there is consultation with stakeholders. You have told us about the insufficiency of that process. Ministers can then—if they choose to do so—initiate a full public local inquiry. You are not at that stage yet, but I would have thought that there is an opportunity to be

involved in that. There is then the formal designation of the draft order that sets out the boundaries. Again, that is subject to consultation. Lastly, MSPs play a key role—as I hope you will agree—when the Parliament considers the draft designation order. Indeed, I understand that a parliamentary committee is about to launch an inquiry into the marine environment.

Do you not think that those processes, if applied properly, will deliver the kind of conversation that you seek between the Executive, SNH and all the local stakeholders, with communities very much to the fore?

Ian MacKinnon: We have already taken two steps in that process, yet the Executive has failed to engage with the communities who live in the area. It has failed to address those people's concerns or answer their questions adequately. We feel that the Executive would have answered those questions and addressed those concerns if a referendum had been undertaken. SNH would have engaged at a community level and included representatives of the community among the 25 stakeholders. It would have engaged with a wider representation of business interests, which it was told to do by the minister.

I find it incomprehensible that anybody would try to get together a stakeholders group for the west coast of Scotland without including crofting interests. There was nobody from farming or crofting among the 25 stakeholders. However, there were representatives of 11 Executive agencies and five other groups that are funded either by SNH or by the Executive. The Royal Yachting Association was represented, as was the Convention of Scottish Local Authorities, and there were two representatives of fishing interests. I cannot remember where the rest were from, but there was nobody from the construction industry, from the hotel and catering sector or from the food processing industry. There was nobody from Scottish Water or sewerage services, although I understand that those are the services that are holding up developments in the Cairngorms and putting pressure on developments in the area of Loch Lomond and the Trossachs. They were not represented.

If the Executive chooses 25 stakeholders and excludes others from the group, it can come up with any answer that it wants. We have already taken two steps in the consultation process. If a referendum was an integral part of the process, SNH would have got it right, the consultation would have been far more accurate and appropriate, and we would not be here.

Jackie Baillie: In your view, which two steps have been taken and which steps are still to take?

Ian MacKinnon: The advice from SNH, proposing suitable areas, and the Executive's consultation.

Jackie Baillie: Is a public questionnaire not currently circulating, which was launched as part of the Executive's consultation? Is that not receiving much coverage locally?

Ian MacKinnon: Is that the questionnaire with three questions?

Jackie Baillie: I suspect so.

Ian MacKinnon: As far as I am aware, it is receiving coverage. On the day when I was in Fort William, the staff on the bus were dishing out the questionnaire to everyone who was passing, down to children of around 10, without question. They just asked people to fill in the form and bring it back.

10:30

Jackie Baillie: We have not seen the results of that public evidence gathering.

Ian MacKinnon: I certainly have not.

Jackie Baillie: Do you consider that to be a welcome approach?

Ian MacKinnon: I felt that the questions were biased and were leading questions. I am sure that I have a copy somewhere, but I do not want to start tipping out all my papers.

Jackie Baillie: I am much more interested in the process than I am in the content of the questionnaire. We could argue about whether we need to ask X number of people, or certain questions, but I am more interested in whether a process was gone through that enabled people to engage positively, rather than in the exact detail of the questions.

Ian MacKinnon: I think that the first question was, "What do you think the benefits of a coastal and marine national park would be?" As far as I am aware, 3,000 people have answered the questionnaire, which I think works out at less than 1 per cent of the Scottish population. Perhaps that shows that less than 1 per cent of the Scottish population believes that a coastal and marine national park would have any benefits.

Jackie Baillie: Indeed, but your petition is about a local referendum. Rather than the benefits per se of a national park, you are talking specifically about a local, rather than an all-Scotland referendum. Clearly, that would be in the area that would be affected.

I am a great believer in the idea that people should be supplied with all the information and that appropriate mechanisms should be used with which people feel that they can engage. Do you

not think that a longer process that gives people a number of bites at the cherry, if applied properly, might be more effective than a referendum that simply asks one question?

Ian MacKinnon: Yes, but the only way of ensuring that such a process is followed properly is to have a referendum. From bitter experience, we have seen that the bodies concerned—SNH and the Executive—have the ability to duck and dive on the issues.

John Scott (Ayr) (Con): I have more prosaic questions. How many people do you represent? Have there been public meetings or is there a strong campaign in the local press? I see that only one person has signed the petition. I would have thought that, if there was strong public feeling, there might be more, although you are perfectly entitled to submit the petition with just one signature. I seek to gauge the strength of public opinion on the issue.

Ian MacKinnon: I will pass you over to Helen Wilson, who lives on Mull and who was born and brought up there. She is involved in the tourism business.

Helen Wilson: We have had meetings about the issue on Mull, mainly because the Mull Aquaculture and Fisheries Association—MAFA, which we started when the marine park was being talked about—and the Mull and Iona Community Trust set up meetings with SNH. We have been well looked after, but that is purely because we had people in place and not because of SNH or the Scottish Executive. We feel that, as the creation of a marine park would have serious and far-reaching implications, it is important that we have a referendum so that we know what people really feel. At the meetings, a strong case was made against a marine park, which would be the first such park in Scotland and possibly Britain. Because many people in the area depend on activities such as fishing we are concerned about proposals such as the talk of no-take zones, which would push a whole lot of boats into a smaller area and give each of them a smaller slice of the cake.

I work in tourism. Mull is doing very well, thank you, for tourism. The big point that has been pushed for the marine park is that it will bring a huge amount of tourism to the island. I do not know where those people will go. Last year, we had huge problems. Even at the beginning of the season there was a lack of beds and people slept in cars. We do not have the infrastructure for such tourism. We have gridlock on the roads now, never mind with all those tourists.

It is said that a marine park is wanted because Mull is beautiful and because of the wildlife. I do not know how having hundreds of thousands more tourists will help the wildlife or do anything for the

island. We have reached the stage at which people say that they will not return to the island because it is spoiled and is too busy.

Our family is also involved in fishing and in fish farming, although that is shellfish farming. We are concerned about the effect on that. It is a fallacy that tourists who come to the island do not want to see floats on lochs or fish farms. People are interested in what is happening on the island. They do not say that they want the lochs to be clear or that they do not want to see anything; they are interested in what people are doing.

However, construction is another matter. Mull does not have a huge working population. We have many retired people—our own retired people and many who come in. The average cost of a house on Mull is probably between £200,000 and £250,000. We are concerned about the effect of a marine park on the jobs in fishing, fish farming and construction—the jobs of people who can afford houses. They work hard and run their own businesses. We worry that if a marine park were established, planning restrictions would be imposed and development would stop—or we would certainly not have the same amount of development. That would mean that we would lose many jobs, and because we have such a small working population, we would have huge problems. We would lose many of our young people and we cannot afford to lose them—we need them. In such a small place, something as huge as the marine park has far-reaching consequences for people throughout the community.

Ian MacKinnon: Before we knew that coming to the Parliament was even an option, an initial meeting was held in Mallaig, at which support for our view was unanimous. About 150 people attended the meeting. They were not very sure what the meeting was about and that was the first time that they had heard about the proposals for a marine park. We did not circulate the petition for signatures at that meeting, because we did not know that we were coming to the Parliament.

The situation was the same at a meeting in Arisaig—we were not prepared for circulating the petition. However, then we had another meeting on Mull. I say without wanting to blow my own trumpet that I received a standing ovation. That was not because of how I spoke, but because people are genuinely concerned, so somebody who raises those concerns receives a standing ovation.

Opposition to the proposal is unanimous. We circulated the petition at the Mull meeting—we all work, too. We gathered 86 signatures and I reckoned just from counting seats that 160 people attended the meeting. We were advised that obtaining a vast number of signatures was

unnecessary and I do not have the time to do that. However, my reading suggests that there is much opposition. I do not know how much of that is opposition solely to national parks. Much of it is opposition to how we have been treated and to the lack of consultation. A referendum would alter that.

John Scott: It might also be the case, judging by the comments in your summing-up paragraph, that there might be more willingness to go ahead with the designation if the proposal was better explained to you, the advantages were highlighted and agreements reached to accommodate all parts of the community.

Ian MacKinnon: I am sure that that would be shown in a referendum.

Helen Eadie (Dunfermline East) (Lab): Like my colleagues, I welcome you to the committee. I cannot imagine that there are many of us in the room who have not visited the areas under discussion, which are some of the most beautiful parts of Scotland. I had my honeymoon in Strontian, so I have fond memories of the region.

Have any of the communities that you are representing written to or met any of the agencies that you have mentioned? In particular, I am thinking of Highland Council, SNH and the Scottish sustainable marine environment initiative. Did any of the MSPs you met seek meetings with or write letters to the Minister for Environment and Rural Development on behalf of any of the community councils in your area?

Ian MacKinnon: We asked SNH to attend the initial meeting in Mallaig. It had 17 days' notice, but its representatives were unable to attend. We also asked SNH to attend the Arisaig meeting. Its representatives attended but held to the position that it was not asked to carry out a public consultation.

Our group raised the issue with our MSP, Fergus Ewing. Fortunately, he has asked parliamentary questions on the issue and has arranged meetings with other MSPs on our behalf, which we have attended.

The group wrote to ask Mr Finnie or his deputy—Rhona Brankin at that time—to attend a meeting in Mallaig. They were unable to attend but they said that they would send a deputy. That is yet to be arranged. Mull and Iona Community Trust approached the Executive and a couple of Executive representatives, Nikki Milne and David Mallon, came along to represent it at the meeting on Mull.

I do not know whether Acharacle has been contacted.

Hugh MacPherson: There has been no contact with Acharacle or Ardnamurchan community

councils at Kilchoan. That is where we feel that the process is falling down.

Stakeholders have been mentioned. Surely community councils should be one of the first stakeholders to be consulted as they represent the people of the area. The first that Acharacle community council knew about the proposal was just before Christmas, yet the consultation was closed on about 10 or 15 January. The community council was asked to consult on something that is open-ended. Nobody could tell us what the possible restrictions might be and what the designation might involve.

Helen Eadie: I will clarify the point that I am driving at. Clearly, committee members are concerned primarily about the process, because we want to ensure that it matches our expectations. I acknowledge that Fergus Ewing and Eleanor Scott have asked parliamentary questions on the matter, but when constituents raise such concerns I would also expect MSPs to arrange a meeting with the minister. Given the concerns that have been raised, has a letter been sent to the minister to request such a meeting? Have you, your MSPs or any of the community council secretaries written to Highland Council to ask for a meeting? The officials might not have come to you, but sometimes when things do not go right in a process you have a right and an entitlement to seek a meeting with the leader or chief executive of the council. Has any of that happened? As regards SNH and the Scottish sustainable marine environment initiative, you are entitled to seek meetings with any or all of those bodies.

10:45

I have a great deal of sympathy with John Scott's point. It is sometimes the case that when people hear all the merits and otherwise of an argument, persuasion leads to agreement. You will detect from what I say that I have a lot of sympathy with the view that Charlie Gordon expressed in the early part of the meeting. I do not believe that referendums are the appropriate route either, but I am sympathetic to the process.

There are faults on both sides. From all that I can see in your evidence this morning and unless you can persuade me otherwise, you have not sought meetings with any of the groups concerned, the minister or any of the chief executives and chairmen of the organisations. All that you have done is to tell them that there will be a meeting on the island and that you expect officials to attend. I would have expected follow-up to that. I have been able to get meetings with ministers and make representations to very controversial bodies for my community, as is one's

right and entitlement. You have not persuaded me on those points.

Hugh MacPherson: I return to the community councils. We found out about the consultation only at our December meeting—we did not even get the document; we were just asked to comment. That is what I mean—the members did not even have anything to comment on. The community council has missed its January meeting and by the time of the next meeting, it will be too late because the consultation will have closed.

As far as the consultation roadshow bus is concerned, I got a phone call from Ian MacKinnon to say that it would be in Mallaig the next day, when I would be at sea. For people at Kilchoan in Ardnamurchan, it is a two-hour trip to get to Fort William and two hours back. The bus was there in the middle of the day when most people are working to try to survive.

Helen Eadie: I accept that, but my point holds. Why have representations not been made to those chief executives to ask them to meet and talk to you about the issues rather than dictating to them that there will be a meeting at a certain time? It is about getting mutually convenient dates.

Ian MacKinnon: Because we did not know that that was the due process. I am a simple fisherman. I practised everything that you have heard today to the seagulls and seals. I said everything to them first and they agreed with me. We are not an organised group, we are not funded, we do not have parliamentary officers who are aware of procedure—

Helen Eadie: Your MSP could have done it.

Ian MacKinnon: Our MSP has raised issues. We are trying to raise issues with other MSPs in the hope that they take on board what we are saying and recognise that there is a flaw. If there is a due process that we should have followed, why have we not been notified of it before now? It is not up to the MSP; if that is the correct way to do it, it should be in the consultation document and in SNH's document. We are two steps down the road towards the marine park, which is more than halfway. The process will not be turned round now. It has never been turned round in the past and it will not happen now. The areas have just about been chosen and there is no way for us to turn back. Now we are being told, "You should have done this and you should have done that", but I am sorry—that is of no concern to us.

The Convener: It is obvious that the petitioners were not aware, for whatever reason, that they could have pursued those avenues. People can judge for themselves who is responsible for that.

Rosie Kane: Thanks very much for the information that you have given us today. I will be

brief because you have answered so many questions and made so many points that we are extremely well informed. I trust that you seek to be well informed for your community. We will be able to make an informed decision based on what you have told us today.

Week after week, petitioners talk to us about consultation processes, which are seriously flawed. I have experienced that. Helen Eadie spoke about meeting ministers and MSPs and making representations. Do you agree that an MSP cannot represent the public when the public are not informed enough to take their questions, concerns and points of view to the MSP? If the public are not informed, who is the MSP representing at that point? I wonder whether Fergus Ewing was given all this information, but if it has not been given to the community councils, how is it going to get out into the community? I can see why you have ended up before the committee, seeking a referendum.

You referred to Ross Finnie's comment that if a substantial number of people were opposed to the idea he might reconsider or revisit it. However, how can Ross Finnie keep that promise if he cannot find a way of doing so?

The information that you have has led you to ask for a referendum. As for that referendum, if you found yourself up against the Scottish Executive or other heavily resourced big bodies or organisations with access to scientific knowledge and loads and loads of research, would you also seek adequate funding and resources to get your information and propaganda out there? How would you fight your corner in a referendum?

Ian MacKinnon: I would hope that someone or some group—I imagined the community council—would do that.

One problem is that the community councils that have been consulted on this matter are not aware of the role that they should play. They are asking, "What do we do now?" because no one has told them, "You have to go and speak to your people." After all, they usually deal with issues such as where the 30mph speed limit sign should be located or who will paint the benches this year. I want them to be given a bigger role.

I also think that this is a matter for the Executive. After all, it is about winning hearts and minds. If it wants to establish a national park in an area, it should make the resources available and win the people over by telling them the truth and making clear the advantages and disadvantages. Instead of all the smoke and mirrors and instead of saying, "Maybe the park will happen; maybe it won't; it might come in but it doesn't have to", the Executive should present its own views to the people and try to convince them that the idea is

good and that they want it. When, at the meeting in Arisaig, I asked the SNH representative how the designation will interact with existing marine designations such as sites of special scientific interest, he said, "Well, they might—and could—interact, but they don't have to."

You ask questions, but no answers come. If this measure is to work, you have to go out and make that happen by securing local support and getting people on board. If the Executive cannot get everyone in communities all the way around the Scottish coast to put their hands up and say, "Yeah, a coastal and marine national park would be good for us; we want it", perhaps the accolade is not as wonderful as the Executive thinks it is.

Rosie Kane: The Parliament talks a lot about active citizenship and social inclusion. I believe that there should be a level playing field and that communities should be suitably armed to get the information that they need. However, although I agree with what you said, the approach that you have set out would still leave you at the bottom of the pile and you would simply get more smoke and mirrors from the Scottish Executive and the other big organisations. You need to ask for a wee bit more than a referendum to ensure that both sides are on a level playing field when it comes to the bit. I wanted to mention that, and probe that point a bit more; you have addressed everything else. Thank you for all the information that you have given us.

Ian MacKinnon: I spend most of my days out on a boat, on my own or with one other person. I thought that a referendum would be quite a straightforward way of dealing with this matter, but I see your point. Someone needs to do some work with us on it. Everyone would benefit from that, including the national parks. It would solve many problems.

The Convener: Fergus Ewing has joined the meeting. As we heard, he has an interest in the matter. Fergus, do you have any brief comments to make before we deliberate on the petition?

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I thank the committee for giving me the opportunity to speak and I praise Ian, Helen and Hugh for the spirited way in which they have put forward their case. I can say with confidence that it is not only the seagulls who agree with Ian in Lochaber. I hope that I can be of some help in tackling some of the issues that members have raised.

The consultation that SNH was entrusted to deliver involved SNH being asked to provide advice to ministers about a proposed coastal and marine national park. It consulted a large number of stakeholders. However, I believe that SNH deliberately decided not to consult people in

particular areas, perhaps because it felt that it was considering general principles on a national basis. It did not consult MSPs, which I think that it accepts was a mistake. It managed to find that elusive rambler, whom Ian could not trace, and consulted him well, for which we are grateful.

However, because Lochaber was being presented as a main candidate, it seems to me that SNH had a duty to come and speak to the people and, as Ian said, to try to win hearts and minds. Early last year—I think that it was in January or February—I wrote to SNH to say that it should hold a public meeting in Mallaig to explain its ideas, given that Mallaig is the main centre of population in the proposed area in my constituency. I advised SNH that it should give a few weeks' notice of the meeting and try to pick a date that suited the fishermen, on which they might not be out plying their trade. SNH could have held similar meetings in Mull and Argyll—that would not have been too difficult or costly.

SNH's answer was no. It refused to do that. Later, I made a request under the Freedom of Information (Scotland) Act 2002 and was able to see an internal memorandum in which someone from SNH uttered the view that they would not want to go to Mallaig because there might be "negative protesters" there. That is not particularly encouraging.

To be fair, I should say that after delivering its advice SNH sent representatives to a meeting in Astley Hall in Arisaig at the beginning of April. Unfortunately, the laptop presentation was abruptly cut short by an outburst of thunder and lightning that cut the electricity supply.

Rosie Kane: It was the seagulls that did it.

Fergus Ewing: Yes, perhaps the seagulls were playing a part in some sort of conspiracy.

Mr Rawcliffe, who was there representing SNH, said that SNH believes that a coastal and marine national park should not be foisted on anyone. He also said that, at the end of the day, the decision would be a political one for ministers to take.

SNH's advice was compiled and presented to ministers and the Executive published a consultation document that we have debated in the Parliament. It is fair to say that—although I am not a fan of the idea of a coastal and marine national park in principle—the Executive's proposals do not say where the park should be, what powers it should have, how fishing would be affected or what funding would be provided. That means that it is not easy to work out what the national park is for—it is a bit like trying to grasp mercury in your hands. Taking up John Scott's point, it is difficult to consult on a proposal that is not clear—at least, at this stage.

To answer Helen Eadie's point, I have had extensive correspondence on this issue. I am sure that members would not thank me for providing them all with copies of it. I have written many letters requesting meetings and visits. I hope that Mr Finnie and Ms Boyack, his new deputy, will come to Mallaig—I think that the day that I asked Sarah Boyack to come was the day on which she was appointed last week, actually. I am sure that they would have a lively and robust reception in Mallaig and that it would be an interesting meeting. I will also meet the minister to discuss the matter.

In conclusion, I want to address the specific point of the local referendum. The crux of the matter is that the people who are affected should be asked. The people who live in those areas will have to live with the park for decades. They will be affected in ways that people outwith the park will not be. To pick up Charlie Gordon's point, the proposal for the park is not like a planning application for a house or a new development because the park will be there for all time. Because the change is a major one, it is fair that the people should be asked.

11:00

I believe that the proposed national park does not have much support in my area, but that is just my impression. If ministers base their answer simply on gauging how people responded to the consultation and questionnaire—which I believe asked loaded questions—how will they take into account the views of those who did not take part, such as fishermen who do not have time to consult their esteemed MSP—Fergus Ewing esquire of that ilk—and others who are just too busy doing their work and trying to make a living? Those people will not have a say.

It would not cost much to hold a local referendum with a few thousand people on the ballot. The question would be, "Do you support the establishment of a coastal and marine national park—yes or no?" If the referendum resulted in a large no vote, we would have a clear answer. The referendum would be not a veto but a vote. It would be an exercise in bottom-up democracy rather than a top-down approach. Far from being a wrecking device, the referendum would be an exercise in democracy whereby the people could be heard.

In conclusion, I hope that the committee will agree that, in the circumstances, it should seek a detailed response from the minister on why it would be so wrong to hold a local referendum in which the people would be asked about a development that will fundamentally affect their future.

The Convener: Do committee members have suggestions on how we should deal with the petition?

Helen Eadie: We have heard a lot of views this morning and it has been an enlightening experience.

Given that the Environment and Rural Development Committee is undertaking a major piece of work on the marine environment, I suggest that we should send the petition to that committee, which could go into the issue in much more detail. I still have concerns about the proposal—Fergus Ewing's response did not answer my questions—but the Environment and Rural Development Committee could investigate those details. Fergus Ewing said that he asked for meetings, but he did not say whether he asked to go to Mohammed or whether Mohammed was asked to come to him. Did he consult Highland Council and the Scottish sustainable marine environment initiative? Did he seek a meeting with SNH? He spoke only about seeking a meeting with the minister. However, those details would come out in any inquiry.

Ms White: I am concerned about the consultation process. Obviously, I have shown my hand regarding the need for a referendum.

Jackie Baillie made a good point about what might happen if ministers decided to hold a formal public inquiry on the establishment of the marine national park. My big worry about leaving the issue for that length of time is that only two areas out of the original 10 areas seem to have been short-listed.

I recommend that we write to SNH about the consultation process to ask why, as we heard in today's evidence, community councils were not consulted and why it did not reply to MSPs. We should send a letter to SNH to ask it who was consulted and when the meetings were held.

We should also send a letter to the minister, Ross Finnie. The background paper that we have been given states:

"there is no statutory requirement for a local referendum prior to the establishment of a National Park under the National Parks (Scotland) Act 2000."

However, statutory requirements and guidelines are entirely different. We should write to the minister to ask whether, although there is no statutory requirement under the 2000 act for a local referendum, there might be guidelines for a local referendum if the consultation process has not been followed through. That is my recommendation.

If we send the petition to the Environment and Rural Development Committee, we will lose control of the petition. I am very concerned about

the lack of consultation and the fact that local people believe that only two areas are in the running whereas the evidence from SNH states that there are 10 candidate areas. I want to find out whom SNH consulted. I see no harm in asking the minister whether, although there is no statutory requirement for a local referendum, guidelines might be issued for a local referendum for a development of this scale.

The Convener: I will ask Jackie Baillie for her comments in a second, but I first want to respond to Sandra White's suggestion, which prompts some questions. We need to be aware that the time available to the Parliament is now restricted. The Environment and Rural Development Committee is currently considering the issue. If we write to the minister and hold off doing anything until we have received his response, we might miss the opportunity of having the petition considered as part of that committee's inquiry. I ask members to bear it in mind that we cannot do both those things.

Jackie Baillie: I wish to be genuinely helpful. I take your point, convener, that if a committee is considering the detail of this matter in more depth than we can do now, it is appropriate to send the petition to that committee. It goes wider than the proposed coastal and marine national park; it discusses amending the enabling legislation. It is therefore appropriate for the Environment and Rural Development Committee to consider it.

In order to cover Sandra White's points, would it be appropriate to send copies of the petition and of the *Official Report* of this discussion, as we would normally do, to the Minister for Environment and Rural Development and SNH, for their information? I would part company with Sandra White on her point about guidance on a referendum. In my view, we need guidance to ensure that there is appropriate and adequate consultation with all communities. Those points will be captured in the *Official Report*, and I am sure that ministers and SNH will pay attention to the matter as we send a copy to the Environment and Rural Development Committee.

Ms White: I thank Jackie Baillie for her very helpful comments—aside from the part about the referendum, but we can discuss that another day.

I want to know what the relevant date is. Our briefing paper says:

"The Environment and Rural Affairs Committee will hold an inquiry into the marine environment early in 2007."

How early in 2007?

The Convener: This afternoon.

Ms White: Well, can we get the petition to it by express post?

The Convener: That is effectively the suggestion that Helen Eadie made. The Environment and Rural Development Committee is starting its inquiry on the matter now. If we were to write to the minister, it would be months before we got a response. The response would come back, but not in time to help with the Environment and Rural Development Committee's inquiry. That is the point that I am trying to make. If we do not send the petition to that committee now, we might miss the opportunity to have the points that the petitioner has made considered by that committee. However, the Environment and Rural Development Committee can invite the Minister for Environment and Rural Development to appear before it as part of its inquiry, and it can raise those points then. We will send the *Official Report* to that committee, and its members will know about the discussion that we have had today, including all the points that Mr MacKinnon has made, which can be given due consideration by that committee. It would be quicker to get the petition into the committee's hands—

Ms White: If the Environment and Rural Development Committee is meeting this afternoon, I will take the petition over myself. I agree with the recommendation, including what Jackie Baillie has helpfully said. The petition should also go to SNH and the minister.

The Convener: Are members happy for us to take the petition to the Environment and Rural Development Committee as soon as possible to allow it to consider it?

Members indicated agreement.

The Convener: Thank you very much for bringing your petition to the committee, Mr MacKinnon. You may of course watch the proceedings of the Environment and Rural Development Committee as it considers the issue.

Ian MacKinnon: Thank you very much for your time.

Television Coverage of Scottish Football (PE1026)

The Convener: Our next new petition is PE1026, by Stuart McMillan. It calls on the Scottish Parliament to urge the Scottish Executive to exert all its political powers upon BBC Scotland to ensure that the corporation provides television coverage of every Scotland national football team match, and notes the sporting and cultural importance of the national team, which should ensure that the issue is highlighted every time that the Scottish Executive meets representatives of BBC Scotland.

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

604 signatures. Stuart McMillan will make a brief statement in support of his petition.

Stuart McMillan: I thank the committee for allowing me to speak today. I also thank the clerks for their assistance when I was putting the petition together.

The basis of the petition is not some attack on the Executive. My concern is genuine. I felt that a petition was the proper way to highlight an important issue affecting Scotland. There should be parity among licence fee payers in the United Kingdom, but licence fee payers in Scotland could be considered to be second class. That point has been mooted in various discussions that I have had and in e-mails that I have been sent in support of my petition.

One evening a few months ago, Scotland were playing Lithuania in Lithuania. I was working in the house and, because the match was not being covered on television, I was listening to it on the radio. After the match finished, I put the TV on and did some channel hopping. BBC1 was showing an England match—I cannot remember who England were playing—and BBC1 Northern Ireland was showing the Northern Ireland match against Spain. I sat back and thought, “Wait a minute, this seems a wee bit unfair.” It was great that the England and Northern Ireland matches were on, but it was unfair that the Scotland match was not being shown as well. Being quite sad, I stayed up for the highlights on BBC1 that evening. There were highlights of the England match, highlights of a Wales match and highlights of the Northern Ireland match, but nothing of the Scotland match, which was really disappointing.

This is not simply about sport and culture; there is also a social inclusion issue. There are Scotland supporters who, either through choice or because of the question of affordability, do not have Sky. There are Scotland supporters with mobility problems who cannot get to matches, whether at Hampden or away. There are also housebound people for whom the only opportunity to see Scotland matches, if they do not have Sky, is on the BBC.

I appreciate that broadcasting is a reserved issue, but sport and culture are devolved. I also appreciate that the Executive is limited in what it can do at the moment, but it could highlight the issue to the BBC in the discussions that I am sure they have from time to time.

I am not asking for live coverage of every single Scotland match on the BBC—that would be utopia, and I am a wee bit more realistic—but there should at least be a highlights package of every single Scotland match on the BBC, bearing in mind that the BBC is the public broadcasting corporation. We pay the licence fee in Scotland,

just like our friends and families do in England, Wales and Northern Ireland. If the BBC can show live in Scotland a Bury against Weymouth match, as it did only a month or so ago, it should show Lithuania against Scotland or any other match involving the national team.

The outcome that I hope for is that the Public Petitions Committee writes to the Executive to highlight the various points and issues that will be raised today. I would also like the committee to consider highlighting those points and issues in the chamber of the Scottish Parliament, so that all MSPs have the opportunity to consider them. I would like the committee to pass on the petition, and the points and issues raised, to the Department for Culture, Media and Sport and to the Culture, Media and Sport Committee at Westminster, so that they can note and consider the issues. I would also like the Scottish Executive and the Scottish Parliament to encourage the DCMS to consider a review of the current classification bands for national sporting events.

As I said, the BBC is the national broadcaster, and it has a duty to the licence fee payer. Scottish licence fee payers should expect the same level of service that people in England, Wales and Northern Ireland receive.

11:15

The Convener: Thank you very much.

I want to clarify something before committee members ask questions. You talked about whether the issue is devolved and the BBC's responsibility as the public broadcaster, and you have examined various avenues in exploring where responsibility lies, but you did not mention the Scottish Football Association, which organises the matches and holds the rights to them. The SFA is a commercial enterprise and is therefore responsible for getting as much money as it can to run Scottish football. Is it not the SFA that determines which matches are shown and where they are shown? If it sells match rights to Sky, Setanta or ITV for the best commercial price, that is a matter for it and not for the BBC. The BBC may want to show a match, but if someone else outbids it and obtains the rights to show it, the SFA rather than the BBC will have been responsible for deciding who has the rights.

Stuart McMillan: You are correct to say that the SFA is the main body involved and that it owns the rights to matches. That is another avenue to explore—the SFA can be contacted and it can consider the matter when bids are submitted for the next round of matches. I will certainly contact it. However, in the short term, I contacted the BBC, which responded in a letter to me that it shared and sympathised with my concerns.

The Convener: Could it have said that because it was outbid by a private company in its bid to buy match rights?

Stuart McMillan: Obviously, the SFA wants to get as much money as it can, and everyone hopes that that money will then be fed into the sport at the grass-roots level. The BBC, Sky and many other organisations submit bids. I understand the SFA's position and that it wants to bring in as much money as it can, but the BBC is and should be the public service broadcaster. As such, it has a duty to provide the best-quality service to licence fee payers throughout the United Kingdom.

The Convener: Should the Government force a private organisation to sell its rights to a public service broadcaster?

Stuart McMillan: As I said, I am not asking for the BBC to cover every Scotland match live; that would be utopia and such a request would be unrealistic. However, it should have rights as a result of legislation or the classification process—there are classification grades for different sporting events. There could be a mechanism so that the BBC had the right to show Scotland, England, Wales and Northern Ireland national matches in the relevant nations, although the packages might be only highlights packages.

Jackie Baillie: I apologise to Mr McMillan and the committee for having to leave the meeting, although I will return.

I confess that I am torn by the petition, not least because my other half is a member of the tartan army and would probably whole-heartedly support the sentiment behind the petition. However, I also confess that I would not regard wall-to-wall coverage of football as utopia. I suspect that a substantial part of the population would agree. There is, perhaps, already enough coverage of football. That said, I am genuinely interested in the petition.

The convener raises an interesting point. Obviously, the SFA generates considerable sums of money from this coverage. Do you know how much is generated? How would the SFA replace the lost income? As you said, it helpfully channels the money back into football development. If we were to take that income away from the SFA, what should be done to replace it?

Stuart McMillan: I am not saying that the income should be taken away. My suggestion is not that the BBC should get the rights for nothing; it should have to pay for them. Another question is involved: should all the matches in a tournament be lumped together, sold individually or sold in groups of two or three or whatever? Obviously, the question is for another time. The BBC should pay for the rights to show matches, which means that the SFA would continue to accrue money.

Jackie Baillie: Do you know the scale of the money that the SFA generates from selling the rights to games?

Stuart McMillan: To be honest, I do not have that information.

Jackie Baillie: My guess is that it is millions. Is that fair?

Stuart McMillan: Yes.

Rosie Kane: This is one of those subjects that we can almost have a wee giggle about, but it is also interesting and worthy of serious consideration. Jackie Baillie said that her idea of utopia is not wall-to-wall live Scotland football matches. If that were to happen, I can see her in a wee tartan Jimmy hat, joining the tartan army and getting into it all. Even if we are not talking about live broadcasts, it would be a huge benefit if more people were able to watch Scotland football matches. It would inspire our young and up-and-coming talent by giving them their own role models and heroes. In this country, we want our young people to look up to other Scottish people, not just to David Beckham. We should give our young people—and people like me—more access to Scotland matches. The SFA has a huge responsibility in that regard. I am glad that the convener teased out the point, as I was also going to suggest that we write to the SFA.

I would like there to be a members' business debate on the subject. A lot of interest could be generated in that way. It is only when big events such as the world cup happen that we get peaks of coverage, then everything dies down again. We do not know who plays for the team, where it is at or how it is doing until something happens, such as Walter Smith abandoning the team, and suddenly the Scotland team is all over the telly for a while, before disappearing off our screens again. Our national team has its own magnificent world-renowned support. Given that it can generate such loyalty, our team deserves better. Having more coverage of its inspirational players would bring more of our young people—girls and boys—into football. I would like more coverage of women's football, too.

I am sympathetic to petition PE1026. I am concerned that Westminster might have a say on this matter, as it does not feel the same way that we do on the subject. As I said, the SFA has a huge responsibility in this regard. I hope that the *Official Report* of today's debate is sent to the SFA. It should consider how to give everyone more access to coverage of our national team.

The Convener: I am not sure whether—

Ms White: Convener—

The Convener: I am not sure whether that was a question or a comment, Rosie.

Rosie Kane: It was a rant.

The Convener: In that case, we will go to Sandra White, who I think has a question.

Ms White: I am sorry for butting in, convener. I thought that you were about to sum up.

I take your point about the SFA, convener. On reading through the papers, I wondered who was most responsible for the situation.

Stuart McMillan spoke about the different categories of event. I note that the Scottish cup final is classified as a category A event, whereas category B events can be shown on pay TV providing that sufficient secondary coverage, such as highlights and delayed broadcasts, is made available to free-to-air broadcasters. From the petition and other evidence, it seems that, although the BBC can show highlights and packages, the SFA can sell the rights to Scotland matches to the highest bidder. I agree with Rosie Kane. We should write to the SFA on the matter.

If highlights and delayed broadcasts are made available to free-to-air broadcasters, are category B events always shown on pay TV? Does that happen to the same extent in England, Ireland and Wales, or does it happen only in Scotland? Do you know what percentage of other national matches is shown via pay TV?

Stuart McMillan: No, I do not. However, I know that ITV has the rights to some champions league matches and that, at times, when a champions league match is live on a satellite channel, there is a delayed highlights package on ITV later in the evening. However, I think that the contract stipulates that it must be shown after 12 o'clock at night, so the programme usually starts at about 5 past 12. That aspect exists on ITV, but not on the BBC.

Ms White: Does that apply to the BBC as well?

Stuart McMillan: No, only ITV and the satellite channels have the rights to champions league matches.

The Convener: Again, that is a commercial decision. If the BBC outbid ITV for the rights, it would be entitled to show the games.

Ms White: I take your point, convener, but I want to clarify an issue about category B events—perhaps the clerks or somebody who knows about football can do so. Our briefing states:

“Category B events can be shown on pay TV, provided sufficient secondary coverage (highlights, delayed broadcast, etc) is made to free-to-air broadcasters.”

I just want that to be clarified. Does that mean that such events are free to the BBC and ITV, because they are in category B?

Mr Gordon: They are free to the viewer.

Ms White: So they are not free to channels that broadcast them, such as Setanta.

The Convener: If such an event was shown on Sky or Setanta, either ITV or the BBC would be entitled to show it. However, which of those two channels got the rights would depend on which one bid the most money.

Ms White: Thank you for that clarification. I ask Stuart McMillan whether the situation in England, Wales and Northern Ireland is the same as the one in Scotland, where, as far as I can see, the SFA sells the rights to the highest bidder.

Stuart McMillan: Do you mean for highlights packages?

Ms White: Yes, or anything like that.

Stuart McMillan: In the highlights packages that I have watched, usually all the home nation matches have been shown. However, on the evening that I mentioned, there was no coverage whatever of the Scotland match.

Ms White: The issue is serious, although some people may laugh about it. I quite like football, but not wall-to-wall football. The Executive's response on the issue was that the BBC is an independent body. It may be independent, but it is a public body that is paid for by the public through licence fees. Therefore, I do not accept the Executive's point.

Am I allowed to make a recommendation now, convener?

The Convener: I will give other members a chance to comment first.

Mr Gordon: I draw attention to my entry in the register of members' interests, which states that I am a director of Hampden Park Ltd, which is a wholly owned subsidiary of the Scottish Football Association. The company basically operates the stadium as a venue, not just for football, but for rock concerts, conferences, weddings, bar mitzvahs and so on. That is the end of the advert. We have no involvement in negotiating the fees to broadcast football matches at Hampden, which is done by the main SFA board.

The right to broadcast Scotland matches live is, in effect, put out to tender. In the past couple of years, most of the matches have been on Sky. However, the arrangement is that, within the United Kingdom framework and given the category of the matches, there should be a free-to-view highlights package. The catalyst for Mr McMillan's petition was a match with Lithuania, for which he says there was no highlights package. He might be right about that—I do not know, as I am past the stage of staying up until 5 past midnight waiting for a highlights package, especially if I have to get up early in the morning to come to

Edinburgh. It is possible that Mr McMillan is mistaken about that, but it is also possible that he is not mistaken and that there was no highlights package. However, he will probably concede that that was unusual and that, if a Scotland match is live on Sky, the BBC usually has a highlights package much later that evening. Mr McMillan is talking about a pretty unusual set of circumstances. I do not think that the issue is a UK broadcasting matter or a devolved culture and sport matter for the Scottish Executive.

It is true that political intervention was involved in rescuing from its previous incarnation the company on whose board I serve, but the broadcasting rights for Scotland matches are principally a commercial issue for the Scottish Football Association.

11:30

You could reasonably take the view that the BBC, with its public service responsibilities, should find the resources to cover all Scotland matches. However, the problem is that the other companies that tender to broadcast Scotland matches would decide that, if the BBC, subsidised by the UK taxpayer, was going to show them, they would not tender to broadcast them live. That would deprive the SFA of substantial income—I do not know exactly how much, but we are probably talking about millions of pounds every year.

Although the SFA is notionally a company, it is more like a not-for-profit organisation, as its income goes back into promoting the interests of Scottish football, including the national side. I worry about the law of unintended consequences kicking in. If Scottish football got into financial difficulties corporately—I am talking about the SFA and the national side rather than individual clubs—it would come knocking on the doors of the Scottish Executive and the Scottish taxpayers to bale it out.

Perhaps you said that you have already done this, but it could be worth inquiring of the BBC why it did not show highlights of the Lithuania match. I am clear that, under the existing UK framework, it had a responsibility to do that. It was not a situation in which we could not have a highlights package. As I understand it, if a live game is put out to competitive tender, the showing of free-to-view highlights by another television station, for example the BBC, is a requirement. I imagine that, if there was no highlights package of the Lithuania game, the UK regulatory authorities could call the BBC to account for that.

Stuart McMillan: I was not mistaken: there was no coverage on that evening. The BBC had someone reporting from Lithuania, with a picture

backdrop of somewhere in Lithuania, but that was it.

Mr Gordon: No expense spared.

Stuart McMillan: No.

Also, the programme did not start at 5 past 12, as the champions league programmes on ITV do; it was on at about half past 10.

To be honest, it was possibly an oversight on the part of the BBC. You are correct that there are usually highlights packages of Scotland matches, which is acceptable to most people. I go to the vast majority of home matches, and I have been fortunate enough to go to one or two away matches, but I cannot afford to do so all the time, and not many people can. I am a genuine supporter and I do not want to sit at home watching the match; I would prefer to go to it, because you get a better atmosphere. However, I recognise that, as there was no highlights package on that particular night, perhaps because of an oversight by the BBC, people may have missed out.

Mr Gordon: Did the BBC explain why it had not shown the game?

Stuart McMillan: It just said that it did not have the rights to the match.

Helen Eadie: Probably everyone in the room acknowledges the importance that football has to the lives of people not just in Scotland but in the whole of the UK—rightly so because it is a great sport.

The committee is always concerned to see what work has gone on before a petition comes here. I note that you have only sent a letter to Jeremy Peat, the governor of BBC Scotland. Given that that is the only place that the issue has gone, I am concerned that we seem to be the first—or, in this case, second—port of call, rather than the last port of call.

The subject of your petition is a matter for Westminster. Given that we have Westminster parliamentarians in Scotland, why have you not asked one of them to take up the issue? Why have you not raised the issue with Ofcom—the Office of Communications—which has some part to play in such matters? Although it is controlled by Westminster, it is still obliged to give people in Scotland an answer. Will you respond to those two points?

Stuart McMillan: Certainly. I did not write to the Westminster Parliament because I hoped that if I wrote my petition in such a way that it incorporated a sport and culture element and lodged it in the Scottish Parliament, it would be accepted. Thankfully, it was. My petition is about more than just broadcasting; it deals with a sporting issue in

that it relates to the Scottish national football team. That is why I directed it at the Scottish Parliament.

I did not contact Ofcom because I felt that the BBC was the most important organisation to contact. To be perfectly honest, I thought that it would then be best to come straight to the Parliament.

Helen Eadie: My main concern is that you have not sought the help of your Westminster parliamentarian, because it seems that discussion between your Westminster parliamentarian and Ofcom and the BBC could have a direct influence. However, I hear what you say.

The Convener: The committee is joined by Stewart Maxwell, who would like to make some comments.

Mr Stewart Maxwell (West of Scotland) (SNP): I thank the convener for allowing me to do so.

I will pick up where Helen Eadie left off. It is fair for anyone to bring a petition here because the Scottish Parliament is unique in having a facility that allows members of the public to lodge a petition. That is great. Given that there is no public petitions committee at Westminster, it is entirely reasonable for someone to bring their petition here.

When bidding for matches, the BBC in England and BBC Scotland operate separately, so it is not necessarily the case that the issue should be raised with the BBC. Going to BBC Scotland and then coming here seems an entirely reasonable route for the petitioner to take.

I understand that Mr McMillan has stated that his petition is about parity for all licence fee payers and I agree with that. We pay our licence fee along with everyone else in the United Kingdom and some of that money is used to buy the rights to show football matches. The BBC in England has used some of our money to buy coverage of all the England team's qualifying matches for the European championship, but BBC Scotland has failed to do the same for Scottish football fans.

Sandra White asked which games are being shown and which are not. All England's games are being shown by the BBC, but very few of Scotland's games are being shown. There is a clear difference. The Scotland v Lithuania game was not shown, even as part of a highlights package. I was very peeved that night because I had assumed that highlights of the game would be on. On the back of that, I too wrote to the BBC and got the same answer as Mr McMillan, which was that the BBC did not have the rights to show the highlights of the game. I do not know whether Charlie Gordon's point about the match being a category B event is correct because the BBC

seemed to think that it did not have the rights to show highlights of the match.

The suggestion that restricting coverage of the matches to the BBC could result in a loss of income does not hold water. We already restrict coverage of many sporting events—including the Olympics and cup finals—on the basis of national interest and, in my view, football games involving the Scottish national team should fall into the same category. If they are not shown live, they should at least form part of a highlights package so that all people in Scotland can have free access to them. That should apply to all such games, but the fact that that has not been the case shows that coverage of Scotland games is not being protected.

I have a specific question for Mr McMillan. Do you know how much money the BBC in England bid to show England's qualifiers for the European championship and how much BBC Scotland bid for the Scotland games?

Stuart McMillan: No.

Mr Maxwell: I do not know either, but I would not be at all surprised if the amount of money that the BBC in England bid for all the live England matches was much higher than the amount of money that BBC Scotland bid for the Scotland games. The commercial market is such that England games cost more, because England is a bigger country, with more fans and so on. I would be very surprised if what we were seeing here was not a commercial decision by the BBC but a decision based on the level of importance that BBC Scotland placed on securing the Scotland games, compared with the level of importance that the BBC in England placed on securing the England games.

BBC Scotland has a case to answer, to explain why the BBC in England went the extra mile to ensure that it got the England games for all its viewers yet BBC Scotland did not do the same for Scotland. I would have thought that the England games would be much more expensive, although I, like the petitioner, do not know the price. I am not a member of the committee, but I suggest that you ask BBC Scotland how much it was willing to spend to secure the Scotland games, as opposed to how much the BBC in England was willing to spend to secure the England games. That comparison would be interesting.

The Convener: The discussion is interesting—football supporters in Scotland have it regularly. It is possible that BBC Scotland understood that there probably would not be any highlights in a Scotland match, given our recent history, although I have to say that on the occasion in question we beat Lithuania, so there would have been highlights to show. Kenny Miller scored that night

and I think that the BBC would want footage of a Kenny Miller goal in its archives.

We can have our football-minded discussion about the whys and wherefores of the Scottish national team, but we have to take this broadcasting issue seriously. I thank Mr McMillan for bringing it to our attention. The question whether to bid for a members' business debate is for members to decide. Perhaps Mr McMillan could get his MSP to lodge a motion to discuss the issue in the Parliament, which would be legitimate. I invite suggestions from members on how to proceed with the petition.

Helen Eadie: I agree that the issue is serious and that supporters throughout Scotland would want us to take it seriously. I reiterate my concern that the committee should be seen not as the second port of call but as the last port of call after a lot of other endeavours—I will let that point stick to the wall.

We could copy the petition and the *Official Report* of this meeting to the SFA, Ofcom and Ken MacQuarrie of the BBC. He never ceases to write to us all seeking our views on the performance of the BBC, so we should feed back to him our views on this issue.

Given that we all recognise that Westminster has a responsibility, we could write to the all-party group on sports at Westminster and to our own cross-party group on sport, which Dennis Canavan has convened for some time. Last but not least, we should write to the Minister for Tourism, Culture and Sport, who might be able to highlight the issue with her colleagues at Westminster.

I am not sure that we can do much more than that as a committee. I suggest that, having made all those representations to ensure that word of the concerns in Scotland gets through to the relevant people, we should close the petition.

11:45

Ms White: I agree with some of what Helen Eadie said, but I disagree with most of it. The Public Petitions Committee, which has won numerous awards, is one of the best committees in the Scottish Parliament. If the public of Scotland want to submit a petition, it is their right to do so. The committee is not the last port of call. I am sure that people think hard and deeply about whether they want to submit a petition and I find some of the comments that Helen Eadie made at the beginning unforgivable. The Parliament should be proud of the Public Petitions Committee and encourage people to petition it.

However, I agree with Helen Eadie on a couple of things. She suggested that we should copy the petition to the SFA. We should do that and we

should send it to the UK Government Department for Culture, Media and Sport. The DCMS is considering various other ways of approaching football coverage in 2008, so it should be made aware of the petition.

I also agree that we should write to Ken MacQuarrie. However, we should not only send him the petition but follow Stewart Maxwell's good suggestion—I did not see Stewart coming in, for which I apologise to him. I asked how we can make a comparison to find out whether there is fairness and parity, so I would be interested to find out what is happening. The petition should be kept open until we get answers to those questions back, because they are interesting. I do not think that only one person is to blame, but I would like to know exactly what is going on so that I can make up my mind what to say about it.

Rosie Kane: I agree with what Sandra White and other members said. I am sure that somebody mentioned the SFA in all that. It looks to me like a case of national versus commercial interests at the moment and I am keen to be sure that the BBC is representing the best interests of the viewing public and the licence fee payer in the bidding process. I would like the BBC to have first refusal on coverage so that we can get access on what my daughters like to call cooncil TV but the rest of us call mainstream telly. It is an important question whether the BBC is involved in the process, making bids and getting opportunities for the viewing public. As long as we are writing to the SFA and the other aforementioned organisations, that is good.

In my view, Mr McMillan and others do not have to trawl round the houses before they come to the Public Petitions Committee. If we are the first port of call, so be it. We are here for him.

The Convener: We have had a number of suggestions of organisations to which we could write. We should keep the petition open until we see the responses to those letters and let Mr McMillan have access to them. That is the only disagreement that I have with Helen Eadie. We are entitled to have a discussion on the petition and should keep it open until Mr McMillan has the opportunity to see the responses that we get from the organisations to which we will write. We would then welcome his comments on those responses. I thank him for bringing his petition to the committee.

Stuart McMillan: Thank you, convener. I thank the committee.

Information Plaques (PE1012)

The Convener: Our next petition is petition PE1012, from Frank Beattie, which calls on the Scottish Parliament to urge the Scottish Executive

to adopt a nationally co-ordinated and nationally funded scheme for marking people, events and places by erecting informative plaques at sites of local, regional, national or international importance.

I welcome Frank Beattie, who is here to make a statement to the committee in support of his petition.

Frank Beattie: Thank you for the opportunity to come here. It is refreshing to find a Parliament that is open and accessible, so I thank you for that.

I hope that you will find that the petition that I am presenting is simple and uncontroversial, which might be refreshing after the previous hour and a half's debate. The inspiration for it comes from England. You have probably heard of the blue plaque scheme, which is operated and funded by English Heritage. Scotland has no co-ordinated scheme; any individual or organisation that wants to put up a plaque can do so, but it is an uphill struggle.

The local history group in my home town, Kilmarnock, thought that it would be a good idea to have a series of plaques for a millennium project. It took six years to erect a series of 30 plaques. That involved researching history, contacting all the landowners and obtaining planning permission in a few cases. It meant hard work for a few individuals in those six years and required the support of the professional staff at East Ayrshire Council, whose help was superb.

If one agency, such as Historic Scotland, operated a scheme under its present structure, that would be a much simpler system. I know that members are thinking of the budget and of what a system would cost. English Heritage receives about 100 applications for plaques each year, which are eventually whittled down to about 30 plaques for the whole of England. That involves a tiny percentage of the budget of English Heritage, which looks after all sorts of properties.

The benefits are many. A plaque on a building can inspire someone to want to know more about a person or an event. The plaques that we have produced in Kilmarnock form the basis of two town trails, so another benefit is that people go out and walk.

I am aware of the time, so all that I will say is that I hope that the committee will accept that the idea has sufficient merit to be taken to a further stage at which the rules and regulations that would apply to any scheme would be worked out.

The Convener: Thank you, Mr Beattie. The petition is worth while and interesting.

Mr Gordon: I have much sympathy with the petition—I am an inveterate plaque and notice reader and something of a history buff. I was

struck by the figures that you mentioned for the operation of the blue plaque scheme south of the border. You said that about 100 applications a year—

Frank Beattie: English Heritage receives about 100 applications a year, about 30 of which are accepted. The English scheme is restricted.

Mr Gordon: I will ask about that. If the 30 blue plaques per year that are approved in England, which has a population of between 50 million and 55 million, were prorated, Scotland would have three plaques per year. That strikes me as not very many. I could suggest about 20 plaques in Castlemilk alone.

Frank Beattie: Absolutely.

Mr Gordon: I know nothing about how the English system is administered, but it sounds highly centralised and perhaps highly bureaucratic, if it produces only 30 approvals a year. That is the only doubt that you have sown in my mind.

Frank Beattie: The English blue plaque system is for attaching plaques to buildings that are associated with people who have been dead for at least 20 years. Each person can have only one plaque. I do not want such a restricted system; I want an open and flexible system. If Historic Scotland ran a scheme to which 1,000 applications were made, it would have a budget for that which the Parliament had set, so it would have to be careful about the plaques that were put up. Rules and regulations on the wording of plaques would be required—the committee's advice on wording petitions would be ideal for the wording of historic plaques.

Mr Gordon: You have done a reasonable job of hoisting us by our own petard. It is kind of annoying and a bit of a pity that we do not have a Scottish house style for historic plaques, but my concern is that although I do not know how many plaques we generate under different agencies' jurisdictions in Scotland, I do not want that number to reduce vastly under a centralised scheme that is too bureaucratic. Do you take my point?

Frank Beattie: Ideally, a Scottish national scheme would provide an additional opportunity for individuals and organisations to make proposals. If a local history group approaches a building owner and says that it wants to put up a plaque, I see no reason to involve Historic Scotland. If a group or an individual were to say, "How do we go about this? How do we obtain funding?" and Historic Scotland, the National Trust for Scotland or whatever organisation the Executive wanted to give the work to operated a scheme, that would provide an additional opportunity that would clear hurdles.

If a child sees a plaque that says, "So and so was born here", he might ask, "Who is that?" It might inspire people to learn a little bit more about the people and the history of our own country. It might give them a little bit of pride in their street, their community or their village, which is also a good thing.

Ms White: I was going to ask a couple of questions, but Charlie Gordon has asked similar ones. If there were a scheme in Scotland like the blue plaque scheme in England, do you feel that it would enhance the present schemes that we have? Local councils run their own schemes at the moment, as do individuals. Are you saying that the scheme that you are describing would be an additional enhancement?

Frank Beattie: Absolutely.

Ms White: The petition is interesting and the proposal is certainly something that we should consider. Could we write to English Heritage? As Charlie Gordon said, we do not know much about the scheme, so it might be interesting to get a bit of information about it and to ask for the views of Historic Scotland, Scottish Natural Heritage, VisitScotland and the National Trust for Scotland, as well as the Executive.

Charlie Gordon: Perhaps we had better ask COSLA too. Local authorities will have a view on the petition, because of the schemes that they operate themselves.

The Convener: If we add COSLA to Sandra White's list, are members happy to proceed as she suggests?

Members indicated agreement.

The Convener: We will write back to you, Mr Beattie, once we have responses from all those organisations. We will welcome your comments on those responses and will take the petition forward from there. Thank you for bringing your interesting petition to us today.

Frank Beattie: I thank the staff of the committee for their help.

Alcohol Exclusion Zones and Dispersal Orders (PE1010)

The Convener: The next new petition is PE1010, by Ron Duncan Rose, who calls on the Scottish Parliament to urge the Scottish Executive to introduce or enhance devolved legislation to empower local councils to enforce powers to apply alcohol exclusion zones and dispersal orders under a fast-track system, thus enabling police and local councils to implement measures more expediently to rescue communities such as Aberfeldy from what he calls "death by due process".

The petitioner considers that there is a failure to implement adequate and expedient measures to protect towns such as Aberfeldy from alcohol-fuelled antisocial behaviour. The recently passed Licensing (Scotland) Act 2005 and the Antisocial Behaviour etc (Scotland) Act 2004 introduced new powers in that area, in addition to the powers local authorities already had, but the petitioner clearly feels that something else needs to be done. Do members have suggestions as to how we can consider what more can be done?

Helen Eadie: I agree with your comments about the considerable amount of work that has already been done on the issue. In my Fife constituency, test purchasing orders have been used. In a couple of instances, licences have been withdrawn from traders who have sold alcohol to underage drinkers. I warmly welcome that initiative. There is always room for improvement in what we do. I accept and acknowledge that there are concerns in our communities about the continuing need to do more. I suggest that we might like to seek views on the petition from the Scottish Licensed Trade Association, COSLA, Perth and Kinross Council, Tayside police and the Scottish Executive, because we constantly need to work harder on this important issue.

John Scott: I cannot disagree with anything Helen Eadie has said. The problem is huge. There is certainly a problem in my area. On the face of it, one would think that enough legislation has been passed to deal with the issue, and that it is more a matter of enforcement than of a need for further new legislation. I have every sympathy with the petitioner but, notwithstanding that, I wonder whether, rather than writing only to Tayside police, we should write to the Scottish Police Federation as well, as it is a matter of implementation and political will. Perhaps a tougher approach should be taken.

The Convener: Are members happy to do that?

Members indicated agreement.

Greenfield Sites (PE1024)

12:00

The Convener: The next petition is PE1024 from Ray Atkinson, on behalf of Achareidh Open Space Action Group, calling for the Scottish Parliament to urge the Scottish Executive to introduce legislation to prevent the development of greenfield sites in existing residential areas when they have a proven valued history of informal recreational use and benefit to the community. The petitioner considers that informal recreational spaces, such as that at Achareidh in Nairn, are under threat throughout Scotland and should be

afforded greater protection. Do members have any comments to make on the petition?

John Scott: This, again, is a petition for which I have a great deal of sympathy. In my constituency, open spaces are constantly under threat even though they tend to be the heart and lungs of communities and should be preserved. I think that we should send the petition to the Executive for inclusion in its review of Scottish planning policy 11, on physical activity and open space. We can close the petition thereafter if the committee agrees that we should send it to the Executive to enhance its consultation.

The Convener: The petition would become part of the consultation and the Executive would therefore have to respond to the petitioner. Are members happy for us to do that?

Members *indicated agreement.*

Current Petitions

Criminal Memoirs (Publication for Profit) (PE504)

12:01

The Convener: Our first current petition is PE504, from Mr and Mrs James Watson, who call for the Scottish Parliament to take the necessary steps to stop convicted murderers or members of their families profiting from their crimes by selling accounts of their crimes for publication.

At its meeting on 17 May, the committee agreed to write to the Minister for Justice for an update. The minister's response has been circulated to members, and the petitioners have submitted their response to the consultation with other correspondence that has been made available to the committee this morning. Members will note the petitioners' request that, as the UK Government has indicated its intention to launch a consultation on defamation of deceased victims of crime, which forms a large part of the petitioners' concerns, the petition be kept open until that process is complete. Do members have any views on that?

Helen Eadie: I am sure that it is pleasing for the petitioners to note that the issue is being actively pursued by both the Minister for Justice and the Home Office, as well as by the Northern Ireland Office. I am sure that everyone around the table warmly welcomes that. In recognition of the fact that the review continues, we should keep the petition open and collectively try to ensure that the wishes of the petitioners are recognised.

Ms White: I agree with Helen Eadie that the petition should be kept open. I thank Mr and Mrs Watson for their written submission. They ask us for our views on the comments that were made by Shaun Woodward MP about politicians and public figures having a better chance of procuring media coverage if they disagree. I would say that that is just the view of Shaun Woodward MP; it is certainly not the view of all politicians. I concur with what Helen Eadie says about keeping the petition open until we get a further response about the UK Government's consultation.

John Scott: Yes. It is vital that we keep the petition open. The fact that it will be kept open for a fifth year and into a third parliamentary session is an indication of how seriously the committee has taken the petition. I am pleased—as, I am sure, are other members—that it appears that we are getting movement on the issue, at last. If we are, that probably represents a victory for the committee.

The Convener: Are members happy with that proposal?

Members *indicated agreement.*

Environmental Protection Act 1990 (PE884)

The Convener: Our next petition is PE884, from Sandra Clarkson, on behalf of Prestwick marine neighbourhood watch, calling for the Scottish Parliament to urge the Scottish Executive to amend the Environmental Protection Act 1990 to ensure that local authorities keep beaches free of litter and refuse throughout the year.

At its meeting on 3 May, the committee agreed to invite the views of the petitioner on the responses from the Scottish Executive, the Scottish Environment Protection Agency, the Marine Conservation Society, COSLA and South Ayrshire Council. A response from the petitioner has been circulated. Do members have any comments to make on it?

John Scott: The petition originated in my constituency. The state of Prestwick beach caused a great deal of concern at the time—indeed, it probably still does. I am sure that the council has taken the petitioners' views on board. As the response from South Ayrshire Council notes, a balance must be struck between what can be reasonably afforded and what is necessary in the petitioners' view. I am slightly disappointed with SEPA's response. It could have taken a stronger view on the issue, but there it is.

There have been health and safety issues with animal carcasses on the beach. The council has an absolute duty to ensure that they are removed and, thereafter, to spend as much as it can afford. I hope that the petitioners find that reasonable.

As we cannot intervene in individual council decisions and as there do not appear to be any gaps in the legislation, we have to consider closing the petition. I honestly cannot think of anything else we can do with it, much as I would like to.

The Convener: Do members agree with that?

Members indicated agreement.

Mental Health (Care and Treatment) (Scotland) Act 2003 (PE889)

The Convener: The next petition, by James A Mackie, calls for the Scottish Parliament to examine the workings of the Mental Health (Care and Treatment) (Scotland) Act 2003 and, in particular, the making available of legal representation and legal aid to patients under the influence of prescribed antipsychotic or brain-altering type drugs who have been detained in psychiatric wards or been released into the community.

At its meeting on 3 May, the committee agreed to seek the petitioner's views on the responses from the Law Society of Scotland and the Scottish

Association for Mental Health. That response has now been circulated to members. I would welcome members' comments on the responses.

I am sure that everyone will welcome the Law Society's response; it is a fairly positive comment.

John Scott: It is very good news that the Law Society has established its scheme for the accreditation of lawyers who specialise in mental health issues. As its response has addressed the petition, perhaps we should close it.

The Convener: Are members agreed?

Members indicated agreement.

Victim Notification Scheme (PE899)

The Convener: PE899 is by Hazel Reid, who is calling for the Scottish Parliament to urge the Scottish Executive to review the operation of the victim notification scheme to ensure that victims of serious violent and sexual crimes are given the right to receive information about the release from prison of an offender who has committed a crime against them, regardless of the length of sentence imposed.

At its meeting on 17 May, the committee agreed to await the outcome of the Scottish Executive review of the victim notification scheme before it considered what further action to take on this petition. The Executive has informed the committee that an independent researcher has now been appointed to contribute to the Executive's assessment of the effectiveness of the statutory scheme.

Helen Eadie: When I was reading this last night, I was concerned that the responses from the Association of Chief Police Officers in Scotland, Victim Support Scotland and others suggested that there should not be a time limit. Sacro says:

"It is increasingly recognised that the 4 years point has no particular relevance other than as an administrative toll and the Sentencing Commission has recommended that it disappear in a new approach to sentencing and early release."

Because we have word that the Scottish Executive has commissioned some research, I would like to keep the petition open. There is a real concern. It is not just down to victims and the four-year timescale; the petitioner has raised a very important point. Although I welcome the developments at the Scottish Executive with its review, I would like to see the petition being followed through if possible.

The Convener: Do members agree? Are there any other comments?

John Scott: I agree. I am enormously sympathetic to the petition. We should probably keep it open if we can, and see how it all turns out.

Ms White: I agree with that. If the work is supposed to be completed by the beginning of 2007, that might mean by the end of this month, so we might be able to get hold of the completed research and see what it says. The petitioner will also get a copy of our deliberations on the petition.

The Convener: Do members agree?

Members indicated agreement.

Eco-villages (Planning Policy) (PE903)

The Convener: Our next petition is PE903, by Eurig Scandrett. It calls on the Scottish Parliament to urge the Scottish Executive to develop and introduce a Scottish planning policy document on eco-villages. At its meeting on 31 May last year, the committee agreed to invite the views of the petitioner on the responses that had been received. The petitioner's response has been received and circulated to members.

Chris Ballance has indicated that he has an interest in the petition.

Chris Ballance (South of Scotland) (Green): I do indeed have an interest in the petition, through a community group in the Scottish Borders that has been trying to set up an eco-village—a small, self-organised development of ecologically built housing. The group has not been able to get anywhere, despite positive noises being made by everyone around them and a lot of support, even from planning officials in Scottish Borders Council. The group has entirely failed to get any mention in the local plan. That demonstrates how the system is simply not working to allow small community-based groups to develop their own housing of that sort.

The Public Petitions Committee has previously indicated a degree of support for the aims of the petition, and widespread support for the aims of the petition has been shown in the responses that the committee has received. However, there is a certain disagreement as to the best way forward. I therefore suggest to the committee that it might, if possible, refer the whole matter to the Communities Committee so that it can look into possible steps of action. The alternative might be for this committee to write to the Executive and indicate its support for an Executive inquiry into how the system is working at the moment.

The Convener: Do members have any comments on Chris Ballance's suggestion that we send the petition to the Communities Committee?

Ms White: I agree. I had in fact written down that we should send the petition to the Communities Committee, as well as bring it to the attention of the Executive. As Chris Ballance said, the group has received loads of support from everywhere, yet it is up against—pardon the pun—

a brick wall. I think that the petition should go to the Communities Committee, so if it considers a relevant subject in the next session, the petition will be there. Perhaps a working party could be set up—as has been suggested by the petitioner. We cannot just leave the matter; we have to do something with the petition.

John Scott: I agree. The eco-village seems to be a popular idea, but it is perhaps not popular enough yet. It could be an idea whose time has not yet come. Perhaps it is a matter of a prophet without honour—as ever. It would be reasonable to pass the petition to another committee or to the Executive. I am perfectly happy for us to do that.

The Convener: Are members happy for us to send the petition on to the Communities Committee and keep it alive in that way? We can close our own consideration of it, having done that.

Members indicated agreement.

Breast Cancer (Screening) (PE904)

The Convener: PE904, by Katie Moffat, calls for the Scottish Parliament to urge the Scottish Executive to consider introducing an early breast cancer screening programme, to start from the age of 30.

At its meeting on 31 May, the committee agreed to invite the petitioner's views on the responses that had been received. The petitioner's response has now been received and has been circulated. Are members happy that the matter has been given serious consideration, and that there is really not much more that can be done? If the petitioner is still of the view that the proposal is a worthwhile exercise, she is entitled to hold that view, but I do not believe that the medical experts think that it is something they can support.

John Scott: The Cancer Research UK study is significant. It does not appear that it would be effective to do what the petitioner proposes—withstanding her absolute sincerity on the matter. It is fortunate that that organisation has undertaken such a significant piece of research. It is undoubted that the issue has been well aired and considered. There is probably not much more that we can reasonably do.

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

Ms White: I am not happy, as I hate to see any petition close. We have, however, done everything we can. The petition has made people more aware of new techniques and aired the subject very well. I hope that the information that we have gleaned from it might prompt an MSP or someone on a health board to pursue the matter. I think that we need to lower the age for screening and consider

new screening methods. Having said that, I think that the committee has done everything possible to push the petition through. Reluctantly, I agree that we have to close it.

John Scott: It has served a useful purpose in heightening awareness of getting enough scans.

The Convener: That is right. Do we agree to close the petition?

Members *indicated agreement.*

Packaging (PE905)

12:15

The Convener: Our next current petition is by Ellie MacDonald and Faith Waddell on behalf of Trinity primary school. The petition calls on the Scottish Parliament to consider and debate the use of excessive packaging in supermarkets with a view to encouraging the use of recycled alternatives.

At its meeting on 17 May, the committee agreed to invite the petitioners' views on the responses. Do members have any comments? I note that one of the petitioners is with us this morning in the public gallery, so members should bear that in mind when they discuss the issue.

Helen Eadie: It has been a really worthwhile petition. Scarcely a week goes by without our seeing some item on the news about negotiations on or developments in the subject. Only this week, Marks and Spencer has been talking about how it has tackled the issue, and BBC breakfast news has run a series on it. The points have been taken on board by us all, and we can be much more informed about the choices that we make.

I want again to congratulate the school, teachers and children, and the companies and the Scottish Retail Consortium, which has helped them with the work. The children have done splendid work, and they deserve our total support and congratulations. As the petitioners have achieved what they set out to do, we might want to close the petition.

The Convener: As Sandra White mentioned when we were talking about the previous petition, it is always a problem to close a petition.

Rosie Kane: Can we recycle it? [*Laughter.*]

The Convener: There is no question but that the petition has achieved results. Given that the process was started by school students looking at a project and bringing it as far as the Scottish Parliament, getting the SRC—a huge lobbying organisation—to act as it did is a major achievement. The petitioners need the congratulations of not only this committee but the Scottish Parliament and the Scottish people for

their efforts to improve our environment. Well done to them on all that they have achieved.

Ancient Woodland (PE858)

The Convener: Our next current petition is by Andrew Fairbairn on behalf of the Woodland Trust Scotland, which calls on the Scottish Parliament to urge the Scottish Executive to address the threat to the fragmented remnants of ancient woodland by fulfilling its commitment under the United Kingdom forest partnership for action to protect the nation's rarest and richest wildlife habitat, which was made in preparation for the world summit on sustainable development 2002.

At its meeting on 31 May, the committee agreed to invite the Scottish Executive's views on the response received from the petitioner. That was done. Do members have any views on the response? We could send it to the petitioner for his view on the Executive's response and keep it open in that way.

John Scott: That is what the petitioner will be expecting.

The Convener: We will look forward to the petitioner's response to the letter.

Meeting closed at 12:18.

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