

PUBLIC PETITIONS COMMITTEE

Tuesday 18 September 2007

Session 3

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PUBLIC PETITIONS COMMITTEE

4th Meeting 2007, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

*John Farquhar Munro (Ross, Skye and Inverness West)
(LD)

COMMITTEE MEMBERS

*Bashir Ahmad (Glasgow) (SNP)
*Claire Baker (Mid Scotland and Fife) (Lab)
*Angela Constance (Livingston) (SNP)
*Rhoda Grant (Highlands and Islands) (Lab)
*Robin Harper (Lothians) (Green)
*Tricia Marwick (Central Fife) (SNP)
*Nanette Milne (North East Scotland) (Con)

COMMITTEE SUBSTITUTES

Jim Hume (South of Scotland) (LD)
Marilyn Livingstone (Kirkcaldy) (Lab)
John Scott (Ayr) (Con)
John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED :

Dr Alison Borthwick
Dr Murray Hill
Robert McKinstry
Leslie Trotter
John Waddell

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 6

Scottish Parliament

Public Petitions Committee

Tuesday 18 September 2007

[THE CONVENER *opened the meeting at 14:03*]

New Petitions

The Convener (Mr Frank McAveety): I am sorry for the slight delay. Welcome to the fourth meeting of the Public Petitions Committee in session 3 of the Parliament. I remind members and visitors that all mobile phones and other electronic devices should be switched off. We have received no apologies.

We may be joined during the meeting—depending on the subject matter—by other MSPs. They have the right to attend the Public Petitions Committee, and if they attend I will indicate who is present at the time. We may also have a delegation with us from the Gauteng Provincial Legislature. I have just left the delegation, and I hope that its members, who are focusing on e-democracy and the role of petitions in their country and region, will attend. I had a good discussion with them this morning, and members of the committee will have an opportunity to engage with them this evening.

Foreign Languages Policy (PE1022)

The Convener: The first new petition is PE1022, on foreign language learning. The petition, which was lodged by Dr Murray Hill, calls on the Scottish Parliament to debate the urgent need to make a step change in strategy and vigorously promote foreign language learning and intercultural awareness in Scotland's schools, colleges and universities. I welcome Dr Hill; I also welcome Dr Alison Borthwick and Mr Robert McKinstry, who are accompanying him.

Petitioners have broadly three or four minutes to make a contribution—I am sure that you are aware of that, Dr Hill. We will hear you, and then I hope that you will be able to respond to questions.

Dr Murray Hill: I thank the Scottish Parliament for the opportunity to speak to the Public Petitions Committee, and I thank my two witnesses for joining me today. My remarks are made in a private capacity, although inevitably they draw on my experience over the past 16 years as a higher education linguist in a Scottish university, including my activities as an external examiner in other universities. I believe that my remarks will find support among the 300 or so members of the Scottish Association for Language Teaching, and

other members of the language community in Scotland who signed my original petition.

I have expressed my concerns in more detail about the decline in foreign language learning in the higher education sector in an article that I submitted to the committee as supplementary information, and I summarised those concerns in the three pages of written evidence. I understand that the committee wishes to explore those concerns, and I hope that I can offer objective information to substantiate my view of the current situation and potential future scenarios. I will propose that the committee takes two actions.

I wish to give a broad-brush summary of where we are with foreign languages in higher education in Scotland. I understand that representations may have been made behind closed doors by the HE umbrella organisation Universities Scotland. It is nonetheless clear that foreign languages lack the publicly vocal and articulate champion among HE senior managers that they need if they are to survive, let alone flourish. That is a vacuum that others, including me, have tried to fill. Members of the Scottish languages community have participated in a wide range of promotional activities; most recently, they have responded to consultations on a national strategy for languages.

Inevitably, funding appears to be a key issue. I understand why universities feel obliged to argue for the need to maintain autonomy, and I also understand that many other disciplines may feel that they should be treated as special cases. The fact remains that, in the Scottish higher education sector, foreign language provision in teaching and research has been gradually eroded to the point that a number of institutions are unable or unwilling to commit funds, which is paradoxical at a time when many seem keen to don the mantle of a claim to international identity. I am happy to cite examples from my own experience, which seems particularly typical of the new university sector. Dr Borthwick can provide additional first-hand examples.

The reality appears to be that a divide is emerging, which will mean that only the universities with a long-established tradition of offering languages will maintain provision. That would be a national tragedy, and it would represent a regrettable regression from a time when progress was being made—progress that meant that, in my own case, a young boy from a working-class estate in the capital city of Scotland could feel inspired to develop foreign language skills. Jobs and expertise in Scottish HE are being lost, and with them the opportunities to nurture and inspire current and future generations to embrace mobility within the European Union and beyond. That has an impact on the economy.

My purpose today is twofold. First, I wish to persuade the committee of the value of the Scottish Parliament further investigating my concerns. Secondly, I want to explore the action that the committee might reasonably take if members agree that foreign languages in HE are unreasonably at risk, with a view to recommending that the Parliament debate the issue—as framed in my original petition statement—as a matter of urgency.

Thank you for reading my submission, and for listening to my remarks this afternoon.

The Convener: Do members of the committee have any immediate responses, observations or questions?

Nanette Milne (North East Scotland) (Con): I am a former member of the court of the University of Aberdeen. Over the eight years that I served on the court, I became aware of the importance of the research assessment exercise to university funding. Much of that exercise focuses on sciences rather than the humanities, but does it have any influence over what happens in your part of the higher education sector?

Dr Hill: It has a huge impact. If there is no RAE status, people's value to the university is lessened. There will be the threat of the university's lack of willingness to invest in a subject that is not RAE linked.

Nanette Milne: So we are talking about something that is not RAE linked.

Dr Hill: Not in my institution.

Dr Alison Borthwick: I corroborate what has been said. It would be unprofessional to speak about my university's internal affairs, but I will mention my experience as a lecturer and examiner in other universities. Where modern language teaching by the university for undergraduates and, in certain instances, for the general public is not accompanied by prestigious RAE-supported research, it is difficult to maintain that provision, although undergraduates and the general public may welcome its value and usefulness.

Dr Hill: The language-related research that goes forward to the RAE is normally in the domain of traditional literary study, but I would like research that can assist businesses to do business in Europe to be promoted in Scotland.

Nanette Milne: I am sure that many people agree with you.

Robin Harper (Lothians) (Green): I should point out that I am rector of the University of Aberdeen, the court of which Nanette Milne was a member for a considerable time. However, the views that I will express are not those of the university; rather, they are mine as an educationist.

I taught for 27 years in a large comprehensive school in Edinburgh. When I started, it offered German, French, Russian, Greek and Latin; Italian and Spanish were available in fifth and sixth years. I have not popped into the school in the past year, but as far as I know, only German and French are offered there now. One year does German and the next year does French—people cannot choose between the two.

I am as concerned about what is happening in schools as I am about what is happening in universities. Our problem has arisen only partly because of the reduction in the number of people who study languages at university. Languages have been steadily sidelined over the past 40 years because of the way in which curriculum choices work in large modern comprehensives in Scotland. We must do something to address that problem. That is why copies of the petition should go to the Economy, Energy and Tourism Committee and the Education, Lifelong Learning and Culture Committee for their urgent consideration.

Dr Hill: I welcome Mr Harper's remarks. As part of our evidence, we submitted an article entitled "All Aboard the Eurostar, but 'Mind the Gap' ...!"—the gap is the one that is opening up in schools. Some 95 per cent of pupils no longer continue with language learning beyond the standard grade. The reality is that the interface between schools and universities is not working. If schools are unable, for whatever reason, to encourage students to take a language beyond standard grade, universities can do the job, but students must reconnect with languages. At the moment, a student's standard grade in a language is rather like lost luggage. We would like to help them find that luggage, get back on the train—à grande vitesse—and really compete in Europe, but we are not doing that.

14:15

Robert McKinstry: Like Mr Harper, I have taught in the modern languages department of a large comprehensive school in Edinburgh, and I entirely corroborate what he said. A number of years ago, large schools offered a variety of languages, both ancient and modern. Over the years, that provision has been pared. In some local authority areas, no secondary schools offer a language other than French. Only 68 per cent of secondary schools in Scotland offer German; and only 42 per cent offer Spanish at any level. That does not seem to be a good state of affairs. Mr Harper is correct in his summation of the situation.

Tricia Marwick (Central Fife) (SNP): I thank the witnesses for their evidence today.

The written submission says:

"Several Scottish universities have discontinued or substantially reduced their languages provision, and many languages departments are under review."

Is there any correlation between that state of affairs and the fact that—as we have previously discussed—schools do not offer language courses? Should we concentrate our attention on getting things right in schools first before we sort out university funding?

Dr Hill: I believe that an attempt has already been made to do that in the primary sector, and I warmly applaud what is happening there. We would like throughput from primary schools to secondary schools, so that pupils can aspire to continue with their language studies at university. However, pupils themselves perceive the fact that universities are no longer making that provision. There is also the issue of the stages that people are at in their language learning. In an age of lifelong learning, people want to get on and off the Eurostar, so to speak, at different times. When faced with the hard choice of whether to offer ab initio, post-higher or post-sixth year studies language teaching, universities have to make choices according to the moneys that are available. They are telling me loud and clear that, unless the provision of moneys is extended, they will cut certain forms of language teaching. That is happening now at my university and at others. The universities are telling us that, until the interface issue is resolved, they cannot resolve the situation on their own.

The initiative must be taken in primary schools, and secondary school pupils must be motivated. Part of that motivation should be an awareness that languages are valued in many areas of Scottish society. Languages need a vocal spokesperson. We do not want the rather take-it-or-leave-it approach that the universities are currently adopting. Increasingly, they are no longer willing to fund languages provision.

Tricia Marwick: Has any research been done in the university sector to show whether courses that include languages are oversubscribed or undersubscribed? Is the money not available simply because people do not want to do the courses, which is because the kids are not coming through primary and secondary education to get language qualifications, including highs, and are not getting to develop connections with languages?

Dr Hill: The centre for information on language teaching and research—I refer to both the London-based host organisation and Scottish CILT, which is based in Stirling—provides a range of statistics and evidence. We call on this and other parliamentary committees to investigate those statistics further. I hope to make an impact on the committee by telling you that decisions are being

made now to take language modules and courses out of the university curriculum. They are no longer being offered as credit-bearing modules. As soon as the credit-bearing factor that attaches to courses is taken away, they are dead in the water.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Good afternoon, folks. You make a good point. I subscribe to the view that, unless we brush up on our language capability, we will not be effective in the globalised world, to say nothing of Europe. How much of a diminution has there been in language provision in universities over the past 10 years? I do not want any accurate statistics—just your view.

Dr Hill: The most effective way to respond to that is to consider the statistics for out-going Scottish students who are taking part in the Socrates Erasmus mobility programme—in other words, those who are being sent by their universities to undertake a period of study in Europe. Those statistics are frighteningly awful: there has been a huge decline. The most recent statistics that I could access were for 2006-07, when there were 945 out-going Scottish students. A previous high, in 1997-98, was 1,278.

Taxpayers pay into the system that funds the Socrates Erasmus programme. I am delighted to see people getting on the train in other European countries and coming to us because we are hugely enriched by that, but it is all one-way traffic. In other words, a situation is developing in which Scotland's young citizens are not benefiting from the use of taxpayers' moneys to become what we now regard as a self-identifying elite in Europe. They are self-identifying because they are mobile, they take advantage of the Socrates Erasmus programme at undergraduate level, they will be the ones who take advantage of the new Erasmus Mundus mobility scheme and they will go on to take the top jobs. We cannot all get the top jobs, but they will get them and, when they come to recruit, the first thing that they will look at on a curriculum vitae in a job application is whether the applicant has been mobile or not. We are failing our young citizens in Scotland hugely by not getting that message across to them.

I hope that that answers the question.

John Farquhar Munro: Is the message not getting through to the students or to the universities? Is it just a lack of finance or do the universities lack the initiative to provide language courses?

Dr Hill: Many things are involved. For example, at a local decision-making level within a university, if a course leader has to make hard choices about what goes into and what comes out of a course, they will argue for core modules. I tried to explore that in my article. At the moment, language

modules are not perceived as core modules, so the course leader will take the module out before the course even gets to the student. A year later, once the student has gone through first year, they will have vaguely picked up the message about Europe and think perhaps that they could go but, when they are faced with the notion of leaving home, perhaps for the first time—more and more students do not leave home to go to university, so the gap seems even wider when they consider the notion of going abroad—allied to the fact that they do not have the language skills, they are turned off the idea in droves. I did a survey of all the undergraduates in the Aberdeen business school, which aspires to be a big hitter in the European business community, and the vast majority of students exiting in year 4 said that they wished that they had done a language and gone abroad, but it was too late.

Robert McKinstry: The picture is similar in schools. I will quote some statistics, although it is a bit difficult nowadays to get clear statistics on schools because of the number of examinations that exist. It used to be easy because we had only standard grade and higher exams, or O grade and higher exams.

I will start with the statistics for 2000. The baseline is the number of candidates who were presented for English, with which we can compare the number who were presented for a modern language. In 2000, the figure was 97 per cent; this year it was 72 per cent. A drop of 25 per cent over seven years is significant.

Claire Baker (Mid Scotland and Fife) (Lab): My question is on language teaching in schools. What is the solution to the problem of the drop in the number of students taking modern language exams? What support role could schools put in place to encourage the uptake of modern languages? Part of the solution must lie in what Dr Hill has said. There is a need to encourage young people to see the opportunities that exist for those with modern languages, particularly in the global marketplace. How can that awareness be raised at the school level?

Dr Hill: I will give an example of what has been done to indicate why the interface is not working. Many schools are now involved in Euro-awareness activities, and many universities now work alongside schools to promote such awareness. My university organises a number of events, one of which culminated in a languages conference, which was attended by 300 students from all schools in Aberdeenshire. That model was subsequently replicated in Edinburgh.

Although that promotional event won a European Commission Euro award, the sad reality was that the pupils who participated in the conference could not select language courses in

my university. When the conference was taking place, courses were being removed from the university programme. Although such promotional work is being done, pupils are asking, "Where do I go to do a language at university?"

Robin Harper: If I may, convener, I will have another tiny bite at the cherry.

Of course, in the past, a modern language was stipulated as part of an ordinary degree from a Scottish university. That meant that all students who left Scottish universities in the 1950s and 1960s had a modern language qualification, even if it related only to the first year of their ordinary degree.

I am keen for the petition to go forward for several reasons. We need to ask what the point is of the RAE. Perhaps we could ask the Economy, Energy and Tourism Committee to consider that. Obviously, the RAE works very well in driving up academic excellence in our universities and ensuring that everybody works pretty much flat out. However, the aim of the RAE should be widened to include modern languages. Languages are not simply for communicating with people when we go to European countries and when they come to Scotland; we get a wider cultural experience from language learning. I believe that there is also plenty of evidence on the transferable skills that are gained from the study of a foreign language. I am sure that Dr Hill concurs with that view. Language learning is intrinsically a good thing. I am keen that the petition should be heard.

The Convener: I suggest that we hear the views of other committee members, after which we will try to distil our response. I will let you in again.

Claire Baker: I appreciate the situation of universities in terms of access to and availability of courses. However, I want to return to the aims of the petition, which include the promotion of languages and the need for a change in language learning strategies at school level.

Surely we need to compare language ability competency levels in school leavers in Scotland and other European countries. Would a change in how modern languages are taught in schools help? A young person should have good use of a modern language not just when they leave university but when they leave school. A young person does not need to go to university to study languages in order to take up work opportunities outwith Scotland.

14:30

Dr Hill: It depends on which line of employment they go into. If you are asking whether languages should be compulsory in schools, which raises many attendant issues, my answer is that we will

be compelled by the rest of Europe to take languages more seriously and to encourage more people to learn a language. However, I agree that we do not all need to become fluent in a language and that we can use part of a language. Monolingualism is curable. Some of the promotional pamphlets and brochures from our competitors say it all. For example, I have one here that is entitled "Doing Business in France and in Europe". That is the kind of language that must be taught in the upper echelons of school and in universities. It is a serious theme that needs to be addressed.

I mentioned that pamphlet because it was produced not by the marketing department of the University of Aberdeen or the University of St Andrews, but by the *Chambre de Commerce et d'Industrie de Paris*. The rest of Europe will compel us to engage through the use of language as a vehicle to promote business. I will hold up another document—I always wanted to do this in the Scottish Parliament—which is entitled "Scotland's strategy for stronger engagement with Germany". I applaud that document. When I read it I wondered whether I had written it, because it says everything that I want to say, with the exclusion of a reference to funding. I appreciate the difficulties and that there will always be a need for funding.

The Convener: It is a very Scottish response—we are pretty careful with our money.

Dr Hill: Yes. The document is going in the right direction, but we need to make progress. To return to Ms Baker's question, the issue is the interface between schools and HE. Primary school children are exposed to wonderful language teaching in a range of European and indigenous community languages. They are taught languages in primary schools through the use of information technology. They then arrive at secondary schools that are not yet up to speed and universities that are lacking in investment. We are disappointing the next generation. I am a member of the "Bonjour Line" generation—I was one of the lucky few who took part in a pilot language scheme in a primary school in Edinburgh but, sadly, it was discontinued.

We have the same issues now. We have addressed the issue in primary schools and we are attempting to address it in secondary schools. However, without the interface with the higher education sector, the train is going nowhere.

Tricia Marwick: The reason I asked whether we need to get the situation right in schools before we seek additional funding for universities is that, on at least two occasions in the past few years, young people have told me that they wanted to do higher French and German in Fife schools but, although they were successful in their standard

grades, the school told them that no language teaching was available for them in fifth year. We fought hard and got the teaching for them, but—to pick up on Dr Hill's point about the work that has been done in primary schools, which I hope will continue—we seem to be losing that a bit when children get to secondary school. Over the past few years, local authorities do not seem to have appreciated the need for language teaching when deciding on funding for schools.

Dr Hill: We call that the column clash, which will be well known to mums and dads around the table. Not all pupils suffer the same fate—my daughters were able to take German and Spanish within the curriculum. Last week, I spoke at a conference for careers advisers in the private sector. There were 60 careers advisers who were absolutely convinced that languages are valuable—they had themed the conference around languages. I have no axe to grind with the private sector—I am happy that it provides language training in schools. My point is that we should have a level playing field and allow all our young citizens the chance to progress their career through a language. At present, the column clash prevents that from happening.

The Convener: Dr Borthwick has been waiting keenly, so I will give her the final opportunity to speak.

Dr Borthwick: I corroborate what has been said. It is important that we acknowledge that there is a learning continuum. Although there are concerns at all stages, we must not neglect the university end of the continuum, because if we do so we deprive many citizens of opportunities to develop cultural openness, mobility and employability, which are all important. We must continue to concentrate on the university level, given that an increasing proportion of the population goes to university.

It is also important to remember the role of universities in providing language education for the teachers who deliver the curriculum in primary and secondary schools. We should pay particular attention to delivery in primary schools, which concerns a large number of teachers. We must not lose sight of the continuum.

Dr Hill: In recent years, when I have talked to head teachers, careers advisers and others I have been dismayed at the lack of awareness of what constitutes language provision in universities. We must dispel the notion that language study is only for people who want to embark on a single honours degree in language and literary tradition. Through the university-wide language programme, students on a wide range of courses at different levels can access modules in foreign languages. That is an important point.

That brings me back to the fact that 50 per cent and more of our young people—the number is about to increase as the cap is taken away—will go to university. There is a greater need than ever to ensure that funds are available and to champion languages. Many universities claim to be international. Do they mean that many international students attend their courses or do they mean that they are embracing the rest of the world?

The Convener: We have had a chance to hear about the issues. Do members have strong recommendations about what we should do next?

Robin Harper: We should refer the petition to the Education, Lifelong Learning and Culture Committee and to the Economy, Energy and Tourism Committee.

Nanette Milne: As well as referring the petition to the Education, Lifelong Learning and Culture Committee, we should bring the petition to the attention of the Scottish Government, so that it is considered in the context of education policy. Perhaps we should also seek the views of the Scottish Further and Higher Education Funding Council.

Dr Hill: I warmly support that proposal.

The Convener: The committee has considered how we might gather information and the petition contained one or two pointers. When we have approached the SFC we should ask the current Government to state its position and respond to the document that was mentioned. A number of other agencies were mentioned. It might be useful to pull all the information together and then consider how best to proceed, perhaps in discussion with the petitioners.

It strikes me that the petition raises two strategic issues. First, resources are always needed down the line after a decision has been made. Secondly, the trend in language learning is causing the petitioners great concern. Can we intervene or encourage the agencies that have responsibility to take a more coherent and serious approach?

Tricia Marwick: We should invite Universities Scotland to comment. Given the discussion that has taken place, it might help to seek the views of the Convention of Scottish Local Authorities on the availability of modern languages teaching in schools.

Nanette Milne: Business could have an input. Perhaps there are networking associations that businesses are involved with. We know that employers need language skills and are looking for people who have them.

The Convener: So we are talking about the possibility of writing to Scottish Enterprise about its strategies for business gateways, business

development and encouraging businesses to gain the capacity to enter the European market.

Nanette Milne: And the language networks.

The Convener: Yes, the language networks.

Rhoda Grant (Highlands and Islands) (Lab): If we are going to write to Scottish Enterprise, could we also write to Highlands and Islands Enterprise? The idea about European funding is a good one and close links have been forged between other countries and the Highlands and Islands. Could we also ask the Scottish Government to address these issues from primary age onwards? It is important that language learning should go on all the way through the school system. A strategy should not be confined to the higher education system, but should extend to the feeders as well.

Robin Harper: Am I right in saying that the committee is not thinking of referring the petition directly to the Education, Lifelong Learning and Culture Committee at the moment?

The Convener: I think that we should put that on hold. Policy committees should take on issues where that is appropriate but, although we have received a good position paper, we require more information. The petition can come back to us for us to move it on to the next stage once we have all the information together.

Just to explain to the witnesses, once a petition has been submitted, the Public Petitions Committee has to go through a process before it arrives at the committee's considered view about where the petition goes next. Obviously we would like to get views from the major stakeholders and, although CILT is here, I hope that it will contribute in more detail on the issues that Dr Hill has raised.

I think, therefore, that we will hold off from sending the petition to the Education, Lifelong Learning and Culture Committee for the moment, unless Robin Harper feels very strongly about it.

Robin Harper: I reserve my right to bring up the subject again at some point in the future. There is an element of urgency with this; it has been going on for too long.

The Convener: I accept that.

Dr Hill: The situation is certainly urgent.

In the meantime, I want to draw the committee's attention to the fact that we have had a date from the Scottish funding council; it will meet again on 5 October.

Robert McKinstry: Scottish CILT would be delighted to provide whatever information is required. Thank you for listening.

The Convener: Thank you for your time.

Before we move on to the next petition, I formally welcome to the Scottish Parliament Public Petitions Committee the members of the petitions committee of Gauteng province in South Africa, and members of the local government structures of Gauteng province, who are here to look at ways in which they can share knowledge about and expertise on the role of public engagement in the political process. I welcome you all to Scotland. Obviously we have deliberately put on some fantastic weather for you, knowing that you will enjoy it thoroughly. Earlier, you said that you have received a warm and positive welcome from everyone that you have met in Scotland and we have had positive engagement with you today. I know that you will be at Napier University this afternoon and that you have another evening in Scotland before you go to London and enjoy the pleasures of that other great city of the United Kingdom. I hope that you learn a lot from our engagement and that we will have further opportunities to share expertise and knowledge in the future. Welcome to Scotland; I hope that you enjoy your stay.

Community Sports Facilities (PE1041)

14:45

The Convener: Petition PE1041, by Mr Leslie Trotter, calls on the Scottish Parliament to urge the Scottish Executive—now the Scottish Government—to take the necessary steps to ensure that facilities and pitches that are used by community-based sports clubs are of a standard that befits a leading European nation. The petition was lodged before the recent result in the European football championships, so it shows great vision. Mr Trotter is accompanied by John Waddell.

Welcome to the committee. You know the format already. I invite you to comment on your petition for the next few minutes and we will then discuss it.

Leslie Trotter: Thank you for allowing us to address the committee. John Waddell will read our opening statement—we share the work between us.

The Convener: You have the easy part, John.

John Waddell: Thank you for giving us the opportunity to support the petition by the unite the clubs campaign. The petition was presented to the Parliament on 14 February after a march through Edinburgh city centre that was attended by more than 3,000 people. The march was organised to highlight the poor condition of the facilities—including pitches and pavilions—that are used by grass-roots, community-based sports clubs.

As our forum is based in Edinburgh, we have focused on the lack of good-quality facilities in our capital city. However, we have received much support from clubs throughout the country that have similar tales to tell: changing facilities that have not been developed for more than 40 years; non-existent maintenance; children changing in facilities where there are clear breaches of health and safety; facilities where no regard has been paid to disabled users or female users; pitches where grass is not cut or lined; pitches that are so uneven that a ball rolls from one end to the other without being touched. In many public parks that are used for playing and training, volunteers have to remove dog dirt and more dangerous items such as glass and syringe needles, and many of the dreaded ash pitches are still used week in, week out.

We are aware of the national and local strategies to improve sports facilities in general. However, the condition of the facilities that are currently in use has deteriorated over many years. Similar strategies have been in place, but they have failed due to a lack of investment both locally and nationally.

In our experience, and in that of thousands of other volunteers, poor-quality facilities have a direct impact on the number of people who take part in sport. Many clubs—such as those represented by the unite the clubs campaign—have to turn away children at a young age or, at best, put them on waiting lists because they do not have the facilities to support the members. It is also our experience that the lack of decent facilities has a direct impact on the number of older children who continue with or take up sport.

Our climate clearly does not help to attract young people to sport. However, countries with much worse climates than ours have invested heavily in sports facilities and there are clear benefits to the health and social behaviours of their people. We need to invest now to save in the long term.

We ask the Scottish Parliament to acknowledge the important role that community-based sports clubs play at the grass roots in developing the health and well-being of the children, youths and adults of Scotland. We urge the Parliament to raise the profile of sport and to give councils direct and indirect support that allows them to provide facilities to a standard that befits a leading European nation. In that way, we will not let down our citizens and we will move away from being the sick man of Europe.

The Convener: Les, do you want to add anything?

Leslie Trotter: I am happy to answer questions. John and I have a few points that we would like to

raise and we will answer any questions that we can.

The Convener: Thanks very much. You nearly got me nostalgic for clinker ash, diving into boulders and thinking that that was a wonderful Saturday morning.

Obviously, the issue has been raised in Parliament in recent years, and major audits have been undertaken, so I am sure that committee members will be keen to explore some issues with you.

Rhoda Grant: It seems to me that money is available for capital expenditure on sports facilities and pitches from sources such as the lottery. What appears to be the problem is the spending on the maintenance of the sports facilities and pitches. Do you know of revenue streams for that? In your experience, has the council taken on the revenue support, or is it left to communities, which have difficulty in getting funds, to upgrade and maintain the facilities?

John Waddell: We believe that it is down to the council, which has the budget to upgrade and maintain the pavilions. However, even council officials have admitted that over the past 25 or 30 years the funding has not been there—it has been used on other things, such as education. The facilities that we use have been neglected. To be blunt, a lick of paint on the outside of the building seems to be the council's way of upgrading something, while inside there is no running water, hot water or heating. The boys and girls are happier to be outside on the pitch than sitting in a damp, cold facility.

Tricia Marwick: I agree that in past years there has been little or no investment in our sports pitches and facilities. It seems that money will continue to be tight in the next wee while, not least because money that we might have expected through the national lottery will be siphoned off for the Olympic games in London.

I know from experience that some organisations want to take over facilities, whether on long leases or through their being given to the community. Could that be encouraged, and would you like it to happen? Could organisations that use the facilities get together and force the council to hand them over if it is not going to make the changes that should be made?

Leslie Trotter: That is a great way to work. All sports use the facilities, although I am talking mostly about football; clubs take a great pride in what they do and they can look after the facilities. At Saughton park, two grass pitches are maintained by Tynecastle boys club—or football club, to be politically correct. Those pitches are available virtually every week, whereas those maintained by the council are often off. It is up to

the other clubs in Edinburgh—Edinburgh City, Hibs and Preston, for example—to do the same if they want to have and use that type of facility. I think that they are talking about that, and the clubs will take pride in maintaining the facilities.

The money comes in from the council, but it does not get to where it is supposed to go. We were up at Sighthill this morning, and there was glass lying on the pitches. The council is trying to improve the facilities but, as John says, a lick of paint does not do it. Regardless of child protection law, which says that the kids cannot use showers, there still have to be showers available, because of dog dirt for example. We cannot stop people and their dogs using the parks—they are public parks—so it is up to the clubs to look after the place. They would take great pride in cleaning up if everything was in place. For example, there is no bucket to put dog dirt in up at Sighthill.

Until the clubs started maintenance there was either no water or only cold water. If a kid fell in dog dirt when they were playing football—as has happened many a time—and the mum said, “You’re no coming in my car; you’ve got to clean it off”, they would have to use cold water. On a freezing morning, that is no good, so the mother would say to the kid, “Right, you can get the bus home.” That is the sort of society that we are living in. Facilities must be in place for those kids. There are too many distractions and outlets nowadays. We all have families. I have a son and a daughter. If the proper facilities do not exist, they will play PlayStation games. People are turning into couch potatoes. We are talking about a health issue, which we feel strongly about. Facilities must be brought up to the right standard.

The Convener: Some of your concerns result from your experience. Before the recent elections, there was a big demonstration that aimed to raise the profile of the issue.

You have raised a matter on which probably every elected member here has received representations from communities. The question now is whether issues can be identified that can push the matter further up the priorities of local and national decision makers so that there will be a strategy that will result in much better quality facilities. A relatively modest contribution may be required in some cases, but in other cases, people may have to start from scratch to provide something that is much more multipurpose. There must be funding debates with local government, sportscotland and Government decision makers.

I was the Minister for Culture, Tourism and Sport and therefore know how tight resources are and where people can tap into them. The issue touches on obesity and activity levels. Indeed, that is a good angle by which to try to engage people more effectively in the debate. The problem is

tapping into much bigger resources than any individual sports department has and getting other parts of local government and agencies that have more money to say that that money will be put aside with lottery funding and other funds in a partnership programme.

Members are keen to explore themes that the petition raises. We can then come up with firm ideas.

Claire Baker: I want to follow up on the question that Tricia Marwick asked about community-based clubs. What barriers prevent volunteers from running pitches themselves? Are there financial barriers? Child protection legislation was mentioned. Does that legislation present any problems for volunteers who want to take on such a role?

John Waddell: I do not think that there are any problems in that respect. Most clubs would be happy to take over the Sighthill pavilion, for example, but the problem that we have noticed is that some pavilions do not come up to a basic standard. We have pushed the council on having a basic standard for our pavilions. Soap, towels, hand-driers and things for females should be available in them, and they should be accessible to disabled people. We told the council that just after the elections, and we are still waiting for feedback. Once we get a basic standard in place, I do not see any problems with handovers to clubs.

It should not always be only one club that uses facilities. Les Trotter and I are at Hutchison Vale Football Club, which should not be the only club that has the right to use a pavilion. Perhaps we could share it with Salvesen Boys Club, for example.

I do not think that there is any problem with any club running facilities. However, facilities must be at a standard before they are taken over.

15:00

Angela Constance (Livingston) (SNP): I have a huge amount of sympathy with the petitioners and would like to explore some issues.

A few months back, Broxburn United Sports Club took me around some of its facilities. This may sound insincere and glib, but I cannot say strongly enough how appalled I was by some of the changing rooms. They were horrific. I was amazed that, despite those appalling, ghastly facilities—with a changing room like a mud hut—the club had 500 members from the locality.

Part of Broxburn United's success lies in the fact that it is a sports club. It is primarily a football club, with soccer schools, girls football and the junior club, but it has also done some joined-up work with the local bowling club. It had a few facilities—for want of a better word—in the community. The

club adopted what I think is a Scandinavian model, with a community-led, broad-based sports club. Are you supportive of such a model? Would such an approach help you at all?

Broxburn United battled for years and years to get some additional investment, and it was ultimately successful. That was partly thanks to the assistance of sportscotland, but influence was also required with the right people at the local authority. Primarily, it is a local authority issue when it comes to getting hard cash and leadership. However, the Parliament can also do much to help with the direction of travel. It has taken the club seven years to begin to realise its ambitions. It has had some success in getting West Lothian Council to do a bit of fundraising in partnership with sportscotland. That required some strategic decisions in the council, as it considered the sportscotland bid alongside competing demand from the education sector for sports facilities for schools. The council had to take hard decisions, with a refocusing on community facilities.

John Waddell: Broxburn United still had to sell off a certain amount of green space to get its facilities—which seems a bit crazy. However, Broxburn United is a good example. Preston Athletic now has its own bit of land, too. Over five to six years, it is now getting its own facilities built, including changing rooms and places to hold meetings. Local people will be able to go along, and they can use baby clubs, toddlers groups and so on.

There are excellent facilities at Hallhill in Dunbar for the junior football club and for rugby. They are sustained by power from solar panels and wind turbines. It is a great facility, with AstroTurf pitches. Everything is there. We say to the City of Edinburgh Council that, if a small council such as East Lothian Council can provide such facilities, why can the city council not do the same?

Angela Constance: West Lothian Council, a smaller council, has enabled Broxburn United to work towards a £1.5 million project.

John Waddell: That is right. Clubs might ask for places to get done up, but we always get knock-backs from the city council, which has been negative.

The Convener: Part of the strategy involves raising the debate. I have been involved in local government and at the Executive ministerial end. I know the differences between the people with responsibilities and the people who can find the funding. If there is a keen group of folk at a local level with a couple of supportive opinion formers or decision makers, a strategy can be built up. With a more structured approach, the chances of tapping into the available resources increase.

In my constituency, a developing junior team that could well get into the major west-central super league next year has a changing facility for the away team that is, basically, the back of a lorry that is backed on to the stadium. The team is talking to the local housing association, some local decision makers, the national lottery and others. A lot is being asked for, but, for the first time in 10 years, we have got everybody in the same room talking about it. There are two or three good models in Glasgow. For example, Petershill juniors started with a basic stadium and now have major lottery and European money. They were lucky, because their timing was good.

There are big national facilities, then there are the moderate regional variations on that and, underneath that level, there are partnerships between local authorities and community clubs. My observation—for what it is worth—is that that arrangement is not consistent enough in the case of Edinburgh. You have raised this debate in order to push the issue forward. We need to get a view from other agencies about whether we are encouraging a structure effectively or are merely talking about such a structure without putting it in place.

Leslie Trotter: That is the problem. If it was not for grass-roots, community football, there would be no professional football players—I am talking about football at the moment, but I know that the issue that we have raised concerns sport in a wider sense. Although grass-roots football is important, it does not benefit from the money that goes into the game. The money goes from sportscotland to the premier league clubs. I go along to premier league games and have a season ticket, but I will not do that any more, because I believe that the money has to be structured into the youth levels of all sport—whether it be rugby, hockey, football or whatever—instead of being given to the governing bodies to distribute to the clubs. Schemes such as initiative football take young players for a year and, if they are unsuitable, put them out the door, whereas youth clubs—for girls and boys—keep young players with them for years and help them along in a structured way.

Not enough money is coming from the top level to the lower levels. If the Scottish Premier League wanted to give money to the youth clubs, that would solve a lot of problems, as we could look after our own areas. Public parks must be kept public, but clubs could maintain certain areas of them. For instance, the facility at Saughton park could be shared with Tynecastle, Lothian Thistle, Hutchison Vale or Salvesen. Obviously, the schools could use the facility for free during the day—and take advantage of the third generation AstroTurf that will be laid down in November—and the venue would still be open to the public.

The issue is all about communication and where the money gets directed. We had a meeting with Kenny MacAskill, who said that money might be available through the national health service's drug prevention funding to do up the grass-roots facilities. Fantastic stadiums are not going to happen. We simply want the dilapidated stadiums across Scotland to be brought up to a minimum standard so that they can be maintained by the club—be it a rugby club, a football club, a hockey club or whatever. The clubs must be more involved with the local councils and be able to take pride in the facilities. However, a basic standard has to be achieved first—not just a lick of paint. A decent investment needs to be made. Rather than spending £20 million in 10 years' time to get 30 new pavilions, you should spend £2 million or £3 million now to bring the pavilions up to a decent standard.

Tricia Marwick: What approaches have you made to the City of Edinburgh Council with regard to the clubs and other organisations taking over responsibility for the pitches and the stadiums? Have you started that dialogue?

I suspect that I know the answer to my next question, but have you got any comment on how expensive it is to hire the pitches on a Saturday from the local authority? I know of a youth team in Fife that is struggling to pay the council the money for the use of the pitches. The kids are being asked to stump up a few pounds to play on a Saturday. Laddies who are good players are now being left out because they do not have the money. The organisers feel that they cannot turn round and tell the folk who have paid their two or three quid that they cannot play. Is that situation similar to the experience in Edinburgh?

Leslie Trotter: Yes, totally.

I think that you have answered the question for us, but one thing that I can say is that we had a meeting with Graham Croucher and Colin Mackay at Meggetland last week on that very issue of how the clubs could work together. Lothian Thistle, Hutchison Vale and Tynecastle would definitely work together, so we could start the process from there. However, clubs all over the country should be involved. It would not matter which clubs shared facilities as long as the funding was put in place.

Robin Harper: Am I correct to infer that there are no legally enforceable standards of provision and maintenance for such facilities and no system of inspection?

John Waddell: There does not seem to be any system of inspection. I presume that the buildings are owned by the city council, so there must be a statutory duty—if that is the word—to inspect the electrics and water and so on to ensure that

everything is functional. However, such inspections never seemed to happen until we started to make a few waves. When we asked what standard of facilities the pavilion should have, we received a reply on a bit of paper that must have been written at 2 o'clock on a Friday afternoon just before people finished. We are still waiting to hear what standard applies.

Leslie Trotter: We are asking for nothing more than what should already be in place. We know that vast amounts of money are not available for other facilities. We are asking only that the existing properties—unless they need to be condemned—be brought up to standard and then maintained at that standard. Perhaps the council and the clubs could work together on that to ensure that the buildings are still available in 40 years' time. That is basically it.

The Convener: I am conscious of the time, as the committee has a lot on its agenda. I think that we are at the beginning of any course of action. As I said to the previous petitioners, you are free to continue to raise the issue at other levels of decision making by putting pressure on organisations such as local authorities, sports councils and sports governing bodies. However, the committee will now need to reflect on how we should deal with the petition. Do members have recommendations?

Tricia Marwick: We should definitely submit the petition to the Scottish Government and ask it for its views. In addition, given the other interesting issues that have been thrown up today, we should draw the Government's attention to the *Official Report* of our meeting as a way of providing more background on the issue than is available from the petition. We should also ask for the views of COSLA.

Angela Constance: We should ask for the views of City of Edinburgh Council.

The Convener: As I said, the petitioners have majored on their direct experience of the situation in Edinburgh, but there are variations across the country. In my parliamentary area, although there are still tons of things to do, I can point to two major football development centres—and possibly a third if we are lucky—in addition to one or two other big developments that will take place if the Commonwealth games bid is successful. We already have a lot of sports-type focus in Glasgow. That is partly because, as part of its social strategy 10 years ago, the local authority decided that it needed to get people more active and more involved in sports. I will not kid on that we did not have tons of barneys about the loss of what I considered unimportant sports areas. People of my generation had an emotional attachment to places where they had once played, but latterly some of those places had not really been used.

We were able to get through because we had constructive, plausible alternatives to put in place, but other areas might be at a different starting point.

We need to try harder to make the situation across local authorities more equal. That is part of the debate that the petitioners will need to have with their local authority and with other agencies. However, the committee can certainly draw people's attention to the issue. To be fair, I know that the department in which I was once minister is aware of the economic time bomb involved, given that we have had 30 or 40 years of piecemeal, rather than systematic, repair and refurbishment. That will be a big call for any Government, but we need to try to consider those issues.

I think that one or two other members might have some lateral comments that they want to add.

15:15

Nanette Milne: I suppose that COSLA is the best place to go. We need to get the big picture of what is happening throughout the country, in different local authority areas. It would be interesting to have an overview.

The Convener: COSLA was certainly involved in a major audit, along with sportscotland.

Nanette Milne: We should perhaps contact sportscotland, too, because it must have more detailed knowledge.

The Convener: We should also contact Fields in Trust, which is the new name for the National Playing Fields Association. I declare an interest in that I am a member of its board. The organisation has raised issues about planning guidelines in particular. Some local authorities have driven a coach and horses through the guidelines in relation to asset money; they have interpreted the guidelines rather widely. However, Fields in Trust has made progress in its discussions with the Executive come Government over the past five or six months. It would be useful to hear its view, because its remit is broader than that of sportscotland, which is asked to address situations where there is a loss of a sports pitch but not where there is a loss of open ground that was used informally for sports purposes.

Leslie Trotter: All those areas will be lost if nothing is done now. We do not know whether the proposed stadium at Sighthill will be built. Five pitches might be lost to make way for a stadium that might not be used for the same purpose. Where will the 500 or 600 kids who are involved in the teams go? They will turn to something else if they cannot play football there, or any other sport, such as hockey; it is not just about football. They

will be on the streets and will do what they want. We must look after our kids and get them out playing all kinds of sports. We will not give up until we get what we want. We will march again. I am very passionate about it.

The Convener: I appreciate that. Your contribution has raised members' awareness and you have shown your energy and commitment. We will pursue the issues. You will be made aware of the responses that we get. We will decide in the near future how to take forward the petition. If we get the Government and other agencies to respond, we might get a more accurate picture and be able to make stronger recommendations. I am sure that you are aware that there is a cross-party group on sport. Its convener, Margo MacDonald, has engaged with you on your petition. Margo is the shy, retiring type.

Leslie Trotter: I know.

The Convener: There are opportunities to amplify the issues that you have raised through the cross-party group and by lobbying individual members.

Leslie Trotter: We have already done that. We intend to approach all members. Thank you for listening to us.

The Convener: Thank you for your time.

15:18

Meeting suspended.

15:27

On resuming—

Legal Profession (Complaints) (PE1033)

The Convener: I thank committee members and the public for their patience. We have heard from two petitioners and we must now give appropriate consideration to a series of petitions.

PE1033, which was lodged by Peter Cherbi—I hope that I have pronounced that right—calls on the Scottish Parliament to seek an effective, transparent and wholly independent means of reviewing cases of alleged injustice, caused by actions and decisions of the Law Society of Scotland and the Faculty of Advocates that relate to the regulation of complaints made by members of the public against the legal profession, either by giving powers to the new Scottish legal complaints commission or by setting up an independent review commission. Before being formally lodged, the petition was hosted on the Parliament's e-petition system, where between 9 February and 2 June it gathered 46 signatures and three comments.

Do members have views on how to deal with the petition? We have received a letter from the Law Society of Scotland, which is one of the organisations that we might contact as part of our consideration. I will not pre-empt the discussion by talking about what the letter says. That would be unfair to members, who have not seen the letter, because it arrived this afternoon.

Nanette Milne: I have seen the letter from the Law Society of Scotland. I think I am right when I say that significant legislation has been passed; the Legal Profession and Legal Aid (Scotland) Act 2007 has not yet been fully enacted, but it will establish the Scottish legal complaints commission. I confess that I do not know the detail around that, but I know that the Justice 2 Committee in the previous session of the Parliament took detailed evidence on the issues.

Given that the new arrangements are not yet fully up and running, would it be a little premature to consider the petition at this stage? Might it be better to deal with it as part of post-legislative scrutiny? I am interested in what members think about that.

15:30

Rhoda Grant: I was about to say much the same thing. It is important to let legislation bed in and, when significant changes have been made, to ascertain whether the new system is working. After that, the new system can be reviewed by the appropriate committee of the Parliament.

The Convener: Do members agree?

Tricia Marwick: Despite the raft of legislation that has been passed, it seems that dissatisfaction remains about the legal profession, which might or might not be lessened when all legislative provisions are in place. It might be worth while to write to the Law Society of Scotland or the Scottish Government about the petition, to ask whether it is anticipated that all the petitioner's concerns will be addressed when all provisions are in force. I suspect that all the petitioner's concerns will not be addressed. We might ask what further provisions could be considered.

Robin Harper: We must acknowledge that there is a group of people in Scotland—a relatively small number, I hope—who, for personal reasons, are deeply disturbed by the treatment that they have had from lawyers. The depth of their feelings should not influence committee members as much as the sensible approach that Nanette Milne suggested, which is to wait until the legislation that has been passed is in force, before considering what can be done in the context of post-legislative scrutiny.

The Convener: Two distinct approaches have been suggested: to seek further views on the appropriateness of the petition in the context of existing legislation and to ask whether existing legislation will address the petitioner's concerns; or to wait until post-legislative scrutiny takes place.

Nanette Milne: Are the two approaches mutually exclusive?

Robin Harper: I do not think so. We can do both.

The Convener: I hope that the approaches are not mutually exclusive. I am trying to find healing words.

Nanette Milne: We can do both, ideally.

The Convener: Are we not closing the petition?

Fergus Cochrane (Clerk): If the committee decides that existing provisions are sufficient to deal with the concerns that are raised in the petition, it can close the petition on that basis.

John Farquhar Munro: Can we take advice from the Scottish legal complaints commission?

The Convener: The issue is whether we can close the petition at this stage on the basis that we can revisit it if issues emerge from post-legislative scrutiny or comments made by the Government, the law officers or anyone else.

Fergus Cochrane: If you close the petition, you close it.

The Convener: That is what I was trying to get at. What do members want to do?

Tricia Marwick: I would not want to go to the wall on this. A few members think that the legislation needs to be bed down and I would not divide the committee on that. We might say to the petitioner that we will close the petition at this stage, but if he wants to come back to us after the provisions have been enacted and have bedded in we will consider more specific points at that stage.

The Convener: That seems a sensible way to resolve a difficult issue, given the journey that has been taken. We might recommend closing the petition on the basis that we expect to hear something about post-legislative scrutiny. We can remind the petitioner that if his concerns have not been appropriately dealt with in the new legislative framework, the opportunity remains for him to lodge another petition. I thank members for their helpful contributions.

Disabled Parking (PE1038)

The Convener: PE1038, which was lodged by Marjory Robb, calls on the Scottish Parliament to urge the Executive—or the Government—to ensure the adequate provision by local authorities

of disabled parking spaces for blue badge holders. The petition relates to the absence of blue badge spaces in Aberdeen city centre rather than the abuse of such spaces, which has been the focus of other petitions. The petitioner has provided a helpful diagram, which sets out the situation in Aberdeen city centre. Copies of the diagram are being distributed to members by our able assistants.

Are there any strong views on how we should deal with the petition? I am conscious that a member's bill on ensuring access to disabled parking spaces is being developed.

Rhoda Grant: We need to get in touch with Aberdeen City Council. I am confused about why it runs a totally different scheme. Disabled visitors to Aberdeen who are blue badge holders but do not have the local green badge must find it really difficult. We need to hear the thinking behind why the council has its own scheme and how it works differently from the blue badge scheme.

The Convener: Nanette Milne is from that neck of the woods.

Nanette Milne: There is an outbreak of agreement: I come from Aberdeen and live there but was not aware of the situation, so I would very much like to know more about it. I would welcome that information.

The Convener: We could write to the local authority. What about writing to the Mobility and Access Committee for Scotland or the appropriate regional body that would be aware of the problem?

Claire Baker: I would also like to ask the Mobility and Access Committee for Scotland if it could give us information on whether the problem exists throughout Scotland. I know that other regions do not have the green badge scheme, but it would be helpful to find out whether there is a lack of blue badge spaces.

Tricia Marwick: It seems to me that the key to the matter is the effectiveness or otherwise of Aberdeen City Council's green badge scheme. Like other members, I am confused about why the council has that scheme in the first place. If Jackie Baillie's proposed member's bill to allow stricter regulation of the blue badge scheme is introduced, Aberdeen might, at some point, be out on a limb. It would be worth finding out exactly what makes Aberdeen unique. If Jackie Baillie's proposed bill were to be passed, would the council continue to be out on a limb?

The Convener: That is reasonably sufficient. We might want to ask those in the Government with responsibility for disability and equalities, but we should see what the response is from the council first. If we think that it is inappropriate, insubstantial or out of kilter with the norm

elsewhere, we can take it up with the appropriate authorities.

Rhoda Grant: It might be worth contacting COSLA as well to find out whether any other local authorities in its membership have their own schemes.

The Convener: Are committee members happy with that course of action?

Members indicated agreement.

Cancer in Scotland Strategy (PE1039)

The Convener: The next petition is PE1039 from Cancer Research UK, which urges politicians to plan now for the future of cancer services—rather than “the future of cancer”, as the petition says, because Cancer Research UK would probably like to get shot of it—and, specifically in Scotland, to update the strategy “Cancer in Scotland: Action for Change” beyond its current end date of 2011 up to 2020 and beyond.

The petition is relatively uncontentious. I propose that we write to the Cabinet Secretary for Health and Wellbeing to ask where we are with updating the strategy. I imagine that it is part of the commitments in the spending review.

Nanette Milne: I agree. I declare my interest as the recently elected co-convenor of the cross-party group in the Scottish Parliament on cancer, which has been considering the cancer plan.

The Convener: Are members happy with the proposed course of action?

Members indicated agreement.

Palestinian People (Genocide) (PE1043)

The Convener: The next petition is PE1043, which was submitted by Norman Tahir on behalf of the Office of Muslim Affairs. The petition calls on the Scottish Parliament to acknowledge the genocide that is currently being inflicted on the Palestinian population in the occupied territories of Gaza and the west bank and to ensure that Scottish people are free to speak out in condemnation of such acts. Before being formally lodged, the petition gathered 51 signatures and 13 discussion comments on the e-petition site. I think that committee members also have a letter dated 17 September from the Scottish Council of Jewish Communities in response to the petition.

I do not think that Scots are disinclined to express their views on what has been happening in Palestine. Probably, a number of members of the committee have been active over the years in solidarity campaigns with the Palestinian community and have had to deal with tensions between the different perspectives on the matter in their constituencies. The petition asks for

something that is already freely available in Scotland. There are divided opinions on the issue, and that will be the case for a long time.

Do members have views on how we should deal with the petition?

Rhoda Grant: It is clear that people in Scotland can speak out in condemnation of those acts. We should note the petition and close it.

The Convener: Is that agreed?

Members indicated agreement.

Court Proceedings (Audio and Visual Recording) (PE1053)

The Convener: Petition PE1053, by Brian McKerrow Jnr, calls on the Scottish Parliament to urge the Scottish Government to make mandatory the audio and visual recording of all court proceedings and to prohibit the use of shorthand notes as a means of recording court proceedings. The petition was hosted on the e-petition system between 23 November 2006 and 30 April 2007, where it gathered 10 signatures.

Do members have views on how we should deal with the petition?

Rhoda Grant: I have some difficulty in understanding the reasoning behind the petition. It does not seem to make a strong case for change. On that basis, I suggest that we note the petition and close it.

The Convener: Do other members agree?

Members indicated agreement.

Scottish Parliament Edinburgh Accommodation Allowance (PE1054)

The Convener: I think that most of us should declare an interest in relation to the next petition.

Petition PE1054, by Mark Whittet, calls on the Scottish Parliament to review the legality, probity and compliance of the Edinburgh accommodation allowance and take professional legal advice to ensure that it complies with United Kingdom Government legislation in general and payment of capital gains tax by Holyrood MSPs in particular. Before being formally lodged, the petition was hosted on the e-petition system between 9 January and 7 May, where it gathered 19 signatures.

Do members have recommendations on how to deal with the petition?

Tricia Marwick: I declare an interest as a member of the Scottish Parliamentary Corporate Body. It was announced on 20 June that an independent panel would be set up to consider all aspects of MSPs' allowances, including the Edinburgh accommodation allowance. Given that

that panel is now meeting, I suggest that we invite the petitioner to make representations to its chair, Sir Alan Langlands, and that we close the petition.

The Convener: That is a sensible course of action. Would we forward the petition to the review body or would the petitioner have to do that?

Fergus Cochrane: We can do that, but the petitioner might want to submit it directly.

Nanette Milne: Convener, you mentioned the declaration of interests. I have an interest in the Edinburgh accommodation allowance because I have a flat in Edinburgh. I presume that I should formally declare that.

The Convener: I understand that. In a sense, members' interests will be taken into account in the review process, but it is only fair that members who wish to declare an interest do so just in case.

I thank members for their comments. We will close the petition.

Housing (Scotland) Act 2001 (PE1060)

The Convener: Petition PE1060, by Andrew Turner, calls on the Scottish Parliament to urge the Scottish Government to review the Housing (Scotland) Act 2001 to ensure that, where a tenant cannot return to their home due to a medical condition, any pre-existing right-to-buy terms should transfer to the remaining named resident or residents. Before being formally lodged, the petition was hosted on the e-petition site between 29 November 2006 and 25 May 2007, where it gathered 20 signatures.

Do members have views on how we should proceed with the petition? The issue is complex. The petition might be particular to the petitioner's circumstances, but it throws up one of those classics of interpretation and impact.

Rhoda Grant: I might have got it wrong, but I thought that the Parliament enacted legislation on carers so that, if somebody gives up their own residence and moves in as a carer to somebody else, they have rights of occupancy and the tenancy would be passed on to them.

15:45

The Convener: They have that, but I think the petitioner's concern relates to the markedly different proportion of costs under the 2001 act for tenants who wish to exercise the right to buy. The subject of the petition may be particular to the petitioner's experience, but it throws up a number of issues. I am not a specialist in housing legislation, but I was involved in the passage of the bill—perhaps I should declare an interest. Anomalies can arise in the years following the introduction of an act and they can raise questions on its provisions and interpretation.

Rhoda Grant: I think that the issue is one of interpretation. If we agree to do anything else on the petition, we would need to seek a view on that. If the law was interpreted wrongly in the petitioner's case, it would be easy to get to the bottom of the matter.

Angela Constance: Unless I am missing something, I think that the petitioner may have missed the point. Having read the personal details that he supplied, some of the argument seems to be irrelevant. I understand that the discount to which a tenant is eligible under the right to buy depends on the date of the transference of the tenancy. The current position is therefore clear. I am not sure what we can add to the subject by continuing the petition. I am minded to close it.

Tricia Marwick: Angela Constance has hit on the salient point in all this. The circumstances of the petitioner are so individual that PE1060 throws up no new issues for our consideration. It is clear that the gentleman in question was not a tenant of the property before November 2002. He may have resided in the property, but he was not a tenant. His mother and father were the tenants of the property and he did not take over the tenancy until November 2002. In those circumstances, he is not entitled to the right-to-buy provisions in the original legislation under which his father could have purchased the property. The law has been applied properly; no wider issues are involved. For his own sake, the gentleman should seek further advice from the local authority concerned. He may also wish to take legal advice. We should not do other than to close PE1060.

Robin Harper: In view of the contributions that have just been made, the point that I wanted to raise is no longer relevant. I agree with what has been said.

Claire Baker: I, too, have nothing to add.

The Convener: Okay. I suggest that, having heard the petitioner's concerns, we should close PE1060. Is that agreed?

Members indicated agreement.

Current Petitions

Oil Depots (Public Health) (PE936)

15:49

The Convener: Petition PE936, by Simon Brogan, calls on the Scottish Parliament to urge the Scottish Government to review the public health implications of siting oil depots in residential areas in light of the Buncefield oil depot explosion in December 2005.

At its meeting on 8 March 2006, the committee agreed to write to various bodies, await the outcome of the Buncefield major investigation board's deliberations, and seek further views from the petitioner. Since that time, the board has published a number of reports, including one on the design and operation of fuel storage sites. We have received various responses and now have the petitioner's comments on those responses and the inquiry reports. I seek members' views.

Tricia Marwick: The relevant agencies will take time to consider the reports and to work out exactly what they need to do to improve safety at such storage facilities. We should write to all those bodies again and ask them for their views.

The Convener: You are suggesting that we write to the Health and Safety Executive, Health Protection Scotland, the department in the Scottish Government that is responsible for safety issues and the site owners, BP, about the action that has been taken since the Buncefield incident. That would be a series of letters to find out about the current situation. Are there any other recommendations?

Rhoda Grant: When we write to the Scottish Government, we should also ask about planning guidelines for such facilities.

The Convener: Are members happy with those recommendations?

Members indicated agreement.

Rural Schools (Funding) (PE937)

The Convener: The next petition is PE937, by Mrs Catherine MacKinnon on behalf of Roy Bridge primary school. I was a wee bit worried when I saw the term "PCP funding" in relation to primary schools, but I misunderstood the meaning of the acronym—it means public-community partnership funding. The petitioner wants that to be investigated as an alternative to public-private partnership funding as a means of securing the long-term future of rural schools.

The Public Petitions Committee in the previous session of Parliament sought views on the petition

from Highland Council, the Scottish Trades Union Congress, COSLA and the Scottish Executive and agreed to seek the views of the petitioner on the responses. A response has been received from the petitioner and circulated to members. Do members have any thoughts on how to deal with the petition?

John Farquhar Munro: Some time ago, the Roy Bridge community petitioned or made suggestions to the Parliament about the fact that it wanted to build a new school under a PPP or private finance initiative, but that that was refused by Highland Council. However, the community now proposes a different strategy and hopes to get support for the new initiative. The community has already built facilities with private finance—a new school house, a library and a service point—and the petition is a follow-on from the community's proposals at that time. Roy Bridge is not in my patch, but in Fergus Ewing's, although I know the people concerned.

The Convener: Are there any strong views on how we should deal with the petition?

Rhoda Grant: Can we ask the Scottish Government to consider the issue? On the face of it, community partnerships sound like a good idea, but the issue may be more complex. A funding package and a strong funding body would need to be in place to deal with the maintenance and upkeep of the school, but it would be difficult for a community to come together and form such a body. However, the proposal is well worth a wee bit of further exploration.

The Convener: Are there any other recommendations?

Claire Baker: I do not know whether it is possible to do both, but we could also refer the petition to the Finance Committee, which is considering an inquiry into funding methods. If that committee considers those issues, it would be sensible for it to examine the model that is proposed in the petition, too.

The Convener: If the Finance Committee is already doing that work, I am sure that it cannot complain.

Rhoda Grant: I withdraw my suggestion and propose that we go with Claire Baker's. If the Finance Committee is doing that investigation, it would be better for it to deal with the petition.

The Convener: The suggestion is that we close the petition, but refer its content and the concerns to a committee of the Parliament that has taken on a consideration of how public projects are funded. That will be part of the debate on the new Government's spending review, given one of the key commitments in the manifesto of the party that has formed the Administration.

I am informed by the clerk that we can close the petition, but that we should write to the petitioner to suggest the course of action that we think is more appropriate—that is, writing to the Finance Committee. Are members happy with that?

Members indicated agreement.

Claire Baker: Will the petitioner be able to present further information to the Finance Committee?

The Convener: Yes.

Family Law (PE944)

The Convener: Petition PE944, on access rights for fathers, was submitted by Gary Strachan and calls on the Scottish Parliament to urge the Government, first, to investigate why there is no presumption of equal access or residence for children with both parents after separation in Scots law; secondly, to investigate bias against fathers as equal parents in the Scottish court system; thirdly, to investigate why contact orders are not enforced; and fourthly, to investigate why parental responsibilities and rights are ignored by the medical, welfare and governmental institutions to the detriment of children.

Prior to this meeting, the committee sought views on the petition from the Executive. We invited the views of the petitioner on the response that was received. I invite members' views on what we should now do with the petition.

Nanette Milne: I am not sure what to do with it, but I have a lot of sympathy with some of the petitioner's responses, particularly regarding the enforcement of contact orders. There seems to be little doubt that some conscientious fathers in this country get a raw deal. I do not know where we take the matter from here, but there are questions to be asked of the Scottish Government.

The Convener: There are also detailed questions to ask about interpretation. It would be worth writing to the law officers and the Government to establish what they think about what is contained in the existing guidance notes for sheriffs. Situations involving family break-up are sensitive, complex, emotional and difficult. The bullet points in the papers before us cover the questions that have been raised. I think that it would be reasonable to capture those points in a letter.

Rhoda Grant: I agree. It is important that children have access to both parents. Sometimes, the establishment does not put the rights of the child before everything else. The child has the right of access to both parents, and we should examine ways to ensure that that is possible.

The Convener: Do we agree with that course of action?

Members indicated agreement.

Ownerless Land (PE947)

The Convener: Petition PE947, on ownerless land, comes from Diane Huddleston on behalf of Dornock Eastriggs Creca Initiative Development Enterprise. It calls on the Parliament to urge the Government to provide community groups with the right to take ownership of land when it is currently ownerless or has been abandoned by its owner or owners for seven years. The previous Public Petitions Committee sought views from the Queen's and Lord Treasurer's Remembrancer—an organisation or individual I had never heard of—Registers of Scotland, the Law Society of Scotland, the Scottish Community Land Network and the Scottish Executive, and invited the views of the petitioner on the responses that were received.

Detailed responses have been received, and I invite members' views on how to proceed with the petition. Do members feel that we will get any further information by keeping the petition open? If not, should we close the petition, particularly given the potential access to resources through the Scottish land fund and the national lottery?

Tricia Marwick: The committee has probably gone as far as it can go regarding responses. We should ensure that the responses that we have received have been given to the petitioner. It might be worth writing again to a number of those people who have written to us, asking them to clarify some issues and asking them to respond directly to the petitioner. The committee should close the petition.

The Convener: Are we happy with that course of action?

Rhoda Grant: I think that the land reform legislation gives communities rights to buy land where there is a specific interest to the community. Those rights should be considered.

The Convener: Do we approve the recommendation to close the petition, given the information that we have received, but also to write to the QLTR and Registers of Scotland on a couple of points?

Members indicated agreement.

Plagiocephaly (PE960)

16:00

The Convener: Petition PE960, on cranial abnormalities in babies, is from Claire McCready and calls on the Scottish Parliament to urge the Scottish Executive to ensure that cranial abnormalities of babies—members can read the proper names in the papers and pronounce them themselves—are properly recognised and treated by evaluating babies at birth and at six weeks; that

appropriate advice is available to parents, including repositioning advice; and that cranial remoulding therapy is available free of charge from the NHS.

The previous committee sought views on the petition, noted the progress that had been made and agreed to ask the then Executive whether it intended to conduct further research into such cranial abnormalities. A response has now been received from the new Minister for Public Health, enclosing an evidence note on the topic of cranial helmets and bands for use in treatment. The note has been circulated to committee members. Further responses have also been received. Do members have a view on how to proceed?

Nanette Milne: I was slightly involved with the petitioners when they came to present their petition at the end of the previous parliamentary session. They put forward a very strong and coherent case that attention should be paid to the condition, although there is disagreement about whether it gets better spontaneously.

It might be worth approaching the Government to ask what it is going to do in response to the NHS Quality Improvement Scotland evidence note. The current Minister for Public Health commented in her letter that the evidence note would be forthcoming, so I would like to follow that up and find out how widely the NHS leaflet has been distributed. It would appear that it has not been widely distributed and that general practitioners and midwives do not really know about it. We need to do a little bit of follow-up work on the petition.

The Convener: I agree.

Rhoda Grant: It may fall within the remit of health visitors and midwives more than GPs, given that they visit mothers and babies and they can spot and deal with any problems. We might just have to get confirmation from the Government that the continuing professional development of those groups covers the subject and that the information is going out to them.

The Convener: We have identified about six issues on which we would like further clarification, so we can write to the appropriate minister and ask for guidance on those.

Tricia Marwick: I have just read Claire McCready's letter of 3 August, in which she suggests that the new leaflet is not being distributed to new parents, which is extremely worrying. It is all very well giving it to the health visitors and displaying it in health centres, but all new mums should be given such leaflets as a matter of course before they leave the hospital. They would then have at least some knowledge of the problem, which would help enormously.

Swimming Pools (Investment) (PE966)

The Convener: I imagine that the contributions on PE966 will be relatively brief.

The petition was submitted by Robert Lambert, on behalf of the Glenrothes community action group, and it calls on the Scottish Parliament to consider and debate the lack of investment in swimming pools in Scotland; what action is being taken to address the sportscotland report "The Ticking Time Bomb", which was published in 2000; and how the goal of increasing and maintaining the proportion of physically active people in Scotland is being met. Members will have noted that the petitioner is no longer the chair of the Glenrothes community action group but is still involved with the campaign through another body. The committee has received a letter, dated 7 September 2007, from the new chair of the action group, Alex Lawson.

The previous committee asked the previous Scottish Executive to respond to the concerns that were raised by Fife Council and sportscotland in response to the petition, and a response has been received from the Scottish Government and circulated to committee members. A further response from the petitioner has also been received and circulated. I invite members' comments on how best to proceed with the petition.

Claire Baker: The petition has merit, although it acknowledges the huge challenges that are faced by central and local government in trying to maintain sport and swimming facilities in Fife and elsewhere. I am torn on what to do next with the petition. I am concerned that if we send it to the Health and Sport Committee, it might disappear in the amount of work that that committee is considering. I would like the petition to receive more focused attention, so I am leaning towards the option of sending it back to the Scottish Government. I acknowledge that the Government has already sent us a response, to which the petitioner has had an opportunity to respond, but I think that it would be worth sending the petition back again.

As swimming pools are a UK issue as well, it might be worth sending the petition to the Department for Culture, Media and Sport. I understand that there is an Olympics minister. It might be worth drawing it to her attention considering the overall infrastructure improvements.

Tricia Marwick: The Glenrothes community action group has done a great deal in raising awareness of the situation of sports facilities particularly in Glenrothes but also Fife-wide. We have already had a discussion today about other sports facilities—football pitches in particular.

What is clear, certainly from the sportscotland report and all the evidence that we receive, is that there has been chronic underfunding of sports facilities for many years. That is certainly the situation in Fife.

The petition has some way to go, so I do not think that we should close it. I suggest that we write to the Scottish Government asking for further views, particularly in light of Alex Lawson's letter to us asking for the Government's opinion on social and community sports provision. We could also ask the Government whether it is going to consider a new sports bill for Scotland. Considering all that we have heard today, particularly about playing fields, I think that we could make some movement on developing more community involvement and asking local and national Government and quangos such as sportscotland to talk about what the real problems are and how those are going to be addressed. I do not think that any one body has all the answers. The state of our sports facilities is such that we need joined-up thinking about how we can develop and improve them for the future.

The petition raises very important issues and there is some way to go with it. We should keep it open and continue to explore the issues.

Rhoda Grant: I agree with what Claire Baker and Tricia Marwick said, and I will make a suggestion. Can we join it up with PE1041, which we heard evidence on this morning? It deals with a similar issue of sports facilities, so it would be good to consider the petitions together.

The Convener: That is sensible, as the petitions are asking fundamentally the same questions. Thank you for those contributions.

Jet-skis (PE978)

The Convener: The next petition is PE978, from Diana Cairns, on behalf of Portobello community council, which calls on the Scottish Parliament to urge the Scottish Executive to consider how best to restrict the use of jet-skis—a weekend activity that I regularly engage in—in the vicinity of public beaches, particularly in residential areas.

The previous committee sought views on the petition, and we sought further comments from the Scottish Government and the Maritime and Coastguard Agency, which have been received and circulated.

Do members have any questions, points or suggested courses of action?

John Farquhar Munro: There was a debate about the issue some time ago when it concerned the inland waters of Loch Lomond. Restrictions were imposed there.

I note that the petition comes from Portobello. Forth Ports has curtailed the activities of some of the machines on the Forth, but perhaps it is not enough. We should take more advice from the like of Forth Ports to find out whether there is anything that we or it can do to make the situation better and safer for people who use the beaches in other ways.

The Convener: We should write to a number of people, including the local authority, in relation to its regulatory framework and community safety agenda. We should also write to Forth Ports and the Maritime and Coastguard Agency, in relation to the discussions that might have been entered into with the Department for Transport.

Robin Harper: I do not like jet-skis. I do not know whether that disqualifies me from making an observation on them, but I just want to say that these machines are immensely powerful and dangerous and have killed people and that, if someone was driving a motorcycle with that kind of power, they would be required to have a licence and to have passed a test.

Nanette Milne: I agree with the action that has been proposed. We particularly need to find out about enforcement. If there are existing powers, we should ask whether they are being used. Clearly, the petitioner does not think that they are.

The Convener: Are we happy with those suggestions?

Members indicated agreement.

Succession (Scotland) Act 1964 (PE994)

The Convener: The next petition, PE994, from Margaret McCabe, calls on the Scottish Parliament to review the Succession (Scotland) Act 1964, in relation to the statutory right of surviving children to part of a deceased's moveable estate.

The previous committee sought views on the petition from the Scottish Law Commission, the Law Society of Scotland, the Scottish Child Law Centre and the Scottish Executive and invited the petitioner's comments on those responses.

The committee subsequently agreed to await the publication of the Scottish Law Commission's review of succession before deciding what further action to take in relation to the petition. The Law Commission published its discussion paper on succession on 16 August 2007.

Since the petition was last considered, the clerks and I have been in correspondence with Andrew McCabe, the petitioner's son. He wishes it to be noted that he objects to statements that were made at the committee's meeting of 15 November 2006, when the petition was originally considered,

and which he considers to be factually inaccurate. In particular, Mr McCabe disputes that he was estranged from his father. We recognise that petitions might raise personal and emotive issues. It is not the intention of the committee to cause any person distress during our consideration of such petitions.

Do members have a view on how best to proceed with this petition?

Tricia Marwick: I suggest that, in view of the Scottish Law Commission's paper on succession, we close consideration of the petition. It might be more appropriate for the petitioner to read the discussion paper and make her views known to the Scottish Law Commission.

The Convener: Do we agree to follow that recommendation?

Members indicated agreement.

Information Plaques (PE1012)

The Convener: The final petition today, PE1012, from Frank Beattie, calls on the Scottish Parliament to urge the Scottish Executive to adopt a nationally co-ordinated and funded scheme for marking people, events and places by erecting informative plaques at sites of local, regional, national or international importance. The previous committee agreed to seek views from a variety of organisations with responsibility in this field and to seek the views of the petitioner on those responses.

I am sure that we all have a list of things that we would like commemorated—Alex Harvey being born in the Gorbals would be one of mine. By and large, the responses are supportive of the petition, although issues are raised about planning permission, aesthetics and the sustainability of the scheme. Such issues are important—there is a wonderful statue in the Canongate of one of Scotland's great but forgotten poets, but for about six months there was no plaque to explain that this guy was Robert Fergusson. It took the intervention of two different agencies before it was possible to get a plaque there.

Tricia Marwick: As I recall, the initial plaque had his name spelled wrong.

The Convener: That may well be the case. There was a big stushie in Glasgow City Council about naming a building after Nye Bevan, but it ended up being spelt with Ernest Bevin's surname. There we go; that is spelling for you.

Do members have any views about what to do with the petition?

John Farquhar Munro: Why not get the views of the Scottish Government? That would be straightforward.

The Convener: Are we happy with that?

Members indicated agreement.

The Convener: Hopefully, we have not yet got any strong recommendations on who we want to commemorate.

Tricia Marwick: I have a little list already.

Nanette Milne: Aberdeen has already got quite a lot of plaques for various people. If there ends up being a sort of corporate Scottish image for plaques, it will cost councils a lot of money to change what they have up already.

Rhoda Grant: We have to ensure that we do not make any such scheme too bureaucratic. People like to put plaques up to people and we do not want to have a situation in which a plaque has to be a certain size and have a certain content. However, there probably needs to be some information about how to go about getting a plaque and who should pay for it.

The Convener: I thank committee members for their forbearance this afternoon. It was a good session.

Meeting closed at 16:15.

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